



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 27/02/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-260/E-281319/2022 Appeal/3rd Meeting, 2024
APPLSRC202214476

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| Sri Siddhartha D.El.Ed. College, 122/2, Huchhagondana Halli, B.H. Road, Tiptur, Tumkur, Karnataka-572202 | <u>Vs</u> | Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. |
| APPELLANT | | RESPONDENT |

| | |
|------------------------------------|-------------------------------|
| Representative of Appellant | No one presented |
| Respondent by | Regional Director, SRC |
| Date of Hearing | 08.02.2024 |
| Date of Pronouncement | 27.02.2024 |

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आदेश / ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Sri Siddartha D.El.Ed. College, 122/2, Huchhagondana Halli, B.H. Road, Tiptur, Tumkur, Karnataka-572202** dated 09.11.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO3459/D.Ed./KA/2022/134531** dated 05.09.2022 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “(i). Built up area shown by the institution for running the institution is 10507 sq. ft. which is not sufficient to run D.Ed. programme as per NCTE Regulation, 2014. (ii). The institution has submitted proforma showing staff list of 1 Principal and four teaching faculty members only which is also not approved by affiliating body. (iii). The institution has not submitted English translated version of the land documents. (iv). Multipurpose hall area is not shown in BCC.”

II. SUBMISSIONS MADE BY APPELLANT: -

No one from **Sri Siddartha D.El.Ed. College, 122/2, Huchhagondana Halli, B.H. Road, Tiptur, Tumkur, Karnataka-572202** appeared online to present the case of the appellant institution on 08.02.2024. In the appeal report, it is submitted that “(i). We have taken stringent action to build the additional building, it will be completed by March 2024. (ii). D.El.Ed. college affiliating body is director D.S.E.R.T. Bangalore, Karnataka staff list approved by director D.S.E.R.T Bangalore is produced. (iii). English version of the land documents is produced. (iv). It is clearly visible in the blueprint of existing Building plan.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 3rd Meeting, 2024 held online on 8th February, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report.

The Appeal Committee noted that the appellant institution was granted recognition for D.El.Ed. Course with an annual intake of 60 students vide order dated 12.08.1998. Thereafter, the SRC in its 224th Meeting held on 14-17 June 2012

considered the matter and decided to withdraw the recognition. Accordingly, as per decision of SRC a withdrawal order was issued to the institution on 23.07.2012. Thereafter, the institution had filed a Writ Petition before the Hon'ble High Court of Karnataka having W.P. No. 27839-40/2012 and vide order dated 08.01.2013, the Hon'ble High Court had stayed the proceeding of the order dated 23.07.2012 passed by the SRC, and during the pendency of the said writ petition the appellant institution had filed the appeal before this Appellate Committee and the same was dismissed. Furthermore, the Hon'ble High Court had passed a final order dated 04.04.2014 indicating the authorities to inspect the premises and to consider the case. It is further noted that the Appellant institution requested the SRC, NCTE to reconsider their case in light of the above order. The institution preferred another writ petition before the Hon'ble High Court of Karnataka having W.P. No. 21969-21970/2015 challenging the communication requested by the Appellant institute, the same was dismissed by the Hon'ble Court.

The Appeal Committee also noted that the Appellant institution filed a Writ Appeal before the Hon'ble High Court of Karnataka having W.A. No. 1484/2018. In light of the order passed by the Hon'ble Court in the said writ Appeal the SRC passed the withdrawal order dated 05.09.2022. It is further noted that the Appellant institution again preferred an Appeal against the said withdrawal order and vide order dated 21.12.2022. The appeal of the institution was rejected and confirmed the withdrawal order 05.09.2022.

The Appeal Committee further noted that the appellant institution had filed a **W. P. No. 2727/2023 (EDN-RES)** before the **Hon'ble High Court of Karnataka at Bengaluru** against the Appeal Order dated 21.12.2022 i.e., rejecting the appeal of the appellant institution. The Hon'ble High Court vide order dated **04.09.2023** had directed as under: -

"....8. In view of the above discussion, I proceed to pass the following:

Order

- 1. The writ petition is allowed.***



2. *The impugned order passed by the first respondent dated 21.12.2022 vide annexure-H is hereby quashed.*
3. *The matter is remitted to the first respondent.*
4. *The first respondent is directed to reconsider the appeal and pass an appropriate order in accordance with law within a period of two months from the date of receipt of copy of this order.*

In view of disposal of the writ petition, pending IA, if any, does not survive for consideration and stands disposed of."

The Appeal Committee noted that the instant matter of the appellant institution was placed before the Appellate Committee in its 15th Meeting, 2023 & 1st Meeting, 2024 held on 05.12.2023 & 11.01.2024 respectively. The Committee noted that the appellant institution has failed to appear online to present its case before Appellate Authority on the said dates.

The Appeal Committee noted that the matter was again taken up by the Appellate Committee in its 2nd Meeting, 2024 held on 25.01.2024 whereby the Appeal Committee decided to grant 2nd Opp. to the institution and the institution was required to submit the documents mentioned therein.

The instant matter again placed in its 3rd Meeting, 2024 held on 08.02.2024 and the appellant institution has also failed to appear online to present its case before Appellate Authority. The Appeal Committee has granted several opportunities to the Appellant institution. However, the Appellant institution has failed to appear on any dates. The Committee decided not to grant another date for hearing to the institution and decided to consider the matter and passed an appropriate order on the basis of material available on record.

The Appeal Committee thereafter considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The Appeal Committee noted that the institution has not submitted latest staff list duly approved by the affiliating body. Further, the institution has failed to



submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of teaching staff.

- (ii) The Appeal Committee also noted that the institution has not submitted certified/notarized copies of required land & building documents.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds as the Appellant Institution has not submitted the documents as sought by the Appeal Committee. The Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 05.09.2022 issued by SRC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, documents, the Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 05.09.2022 issued by SRC is confirmed.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Sri Siddhartha D.El.Ed. College, 122/2, Huchhagondana Halli, B.H. Road, Tiptur, Tumkur, Karnataka-572202.
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 Karnataka.



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 27/02/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-15/E-287182/2023 Appeal/3rd Meeting, 2024
APPLSRC202314522

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| Vignan College of Education, 320, Nizampet, Venkatray Nager, Bachupally, Rangareddy, Telangana-500049 | <u>Vs</u> | Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075 |
| APPELLANT | | RESPONDENT |

| | |
|------------------------------------|---|
| Representative of Appellant | Mr. L. Krishna Rao, Vice Principal |
| Respondent by | Regional Director, SRC |
| Date of Hearing | 08.02.2024 |
| Date of Pronouncement | 27.02.2024 |

आदेश/ ORDER

I. GROUND OF WITHDRAWAL

The appeal of Vignan College of Education, 320, Nizampet, Venkatray Nager, Bachupally, Rangareddy, Telangana-500049 dated 10.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRC/NCTE/APSO3876/B.Ed./TS/2022 /136983 dated 17.11.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution failed to submit reply to the Final Show Cause Notice dated 10.05.2022."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. L. Krishna Rao, Vice Principal of Vignan College of Education, 320, Nizampet, Venkatray Nager, Bachupally, Rangareddy, Telangana-500049 appeared online to present the case of the appellant institution on 08.02.2024. In the appeal memoranda it is submitted that: "Final Showcase Replay is submitted already dated on 30.11.2016."

III. OUTCOME OF THE CASE

The Appeal Committee in its 3rd Meeting, 2024 held online on 8th February, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for Secondary B.Ed. Course of two years duration with an annual intake of 100 students vide order dated 12.04.2007. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 30.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 12.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 17.11.2022.



The instant matter was placed in 1st Meeting, 2023 of Appellate Committee held on 30.01.2023. The Appellate Committee vide order dated 09.02.2023 rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder: -

"The Appeal Committee in its 1st Meeting, 2023 held on 30.01.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) ***As per the faculty list submitted by the institution, the faculty namely Ch. Anitha (as mentioned Sl. No. 3 in the faculty list) is not qualified as per NCTE Regulation. The faculty as mentioned Sl. No. 10 & 11 of the faculty list submitted by the institution, are appointed for visual arts, as such the institution has less faculty for pedagogy subject.***
- (ii) ***The Building Plan submitted by the institution is neither legible nor approved by the Competent Authority.***
- (iii) ***The institution has not submitted a copy of Land Use Certificate (LUC)***
- (iv) ***The institution has not submitted certified/notarised copies of the actual land documents, approved building plan, BCC etc., hence the same is not acceptable since all these documents are photocopy and merely photocopy cannot be relied.***
- (v) ***The institution has not submitted a copy of Form 'A' towards Endowment Fund & Reserve Fund.***

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 17.11.2022 issued by SRC 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 that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 17.11.2022 issued by SRC is confirmed."

The petitioner institution has filed a W.P. No. 25221/2023 in the Hon'ble High Court for the State of Telangana against the Appeal Order dated 09.02.2023 i.e., confirming the withdrawal order dated 17.11.2022 issued by SRC. The Hon'ble Court vide order dated 14.11.2023 directed as under:

".....5. Taking into consideration the said submission made by the learned counsel for respondent Nos. 1 and 2, and the Order Impugned vide file No. 89-15/E-



287182/2023 Appeal/1st Meeting, 2023 APPLSRC202314522, dated 09.02.2023 issued by the 1st respondent confirming withdrawal of the impugned order, dated 17.11.2022 issued by the SRC/respondent No.2 is set aside and the matter is remanded to the National Council of Teachers Education for adjudicating the same, on merits by duly affording reasonable opportunity to the petitioner. The petitioner herein is directed to file all the documents in support of his claim duly attested, Notarized, clear and legible copies before the 1st respondent-Appellate Authority within a period of one (01) week from the date of receipt of the copy of this order and further, NCTE is at liberty to fix the date of hearing of the appeal within 15 days after receipt of copy of this order by duly intimating the petitioner by Registered Post Acknowledgment due (RPAD) as well as through e-mail. In case, if the notice is sent to the petitioner through RPAD/e-mail, it would be treated as sufficient service and it is not open for the petitioner to take any excuses for not verifying the notice by RPAD/e-mail and pass appropriate reasoned orders pertaining to the petitioner's request seeking to grant recognition for conducting B.Ed. courses.

