(2)

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 25/02/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-14/E-235467/2022 Appeal/2nd Meeting, 2022
APPLSRC202214243

School of Physical Education and Sports Sciences, Kallyaseri 360/2A, 5, 287/2, Kannur University Campus, Cherukunnu Road, Taliparamba, Kannur Kerala-670567 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Sh. Anil R, Head of the Department**
Respondent by	**Regional Director, SRC**
Date of Hearing	**21/02/2022**
Date of Pronouncement	**25/02/2022**

ORDERS

I. GROUNDS OF REFUSAL

The appeal of School of Physical Education and Sports Sciences, Kallyaseri 360/2A, 5, 287/2, Kannur University Campus, Cherukunnu Road, Taliparamba, Kannur Kerala-670567 dated 03/01/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.NO. SRO/NCTE/SRCAPP201630085/M.P.Ed./{KL}/2018/9 dated 26.02.2018. of the Southern Regional Committee, refusing/rejecting recognition for conducting M.P.Ed. Course

on the grounds that "***They have still not given reply to the LOI issued by us on 22.02.17. We cannot wait indefinitely for a reply. Reject the application. Close the file.***"

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Anil R, Head of the Department, School of Physical Education and Sports Sciences, Kallyaseri 360/2A, 5, 287/2, Kannur University Campus, Cherukunnu Road, Taliparamba, Kannur Kerala-670567 appeared online to present the case of the appellant institution on 21/02/2022. In the appeal Memoranda it is submitted that "*Having fulfilled all other requirements as per NCTE regulations, only the approved faculty list was pending to be submitted. However, the communication with regard to the same from NCTE was not replied in time, and moreover had some unforeseen incidents in the department including the prolonged illness and demise of the head of the department. This delayed the reply from our side. At present, we have fulfilled all the requirement of faculty appointment as per NCTE Norms and have submitted the details as hard copy to the NCTE Office on 15.11.2021. Moreover, kindly also consider that ours is a statutory department of state university. With the judgement of the Hon'ble High Court of Kerala to consider our exhibits of having appointed all faculty as per NCTE norms, kindly consider our appeal and the fulfillment of faculty requirement as per NCTE norms and based on our merits kindly grant recognition for M.P.Ed. (course) Programme.*"

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records, comments furnished by the SRC on appeal and the documents submitted by appellant institution alongwith Appeal Memoranda. Appeal Committee noted that the petitioner institution has filed a **Writ Petition (C) No. 20443 of 2021** in the **Hon'ble High Court of Kerala at Ernakulam against the impugned Refusal Order dated 26.02.2018 issued by SRC. The Appeal Committee taken cognizance** of the directions/order dated 05.10.2021 passed by the Hon'ble High Court of Kerala in the said Writ Petition. The direction of the court is as under:-

> *Without expressing any opinion on the merits of the assertions made in the representation there will be a direction to the 1st respondent to take up, consider and pass appropriate orders on Ext.P6, after affording an opportunity of being heard, either physically or virtually, to*

the petitioner herein or their authorised representative. Orders, as directed above, shall be passed expeditiously, in any event, within a period of one month from the date of production of a copy of this judgment. It would be open to the petitioner to produce a copy of the writ petition along with the judgement before the concerned respondent for further action. This writ petition is disposed of.

2. Appeal Committee noted that impugned rejection order dated 26.02.2018 was issued after rendering opportunities to the appellant to submit written representation to submit required documents for grant of recognition to the course applied for by letters/Show Cause Notices dated 28.06.2017 and 11.01.2018 . Appellant was also informed of the provision and guidelines for submitting appeal within a period of 60 days from the date of issue of impugned rejection order. The appellant has preferred a delayed appeal by almost 4 years against the impugned rejection order.

3. Appeal Committee noted that according to the provisions of Section 18 (1) of the NCTE Act, 1993, any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed. According to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under the above-mentioned Sections of the Act may prefer an appeal to the Council within sixty days of issue of such orders. According to the provisions of Section 18 (2) of the NCTE Act, no appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor; provided such an appeal may be admitted after the expiry of the period prescribed therefor, if the appellant satisfied the Council that he had sufficient cause for not preferring the appeal within the prescribed period.

