

**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 20/09/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-154/E-184852/2021 Appeal/Emergent Meeting, 2021**  
**Appeal No. APPLSRC202114025**

Farook B.Ed. College, Parappur, Mini Road, Tirurangadi, Malappuram, Kerala – 676503	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, Delhi -110075.
<b><u>(APPELLANT)</u></b>		<b><u>(RESPONDENT)</u></b>

<b>Representative of Appellant</b>	Dr. Reshma P.T., Principal
<b>Respondent by</b>	Regional Director, SRC
<b>Date of Hearing</b>	18/09/2021
<b>Date of Pronouncement</b>	20/09/2021

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of Farook B.Ed. College, Parappur, Mini Road, Tirurangadi, Malappuram, Kerala dated 06/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS00751/B.Ed./{KL}/2020/118350 dated 21.09.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has submitted JENM Deed which is in the name of individual and the same is not permissible under (Minutes of 388th Meeting of the SRC held from 14th – 15th September 2020 Page 67 of 89 refer) NCTE Regulations. 2. The institution has not submitted notarized English version of latest Encumbrance Certificate duly approved by the competent authority. 3. Other documents like NEC, LUC, Building Plan etc. are not acceptable on the face of deficiency in land documents. 4. The Staff list submitted by the institution is not adequate as per NCTE Regulations, 2014 (amended vide notification dt. 09.06.2017). The institution has not appointed faculty for Fine Arts & Performing Arts. 4 Faculties do not have NET/Ph.D. since their appointment date was after



09.07.2017. 5. The institution has not submitted Form 'A' towards Endowment and Reserve Fund as per NCTE Regulations, 2014."

## II. SUBMISSIONS MADE BY APPELLANT:-

Farook B.Ed. College, Parappur, Mini Road, Tirurangadi, Malappuram, Kerala was asked to present the case of the appellant institution on 12/06/2021 but nobody from the institution appeared. In the appeal memoranda, it was submitted that "Defects were cured, and the documents were resubmitted as evidenced from Annexure-6 and 8 communications issued by the college towards the SRC. A copy of the same is attached along with this appeal for your perusal. Submitted the same before the SRC vide Annexure- 8. A copy of the same is attached along with this appeal for your perusal. Approved building plan land documents and registered encumbrance certificate duly notarised was submitted before the SRC as per Annexure-8. A copy of the same is attached along with this appeal for your perusal. The said defect was cured and the approved staff list by the university was produced before the NCTE SRC vide annexure-6 and Annexure-8. A copy of the same is attached along with this appeal for your perusal. College had submitted the Form A towards endowment and reserve fund the details were submitted as per annexure-6 and annexure-8. A copy of the same is attached along with this appeal for your perusal. All other documents which were sought by the NCTE for the first time vide Annexure-12 was produced as per Annexure-13."

## III. OUTCOME OF THE CASE

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and observed as under:-**

The appellant, in an email dt. 11.06.2021 requested for another opportunity to submit the documents of the institution. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the second opportunity to present its case. Appellant institution by a notice dated 08/07/2021 was asked to present online the appeal case on 24/07/2021 but no body appeared. Appeal Committee as per extant appeal rules decided to grant another (third and final) opportunity to the appellant to present its case.

2. Appeal Committee noted that appellant institution had filed a Writ Petition no. 19042 of 2021 in Hon'ble High Court of Kerala at Earnakulam and the Hon'ble High Court by its order dated 15/09/2021 has directed to expedite hearing of appeal and decision before 20/09/2021.





3. Appeal Committee noted that with reference to the grounds of withdrawal of recognition, the appellant has submitted with its appeal memoranda, following documents:-

- (i) Lease Deed for 50 years in respect of landed property registered as per title deeds no. 494/93, 3006/95, 1071/96, 1240/96, 1669/97, 2208/99, 1902/01, 2676/01, 2914/03, 647/04, 4297/05. Registered lease deed is between President Farook Educational Society and Secretary Farook Education Society.
- (ii) Non Encumbrance Certificate (N.E.Cs) separately for each part of land.
- (iii) Land Use Certificate (L.U.C.) dated 15/10/2020 issued by Tehsildar.
- (iv) Copies of Building Plan.
- (v) List of faculty (Principal + 7 faculty + 2 Part time Assistant Professor).
- (vi) Copies of Form 'A' and FDRs on account of Endowment and Reserve Fund.

4. Dr. Reshma P.T., Principal, Farook B.Ed. College, Parappur, Mini Road, Tirurangadi, Malappuram, Kerala presented the case of the appellant institution on 18/06/2021. She has submitted vide email dated 18/09/2021 an affidavit dated 25/08/2021 declaring that *"as per the instructions from NCTE, Farook Educational Society has decided to re-register the land in the name of Farook B.Ed. College itself. Re-registration process has already been initiated. Due to covid restrictions in Kerala only 10 registrations are done per day at the registrar office. Still, we will try our level best to submit the land document in the name of Farook B.Ed. College as early as possible as per NCTE norms."*

5. Appeal Committee noted that appellant institution is required to submit to SRC within 15 days of the issue of appeal order original / copies of all the required documents. Representative of the institute in the Appeal Committee meeting held on 18/09/2021 informed that they are in the process of getting the land deed registered in the name of the college and would get the same by 30<sup>th</sup> September, 2021. It was also informed that faculties have been appointed as per norms. Appeal Committee decided to remand back the case to SRC for revisiting the matter.

## 199039/2021/Appeal Section-HQ

6. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

***"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned order is clearly spelt out so that the institution is not compelled to approach the Court in this manner."***

7. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-

***"Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed."***

8. Appeal Committee decided to set aside the impugned order of withdrawal dated 21/09/2020.

#### IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned withdrawal Order dated 21/09/2020 and remand back the case of Farook B.Ed. College, Parappur, Mini Road, Tirurangadi, Malappuram, Kerala to the SRC, NCTE. The Farook B.Ed. College, Parappur, Mini Road, Tirurangadi, Malappuram, Kerala would submit the required documents within 15 days of issue of the Appeal Order and SRC, NCTE would take necessary action on the same within 15 days of receipt of the documents.

The above decision is being communicated on behalf of the Appeal Committee.



(Neelam Sharma)  
Deputy Secretary

#### Copy to: -

1. The Secretary, Farook B.Ed. College, Parappur, Mini Road, Tirurangadi, Malappuram, Kerala – 676503.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Member Secretary, NCTE, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
5. The Secretary, Education (looking after Teacher Education) Government of Kerala, Thiruvananthapuram.

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