6. With the above observations, the writ petition is disposed of. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed."

The Appeal Committee noted that the instant matter was placed in 15th Meeting, 2023 held on 05.12.2023. The appellant institution did not appear online to present its case before Appellate Authority on 05.12.2023 and as such the Appeal Committee as per extant appeal rules decided to grant another (Second) opportunity to appellant institution to present its case before Appellate Authority.

The Appeal Committee noted that the instant matter was again placed in 1st Meeting, 2024 held on 11.01.2024 whereby the Appeal Committee decided to grant another (3rd/Final) opportunity to the institution and the appellate institution was required to submit the documents mentioned therein.

The Appeal Committee noted that the instant matter was again taken up by the Appellate Committee in its 2nd Meeting, 2024 held on 25.01.2024 whereby the Appeal Committee decided to grant last (final) opportunity to the institution and the institution was required to submit the documents mentioned therein.



The Appeal Committee in its 3rd Meeting, 2024 held on 08.02.2024 noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of faculty list (1+16) members approved by the affiliating University as per provisions of the NCTE Regulations, 2014 alongwith statement of salary disbursement & certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of certificate of the Principal.
- (ii) A copy of Form A, land documents alongwith Land Use Certificate, Building Completion Certificate, Building Plan etc.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 17.11.2022 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern Regional Committee and decision taken accordingly. The SRC, NCTE is further directed to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

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 is clearly



spelt out so that the institution is not compelled to approach the Court in this manner."

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."

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 17.11.2022 is set-aside as the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to SRC with the direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution. The Appellant institution is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the SRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution. The Appellant institution is directed to forward to the SRC the documents submitted in appeal within 15 days from the

receipt of order of the Appeal and after receipt of the same the SRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Vignan College of Education, 320, Nizampet, Venkatray Nager, Bachupally, Rangareddy, Telangana-500049**
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 Telangana.



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 27/02/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-188/E-259527/2022 Appeal/3rd Meeting, 2024
APPLSRC202214371

| | | |
|--|------------------|---|
| Katipally Ravinder Reddy College of Education, 6-2- 157/28, Nizamabad, Subash Nagar, Nizamabad, Telangana- 503002. | <u>Vs</u> | Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075 |
| APPELLANT | | RESPONDENT |

| | |
|------------------------------------|--|
| Representative of Appellant | Mr. Alle Shyam Kumar, Joint Secretary |
| Respondent by | Regional Director, SRC |
| Date of Hearing | 08.02.2024 |
| Date of Pronouncement | 27.02.2024 |

आदेश/ ORDER

I. GROUNDS OF ORDER

The appeal of Katipally Ravinder Reddy College of Education, 6-2-157/28, Nizamabad, Subash Nagar, Nizamabad, Telangana-503002 dated 20.05.2022 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No. F. No. SRO/NCTE/APSO2678/B.Ed./TS/2021 dated 17.12.2021 of the Southern Regional Committee, for conducting B.Ed. Course on certain grounds. “(i). The institution was granted recognition vide order dt.23.03.2005 in a rented premise with the condition that the institution shall shift to its own premise/building within three years from the date of recognition. On physical verification carried out on 16.09.2021 it was found that the institution is still running in a rented premise in House No. 6-2-157/28, Subash Nagar, Nizamabad and the land is on leased basis. Further, vide letter dt. 15.09.2021 the institution requested that they could not construct own building due to Corona. The Plea taken by the institution is not a valid ground that they had not constructed their own building since 2005 till date. (ii). It is reported by the visiting team that the college name board is not seen but in the same campus Ravi Public School is running. Hence, there is no accommodation available exclusively to run the B.Ed. course. (iii). The VT Team also reported that there is no proper infrastructure and instructional facilities for B.Ed. course. (iv). At the time of inspection, except one lecturer no other staff member and no students were present in the campus. (v). All labs are ill equipped. (vi). Sports facilities are not available. (vii). The institution is not having sufficient number of faculty for B.Ed. course duly approved by the affiliating university. (viii). FDRs towards Endowment and Reserve Funds are not being maintained as required under NCTE Regulations, 2014. (ix). The website of the institution is not functional and not uploaded with the information required to be uploaded under NCTE Regulations, 2014. (x). The management given in writing confirming the above shortcomings observed by the Sub-Committee. (xi). After careful consideration of the report given by the Sub-Committee, the SRC resolved that the institution do not deserve merit for grant of fresh recognition. Further, the SRC advised the Regional Director, SRC to immediately write a letter to the Secretary, Chairman, Telangana State Council of Higher Education, Hyderabad and Registrar,



Telangana University, Nizamabad, Telangana not to allow the institution to admit any students for the academic year 2021-22.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Alle Shyam Kumar, Joint Secretary of Katipally Ravinder Reddy College of Education, 6-2-157/28, Nizamabad, Subash Nagar, Nizamabad, Telangana-503002 appeared online to present the case of the appellant institution on 08.02.2024. In the appeal report submitted that “(i). The NCTE-SRC passed impugned orders dt.17-12-2021, No. F. SRO/NCTE/APSO2678/B.Ed./TS/2021 without notice/hearing contrary to orders passed in WP 22284/2019, dt.08-03-2021, Sec.17 of NCTE Act and not served copy till today, thereby violated principles of natural justice, hence order dt.17-12-2021 is liable to be set aside. (ii).It is mandatory to give opportunity to the management before passing impugned orders dt.17-12-2021, as per the directions passed in WP 22284-2019, dt.08-02-2021 extracted hereunder:- “.....an opportunity is to be given before withdrawing recognition to nay College and since impugned order is passed contrary to the said Regulations and as it is violative of the principles of natural justice, only on this short point, impugned order dated 02-07-2019 passed by respondent No.5, and as confirmed vide order dated 26-09-2019 passed by respondent No.6, both are liable to be set aside, and the matter is remanded to National Council of Teacher Education, New Delhi, to consider the case of the petitioner College for grant of recognition afresh and pass appropriate orders in accordance with law within a reasonable period of time, preferably within a period of eight weeks form the date of receipt of this order.....” Hence order dt 17-12-2021 are liable to be set aside on this ground alone without further hearing. (iii). The orders dt 17-12-2021 does not disclose marking of copy to the Institution or sent Reg. Post. Act till today which is mandatory as per Sec. 17 of the Act, hence it is total violation of principles of natural justice, unsustainable. (iv). The Sub-committee report is not at all prepared in our presence nor served copy to comply objections, or before passing orders dt.17-12-2021. (v). After coming to know the orders dt.17-12-2021, the Institution filed WP 35201/2021. The Hon’ble High Court, Hyderabad passed in term orders on 17-01-2022 and allowed to participate in B.Ed. counseling for the academic year 2021-2022. (vi). The High Court directed on 20-12-2021 in WP 3520/2021 to comply objections pointed in proc. Dt.17-



12-2012. Accordingly, the Institute send compliance report dt.21-12-2021 to NCTE-SRC served on 27-12-201, stating that the management was not aware about deficiencies as no Report copy is given by Sub-committee or NCTE-SRC before passing orders dt.17-12-2021 calling to rectify said defects as done in earlier occasions. (vii). The NCTE-SRC filed Writ Appeal No. 189/2022 against orders dt.17-01-2022 passed in WP 35201/2021 alleged that Institute is running by giving false information, do not deserve recognition as no sign board and no proper infrastructure/website available and submitted report dt.21-12-2021, to admit students for the year 2021-22, which shows that they got knowledge of orders dt 17-12-2021. The Division Bench dismissed WA 189/2022, dt 21-03-2022 for violation of Sec.17 of NCTE Act, as per law no person shall be condemned without notice/hearing. (viii). The management did not give any letter nor confirmed short-comings and such letter copy is not furnished to us, to verify the correctness. In fact, the committee members demanded huge money to give favorable report, which was not obliged, hence they submitted incorrect/false report which caused great prejudice to us and led to pass such adverse order dt.17-12-2021 by NCTE-SRC, without notice/hearing, which is also not communicated to till today. It is well known fact that due to mismanagement, the NCTE-SRC was shifted to Delhi from Bangalore. Under these circumstances, NCTE-SRC orders dt.17-12-2021, No. F. SRO/NCTE/APSO2678/B.Ed. /TS/2021 may be set aside or remand the matter for fresh disposal, by giving opportunity at every stage before passing any orders as per law. (ix). The Sub-committee or NCTE-SRC not given any notice with report to comply deficiencies i.e., false information, nature of fraud, damage to students till today, hence committee report can't be relied upon to pass orders dt.17-12-2021. (x). The appeal is filed with in limitation which was extended by Hon'ble Supreme Court in Suo Moto WP in MA No 21/2022 in Suo moto WP (C) 3/2020, dt 10-01-2022, due to covid-19, the order may be verified, for the purpose of this Appeal. (xi). The NCTE-SRC not obeyed orders dt.08-03-2021 passed in WP 22284/2019, and no opportunity given to us. The orders dt.17-12-2021, may be stayed pending disposal of appeal, as new academic year 2022-23 is going to start shortly, otherwise it will result in grave injustice."