4. Appeal Committee observed that the reasons adduced in the Appeal Memoranda by the appellant for preferring appeal after the expiry of stipulated period are not convincing. Hence, the Appeal Committee decided not to condone the unjustifiable and inordinate delay of almost 4 years.

5. Appeal Committee further noted that the application for grant of recognition to M.P.Ed. course rejected on the grounds of not having required and qualified faculties approved by the affiliating body despite giving ample opportunities to submit the same. Even the list of faculty submitted by the Appellant in the appeal vide letter dated 12.11.2021 is not adequate. One Associate Professors is still to be appointed. Moreover, most of the staff/faculties are shown

to have appointed on part-time or tenure/temporary basis which is not in consonance of NCTE Regulations 2014.

6. Noting the submission of the appellant, Appeal Committee is of the view that the appeal of the appellant is devoid on merit also and to conclude that the SRC was justified in rejecting the application for grant of recognition to M.P.Ed. course and impugned rejection order deserved to be confirmed.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded not to condone the delay and appeal is not admitted. Even the Appeal is devoid on merit resulting in to confirm the impugned rejection order issued by SRC.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, School of Physical Education and Sports Sciences, Kallyaseri 360/2A, 5, 287/2, Kannur University Campus, Cherukunnu Road, Taliparamba, Kannur Kerala-670567**

2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi

3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.

4. The Secretary, Education (looking after Teacher Education) Government of Kerala.

(3)

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 25/02/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-24/E-236459/2022 Appeal/2nd Meeting, 2022
APPLSRC202214244

School of Physical Education And Sports Sciences, Kallyaseri 360/2A, 5, 287/2, Kannur University Campus, Cherukunnu Road, Taliparamba, Kannur Kerala-670567 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Sh. Anil R, Head of the Department**
Respondent by	**Regional Director, SRC**
Date of Hearing	**21/02/2022**
Date of Pronouncement	**25/02/2022**

ORDERS

I. GROUNDS OF REFUSAL

The appeal of School of Physical Education and Sports Sciences, Kallyaseri 360/2A, 5, 287/2, Kannur University Campus, Cherukunnu Road, Taliparamba, Kannur Kerala-670567 dated 03/01/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.NO. F.No.SRO/NCTE/SRCAPP201630082/B.P.Ed/ {KL}/2018-19/96716 dated 26.02.2018. of the Southern Regional Committee, refusing recognition for conducting B.P.Ed. Course on the grounds that "***They have still not given reply to the LOI issued by us on 22.02.17. We cannot wait indefinitely for a reply. Reject the application. Close the file.***"

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Anil R, Head of the Department, School of Physical Education and Sports Sciences, Kallyaseri 360/2A, 5, 287/2, Kannur University Campus, Cherukunnu Road, Taliparamba, Kannur Kerala-670567 appeared online to present the case of the appellant institution on 21/02/2022. In the appeal Memoranda it is submitted that "*Having fulfilled all other requirements as per NCTE regulations, only the approved faculty list was pending to be submitted. However, the communication with regard to the same from NCTE was not replied in time, and moreover had some unforeseen incidents in the department including the prolonged illness and demise of the head of the department. This delayed the reply from our side. At present, we have fulfilled all the requirement of faculty appointment as per NCTE Norms and have submitted the details as hard copy to the NCTE Office on 15.11.2021. Moreover, kindly also consider that ours is a statutory department of state university. With the judgement of the Hon'ble High Court of Kerala to consider our exhibits of having appointed all faculty as per NCTE norms, kindly consider our appeal and the fulfillment of faculty requirement as per NCTE norms and based on our merits kindly grant recognition for B.P.Ed. (course) Programme.*"

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records, comments furnished by the SRC on appeal and the documents submitted by appellant institution alongwith Appeal Memoranda. Appeal Committee noted that the petitioner institution has filed a **Writ Petition (C) No. 20443 of 2021** in the **Hon'ble High Court of Kerala at Ernakulam against the impugned Refusal Order dated 26.02.2018 issued by SRC. The Appeal Committee taken cognizance** of the directions/order dated 05.10.2021 passed by the Hon'ble High Court of Kerala in the said Writ Petition. The direction of the court is as under:-

> *Without expressing any opinion on the merits of the assertions made in the representation there will be a direction to the 1st respondent to take up, consider and pass appropriate orders on Ext.P6, after affording an opportunity of being heard, either physically or virtually, to the petitioner herein or their authorised representative. Orders, as directed above, shall be passed expeditiously, in any event, within a period of one month from the date of production of a copy of this judgment. It would be open to the petitioner to produce a copy of the*

writ petition along with the judgement before the concerned respondent for further action. This writ petition is disposed of.