III. OUTCOME OF THE CASE

The Appeal Committee in its 3rd Meeting, 2024 held online on 8th February, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 23.03.2005. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 02.02.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 11.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (Two unit). Furthermore, the SRC in its 363rd Meeting held on 17th to 19th September, 2018 considered the matter and observed that their intake strength has already been reduced from 2 units to 1 unit. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 02.07.2019.

The instant matter was placed in 1st Meeting, 2023 of Appellate Committee held on 30.01.2023. The Appellate Committee vide order dated 09.02.2023. rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder: -

"The Appeal Committee in its 1st Meeting, 2023 held on 30.01.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order. The Appeal Committee noted that the SRC constituted a sub-committee to visit the institution alongwith a Senior Professor from Osmania University and also the Registrar of Telangana University. The Sub-Committee visited the institution on 16.09.2021 and found that it's a big fraud committed by the management and running the institution by furnishing all false information and causing great damage to the students and their future.

"The Sub Committee noticed the following deficiencies: -

1. ***The institution was granted recognition vide order dt.23.03.2005 in a rented premise with the condition that the institution shall shift to its own premise/building within three years from the date of recognition. On physical verification carried out on 16.09.2021 it was found that the institution is still running in a rented premise in House No. 6-2-157/28, Subash Nagar, Nizamabad and the land is on leased basis. Further, vide letter dt. 15.09.2021 the institution requested that they could not construct own building due to Corona. The plea taken by the institution is not a valid***



- ground that they had not constructed their own building since 2005 till date.
2. It is reported by the visiting team that the college name board is not seen but in the same campus Ravi Public School is running. Hence, there is no accommodation available exclusively to run the B.Ed. course.
 3. The VT Team also reported that there is no proper infrastructure and instructional facilities for B.Ed. course.
 4. At the time of inspection, except one lecturer no other staff member and no students were present in the campus.
 5. All labs are ill equipped.
 6. Sports facilities are not available.
 7. The institution is not having sufficient number of faculty for B.Ed. course duly approved by the affiliating university.
 8. FDRs towards Endowment and Reserve Funds are not being maintained as required under NCTE Regulations, 2014.
 9. The website of the institution is not functional and not uploaded with the information required to be uploaded under NCTE Regulations, 2014.
 10. The management given in writing confirming the above shortcomings observed by the Sub-Committee.

After careful consideration of the report given by the Sub-Committee, the SRC resolved that the institution do not deserve merit for grant of fresh recognition.

Further, the SRC advised the Regional Director, SRC to immediately write a letter to the Secretary, Chairman, Telangana State Council of Higher Education, Hyderabad and Registrar, Telangana University, Nizamabad, Telangana not to allow the institution to admit any students for the academic year 2021-22."

In view of the above decision, the SRC vide letter dated 17.12.2021 written to the Chairman, Telangana State Council of Higher Education, Telangana not to allow the institution namely Katipally Ravinder Reddy College of Education, 6-2-157/28, Subhash Nagar, Nizamabad-503002, Telangana to admit any students for the academic year 2021-22.

The Committee further noted that as per decision of SRC in its 410th Meeting held on 25-26 April 2022, the withdrawal order dated 02.07.2019 passed by SRC will be effective from 2022-2023 onwards.

The Appeal Committee noted that the institution has not submitted any documents to show as to whether the institution has been shifted to its own building or not.

The Appeal Committee further noted that the institution has failed to explain this deficiency as pointed out by the SRC in its withdrawal order dated 02.07.2019 even during the hearing of online appeal.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 02.07.2019 issued by SRC 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 that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 02.07.2019 issued by SRC is confirmed."

The petitioner institution had filed a W.P. Nos. 35201 of 2021 and 8382 of 2023 in the Hon'ble High Court for the State of Telangana at Hyderabad against the Appeal Order dated 09.02.2023 i.e., confirming the order dt. 17.12.2021 issued by SRC. The Hon'ble Court vide order dated 06.07.2023 directed as under:

"....7. This Court, having perused the notices issued by the respondents on three occasions and also taking note of service of such notices on the petitioners-institution, is of the considered view that the respondents having fixed the date for consideration of the appeal filed by the petitioners-institutions ought to have dispatched the notices well in advance, especially in view of the fact that the petitioners-institutions are located in the State of Telangana and the appeal is filed in Delhi. But, for the reasons best known to them, the respondents dispatched the notices just before the date of hearing of the appeal and they were received by the petitioner after the date fixed was over.

8. In view of the same, this Court is of the considered view that the impugned orders are passed without affording reasonable opportunity to the petitioners-institutions and hence the same are liable to be set aside on this ground alone.

9. Accordingly, the impugned orders are set aside, and the matters are remanded back to the National Council of Teachers Education for adjudicating the same on merits by duly affording a reasonable opportunity to the petitioners-institutions. Further, NCTE is at liberty to fix the date for hearing of the appeal 15 days after receipt of a copy of this order by duly intimating the petitioner-institutions by RPAD as well as through e-mail. In case, if the notice is sent to the petitioners-institutions through RPAD/e-mail, it would be treated as sufficient service and it is not open for the petitioner-institutions to take any excuses for not verifying the notice by RPAD/e-mail.

10. Subject to the above observations and directions, the writ petitions are allowed. There shall be no orders as to costs.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed."

The Appeal Committee noted that the instant matter of the appellant institution was placed before the Appellate Committee in its 15th Meeting, 2023 & 1st Meeting, 2024 held on 05.12.2023 & 11.01.2024 respectively.



The Appeal Committee noted that the instant matter was taken up by the Appellate Committee in its 2nd Meeting, 2024 held on 25.01.2024 whereby the Appeal Committee decided to grant last (final) opportunity to the institution and the institution was required to submit the documents mentioned therein.

The Appeal Committee noted its 3rd Meeting, 2024 held on 08.02.2024, that in the instant matter, there were rounds of litigation. Earlier, the institution was found deficient with regard to infrastructural and instructional facilities. However, the institution now has submitted the documents before the Appeal Committee as sought from the Appellant Institution. Furthermore, the Appeal Committee after observing the facts and the circumstances of the instant matter, decided to keep the Withdrawal Order in Abeyance so that the infrastructural and instructional facilities shall be verified/examined by the Regional Committee as per NCTE Norms and Standards.

In view of the above, the Appeal Committee after observing the submissions and the verbal arguments advance during the hearing, the Appeal Committee decided to keep the withdrawal order in abeyance and direct the SRC to conduct an inspection u/s 13 in consonance with Inspection Division of NCTE (HQ) to ascertain whether the institution is having infrastructural and instructional facilities viz. a viz. fulfilling the Norms and Standards as per the provision of NCTE Regulations, 2014. Thus, it may not be advisable to Remand Back the case for the reason that it may have an adverse effect on the quality of teacher education and fate of students. Hence, the Withdrawal Order shall be kept in abeyance until the inspection u/s 13 is conducted by the SRC and appropriate action taken thereafter by the SRC.

The Appeal Committee in view of the submission made by the appellant institution decided to Remand Back the matter to SRC with the direction to conduct inspection of the institution u/s 13 of the NCTE Act in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution.



Further it is clarified that this order is subject to outcome of decision taken by the SRC after following due process as per provisions of the NCTE Act, Rules & Regulations. The SRC is directed to expedite the decision in the matter as soon as possible.

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 is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

In view of the above-mentioned order, the Committee concluded to keep the impugned withdrawal in abeyance until and unless the SRC take an appropriate decision in the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to the SRC, NCTE with the direction to conduct inspection of the institution u/s 13 of the NCTE Act in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The above order is subject to outcome of decision taken by the SRC after following due process as per provisions of the NCTE Act, Rules & Regulations. The SRC is directed to expedite the decision in the matter in terms of direction given herein above.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee decided to remand back the case to the SRC, NCTE with the direction to conduct inspection of the institution u/s 13 of the NCTE Act in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The above order is subject to outcome of decision taken by the SRC after following due process as per provisions of the NCTE Act, Rules & Regulations. The SRC is directed to expedite the decision in the matter in terms of direction given herein above.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Katipally Ravinder Reddy College of Education, 6-2-157/28, Nizamabad, Subash Nagar, Nizamabad, Telangana-503002.
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 Telangana.



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 27/02/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-227/E-325044/2023 Appeal/3rd Meeting, 2024
APPLSRC202214437

| | | |
|---|------------------|---|
| Jesus and Mary College of Education, 12-79, Sowbhagyaarayapuram, Main Road, V Juttada, Pendurthy, Vishakhapatnam, Andhra Pradesh-531173 | <u>Vs</u> | Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075 |
| APPELLANT | | RESPONDENT |

| | |
|------------------------------------|---------------------------------------|
| Representative of Appellant | Mr. Vara Kumar Dega, Secretary |
| Respondent by | Regional Director, SRC |
| Date of Hearing | 08.02.2024 |
| Date of Pronouncement | 27.02.2024 |

आदेश/ ORDER

I. GROUND OFS OF WITHDRAWAL

The appeal of Jesus and Mary College of Education, 12-79, Sowbhagyaarayapuram, Main Road, V Juttada, Pendurthy, Vishakhapatnam, Andhra Pradesh-531173 dated 02.08.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRC/NCTE/APS08024/B.Ed./AP/2022/(132383-132387) dated 04.06.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution failed in submission of reply of Final Show Cause Notice dated 15.11.2019."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Vara Kumar Dega, Secretary of Jesus and Mary College of Education, 12-79, Sowbhagyaarayapuram, Main Road, V Juttada, Pendurthy, Vishakhapatnam, Andhra Pradesh-531173 appeared online to present the case of the appellant institution on 08.02.2024. In the appeal report, it is submitted that "We were submitted relevant documents to NCTE, New Delhi before 15th November, 2019."

III. OUTCOME OF THE CASE

The Appeal Committee in its 3rd Meeting, 2024 held online on 8th February, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 29.05.2009. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 22.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 29.03.2015 for conducting B.Ed. course of two years duration with an annual intake of



100 (Two basic units). The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 04.06.2022.

The petitioner institution has filed a Writ Petition No. **28540 of 2023** before the Hon'ble Court of Andhra Pradesh and vide its order dated **06.11.2023** has passed the following: -

"....5. Therefore, in view of the above and with a view to put on end to the litigation, this Court feels it appropriate to direct the petitioner to submit two hard copies of uploaded appeal to the respondents, within a period of two (2) days from today and on receipt of the same, respondents No. 3 and 4 shall pass appropriate order, within a period of one week thereafter.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this case, shall stand closed."

The Appeal Committee noted that the instant matter was taken up by the Appellate Committee in its 1st Meeting, 2024 held on 11.01.2024 whereby the Appeal Committee decided to grant 2nd opportunity to the institution and the appellate institution was required to submit the documents mentioned therein.

The Appeal Committee noted that the instant matter was again taken up by the Appellate Committee in its 2nd Meeting, 2024 held on 25.01.2024 whereby the Appeal Committee decided to grant another (3rd/Final) opportunity to the institution and the institution was required to submit the documents mentioned therein.

The Appeal Committee in its 3rd Meeting, 2024 held on 08.02.2024 noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of faculty list (1+15) members approved by the affiliating University alongwith statement of salary disbursement & a copy of certificates of B.Ed., M.Ed., Ph.D. and service certificate of the Principal.
- (ii) A copy of Form A, land documents alongwith Building Plan, Land Use Certificate, Building Completion Certificate & Statement of Encumbrance on Property etc.



The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 04.06.2022 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. **The SRC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.**

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 is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

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."

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 04.06.2022 is set-aside as the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to SRC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority. The Appellant institution is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the SRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority. The Appellant institution is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the SRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee


उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Jesus and Mary College of Education, 12-79, Sowbhagayarayapuram, Main Road, V Juttada, Pendurthy, Vishakhapatnam, Andhra Pradesh-531173
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.



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 27/02/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-225/E-324025/2023 Appeal/3rd Meeting, 2024
APPLNRC202314739

| | | |
|---|------------------|--|
| Institute of Education, 2,4,5,6, Nibia, NH-19, Bachchaon, Sadar, Varanasi, Uttar Pradesh- 221011 | <u>Vs</u> | Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. |
| APPELLANT | | RESPONDENT |

| | |
|------------------------------------|---|
| Representative of Appellant | Mr. Vijay Kumar Singh, Assistant Registrar |
| Respondent by | Regional Director, NRC |
| Date of Hearing | 08.02.2024 |
| Date of Pronouncement | 27.02.2024 |

आदेश/ ORDER

I. GROUND OF WITHDRAWAL

The appeal of Institute of Education, 2,4,5,6, Nibia, NH-19, Bachchaon, Sadar, Varanasi, Uttar Pradesh-221011 dated 04.12.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F. No. NRC/NCTE/UP-2272-M.Ed./411th (Blended Mode) meeting/2023/(223594-223601) dated 07.10.2023 of the Northern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “(i). The institution has submitted building plan approved by Varanasi Vikas Pradhikaran but total land area, total built up area and earmarked area for each course not mentioned in building plan. (ii). The institution has not submitted land use certificate issued by the Competent Govt. Authority. (iii). The institution has not submitted certified copy of site plan with demarcated land area for running different course. (iv). The institution has not submitted building completion certificate issued by the Competent Govt. Authority. (v). As per approval letter issued by affiliating body 12 Assistant Professor for M.Ed. course appointed by the institution. (vi) No approval letter for two Professors two Associate Professor submitted by the institution. (vii). The institution has not submitted FDRs Rs. 5 lacs and 7 lacs towards Reserve Fund and Endowment Fund. (viii). The institution has not adhered to the mandatory disclosure in the prescribed format and display up to date information on its official website as per NCTE Regulations 8(14) condition for grant of recognitions as per NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Vijay Kumar Singh, Assistant Registrar of Institute of Education, 2,4,5,6, Nibia, NH-19, Bachchaon, Sadar, Varanasi, Uttar Pradesh-221011 appeared online to present the case of the appellant institution on 08.02.2024. In the appeal report, it is submitted that “(i). Building plan is duly approved by Varanasi Vikas Pradhikaran. Total land area, total built-up area and earmarked area for each course has been mentioned in the revised map. (ii). Land use certificate is issued by VDA and duly mentioned in the Varanasi Mahanagar Yojna-2031 by the Govt. of Uttar Pradesh. In this Map,

Educational Institutions Area is declared. This institution falls in the designated area. (iii). No other courses are running other than Teacher Education Programmes (B.Ed. and M.Ed.). In the map, area is already earmarked for the courses. (iv). Building Completion Certificate issued by the Registered Architect and also submitted to VDA. (v). University approved only Lecturers (Pravakta) to the self-financed institutions as per State University Rules. College Management have to decide the eligible candidate as Professor and Associate Professor as per norms of the NCTE. (vi) University approves only Lectures (Pravakta) to the self-financed Institutions as per State University Rules. College Management have to decide the eligible candidate as Professor and Associate Professor as per norms of the NCTE. (vii) The Institution has already Rs. 5 Lacs and Rs. 7 Lacs towards Reserve Fund and Endowment Fund. FDR No. 5157463 (Rs.7 Lacs). (viii) Mandatory disclosure is displayed in the prescribed format including up-to-date information on its official website as per NCTE Regulations 8(14): condition for grant of recognition as per NCTE Regulations 2014.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 3rd Meeting, 2024 held online on 8th February, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course with an annual intake of 25 students vide order dated 10.09.2008. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 12.10.2015 for conducting M.Ed. course of two years duration with an annual intake of 50 (One basic units). The recognition of the institution for M.Ed. programme was withdrawn by the NRC vide order dated 07.10.2023.

The Appeal Committee noted that the instant matter was taken up by the Appellate Committee in its 1st Meeting, 2024 held on 11.01.2024 whereby the Appeal



Committee decided to grant 2nd opportunity to the institution and the Appellant Institution was required to submit the documents mentioned therein.

The Appeal Committee noted that the instant matter was again taken up by the Appellate Committee in its 2nd Meeting, 2024 held on 25.01.2024 whereby the Appeal Committee decided to grant last (final) opportunity to the institution and the institution was required to submit the documents mentioned therein.

The Appeal Committee in its 3rd Meeting, 2024 held on 08.02.2024 noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of of faculty list (1+10) members dated 27.01.2024 approved by the affiliating University as per provisions of NCTE Regulation, 2014 alongwith statement of salary disbursement & a copy of certificates of academic & professional educational qualification viz. B.Ed., M.Ed. etc. and experience of certificate of the Principal.
- (ii) A copy of FDR, land documents alongwith Building Plan, Building Completion Certificate, Land Use Certificate etc.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 07.10.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated 23.02.2017 passed in W.P(C). no. 3231/2016 titled "Rambha College of Education V/s NCTE" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. **The NRC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority as per provisions of the NCTE Regulations,**



2014, guidelines and amendments issued from time to time and decision taken accordingly.

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 is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

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.”

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 07.10.2023 is set-aside as the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to NRC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to NRC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Institute of Education, 2,4,5,6, Nibia, NH-19, Bachchaon, Sadar, Varanasi, Uttar Pradesh-221011.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 27/02/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-229/E-325129/2023 Appeal/3rd Meeting, 2024
APPLNRC202314744

| | | |
|---|------------------|--|
| Chitkara College of Education, 27//17, 24,25, 29//4/1, 29//5/1, Fatehpurgarhi, Chandigarh- Patiala National Highway, (NH- 7), Rajpura, Patiala, Punjab- 140401 | <u>Vs</u> | Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. |
| APPELLANT | | RESPONDENT |

| | |
|------------------------------------|--------------------------------|
| Representative of Appellant | Ms. Sangeeta Pant, Dean |
| Respondent by | Regional Director, NRC |
| Date of Hearing | 08.02.2024 |
| Date of Pronouncement | 27.02.2024 |

आदेश/ ORDER

I. GROUND OF WITHDRAWAL

The appeal of Chitkara College of Education, 27//17, 24,25, 29//4/1, 29//5/1, Fatehpurgarhi, Chandigarh-Patiala National Highway, (NH-7), Rajpura, Patiala, Punjab-140401 dated 16.12.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No.NRC/NCTE/NRCAPP-12713-B.Ed./BSc.B.Ed./NRCAPP-12727-M.Ed./PB-105 B.Ed./408th (Blended mode) Meeting 2023/(223844-223850) dated 17.10.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The recognition to the Teacher Education Courses B.Ed. was granted to the Chitkara College of Education for Women with the condition to be affiliated under Punjabi University, Patiala. (ii). The UGC issued a letter No.8-27/2010(CPP-1/PU dated 01.01.2011 wherein the following is mentioned: - “*The University shall not have any affiliated Colleges*” (iii). The Chitkara University have not established the Department of Education instead of that it proposes to affiliate the B.Ed. M.Ed. and B.A. B.Ed./B.Sc. B.Ed. of Chitkara College of Education for Women. It inter-alia prescribes that the University is not empowered to affiliate any college which is proposed and done by the University. (iv). Visit of website of Chitkara University reveals that website is not updated and uploaded with the information as required under regulations 8(6), 8(14) and 10(3) of NCTE Regulations, 2014. The NRC considered the same as a violation of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Ms. Sangeeta Pant, Dean of Chitkara College of Education, 27//17, 24,25, 29//4/1, 29//5/1, Fatehpurgarhi, Chandigarh-Patiala National Highway, (NH-7), Rajpura, Patiala, Punjab-140401 appeared online to present the case of the appellant institution on 08.02.2024. In the appeal report, it is submitted that “Attached herewith.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 3rd Meeting, 2024 held online on 8th February, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 200 students vide order dated 26.06.2003 followed by revised recognition order dated 24.05.2015 with annual intake of 100 for two units of 50 students each from the academic session 2015-2016. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 17.10.2023.