2. Appeal Committee noted that impugned rejection order dated 26.02.2018 was issued after rendering opportunities to the appellant to submit written representation to submit required documents for grant of recognition to the course applied for by letters/Show Cause Notices dated 28.06.2017 and 11.01.2018 . Appellant was also informed of the provision and guidelines for submitting appeal within a period of 60 days from the date of issue of impugned rejection order. The appellant has preferred a delayed appeal by almost 4 years against the impugned rejection order.

3. Appeal Committee noted that according to the provisions of Section 18 (1) of the NCTE Act, 1993, any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed. According to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under the above-mentioned Sections of the Act may prefer an appeal to the Council within sixty days of issue of such orders. According to the provisions of Section 18 (2) of the NCTE Act, no appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor; provided such an appeal may be admitted after the expiry of the period prescribed therefor, if the appellant satisfied the Council that he had sufficient cause for not preferring the appeal within the prescribed period.

4. Appeal Committee observed that the reasons adduced in the Appeal Memoranda by the appellant for preferring appeal after the expiry of stipulated period are not convincing. Hence, the Appeal Committee decided not to condone the unjustifiable and inordinate delay of almost 4 years.

5. Appeal Committee further noted that the application for grant of recognition to B.P.Ed. course rejected on the grounds of not having required and qualified faculties approved by the affiliating body despite giving ample opportunities to submit the same. Even the list of faculty submitted by the Appellant in the appeal vide letter dated 12.11.2021 is not adequate. One Associate Professors is still to be appointed. Moreover, most of the staff/faculties are shown to have appointed on part-time or tenure/temporary basis which is not in consonance of NCTE Regulations 2014.

6. Noting the submission of the appellant, Appeal Committee is of the view that the appeal of the appellant is devoid on merit also and to conclude that the SRC was justified in rejecting

the application for grant of recognition to B.P.Ed. course and impugned rejection order deserved to be confirmed.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded not to condone the delay and appeal is not admitted. Even the Appeal is devoid on merit resulting in to confirm the impugned rejection order issued by SRC.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, School of Physical Education and Sports Sciences, Kallyaseri 360/2A, 5, 287/2, Kannur University Campus, Cherukunnu Road, Taliparamba, Kannur Kerala-670567**

2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi

3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.

4. The Secretary, Education (looking after Teacher Education) Government of Kerala.

(4)

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 25/02/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-27/E-238223/2022 Appeal/2nd Meeting, 2022
APPLSRC202214251

Kalaibharthi B.Ed. College, 54/1, 54/3, 54/6A, 54/4B, Meesarakanddapuram, Erumbi, Sholinghur to Walaja Road, R.K Pet, Thiruvallur Tamilnadu-631102 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	……..
Respondent by	**Regional Director, SRC**
Date of Hearing	**21/02/2022**
Date of Pronouncement	**25/02/2022**

ORDERS

I. GROUNDS OF WITHDRAWAL

The appeal of **Kalaibharthi B.Ed. College, 54/1, 54/3, 54/6A, 54/4B, Meesarakanddapuram, Erumbi, Sholinghur to Walaja Road, R.K Pet, Thiruvallur Tamilnadu-631102** dated 18/01/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.NO. F.SRO/NCTE/APSO7431/B.Ed./15039-115041 dated 21.02.2020. of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the