The Appeal Committee noted that the matter was taken up by the Appellate Committee in its 1st meeting 2024 held on 11.01.2024 whereby the Appeal Committee decided to grant 2nd Opportunity to the institution and the Appellant Institution was required to submit the documents mentioned therein.

The Appeal Committee noted that the instant matter was again taken up by the Appellate Committee in its 2nd Meeting, 2024 held on 25.01.2024 whereby the Appeal Committee decided to grant another (3rd/Final) opportunity to the institution and the institution was required to submit the documents mentioned therein.

The Appeal Committee in its 3rd Meeting, 2024 held on 08.02.2024 noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of NOC of the earlier affiliated University alongwith Resolution of the Chitkara University for running teacher education programme as a department duly approved by its academic council.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 17.10.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.



The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Northern Regional Committee and decision taken accordingly. The NRC, NCTE is further directed to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

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 is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

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.”

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 17.10.2023 is set-aside as the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to NRC with the direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in

consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to NRC (B.Ed.) with a direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Chitkara College of Education, 27//17, 24,25, 29//4/1, 29//5/1, Fatehpurgarhi, Chandigarh-Patiala National Highway, (NH-7), Rajpura, Patiala, Punjab-140401.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Punjab.



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 27/02/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-230/E-325131/2023 Appeal/3rd Meeting, 2024
APPLNRC202314745

| | | |
|---|------------------|---|
| Chitkara College of Education, 27//17, 24,25, 29//4/1, 29//5/1, Fatehpurgarhi, Chandigarh- Patiala National Highway, (NH- 7), Rajpura, Patiala, Punjab- 140401 | <u>Vs</u> | Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075 |
| APPELLANT | | RESPONDENT |

| | |
|------------------------------------|--------------------------------|
| Representative of Appellant | Ms. Sangeeta Pant, Dean |
| Respondent by | Regional Director, NRC |
| Date of Hearing | 08.02.2024 |
| Date of Pronouncement | 27.02.2024 |

आदेश/ ORDER

I. GROUND OF WITHDRAWAL

The appeal of Chitkara College of Education, 27//17, 24,25, 29//4/1, 29//5/1, Fatehpurgarhi, Chandigarh-Patiala National Highway, (NH-7), Rajpura, Patiala, Punjab-140401 dated 16.12.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No.NRC/NCTE/NRCAPP-12713-B.Ed./BSc.B.Ed./NRCAPP-12727-M.Ed./PB-105 B.Ed./408th (Blended mode) Meeting 2023/(223844-223850) dated 17.10.2023 of the Northern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “(i). The recognition to the Teacher Education Courses M.Ed. was granted to the Chitkara College of Education for Women with the condition to be affiliated under Punjabi University, Patiala. (ii). The UGC issued a letter No.8-27/2010(CPP-1/PU dated 01.01.2011 wherein the following is mentioned: - “*The University shall not have any affiliated Colleges*” (iii). The Chitkara University have not established the Department of Education instead of that it proposes to affiliate the B.Ed. M.Ed. and B.A. B.Ed./B.Sc. B.Ed. of Chitkara College of Education for Women. It inter-alia prescribes that the University is not empowered to affiliate any college which is proposed and done by the University. (iv). Visit of website of Chitkara University reveals that website is not updated and uploaded with the information as required under regulations 8(6), 8(14) and 10(3) of NCTE Regulations, 2014. The NRC considered the same as a violation of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Ms. Sangeeta Pant, Dean of Chitkara College of Education, 27//17, 24,25, 29//4/1, 29//5/1, Fatehpurgarhi, Chandigarh-Patiala National Highway, (NH-7), Rajpura, Patiala, Punjab-140401 appeared online to present the case of the appellant institution on 08.02.2024. In the appeal report, it is submitted that “Attached herewith.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 3rd Meeting, 2024 held online on 8th February, 2024 perused the relevant records and the documents submitted by appellant

institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course with an annual intake of 50 students vide order dated 02.05.2016. The recognition of the institution for M.Ed. programme was withdrawn by the NRC vide order dated 17.10.2023.

The Appeal Committee noted that the matter was taken up by the Appellate Committee in its 1st meeting 2024 held on 11.01.2024 whereby the Appeal Committee decided to grant 2nd Opportunity to the institution and the Appellant Institution was required to submit the documents mentioned therein.

The Appeal Committee noted that the instant matter was again taken up by the Appellate Committee in its 2nd Meeting, 2024 held on 25.01.2024 whereby the Appeal Committee decided to grant another (3rd/Final) opportunity to the institution and the institution was required to submit the documents mentioned therein.

The Appeal Committee in its 3rd Meeting, 2024 held on 08.02.2024 noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of NOC of the earlier affiliated University alongwith Resolution of the Chitkara University for running teacher education programme as a department duly approved by its academic council.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 17.10.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Northern Regional Committee and decision taken accordingly. The NRC, NCTE is further directed to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

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 is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

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.”

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 17.10.2023 is set-aside and the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

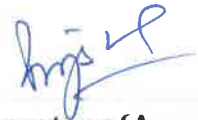
Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to NRC with the direction to

conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to NRC ~~(M.Ed.)~~ with a direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Chitkara College of Education, 27//17, 24,25, 29//4/1, 29//5/1, Fatehpurgarhi, Chandigarh-Patiala National Highway, (NH-7), Rajpura, Patiala, Punjab-140401.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Punjab.



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 27/02/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-232/E-325204/2023 Appeal/3rd Meeting, 2024

APPLERC202314634

| | | |
|--|------------------|--|
| Mahant Darshan Das Mahila College, 734, Mithanpura, Club Road, Ramna, Mushari, Muzaffarpur, Bihar-842002 | <u>Vs</u> | Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075 |
| APPELLANT | | RESPONDENT |

| | |
|-----------------------------|---|
| Representative of Appellant | Dr. Mousumi Chaudhari, Head of the Department |
| Respondent by | Regional Director, ERC |
| Date of Hearing | 08.02.2024 |
| Date of Pronouncement | 27.02.2024 |

आदेश/ ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Mahant Darshan Das Mahila College, 734, Mithanpura, Club Road, Ramna, Mushari, Muzaffarpur, Bihar-842002** dated 12.07.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-326.21/NCTE/ERCAPP201646001 (ID No.10082) /68171** dated 08.06.2023 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted the reply of Final Show Cause Notice dated 09.04.2022 issued to it."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Mousumi Chaudhari, Head of the Department of Mahant Darshan Das Mahila College, 734, Mithanpura, Club Road, Ramna, Mushari, Muzaffarpur, Bihar-842002 appeared online to present the case of the appellant institution on 08.02.2024. In the appeal report, it is submitted that "(i). As per Gazette Notification No.237 of NCTE, the college has advertised on 05.03.2022 and 06.03.2022, the vacancy of faculty as directed by the ERC-NCTE vide its 274th Meeting dated 15-16 July, 2019. (ii). The matter regarding appointment process is under sub judice in the Hon'ble Court Patna."

III. OUTCOME OF THE CASE

The Appeal Committee in its 3rd Meeting, 2024 held online on 8th February, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.



The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 26.02.2018. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 08.06.2023.

The Appeal Committee noted that the matter was taken up by the Appellate Committee in its 1st meeting 2024 held on 11.01.2024 whereby the Appeal Committee decided to grant 2nd Opportunity to the institution and the Appellant Institution was required to submit the documents with regard to latest faculty.

The Appeal Committee noted that the instant matter was again taken up by the Appellate Committee in its 2nd Meeting, 2024 held on 25.01.2024 whereby the Appeal Committee decided to grant another (3rd/Final) opportunity to the institution and the institution was required to submit the documents mentioned therein.

The Appeal Committee in its 3rd Meeting, 2024 held on 08.02.2024 considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The Appeal Committee noted that the appellant institution has submitted the faculty list wherein Ms. Gunjan Kumar, Assistant Professor had resigned from the institution. Secondly, Mr. Purushotam Kumar, Assistant Professor did not join the institution.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 08.06.2023 issued by ERC is confirmed.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 08.06.2023 issued by ERC is confirmed.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee


उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Mahant Darshan Das Mahila College, 734, Mithanpura, Club Road, Ramna, Mushari, Muzaffarpur, Bihar-842002.**
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 Bihar.