grounds that "*The Management of the Institution had not submitted required documents in response to Show Cause Notice (SCN) issued to the Institution on 22.08.2019. Another opportunity was given to the institution by serving a Final Show Cause Notice (FSCN) dated 25.11.2019. The institution did not submit its reply / representation in response to Final Cause Notice (FSCN). The institution is required to submit certified copy of land documents issued by concerned tahsildar or revenue officer. The institution is required to submit a notarized copy of land use certificate issued by the competent authority. The institution is required to submit a notarized copy of latest non encumbrance certificate issued by the competent authority. The institution is required to submit an approved building plan. A notarized copy of site plan showing all the survey no mentioned in the land documents in one location along with land area and build up area. The institution is required submit a notarized copy of building completion certificate issued by the competent authority. The institution is required to submit staff list duly approved by the registrar of the affiliating body as per the prescribed format. The institution is required to submit form 'A' issued by the respective bank manager towards creation of FDR of Rs. 7 lakhs and 5 lakhs totalling Rs. 12 lakhs endowment fund & reserve fund into joint account for a duration of 5 years alongwith a copy of the FDRs. Details of teacher education programs being run by the institution in the same campus. Details of other teacher education programs being run by the institution in the same campus. Details of total land and built-up area for all the recognised teacher education program being run by the institution in the same campus. Domain name of the website being run by the institution.*"

II. SUBMISSIONS MADE BY APPELLANT:-

The Representative from Kalaibharthi B.Ed. College, 54/1, 54/3, 54/6A, 54/4B, Meesarakanddapuram, Erumbi, Sholinghur to Walaja Road, R.K Pet, Thiruvallur Tamilnadu-631102 appeared online to present the case of the appellant institution on 21/02/2022. In the appeal Memoranda it is submitted that "*We are having certified land documents. The documents are registered at R.K. PET register office in English version copy enclosed. Now we are having notarized land usage certificate copy enclosed. Now we are having notarized encumbrance certificate copy enclosed. Now we are having approved building plan copy enclosed. Now we are having approved site plan which shows that correct location alongwith land area and built-up area copy enclosed. Now we are having notarized*

copy of building completion certificate issued by union engineer R.K. Pet copy enclosed. Now we are having latest approved staff list, which is given by the registrar TNTEU Chennai, TN. Copy enclosed. Now we are having form 'A' and 5 lakhs FDR and 7 lakhs FDR in joint account of RD, SRC NCTE with college name copy enclosed. Our management runs only KALAIBHARATHI B.Ed. college only (2 units). Copy enclosed. Nil. We are having total land area: 3849.44 square meter, total built-up area:2139.50 square meter copy enclosed. Our college domain name is www. kalaibharathi.org. in copy enclosed."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the petitioner institution has filed a **Writ Petition (C) No. 13418/2020** in the **Hon'ble High Court of Judicature at Madras against the impugned Withdrawal Order No. F.SRO/NCTE/APSO7431/B.Ed./15039-115041 dated 21.02.2020 issued by SRC**. The Hon'ble Court vide order **dated 19.07.2021** has directed as under:

> *"By Accepting the aforesaid statements made by the learned counsel appearing for the parties concerned, this Court is inclined to issue the following directions:-*
>
> *(i) The petitioner's College shall prefer an appeal before the NCTE, Southern Regional Committee, within a period of two weeks from the date of receipt of a copy of this order.*
> *(ii) On filing of such appeal by the petitioner's college, the respondent shall consider the same and pass orders on merits, in accordance with law after providing sufficient opportunity to the petitioner, as expeditiously as possible, preferably, within a period of four weeks thereafter.*
> *(iii) It is needless to say that, it is open to the petitioner to produce all the relevant documents before the appellate authority.*
> *(iv) With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous Petition is closed".*

2. The Appeal Committee noted that the appeal filed by the appellant is delayed by one year and 9 months. In view of the said court direction, the Appeal Committee decided to condone the delay.

3. The Appeal Committee further noted the appellant institution was granted recognition to run B.Ed. Course of one year duration with an annual intake of 100 seats vide SRC's order dated 3/12/2007 and revised recognition on 30/04/2015 with certain conditions related to

Infrastructural/Instructional and Academic facilities to be maintained by displaying as a mandatory disclosures on the website. It is also noted that an affidavit dated 12.01.2015 was submitted by the appellant declaring that they will fulfil the revised Norms and Standards of NCTE Regulations 2014.