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 27/02/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-211/E-321149/2023 Appeal/3rd Meeting, 2024
APPLERC202314704

| | | |
|---|------------------|--|
| Dhupguri College of Education, 1345, 1346, 1348, Roy Para, Ward No. 16, Dhupguri, Jalpaiguri, West Bengal-735210 | <u>Vs</u> | Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075 |
| APPELLANT | | RESPONDENT |

| | |
|------------------------------------|-----------------------------------|
| Representative of Appellant | Dr. Arup Bagchi, Principal |
| Respondent by | Regional Director, ERC |
| Date of Hearing | 08.02.2024 |
| Date of Pronouncement | 27.02.2024 |

Arup Bagchi

आदेश/ ORDER

I. GROUND OF WITHDRAWAL

The appeal of Dhupguri College of Education, 1345, 1346, 1348, Roy Para, Ward No. 16, Dhupguri, Jalpaiguri, West Bengal-735210 dated 06.10.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. ER-328.1/NCTE/APE001148/B.Ed./WB/2023/68296** dated 26.06.2023 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted the faculty list in prescribed format as per NCTE Regulations, 2014. (ii). The institution has not appointed the Principal. (iii). The institution has appointed 09 faculty only for an annual intake of 02 units (100 students) against the requirement of 1+15 faculty which is grossly inadequate as per NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Arup Bagchi, Principal of Dhupguri College of Education, 1345, 1346, 1348, Roy Para, Ward No. 16, Dhupguri, Jalpaiguri, West Bengal-735210 appeared online to present the case of the appellant institution on 08.02.2024. In the appeal report, it is submitted that “Based on the notice of NCTE, dt. 26.06.2023, we have requested and applied to the university several times for interview, but the University has not cooperated with us in this regard. The university has not given us any interview date yet. As a result, we could not recruit the required faculty as per the NCTE Regulation, 2014.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 3rd Meeting, 2024 held online on 8th February, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated



31.08.2012, followed by revised recognition for B.Ed. programme of two-year duration with an annual intake of 100 students (Two basic unit) vide order dated 29.05.2015. Thereafter, the recognition of the institution was withdrawn by the ERC vide order dated 20.08.2019, the institution preferred an appeal before the NCTE (Hq.) against the said withdrawal order dated 20.08.2019. The Appeal Authority remanded back the matter to ERC vide order dated 17.02.2020. The recognition of the institution for B.Ed. programme was again withdrawn by the ERC vide order dated 26.06.2023.

The Appeal Committee noted that the instant matter was placed in 15th Meeting, 2023 held on 05.12.2023. The Appellant institution did not appear online to present its case before Appellate Authority on 05.12.2023 and as such the Appeal Committee as per extant appeal rules decided to grant another (Second) opportunity to appellant institution to present its case before Appellate Authority.

The Appeal Committee noted that the matter was taken up by the Appellate Committee in its 1st Meeting, 2024 held on 11.01.2024 whereby the Appeal Committee decided to grant another (3rd/Final) opportunity to the institution and the Appellate Institution was required to submit the requisite documents mentioned therein.

The Appeal Committee noted that the instant matter was again taken up by the Appellate Committee in its 2nd Meeting, 2024 held on 25.01.2024 whereby the Appeal Committee decided to grant last (final) opportunity to the institution and the institution was required to submit the documents mentioned therein.

The Appeal Committee in its 3rd Meeting, 2024 held on 08.02.2024 noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of faculty list (1+15) members dated 28.11.2023 approved by the affiliating University as per provisions of NCTE Regulation, 2014 alongwith an Affidavit containing faculty name with their account no., pan no. & statement of salary disbursement & a copy of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of certificate of the Principal etc.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 26.06.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated 23.02.2017 passed in W.P(C). no. 3231/2016 titled "Rambha College of Education V/s NCTE" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. The ERC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

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 is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

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."

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 26.06.2023 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.



Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Dhupguri College of Education, 1345, 1346, 1348, Roy Para, Ward No. 16, Dhupguri, Jalpaiguri, West Bengal-735210.
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 West Bengal.



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 27/02/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-218/E-322687/2023 Appeal/3rd Meeting, 2024
APPLNRC202314683

| | | |
|---|------------------|--|
| Sai Saraswati Institute for Teacher Education, 25/30, Karechi, Shangti, Summer Hill, Shimla Gramin, Shimla, Himachal Pradesh-171005 | <u>Vs</u> | Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. |
| APPELLANT | | RESPONDENT |

| | |
|------------------------------------|-------------------------------------|
| Representative of Appellant | Mr. Subhash Sharma, Chairman |
| Respondent by | Regional Director, NRC |
| Date of Hearing | 08.02.2024 |
| Date of Pronouncement | 27.02.2024 |

Signature

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Sai Saraswati Institute for Teacher Education, 25/30, Karechi, Shangti, Summer Hill, Shimla Gramin, Shimla, Himachal Pradesh-171005** dated 18.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE-Regl019/694/2021-Regulation Section-NRC/ (222951-222958)** dated 14.08.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution is not a Multi-Disciplinary Institution as per clause 2 (b) of NCTE Regulations, 2014. (ii). The institution has shifted to the new building in 2018 without approval from NRC. The institution has applied for shifting only in 2021. (iii). The land and building where the institution have shifted is on lease from private person hence, not acceptable as per NCTE Regulations, 2014. (iv). The institution is functioning from the land and building, which is not acceptable as per provisions of NCTE Regulations. (v). The other documents for land and building viz. NEC, CLU, Building Plan, Building Completion Certificate, Building Safety Certificate, Building Disabled Friendly Certificate, Fire Safety Certificate etc. are not acceptable in view of the fact that the land is not as per NCTE Regulations, 2014. (vi). The institution has appointed only 13 staff as against requirement of 1+15 as per Regulations for two units of B.Ed. course. (vii). Out of 13 staff, only five staff are qualified as per Regulations. (viii). None of the staff is approved by the Affiliating Body. (ix). The website of the institution is not updated as per clause 7 (14) and B (14) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Subhash Sharma, Chairman of Sai Saraswati Institute for Teacher Education, 25/30, Karechi, Shangti, Summer Hill, Shimla Gramin, Shimla, Himachal Pradesh-171005 appeared online to present the case of the appellant institution on 08.02.2024. In the appeal report, it is submitted that “Due to clause 7 (14) and 8 (14) NCTE, 2014.”



III. OUTCOME OF THE CASE

The Appeal Committee in its 3rd Meeting, 2024 held online on 8th February, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 06.08.2012. Thereafter, a revised provisional recognition order was issued to the institution on dt. 05.06.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units). The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 14.08.2023.

The Appeal Committee noted that the appellant institution did not appear online to present its case before Appellate Authority on 05.12.2023 & 11.01.2024 and as such the Appeal Committee as per extant appeal rules decided to grant another (3rd/Final) opportunity to appellant institution to present its case before Appellate Authority.

The Appeal Committee noted that the instant matter was again taken up by the Appellate Committee in its 2nd Meeting, 2024 held on 25.01.2024 whereby the Appeal Committee decided to grant last (final) opportunity to the institution and the institution was required to submit the documents mentioned therein.

The Appeal Committee in its 3rd Meeting, 2024 held on 08.02.2024 considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The Appeal Committee noted that the Appellant institution has failed to submit latest faculty list approved by the affiliating University. Further, the institution has failed to submit copies of certificates of academic, professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D., experience of teaching staff & land documents etc. as per provisions of NCTE Regulation, 2014.
- (ii) The Appeal Committee noted that the institution has also failed to justify the shifting of premises of the institution and has failed to submit the documents with respect to the approval of NRC, NCTE to the Appeal Committee thereof.



- (iii) The Appeal Committee also noted that the institution has not submitted certified/notarized copies of Mutation Certificate regarding ownership of land issued by the concerned govt. authority.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 14.08.2023 issued by NRC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 14.08.2023 issued by NRC is confirmed.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee


उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Sai Saraswati Institute for Teacher Education, 25/30, Karechi, Shangti, Summer Hill, Shimla Gramin, Shimla, Himachal Pradesh-171005.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Himachal Pradesh.



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 27/02/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-251/E-277976/2023 Appeal/3rd Meeting, 2024
APPLNRC202214474

| | | |
|--|------------------|--|
| Smt. Gomati Smarak Vigyan Mahavidyalaya, 128,298, Nawab Nagar, Parson, Etah, Uttar Pradesh-207001 | <u>Vs</u> | Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. |
| APPELLANT | | RESPONDENT |

| | |
|------------------------------------|------------------------------------|
| Representative of Appellant | Mr. Sudhir Kumar, Secretary |
| Respondent by | Regional Director, NRC |
| Date of Hearing | 08.02.2024 |
| Date of Pronouncement | 27.02.2024 |

आदेश / ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Smt. Gomati Smarak Vigyan Mahavidyalaya, 128,298, Nawab Nagar, Parson, Etah, Uttar Pradesh-207001** dated 18.10.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **File No. NRC/NCTE/UP-515-B.Ed./365th (Vol.-II) (Blended Mode) Meeting/2022/217865** dated 08.04.2022 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted latest approved faculty list. (ii). The institution has submitted the last six-month salary statement of the faculty members with details of the account numbers, but the statement is of 13 faculty members only that is up to March 2021. (iii). The faculty list uploaded on the website of the college also is not matching with the list submitted. (iv). Website is also not update.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Sudhir Kumar, Secretary of Smt. Gomati Smarak Vigyan Mahavidyalaya, 128,298, Nawab Nagar, Parson, Etah, Uttar Pradesh-207001 appeared online to present the case of the appellant institution on 08.02.2024. In the appeal report, it is submitted that “(i). That NRC vide its order dated 08.04.2022 has withdrawn the recognition of appellant institution herein for conducting the B.Ed. course, observing the deficiencies which were already clarified / ratified by the appellant institution. A copy of Withdrawal order dated 08.04.2022 issued by NRC is enclosed as Enclosure 1. (ii). That it is necessary to point out here that NRC vide its order dated 10.01.2003 granted recognition to the appellant institution for running the B.Ed. course with annual intake of 120 students from academic session 2002-03. Subsequently, appellant institution approached Dr. Bhimrao Ambedkar University, Agra for the affiliation and the said University after due compliance of verification / inspection, granted affiliation to the appellant institution vide order dated 30.10.2003. After promulgation of new NCTE Regulations, 2014, a revised recognition order dated 05.06.2015 was issued to the institution for running the B.Ed. course with an annual intake of 100 students.

Subsequently, our institution vide letter dated 20.05.2016 submitted its compliance to the conditions contained in revised recognition order. (iii). That thereafter, the NRC issued withdrawal order dated 10.07.2020 withdrawing recognition of the appellant institution stating therein the alleged ground of non-submission of reply by the appellant institution to the show cause notices issued. The appellant institution filed appeal u/s 18 against the withdrawal order dated 10.07.2020 and the appeal committee vide its order dated 20.11.2020 remanded the matter back to NRC for reconsideration of the matter of the appellant institution. A copy of appeal order dated 20.11.2020 is enclosed as Enclosure 2. (iv). That, accordingly, the NRC in its 325th meeting held on 8th – 9th January, 2021 considered the matter of our institution and issued show cause notice dated 23.02.2021, to which, appellant institution submitted its reply dated 20.03.2021 (on 21.03.2021) alongwith documents sought by the NRC. A copy of reply dated 20.03.2021 is enclosed as Enclosure 3. (v). That thereafter, since our institution was not being permitted to participate in the counselling, we approached the Hon. Delhi High Court by filing W.P. No.10934/2021 wherein the Hon. Court passed its order dated 27.09.2021 quashed the withdrawal order dated 10.07.2020 of the NRC. The Hon. Court also directed the NRC to treat the appellant institution as recognised, ever since. A copy of order dt. 27.09.2021 of the Hon'ble Court is enclosed as Enclosure 4. (vi). That thereafter, the NRC again took up the matter of the appellant institution in 365th Meeting and issued the withdrawal order dated 08.04.2022 withdrawing recognition of the appellant institution from the end of academic session 2022-23. (vii). That once the status of our institution was restored by the NRC as the earlier withdrawal order was quashed by the Hon. High Court, therefore, matter of our institution was required to be considered afresh by NRC and thus, NRC was required to issue another Show Cause Notice in terms of SOP issued by NCTE. (viii). That so far as the aforesaid deficiencies are concerned, it is submitted that all the deficiencies are inter-related and concerned with the faculty, their salary, updating of faculty list on website and non-updating of website accordingly. (ix). That it is submitted that appellant institution has adequate number of faculties for running B.Ed. course of two units, approval whereof have been granted by the Dr. B.R.A. University, Agra from time to time. A copy of approvals granted from the University are enclosed as Enclosure 5. (x). That so far as the salary

statement of faculty members of appellant institution is concerned, the appellant institution is paying salary to all its faculty through Bank. A copy of bank statement showing disbursement of salary to the appointed staff of appellant institution is enclosed as Enclosure 6. (xi). That it is submitted that though, appellant institution has adequate number of faculty, however, as per direction of the NRC, appellant institution vide its letter dated 26.04.2022 has requested the B.R.A. university to nominate the subject experts for according the fresh / latest approval of faculty of the appellant institution. (xii). That it is submitted that the appellant institution had also submitted a list of 16 faculties in response to show cause notice. The said list is also duly approved by affiliating university and the NRC cannot ignore the same. A copy of list of faculty approved by the affiliating university is enclosed as Enclosure 7. (xiii). That the approval of faculty from affiliating body is a long process which includes the submission of application before the affiliating body alongwith other supporting documents including separate affidavits of faculties and their educational testimonials which, the committee constituted by the affiliating body for the said purpose, considers the same and recommends thereafter for approval of the faculty and on recommendations of such committee, the affiliating body accord its approval to the faculty. (xiv). That it is submitted that procedure of fresh approval of faculty will take approx. six months to complete and the appellant institution has published the advisements in newspaper on 10.04.2022 for appointment of additional faculty. (xv). That renewal of approval of the faculty, is a long and time taking process and is likely to consume approx. 6 months' time as the affiliating body at present, is engaged with counselling & admission process for the present academic session 2022-23. The approval of faculty is a long process and the same is beyond the control of the petitioner institution. (xvi). That so far as the deficiencies pointed out in withdrawal order are concerned, it is submitted that the same are inter-related and once the renewed and approved list of faculties is issued by the affiliating university, the same will match with the salary statement submitted to NRC earlier and accordingly, the said renewed and approved list will be uploaded on the website and accordingly, the website will be updated. (xvii). That it is submitted that since no 2nd show cause notice is issued to appellant institution, therefore, the appellant institution vide letters dated 16.06.2022 and 22.07.2022 has submitted the

documents to NRC, however, no response is received from NRC. Accordingly, appellant institution is filing the instant appeal with a short delay. (xviii). That it is submitted that the appellant institution is running since the year 2003 and does not lack any infrastructural and instructional facilities required as per the NCTE norms and the NRC itself have issued the recognition / revised recognition order to the appellant institution for B.Ed. course. (xix). That it is submitted that thus, withdrawal order dated 08.04.2022 of NRC is not maintainable and the appeal committee is requested to revert the decision taken by NRC with further direction to NRC to restore the recognition of appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by the NRC. (xx). The appeal is being filed with a short delay as some time has been consumed in following the process of subject experts, which is in the administrative control of the affiliating university. The appellant institution vide its letters dated 16.06.2022 & 15.07.2022, had informed the said aspect to NRC / NCTE and sought extension of time for submission of appeal. A copy of letters dated 16.06.2022 & 15.07.2022 is enclosed as Enclosure 8. (xxi). That, therefore, appellant institution is preferring the online appeal u/s 18 of the NCTE Act, 1993.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 3rd Meeting, 2024 held online on 8th February, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 120 students vide order dated 10.01.2003. In light of NCTE Regulations, 2014 Revised Recognition order dated 05.06.2015 for B.Ed. course of two years duration with an annual intake of two units of 50 student each was issued to the institution with certain conditions. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 10.07.2020. Thereafter, the institution filed a W.P.(C) 5317/202 & CM 19193/2020 dated 16.09.2020 against the NCTE order dated 10.07.2020 before the Hon'ble High Court of Delhi at New Delhi. Furthermore, the institution filed an Appeal before the Appeal

Committee against the NRC/order dated 10.07.2020 and appeal Committee vide order dated 10.11.2020 remanded back the matter to NRC. Thereafter, NRC vide order dated 08.04.2022 withdraw the recognition of the appellant institution from the end of the academic session 2022-23.

The Appeal Committee further noted that the instant matter was placed in 11th Meeting, 2022 of Appellate Committee held on 29.12.2022. The Appellate Committee vide order dated 11.01.2023. rejected the appeal of the appellant institution. The relevant portion of the said order is being produced hereunder: -

"The Appeal Committee in its 11th meeting held on 29.12.2022 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution has not submitted latest approved faculty list approved by affiliating University. The institution has submitted photocopy of faculty through email dt 29.12.2022, however, this is not approved by affiliating University.***

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 08.04.2022 issued by NRC 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 that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 08.04.2022 issued by NRC is confirmed."

The Appeal Committee further noted that the petitioner institution has filed a W.P.(C) 3347/2023 in the Hon'ble High Court of Delhi at New Delhi against the Appeal Order dated 11.01.2023 i.e., rejecting the appeal of the appellant institution. The Hon'ble Court vide order dated 27.07.2023 directed as under:

"....7. The letter dated 14.08.2020 which has been placed on record as Annexure P-19 (Colly) indicates that Dr. Bhimrao Ambedkar Vishwavidyalaya, Agra i.e., the affiliating University has approved the list of faculty of the petitioner-institution. It



is thus seen that the order passed by the AC does not take into consideration the documents produced by the petitioner-institution.

8. This court at this stage, deems it appropriate to set aside the order passed by the AC dated 11.01.2023 and remit the matter back for fresh consideration before the said authority.

9. The petitioner-institution is directed to submit the representation along with all relevant documents (hard copy) in original to satisfy the AC that the list of faculty has been approved by the affiliating University.

10. Let the AC to consider the same and decide the appeal afresh within a period of 30 days from the date of receipt of the representation."

The Appeal committee noted that the instant matter was placed in 13th Meeting, 2023 & 14th Meeting, 2023 held on 19.10.2023 & 04.11.2023 respectively. However, on both the dates nobody from the appellant institution appeared before the Appeal Committee. Thereafter, the matter was again taken up by the Appellate Committee in its 15th Meeting, 2023 held on 05.12.2023 whereby the Appeal Committee decided to defer the matter of the appellant institution.

The Appeal Committee noted that the instant matter was again placed before the Appellate Committee in its 1st Appeal Committee Meeting, 2024 held on 11.01.2024 and the Committee noted that the Appellant Institute has failed to appear before the online meeting. However, the Committee observed that the institution had submitted the documents. In order to authenticate the decision of the Appellate Committee, the said documents shall be placed before the committee in its upcoming meeting and the Appeal Committee concluded to defer the matter for the 2nd Appeal Committee meeting (2024) so that requisite documents submitted by the appellant institution are perused by the Committee.

The Appeal Committee noted that the instant matter was again taken up by the Appellate Committee in its 2nd Meeting, 2024 held on 25.01.2024 whereby the Appeal Committee decided to grant last (final) opportunity to the institution and the institution was required to submit the documents mentioned therein.



The Appeal Committee in its 3rd Meeting, 2024 held on 08.02.2024 noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of Faculty list (1+15) members approved by the affiliating University as per provisions of NCTE Regulation, 2014 alongwith statement of salary disbursement. & copy of certificates of academic & professional educational qualification viz. B.Ed., M.Ed. etc.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 08.04.2022 and keeping in view, the Hon'ble High Court of Delhi Judgment dated 23.02.2017 passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. **The NRC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.**

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 is clearly spelt out so that the institution is not compelled to approach the Court in this manner."



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.”

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 08.04.2022 is set-aside as the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to NRC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to NRC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as

per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Smt. Gomati Smarak Vigyan Mahavidyalaya, 128,298, Nawab Nagar, Parson, Etah, Uttar Pradesh-207001.**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.**



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 27/02/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-224/E-323742/2023 Appeal/3rd Meeting, 2024
APPLNRC202314740

| | | |
|---|------------------|--|
| Dr. B.R. Ambedkar Mahavidyalaya, 1790, 1791, Girwan, Naraini Road, Banda, Uttar Pradesh-210001 | <u>Vs</u> | Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. |
| APPELLANT | | RESPONDENT |

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| Representative of Appellant | Mr. Hafeez Ahmad, Office Admin |
| Respondent by | Regional Director, NRC |
| Date of Hearing | 08.02.2024 |
| Date of Pronouncement | 27.02.2024 |

Signature

आदेश/ ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Dr. B.R. Ambedkar Mahavidyalaya, 1790, 1791, Girwan, Naraini Road, Banda, Uttar Pradesh-210001** dated 01.12.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NRC/NCTE/UP-3125-B.Ed./411th (Blended Mode) Meeting/2023/ (223602-223608)** dated 07.10.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted latest certified land documents issued by Revenue authority. (ii). The institution has not submitted building plan approved by Govt. Engineer. (iii). As per building plan total built up area 3102.84 sqm for B.Ed. two units, D.El.Ed. One unit and B.El.Ed. course one unit and other BA course which is not sufficient for all courses. (iv). The institution has not submitted latest non-Encumbrance certificate issued by the concerned Govt. Authority. (v). The institution has not submitted FDRs Rs. 5 lacs and 7 lacs towards Reserve Fund and Endowment Fund. (vi). As per affidavit submitted by the institution One Principal and Six lecturers mentioned no. of faculty for Physical Education, Fine Art and Music appointed by the institution. (vii). As per affidavit dated 17.08.2023 the institution mentioned that B.Ed. two years duration 100 intake officer at present for 100 seats of two years duration One Principal and 15 lecturers required. As on date the institution has not appointed faculty for one basic unit for B.Ed. course of two years duration. (viii). The institution has not adhered to the mandatory disclosure in the prescribed format and display up to date information on its official website as per NCTE Regulations 8(14) condition for grant of recognitions as per NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Hafeez Ahmad, Office Admin of Dr. B.R. Ambedkar Mahavidyalaya, 1790, 1791, Girwan, Naraini Road, Banda, Uttar Pradesh-210001 appeared online to present the case of the appellant institution on 08.02.2024. In the appeal report, it is submitted that “(i). A copy of latest certified land document issued on dated 18.09.2023 by Revenue Authority (Sub Registrar Officer) Banda. Annexure-1. (ii). A copy of the

building plan approved by Govt. Engineer of UP. Annexure-2. (iii). A copy of the building plan has been attached. The total built up area is 3531.60 sq.mt. as mentioned in the building plan. Which fulfils the criteria of having intake of one unit. (B.Ed., D.El.Ed., B.El.Ed.) and other BA in either course. Annexure-3. (iv). A copy of statement of Encumbrance on property issued by Tehsildar, Naraini Banda. Annexure-4. (v). A copy of Form "A" along with copies of FDRs towards endowment fund and Reserve fund. Annexure-5. (vi). A copy of faculty (1+7) members approved by the Registrar, Bundelkhand University, Jhansi as per provision of NCTE Regulation, 2014. Faculty for physical Education, Fine Art and Music have been appointed by the institution in B.El.Ed. course who is on sharing basis in B.Ed. course. Annexure-6. (vii). As applied for B.Ed. two years duration with annual intake of 50 students (one unit). There is "No required" B.Ed. two years duration with annual intake of 100 students (Two Unit). Annexure-7. (viii). A copy of screenshot of website as per NCTE Regulation 8(14) condition as per NCTE Regulation, 2014. Annexure-8."

III. OUTCOME OF THE CASE

The Appeal Committee in its 3rd Meeting, 2024 held online on 8th February, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 30.05.2012. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 07.10.2023.

The Appeal Committee noted that the matter was taken up by the Appellate Committee in its 1st Meeting, 2024 held on 11.01.2024 whereby the Appeal Committee decided to grant 2nd Opp. to the institution and the Appellate Institution was required to submit the documents mentioned therein.

The Appeal Committee noted that the instant matter was again taken up by the Appellate Committee in its 2nd Meeting, 2024 held on 25.01.2024 whereby the Appeal Committee of the Council concluded that the Appeal is kept pending till the report is submitted by NRC.

The Appeal Committee noted that the NRC vide letter dated 07.02.2024 submitted its report wherein the following has been informed: -

- (i) *A copy of the letter dated 27.10.2015 has also been found in record vide which the institution has requested that it desires for recognition of only 1 unit of B.Ed. course.*
- (ii) *Perusal of record shows that the institution submitted a letter dated 27.10.2015 alongwith an Affidavit after promulgation of NCTE Regulations, 2014 for retaining its B.Ed. course of 2 years' duration with an annual intake of 50 (one unit).*

The Appeal Committee in its 3rd Meeting, 2024 held on 08.02.2024 noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of faculty list (1+8) members dated 02.12.2023 approved by the affiliating University as per provisions of NCTE Regulation, 2014 alongwith statement of salary disbursement to the faculty & a copy of certificates of academic & professional educational qualification viz. B.Ed., M.Ed. etc.
- (ii) A copy of Form 'A', land documents, Building Plan & Non-Encumbrance Certificate etc.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 07.10.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Northern

Regional Committee and decision taken accordingly. The NRC, NCTE is further directed to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

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 is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

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."

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 07.10.2023 is set-aside as the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to NRC with the direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution. The Appellant institution

is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to NRC with a direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Dr. B.R. Ambedkar Mahavidyalaya, 1790, 1791, Girwan, Naraini Road, Banda, Uttar Pradesh-210001.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 27/02/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-72/E-299496/2023 Appeal/3rd Meeting, 2024
APPLERC202314577

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| DAV College of Teacher Education, Khata No. - 112, Plot No. - 445, Kumbha - II, Kumbha - II Road, Koraput, Odisha-764020 | <u>Vs</u> | Eastern Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi -110075 |
| APPELLANT | | RESPONDENT |

| | |
|-----------------------------|---|
| Representative of Appellant | Assistant Professor of the institution. |
| Respondent by | Regional Director, ERC |
| Date of Hearing | 08.02.2024 |
| Date of Pronouncement | 27.02.2024 |

आदेश/ ORDER

I. GROUND OFS OF WITHDRAWAL

The appeal of DAV College of Teacher Education, Khata No. - 112, Plot No. - 445, Kumbha - II, Kumbha - II Road, Koraput, Odisha-764020 dated 23.03.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No.ER-274.14.38/(OR-S/E-17/96 & ERCAPP1865)/B.Ed./2019/61178 dated 05.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i). Faculty list comprises 1+6 instead of 1+15 as per NCTE Regulations, 2014.

II. SUBMISSIONS MADE BY APPELLANT: -

Assistant Professor of DAV College of Teacher Education, Khata No. - 112, Plot No. - 445, Kumbha - II, Kumbha - II Road, Koraput, Odisha-764020 appeared online to present the case of the appellant institution on 08.02.2024. In the appeal report, it is submitted that "This appeal has been made for grant of recognition for two years B.Ed. programme as the faculties have already been posted to this college by the Government of Odisha."

III. OUTCOME OF THE CASE

The Appeal Committee in its 3rd Meeting, 2024 held online on 8th February, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 24.02.2014. Thereafter, a revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide its order dated 05.08.2019.



The Appeal Committee noted that the SRC had withdrawn the recognition of the appellant institution vide order dated 05.08.2019 against which the appellant institution has preferred an appeal dated 15.10.2019 and same was rejected by the Appeal Committee vide order dated 13.12.2019 on the grounds that: -

“The appellant institution has not been able to appoint faculty required for an intake of 100 seats as per Norms and Standards (Appendix-IV) of NCTE Regulations, 2014. Even on the date of appeal hearing, the appellant did not have the required number of faculty. Appeal Committee considers that appointment of faculty possessing requisite qualifications and experience with the approval of affiliating body is utmost essential for smooth conducting of the course. Since, the appellant institution has failed to comply with the NCTE Regulations, even after getting two Show Cause Notice (SCNs), Appeal Committee decided to confirm the withdrawal order dated 05.08.2019.”

The Appeal Committee noted that the Appellant institution again preferred a fresh appeal dt. 23.03.2023 against the withdrawal order dt. 05.08.2019 passed by the ERC as the inference can be drawn from the Appeal Report submitted by the institution.

The Appeal Committee in its 3rd Meeting, 2024 held on 08.02.2024 noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of faculty list (1+16) members dated 25.08.2023 approved by the Registrar, Vikram Dev University, Jeypore as per provisions of NCTE Regulation, 2014.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 05.08.2019 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled **“Rambha College of Education V/s NCTE”** wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be examined and verified by



the **Eastern Regional Committee, NCTE** as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

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 is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

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.”

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 05.08.2019 is set-aside as the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC with a direction to verify the submitted documents filed by the Appellant institution with Appeal from the records available with ERC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary



action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC with a direction to verify the submitted documents filed by the Appellant institution with Appeal from the records available with ERC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee


उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. The Principal, DAV College of Teacher Education, Khata No. - 112, Plot No. - 445, Kumbha - II, Kumbha - II Road, Koraput, Odisha-764020.
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 Odisha.