4. The Appeal Committee noted that a Show Cause Notice dated 22.08.2019 on certain grounds and a Final Show Cause Notice was issued to the appellant institution on 25/11/2019 on the grounds of not fulfilling the requirements related to Infrastructural/Instructional and Academic facilities such as certified copy of land document, CLU, NEC, Building Plan, Site Plan BCC, Approved Staff List, FDRs etc.

5. Appeal Committee noted that the appellant institution alongwith Memoranda of Appeal has submitted the following documents vide letter dated 18.01.2022 as a compliance of deficiencies pointed out in the impugned withdrawal order:-

1) Certified copy of English version land document (Gift Deed) (Settlement)

2) Copy of NEC dated 11.8.2021

3) CLU dated 18.9.2003

4) FDRs for Rs. 5 lakh and 7 lakh maturing on 14.9.2026 and Form 'A' issued by SBI.

5) BCC having Built up Area 2139.50 Sq.Mtrs. issued by Union Engineer, Thiruvallur Distt. alongwith Site Plan

6) Print of Website.

7) Details of Teacher Education Programmes being run by the appellant.

8) List of faculties duly approved by the Registrar of Affiliating University

6. The Appeal Committee noted that most of the appointed faculties are not qualified as per NCTE Regulations 2014 and subsequent amendments issued on 29th May, 2017. The approval for appointment of Principal was accorded by Tamil Nadu Teachers Education University i.e. the Affiliating Body on 23.06.2021 which is after the impugned withdrawal order.

7. The Appeal Committee noting the submissions made by appellant has observed that the appellant is still deficient on the grounds of fulfilling required qualified faculty as per NCTE Regulations 2014. In these circumstances, the Appeal Committee decided that the SRC was

justified in withdrawing the recognition of B.Ed. course, the appeal deserved to be rejected and the impugned withdrawal order is confirmed.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to reject the appeal and confirm the impugned withdrawal order issued by SRC.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Kalaibharthi B.Ed. College, 54/1, 54/3, 54/6A, 54/4B, Meesarakanddapuram, Erumbi, Sholinghur to Walaja Road, R.K Pet, Thiruvallur Tamilnadu-631102**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.

(5)

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 25/02/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-30/E-238818/2022 Appeal/2nd Meeting, 2022
APPLERC202214253

URA College of Teacher Education, 1453 Kohima, Main Town Opp. Axis bank, Kohima Nagaland-797001 **APPELLANT**	**Vs**	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Prof. D. Kuolie, Secretary General**
Respondent by	**Regional Director, ERC**
Date of Hearing	**21/02/2022**
Date of Pronouncement	**25/02/2022**

ORDERS

I. GROUNDS OF WITHDRAWAL

The appeal of **URA College of Teacher Education, 1453 Kohima, Main Town Opp. Axis bank, Kohima Nagaland-797001** dated 19/01/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. ERC-61140 dated 05.08.2019. of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "***Faculty list is not signed and approved by concerned affiliating body.***"

II. SUBMISSIONS MADE BY APPELLANT:-

Prof. D. Kuolie, Secretary General, URA College of Teacher Education, 1453 Kohima, Main Town Opp. Axis bank, Kohima Nagaland-797001 appeared online to present the case of the appellant institution on 21/02/2022. In the appeal Memoranda it is submitted that "*The affiliating body (Nagaland University) shows that the faculty list has being signed and approved and sent to ERC NCTE.*"

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records, comments received from SRC on appeal and the documents submitted by appellant institution. Appeal Committee noted that the petitioner institution has filed a **Writ Petition (C) No. 13446/2021** in the **Hon'ble High Court of Delhi at New Delhi against the Appellate Order dated 15.12.2020 issued by Appellate Authority and the impugned Withdrawal Order No. F. No.ER-274.14.68/(ERCAPP1206)/ B.Ed./61140 dated 05.08.2019 issued by ERC**. And Hon'ble Court vide order **dated 29.11.2021** directed as under:

> "*Issue notice. Mr. Jai Sahai Endlaw, learned counsel, accepts notice on behalf of respondent Nos. 1 and 2. Notice to respondent Nos. 3 and 4 (State of Nagaland University respectively) is not required in view of the order that I propose to pass. The petition is taken up for disposal with the consent of learned counsel for the parties. On merits, the petitioner's case has been rejected for want of the required list of approved Faculty. Mr. Edward Belho learned counsel for the petitioner, states that the deficiencies have been remedied and the full list of approved faculty is now available with the NCTE. He submits that there was some delay in obtaining the approved faculty list, not due to any fault of the petitioner, but in view of the fact that there was insufficient response to the petitioner's advertisement for recruitment of faculty in the State of Nagaland. Having regard to the aforesaid factors, and particularly to the undisputed need for further establishment of teacher training institutes in the State of Nagaland, I am of the view that the interests of justice would be served by remanding the proceedings to the Appellate Committee, to be decided after according another opportunity of hearing to the petitioner. The writ petition is therefore disposed of, alongwith the pending application, by setting aside the order of the Appellate Committee dated 15.12.2020 and directing the Appellate Committee to reconsider the matter after hearing the*

petitioner. The Appellate Committee will also consider the materials placed on record by the petitioner, in accordance with law, and as laid down in the order of this Court in Asha Devi MAHAVIDYALAYA & ANR. Vs. National Council for Teacher Education & ANR. [order dated 03.12.2020 in W.P.(C) 9744/2020]. The Appellate Committee will inform the petitioner as to whether the hearing will be held physically or virtually / online mode. In the event of an online hearing, the link will also be provided to the petitioner, at least one in advance of the date of hearing. The communication may be sent to the learned counsel for the petitioner to ensure that it is properly served. Having regard to the fact that the petitioner has approached this Court almost one year after the impugned order was passed, the aforesaid directions are passed subject to payment of costs of Rs.15,000/- by the petitioner to the NCTE. The writ petition, alongwith the pending application, stands disposed of".

2. The Appeal Committee noted that the appellant institution was initially granted recognition for conducting B.Ed. Course of one year duration with an annual intake of 100 seats from academic session 2014-15 vide ERC Order dated 29.11.2013 and as per affidavit dated 28.01.2015 giving consent to comply with the NCTE's Regulations, 2014 (Norms & Standards), revised recognition order was issued on 22.5.2015 for two basis units of 50 students each from the academic session 2015-2016 subject to fulfilment of certain conditions mentioned in the said order.

3. The Appeal Committee noted that a Show Cause Notice dated 13.3.2019 and Final Show Cause Notice dated 18.05.2019 on infrastructural and academic grounds were issued to the Appellant Institution by ERC for submitting their written representation to fulfil the required documents as sought for in the said notices.

4. Appeal Committee further noted that the appeal dated 31.10.2019 preferred U/s 18 of NCTE Act against the impugned withdrawal order of ERC dated 5.8.2019 was rejected and confirmed the order appealed against by Appellate Authority vide its order dated 15.12.2020.

5. Appeal Committee noted that as a mater of fact the faculty list submitted by the appellant institution to ERC by letter dated 22nd June, 2019 received on 1st July, 2019 is not approved and countersigned by the Affiliating Body.

6. Appeal Committee further noted that the appellant institution alongwith Memoranda of Appeal has submitted a letter dated 29/10/2020 issued by the Registrar, Nagaland University

according therewith approval of authenticated list of faculty. The attached list of faculty of 15 members is counter-signed by the Registrar, Nagaland University at last page of the list. It has been observed from the list that 10 out of 15 faculty members are not qualified as per requirement laid down in the NCTE's Regulations 2014 and subsequent amendment dated 29th May, 2017.

7. The Appeal Committee noting the submission has observed that the appellant institution has even not cured the deficiencies as on date and still lacking on the part of submitting the required and qualified faculties approved by the affiliating body. In these circumstances, the Appeal Committee is of the view that the ERC was justified in withdrawing the recognition of B.Ed. course and concluded that the appeal in question deserves to be rejected and the impugned withdrawal order is confirmed.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to reject the appeal in question and decided to confirm the impugned withdrawal order issued by ERC.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, URA College of Teacher Education, 1453 Kohima, Main Town Opp. Axis bank, Kohima, Nagaland-797001**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Nagaland

(6)

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 25/02/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-34/E-239087/2022 Appeal/2nd Meeting, 2022
APPLSRC202214262

Sri Ankala Reddy Memorial College of Education, 702 Allagada, Kurnool, Andhra Pradesh-518543 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Dr. K. Ramlinga Reddy, Secretary**
Respondent by	**Regional Director, SRC**
Date of Hearing	**21/02/2022**
Date of Pronouncement	**25/02/2022**

INTERIM ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Sri Ankala Reddy Memorial College of Education, 702 Allagada, Kurnool, Andhra Pradesh-518543** dated 27/01/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APSO0417/B.Ed./{AP}/2021/128628 dated 29.09.2021. of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "*The institution submitted the photocopy of proforma of 16 faculty signed by the Registrar on 02.07.2021 for B.Ed. programme and 11 faculty for M.Ed. course but the date of joining of faculty has not been mentioned. The institution was directed*

to submit the copies of passbook certified by the bank establishing the fact that the salary to faculty is being disbursed through bank account but the same has not been submitted. The institution submitted a copy of LUC signed by the Tehsildar on 22.06.2008 alongwith the reply submitted vide letter dt. 30.01.2021 but the same was not on the letter head of the issuing authority. The institution submitted another LUC signed by the Tehsildar on 22.06.2009 alongwith the reply dt. 06.08.2021 but the same also not on the letter head of the issuing authority. The institution submitted doubtful and different LUCs at different times. The Website of the institute is not updated with information prescribed under para 8(6), 8(14) and 10(3) of NCTE Regulations, 2014."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. K. Ramlinga Reddy, Secretary, **Sri Ankala Reddy Memorial College of Education, 702 Allagada, Kurnool, Andhra Pradesh-518543** appeared online to present the case of the appellant institution on 21/02/2022. In the appeal Memoranda it is submitted that "*The institution submitted the photocopy of proforma of 16 faculty signed by the Registrar on 02.07.2021 for B.Ed. programme faculty date of joining of faculty has mentioned copy enclosed. The institution was directed to submit the copies of passbook certified by the bank establishing the fact that the salary to faculty is being disbursed through bank account but the same has submitted. The institution submitted latest LUC. The institution uploaded all details in website.*"

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records, comments of SRC on appeal and the documents submitted by appellant institution alongwith Appeal Memoranda. Appeal Committee noted that the petitioner institution has filed a **Writ Petition (C) No. 1533/2022 & CM APPL. 4388/2022** (Interim Direction) in the **Hon'ble High Court of Delhi at New Delhi against the impugned Withdrawal Order No. F.No.SRO/NCTE/APSO0417/ B.Ed./{AP}/2021/128688 dated 29.09.2021 issued by SRC and the Appellate Order dated 15.12.2021.** The Hon'ble Court vide order **dated 25.01.2022** directed as under:

> "*The petitioner has approached this Court seeking quashing of the withdrawal order dated 29.09.2021 whereby the recognition of the petitioner institution for running the B.Ed. course has been withdrawn. The petitioner also assails the appellate order dated 15.12.2021 whereby its appeal assailing the order dated 29.09.2021 had been*

rejected. Learned counsel for the petitioner submits that even if the finding in the impugned order that the petitioner submits that even if the finding in the impugned order that the petitioner does not have the requisite number of faculty members to run the B.Ed. Course for 150 seats is accepted, the respondent ought to have considered the continued recognition of the petitioner to run the B.Ed. Course for at least 100 students. Having perused the impugned order, even though I find that the petitioner has not taken any such plea before the appellate authority i.e., respondent no.1, however, keeping in view that the withdrawal of the recognition is likely to affect the interest of the students, I am of the view that this aspect needs to be examined. Issue notice. Mr. Govind Manoharan accepts notice. He prays for, and is granted, four weeks' time to file the counter affidavit. Rejoinder thereto, be filed within two weeks thereafter. List on 13.04.2022".

2. The Appeal Committee noted that Hon'ble High Court of Delhi has adjourned the matter to be listed on 13.04.2022 for hearing. Since the matter is sub-judice, the Appeal Committee decided that the appeal in question may be kept pending till the final outcome of the aforementioned Writ Petition.

VI. **DECISION:-**

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to keep the Appeal in question pending till the final outcome of the aforementioned Writ Petition.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Sri Ankala Reddy Memorial College of Education, 702 Allagada, Kurnool, Andhra Pradesh-518543**

2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi

3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.

4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh.