एनसीटीई अपीलीय 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 - 16.12.2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
89-72/E-349415/2024 Appeal/13th Meeting, 2024
APPLSRC202414826

Sree Rama College of Education, Survey no. 242, 198/5 6b, 8, Village - Sreenivasapuram, Street/Road- Tiruchanoor Road, Taluka/Mandal- Tirupati, District - Chittoor, Andhra Pradesh-517503. **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Mr. Dega Vara Kumar, Secretary & Correspondent**
Respondent by	**Regional Director, SRC**
Date of Hearing	18.11.2024
Date of Pronouncement	16.12.2024

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Sree Rama College of Education, Survey no. 242, 198/5 6b, 8, Village - Sreenivasapuram, Street/Road-Tiruchanoor Road, Taluka/Mandal-Tirupati, District - Chittoor, Andhra Pradesh-517503** dated 26.10.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APS02935/B.Ed. /{AP}/2020/120541-0548** dated 06.11.2020 of the Southern Regional Committee, withdrawing the recognition for conducting B.Ed. Programme on the grounds that "The institution has submitted notarized copy of Land Document, but certified copy is not submitted. (i) **There is variation in survey no. between Land Documents submitted at the time of Recognition in which survey no. mentioned as 198/5, 6b, 8, 208/11, 207/9, 207/7 and now submitted Land Document bearing survey 242. 2.** The institution has submitted notarized copy of Site plan but not approved by competent authority. **(i) Site area not mentioned. (ii) Survey No. not mentioned.** 3. The institution has failed to submit latest copy of Faculty list as per NCTE Regulations, 2014."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Dega Vara Kumar, Secretary & Correspondent of Sree Rama College of Education, Survey no. 242, 198/5 6b, 8, Village - Sreenivasapuram, Street/Road-Tiruchanoor Road, Taluka/Mandal-Tirupati, District - Chittoor, Andhra Pradesh-517503 appeared online to present the case of the appellant institution on 18.11.2024. In the appeal report, it is submitted that "(i) Certified copies of land documents submitted. (ii) Approved site plan is submitted. (iii) Latest copy of qualified faculty submitted."

III. OUTCOME OF THE CASE

The Appeal Committee in its 13th Meeting, 2024 held online on 18th November, 2024 perused the Appeal Report, documents available on the records and heard oral arguments advanced during the Meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course of one year duration with an annual intake of 100 students vide order dated 28.04.2005. After promulgation of NCTE Regulations, 2014, the institution by consented to come under new Regulations vide a notarized affidavit dt. 19.01.2015. A Revised Provisional Recognition Order was issued to the institution on 06.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 students (two units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 06.11.2020.

The Appeal Committee during the on-line hearing held on 18.11.2024 *viz a viz* the documents submitted by the Appellant alongwith Appeal report and submission made therein noted that the SRC had withdrawn the recognition of the appellant institution vide order dated 06.11.2020 against which the appellant institution has preferred an appeal dated 26.10.2024. The Appeal Committee observed that the Appeal suffers from enormous delay of 3 years 11 months & 20 days which is unreasonable and without any proper justification. The appellant institution has also failed to show any sufficient cause for the enormous delay. Hence, as per the extant Rules & Regulation of the NCTE, the Appeal Committee decided not to condone delay without any reasonable cause. As such, it is a fit case for non-admission of the Appeal on ground of delay and laches.

Noting and submission and verbal arguments advanced during the online hearing, the Appeal Committee of the Council decided that the present Appeal is not admitted, and withdrawal order dated 06.11.2020 issued by SRC 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 present Appeal is not admitted, and withdrawal order dated 06.11.2020 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, Sree Rama College of Education, Survey no. 242, 198/5 6b, 8, Village - Sreenivasapuram, Street/Road-Tiruchanoor Road, Taluka/Mandal-Tirupati, District - Chittoor, Andhra Pradesh-517503.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Andhra Pradesh State Council of Higher Education, 3rd, 4th and 5th floors, Neeladri Towers, Sri Ram Nagar, 6th Battalion Road, Atmakur(V), Mangalagiri(M), Guntur-522503

एनसीटीई अपीलीय 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 - 16.12.2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
89-65/E-345899/2024 Appeal/13th Meeting, 2024
APPLWRC202414815

Shree Jivan Jyoti Trust, Survey no. 217/Paiki 3, Village - Vaghela, Taluka/Mandal - Wadhwan, District - Surendranagar, Gujarat - 363030. **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Mr. Foram Vora, Managing Trustee**
Respondent by	**Regional Director, WRC**
Date of Hearing	18.11.2024
Date of Pronouncement	16.12.2024

आदेश/ ORDER

I. GROUNDS OF REFUSAL

The appeal of **Shree Jivan Jyoti Trust, Survey no. 217/Paiki 3, Village - Vaghela, Taluka/Mandal - Wadhwan, District - Surendranagar, Gujarat – 363030** dated 09.09.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE/WRC/2526202402101202/Gujarat/2024/Rejc/202** dated 12.07.2024 of the Western Regional Committee, Refused the recognition for conducting ITEP Programme on the grounds that "1. As per the details provided by the institution on the transition portal, the institution is not recognized for 4-year Integrated B.A.B.Ed./B.Sc.B.Ed. course by NCTE. 2. As per the details provided by the institution on the transition portal, the name of the institution mentioned in the recognition order for 4-year Integrated B.A.B.Ed./B.Sc.B.Ed. course (as applicable) by NCTE does not match with the name mentioned in the transition application."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Foram Vora, Managing Trustee of Shree Jivan Jyoti Trust, Survey no. 217/Paiki 3, Village - Vaghela, Taluka/Mandal - Wadhwan, District - Surendranagar, Gujarat – 363030 appeared online to present the case of the appellant institution on 18.11.2024. In the appeal report, it is submitted that "1. Hereby, it is submitted from institution that "Shree Jivan Jyoti Trust, Vaghela, at: Vaghela, Taluka: Wadhwan, Dist: Surendranagar, Gujarat", was recognised by WRC, NCTE for B.A. B.Ed. (Integrated) course to run as Girl's institution, for 1 unit (50 intake) by Recognition order no. WRC/5-6/98th/2007/C-19567 dated 17.07.2007 with College Code number: 323344. NCTE the Recognition was granted to institution in the name of Parent Trust and not in the name of proposed name of college. Since then, the institution has continued to received all letters from NCTE by Parent Trust name only (above mentioned). 2. In Addition to this, institution in year 2020 has applied for running the institution as a Co-Education Course, (changing from Girls to Co-Ed Programme) to WRC, NCTE (Copy Enclosed). In this application for "Co-ed" purpose, institution has corresponded to WRC multiple times referring the institution name as mentioned in ITEP Application. Thereafter, WRC, NCTE has issued

order granting recognition of Co-Ed programme by order no: F. No. WRC/NCTE/APW03088/323344/B.A. B.Ed./329th/2021/214928 dated 09.03.2021 to the institution by the same name of the institution which was mentioned in the first recognition order of 17.07.2007 (as mentioned Above in Para 1). The institution was granted the conversion of B.A. B.Ed. course from Girls to Co-Education, without pointing out the name in the application to be found out as a deficiency. 3. No Objection Certificate for applying for ITEP course in NCTE from Saurashtra University has been obtained by the college in the name in which mentioned in ITEP application. 4. The institution also runs other courses such as BA, B.Com & B.Sc. and D.El.Ed. (Teacher Education Programme) course along with B.A. B.Ed. institution that fulfils criteria for ITEP. 5. We would like to state that with Academic Excellence and continuous improvements the students from our institution have received Gold Medals from the affiliated university consecutively since last few years. Concisely, the college has maintained the quality standards required to conduct the B.A. B.Ed. course. 6. With all above references, the institution upholds that standard laid by NCTE for the foresaid course, we request the Appeal Committee to take appropriate and holistic action regarding the matter in the manner that does not harm the interest of the students and give an opportunity to rectify the mistake inadvertently made by the institution."

III. OUTCOME OF THE CASE

The Appeal Committee in its 13th Meeting, 2024 held online on 18th November, 2024 perused the Appeal Report, documents available on the records and heard oral arguments advanced during the Meeting.

The Appeal Committee noted that the appellant institution had submitted an application to the Western Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 05.03.2024. The recognition of the institution for ITEP programme was refused by the WRC vide order dated 12.07.2024.

The instant matter was placed in its 13th Meeting, 2024 held on 18.11.2024. The Appeal Committed noted that the institution vide letter dated 09.09.2024 submitted a copy of recognition order vide order No. WRC/5-6/98th/2007/C-19567 dated 17.07.2007 was

issued by the WRC, NCTE. The Saurashtra University, Rajkot has granted the affiliation to the institution and also the Appeal Committee observed that the institution during the hearing of the Appeal submitted the following: -

"The institution is duly affiliated with Suarashtra University for the 4-year course and is continuing to do so. (Affiliation Order of Saurasthra University are enclosed herewith for ready reference.

It is submitted from institution that "Shree Jivan Jyoti Trust, Vaghela, at: Vaghela Taluka: Wadhwan, Dist: Surendranagar, Gujarat", was recognized by WRC, NCTE for B.A. B.Ed. (Integrated) course to run as GIRLS institution, for 1 unit (50 intake) by Recognition Order No: WRC/5-6h/2007/c-1956ed 17.07.2007. he recognition ed to institution in the name of Present Trust and not in the name of proposed name of college. Since then, the institution has continued to receive all letters by Parent Trust name only (above mentioned). It is submitted that even the name of the trust has been inadvertently mentioned as "Shree Jivan Jyoti Trust" whereas the correct and actual name of the trust is ***"Shri Jivan Jyot Trust". This error has crept in since the very inception of the institution i.e., from the year 2007****. Attention is drawn toward all the communications as well the application form of the appellant mentioning the correct and actual name of the parent trust. It is further important to mention that name of the proposed college has not been mentioned in the recognition order whereas it is matter of record that since 2007 the affiliating body of the appellant has granted affiliation in the name of "Shri Jivan Jyot Trust, Shri Jivan Jyot Mahila B.A. B.Ed. College. (Copies of the affiliations order so issued are placed on records).*

It is most respectfully submitted that the error in the name of the trust as well as that of the college name may be corrected to avoid further confusion. If demanded NCTE for the aforesaid error the appellant will undertake to file an affidavit in this regard, along with board resolution of the trust.

The institution in year 2020 had applied for running the institution as a Co-Education Course, to WRC, NCTE (Copy enclosed). In this application for "Co-ed" purpose, Institution had corresponded to WRC multiple times referring the Institution name as "Shri Jivan Jyot Mahila B.A. B.Ed. College." And the same can be verified from the records and documents placed on record.

Thereafter, WRC, NCTE had issued Order by F.No.WRC/NCTE/APW03088/323344/B.A. B.Ed./329th /2021/214928 dated 09.03.2021, to the institution by the same name of the institution which was mentioned in the first recognition order of 2007 (as mentioned Above in Para 1).
The institution was allowed to run as Co-Education from Girls, without pointing out any deficiency with respect to the name of the institution which is ***Shri Jivan Jyot Mahila B.A. B.Ed. College****. After that, the institution had requested WRC to mention the name of the College in addition to the name of Parent Trust in the order for Co-Education, however the same has not been done.*
The institution is having Affiliation with "Saurashtra University- Rajkot" at Gujarat by the name which is mentioned in the ITEP Application. (Cop of affiliation orders are placed on records.)

In addition to this, we would like to state that in the year 2016 seeking the Additional Intake of One Unit, (50) students an application was made by the Institution to WRC, and vide order No. F. No. WRC/APP8915/B.A. B.Ed. (Integrated)/271st/Guj./2017/182655, dated 29-3-2017, WRC has refused as per regulations laid by NCTE. Furthermore, Appeal for the foresaid refusal order was raised with Appeal ID: APPL11591, dated 30-4-2017 by the Institution that too Appeal Committee upheld the order of the WRC. It is submitted that the name of the trust and that of the institution is clearly mentioned in the application form, refusal order and the appeal order as ***Shri Jivan Jyot Trust*** *and college name as* ***Shri Jivan Jyot Mahila B.A. B.Ed. College.***

The institution multiple courses such as, B.A., B.COM, B.SC and D.El.Ed. (Teacher Education Programme) course along with B.A. B.Ed. Institution that fulfils criteria for ITEP. (Recognition and Affiliation orders placed on records).

No Objection Certificate for applying for ITEP course in NCTE from Saurashtra University has been obtained by the college in the name in which mentioned in ITEP application. (Copy placed on Records)."

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC **with a direction to verify the issue and if a recognition order has been issued by the WRC, NCTE to the Shri Jivan Jyoti Trust** ***(as per copies of recognition order dated 17.07.2007 and subsequent order dated 09.03.2021 submitted by the institution)*** **for running B.A. B.Ed./B.Sc. B.Ed. programme then appropriate action shall be taken by the WRC in order to rectify the mistake which is inadvertently made by the institution while applying for ITEP programme through online portal after verifying the documents submitted before the Appeal Committee.** The Appellant institution is directed to forward the documents submitted in appeal within 15 days from the receipt of order of the Appeal to the WRC, and after receipt of the same, the WRC 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 WRC with a direction to verify the issue and if a recognition order has been issued by the WRC, NCTE to Shri Jivan Jyoti Trust *(as per copies of recognition order dated 17.07.2007 and subsequent order dated 09.03.2021 submitted by the institution)* for running B.A. B.Ed./B.Sc. B.Ed. programme then appropriate action shall be taken by the WRC in order to rectify the mistake which has inadvertently made by the institution while applying for ITEP programme through online portal after verifying the documents submitted before the Appeal Committee. The Appellant institution is directed to forward the documents submitted in appeal within 15 days from the receipt of order of the Appeal to the WRC, and after receipt of the same, the WRC 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, Shree Jivan Jyoti Trust, Survey no. 217/Paiki 3, Village - Vaghela, Taluka/Mandal - Wadhwan, District - Surendranagar, Gujarat – 363030.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Principal Secretary (Higher & Technical Education) Colleges & Universities, Block No. 5, 8th, Floor, Sachivalaya, Gandhinagar, Gujarat-382010.

एनसीटीई अपीलीय 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 - 16.12.2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
89-69/E-347926/2024 Appeal/13th Meeting, 2024
APPLWRC202414820

Jai Ganesh Education Foundation College of Education, Village - Narhe, Post Office - Dhayari, Taluka/Mandal - Haveli, District - Pune, Maharashtra – 411041. **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Dr. Sudhakar Uddhavrao Jadhavar, Secretary**
Respondent by	**Regional Director, WRC**
Date of Hearing	18.11.2024
Date of Pronouncement	16.12.2024

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Jai Ganesh Education Foundation College of Education, Village - Narhe, Post Office - Dhayari, Taluka/Mandal - Haveli, District - Pune, Maharashtra – 411041** dated 27.09.2024 filed under Section 18 of NCTE Act, 1993 is against the Order no. **F. No. NCTE/WRC/APW04503/123547/405thMeeting/MH/2024/225398** dated 13.08.2024 of the Western Regional Committee, withdrawing the recognition for conducting B.Ed. Programme on the grounds that "In obedience of Court Order dated 09.05.2024 in W.P (C) No. 6463/2021 passed by the Hon'ble High Court of Bombay, the institution has submitted a reply in accordance with decision taken by WRC as per Minutes of 403rd Meeting held on 2nd & 3rd May, 2024 uploaded on website vide letter dated 28.05.2024 received on 05.06.2024. The Committee observed that the institution is still deficient on the following grounds: - (i). The institution has submitted lease deed registered on 21.12.2021 for a period of 33 years from Aditya Educational Foundation i.e., Private Party for Survey no. 42 for which institution has submitted Building Plan and Building Completion Certificate, these land documents are not in accordance with the NCTE Regulation 2014. (ii). The Building Plan is not approved by the Competent authority of State Govt. (iii). The institution has submitted Building Plan and Building Completion Certificate for Survey no. 42 whereas the initial recognition was granted by NCTE at Survey no. 64. The institution has shifted to new premises/building without prior approval of NCTE. (iv). Building Safety Certificate is not submitted. (v). Fire Safety Certificate is not submitted. (vi). The Change of Land Use Certificate from Competent Authority of State Govt. is not submitted. (vii). The Building Completion Certificate submitted is not certified from the Competent Authority of State Govt. (viii). The Non-Encumbrance Certificate is not issued from the Competent Authority of State Govt. (ix). Building Disabled Friendly Certificate is not submitted. (x). The list of faculty/teaching staff approved by the affiliating body is not submitted. (xi). The salary statement of staff for the last six months is not submitted. (xii). The copies of FDRs submitted are matured after which the institution has not submitted renewed FDRs towards Endowment and Reserve Fund including Form 'A' issued by the concerned bank."

II. **SUBMISSIONS MADE BY APPELLANT: -**

Dr. Sudhakar Uddhavrao Jadhavar, Secretary of Jai Ganesh Education Foundation College of Education, Village - Narhe, Post Office - Dhayari, Taluka/Mandal - Haveli, District - Pune, Maharashtra – 411041 appeared online to present the case of the appellant institution on 18.11.2024. In the appeal report, it is submitted that "1. The documents submitted by appellant to respondent are as per the mandate provided by the NCTE, Regulation, 2014. The copies of the land documents submitted as per NCTE Regulation, 2024 by Appellant to Respondent is annexed with the memo of this Appeal as Exhibit-"I". 2. The copy of the building plan is annexed with the memo of this appeal as Exhibit – "J" Section by govt. local authority i.e., Gram Panchayat. 3. The respondent has erred in finding that the institution has shifted to new premises building without prior approval of NCTE. In fact, survey no. 64 is the address of trust office of the appellant for official communication and the institution is running from survey no. 42 since its opening from the academic year, 2008 the copies of the official address of the trust at survey no. 64 is annexed with the memo of this appeal as Exhibit – "K" 4. The appellant has submitted the submitted the said certificate to respondent. The copy of the Building certificate is annexed with the memo of this appeal as Exhibit "I". 5. The appellant in fact fire certificate was submitted by Appellant. The copy of the Fire Certificate is annexed with the memo of this appeal as Exhibit –"m". 6. The Appellant has submitted. The copy of the change of Land Use Certificate is annexed with the memo of this appeal as Exhibit –"n". 7. The Appellant in fact the said Certificate was submitted by Appellant. The copy of the Building Completion Certificate certified from Competent Authority of State Government is annexed with the memo of this Appeal as Exhibit – "o". 8. The Non-Encumbrance Certificate was submitted by the Appellant. The copy of the Non-Encumbrance Certificate issued from the Competent Authority of State Government is annexed with the Memo of this appeal as Exhibit-"P". 9.The Building Disabled friendly Certificate was submitted by the Appellant. The copy of the Building Disabled friendly certificate is annexed with the memo of this appeal as Exhibit – "q". 10. The list of faculty/teaching staff approved by the affiliating body was submitted by the appellant. The copy of the list of faculty/teaching staff is annexed with the memo of this appeal as exhibit-"r" 11. The Salary statement of staff for the last six months was submitted by the Appellant of the staff for the last six months is annexed with the memo of this appeal as exhibit – "s" 12. The copy of the renewed FDRs towards endowment and Reserve fund including form 'A' issued by the concerned bank is annexed with the memo of this appeal as exhibit – "t" 13. That the Respondent ought to have considered on the basis of the documents submitted by the Appellant that there are no

deficiencies as such in the Appellants institution, as mentioned in the impugned order. 14. That the Respondent has not considered the fact that by an order dated 09.05.2024 the Hon'ble Bombay High Court has never directed the respondent to withdraw the recognition of the Appellant and the said matter is still pending for final adjudication. The copy of the order dated 09.05.2024 passed by the Hon'ble High of Bombay is annexed with the memo of this Appeal as Exhibit-"G" 15. That the Respondent has not taken into consideration the fact that in reply dated 18.04.2024 filed by the Appellant the required documents were submitted by the Appellant. 16. That Appellant had applied to the Regional Committee under Section 14 of the National Council for Teacher Education Act, 1993 (73 of 1993) for recognition and since the academic year 2008 is annexed with the memo of this Appeal as Exhibit – "A". It is pertinent to note that the communication of recognition to B.Ed. course by NCTE was made on the address of Trust Office as mentioned in the cause title. The name of the Trust is Jai Ganesh Educational Foundation, Pune and the Office address of the trust is Indraprastha Krantinagar, Sinhagad Road, Sr. No. 64, Vadgaon Budurk, Pune- 411041. The name of the college to which recognition was given is Jai Ganesh College of Education, which is situated at Manaji Nagar, Narhe Road, Survey no. 42, Pune 41, Even the affiliating body, Pune University has given affiliating body, Pune University has given affiliation on the said address of college. The Gram Panchayat and Talathi has also issued a Certificate stating that the address of the college is in Survey no. 42, Narhe, Taluka Haveli District, Pune. The copy of the affiliation issued by Pune University in the year 2008 till today is annexed with the memo of this Appeal as, Exhibit-B, Colly." 17. That till April, 2024 the college had not received any communication from the NCTE regarding any Show Cause Notice. Hence, on 10.04.2024, the College sent one email to the NCTE requesting to send the copy of the notice. The copy of the email sent by college to NCTE is annexed with the memo of this Appeal as Exhibit – "C". In view of that the Final Show Cause Notice dated 12.04.2024 was sent by the NCTE to the Appellant. The copy of the Final Show Cause Notice issued by respondent is annexed with the memo of this Appeal as Exhibit – "D". The Appellant submitted the reply to the Final Show Cause Notice dated12.04.2024 sent by respondent, on 18.04.2024 wherein documents in compliance to the Show Cause Notice came to be submitted to the respondent. The copy of the reply dated 18.04.2024 by Appellant is annexed with the memo of this Appeal as Exhibit- "E". Again, the reply dated 28.05.2024 was submitted by the Appellant to the respondent. The copy of the reply dated 28.05.2024 by Appellant is annexed with the memo of this Appeal as Exhibit – "F". 18. In Pursuance of the order dated 09/05/2024 in Writ Petition No. 6463 of 2021 passed by the Hon'ble High Court of Bombay, and the reply submitted by the Appellant as mentioned in Exhibit B and C above, the respondent has observed that the Appellant is still having deficiencies,

i.e., the land documents are not in accordance with the NCTE Regulation, 2014, the Building is not approved by competent authority of State Government, Institution submitted Building plan of Survey no. 42 whereas recognition was granted to Survey no. 64, Building Safety Certificate is not submitted, the change of Land Use Certificate is not submitted, the Building Completion Certificate is not submitted, the Non-Encumbrance Certificate is not issued from Competent Authority, Building disabled friendly Certificate is not submitted, last six months' salary statement of Staff is not submitted and copies of renewed FDR is not submitted. It is pertinent to note that all the documents complying the criteria of recognition are already submitted to respondent."

III. OUTCOME OF THE CASE

The Appeal Committee in its 13th Meeting, 2024 held online on 18th November, 2024 perused the Appeal Report, documents available on the records and heard oral arguments advanced during the Meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course on dated 16.05.2008. After promulgation of NCTE Regulations, 2014, the Revised Provisional Recognition Order was issued to the institution on 31.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 students (two units of 50 students each) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 13.08.2024.

The petitioner institution has filed a Writ Petition W.P.(C) 11514/2024 & CM APPL. 47786/2024 in the Hon'ble High Court of Delhi at New Delhi and the Hon'ble High Court vide its order dated **05.09.2024** directed as under:

> ***"...3. Be that as it may, this Court noted that the petitioner herein has directly approached this Court, by way of present writ petitioner, without approaching the concerned Appellate Committee.***
>
> ***4. Considering the same, this Court directs that the petitioner herein shall approach the Appellate Committee in this case, and the Appellate Committee, on receipt of such representation/ appeal, will decide the same within four weeks under intimation to the petitioner.***
>
> ***5. In case of any grievance thereafter, the petitioner will be at liberty to approach this court.***

6. In view of the above, the present petition along with pending application stands disposed of.

7. The order be uploaded on the website forthwith."

The instant matter was placed before the Appeal Committee in its 13th Meeting, 2024 held on 18.11.2024 and during the online hearing, the Appeal Committee noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted copies of (i) faculty list (1+15) members duly approved by the Registrar, Savitribai Phule Pune University (ii) A copy of land documents alongwith copy of Building plan approved by Sarpanch, Gram Panchayat (iii) A copy of statement of disbursement of salary of faculties from Dec 2023 to May, 2024 (iv) A copy of FDRs of Rs. 8,96,381/- + Rs. 5,31,778/- towards Endowment fund & Reserve fund.

The Appeal Committee on perusal of withdrawal order dated 13.08.2024 noted that one of the grounds of withdrawal of recognition was that ***"...the institution has shifted to new premises/building without prior approval of NCTE."*** The appellant institution during online hearing as well as in appeal report submitted that "...***The name of the Trust is Jai Ganesh Educational Foundation, Pune and the Office address of the trust is Indraprastha Krantinagar, Sinhagad Road, Sr. No. 64, Vadgaon Budruk, Pune-411041. The name of the College to which recognition was given ins Jai Ganesh College of Education, which is situated at Manaji Nagar, Narhe Road, Survey No. 42, Pune 41, Even the affiliating body, Pune University had given affiliation on the aid address of college. The Gram Panchayat and Talathi has also issued a Certificated stating that the address of the college is in Survey No. 42, Narhe, Taluka haveli District Pune. The copy of the affiliation issued by Pune University in the year 2008 till today is annexed with the memo of this Appeal."*** However, WRC has found contrary to the above, that the institution shifted to its new premises/building without prior approval of NCTE.

The Appeal Committee on perusal of the recognition order dated 03.05.2008 noticed that there was no mention of institution being run on rented premises and as such, it is not certain that the institution was running on rented premises or required to shift to a new premises. The Appeal Committee is of the view that in this scenario if the institution is not eligible for grant of permission for shifting of premises the said application may have

been rejected and institution would have been communicated about the same. If the institution fulfills all the criteria on the place where recognition was granted, then the withdrawal order is not sustainable in the eyes of law.

This aspect needs to be verified from the land & building documents submitted by the institution *viz a viz* Visiting Team Report at the time of grant of recognition. The appellant institution should also be given opportunity to submit written representation on the specific points under proviso to Section 17 (1) of the NCTE Act.

The Appeal Committee after perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee concluded to remand back the case to WRC for revisiting the matter to examine the case of the institution in totality and also to check that the institution fulfill all the criteria of norms & standards for the land & building where the recognition was granted by the WRC as per applicable rules & regulations. The appellant institution should also be given opportunity to submit written representation on the specific points under proviso to Section 17 (1) of the NCTE Act 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 institution has submitted detailed explanation alongwith documents with respect to points mentioned in the impugned order dated 13.08.2024. Hence, the Committee decided to remand back the matter to WRC, NCTE with the direction to revisit the case in totality and also to check that the institution fulfill all the criteria of norms & standards for the land & building where the recognition was granted by the WRC as per applicable Rules & Regulations 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 order dated 13.08.2024 is set-aside as the Appellate Committee has decided to remand back the case to WRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to set aside the implunged order dated 13.08.2024 to WRC, NCTE with the direction to revisit the case in totality and also to check that the institution fulfill all the criteria of norms & standards for the land & building where the recognition was granted by the WRC as per applicable rules & regulations and decision shall be taken accordingly. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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 set aside the implunged order dated 13.08.2024 and remand back the case to WRC with a direction to revisit the case in totality and also to check that the institution fulfill all the criteria of norms & standards for the land & building where the recognition was granted by the WRC as per applicable rules & regulations and decision shall be taken accordingly. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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, Jai Ganesh Education Foundation College of Education, Village - Narhe, Post Office - Dhayari, Taluka/Mandal - Haveli, District - Pune, Maharashtra – 411041.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Principal Secretary, Directorate of Higher Education, Elphiston Technical School premises, 3, Mahapalika Marg, Dhobi Talao, Chhatrapati Shivaji Terminus Area, Fort, Mumbai, Maharashtra-400001.

एनसीटीई अपीलीय 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 - 16.12.2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
89-53/E-342904/2024/Appeal/13th Meeting, 2024
APPLNRC202414806

A.K.G College, Plot No. 448, Bikamaukaala Village, Bakshi Ka Talab, Kissan Path, Lucknow, Uttar Pradesh-226201. **APPELLANT**	**Vs**	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**No one appeared**
Respondent by	**Regional Director, NRC**
Date of Hearing	18.11.2024
Date of Pronouncement	16.12.2024

आदेश/ ORDER

I. GROUNDS OF ORDER

The appeal of **A.K.G College, Plot No. 448, Bikamaukaala Village, Bakshi Ka Talab, Kissan Path, Lucknow, Uttar Pradesh-226201** dated 30.07.2024 filed under Section 18 of NCTE Act, 1993. The Appellant Institution in Appeal Report informed that the institution is not recognized by the NRC-NCTE for 4-year integrated programme (B.A. B.Ed.). Therefore, the application of the institution is not eligible.

II. SUBMISSIONS MADE BY APPELLANT: -

No one from A.K.G College, Plot No. 448, Bikamaukaala Village, Bakshi Ka Talab, Kissan Path, Lucknow, Uttar Pradesh-226201 appeared online to present the case of the appellant institution on 18.11.2024. In the appeal report, it is submitted that "Institution already has 7(13) and 7(16) order from the NCTE for 1 unit (50 students) for B.A. B.Ed./B.Sc. B.Ed. 4 years integrated course (NRCAPP:10117) that was issued in the 262nd Meeting of the Northern Regional Committee (NRC). The institute had applied to transfer B.A. B.Ed. to ITEP as per NCTE guidelines which has been declined by NCTE. As the institute already has permission from NCTE for B.A. B.Ed. course, please transfer the same to ITEP."

III. OUTCOME OF THE CASE

The Appeal Committee in its 13th Meeting, 2024 held online on 18th November, 2024 perused the Appeal Report, documents available on the records.

The Appeal Committee noted that the appellant institution had submitted an application to the Northern Regional Committee for grant of recognition for seeking permission for running the ITEP Course. The Appellant Institution in Appeal Report informed that the institution is not recognized by the NRC-NCTE for 4-year integrated programme (B.A. B.Ed.). Therefore, the application of the institution is not eligible.

The instant matter was placed in its 10th Meeting, 2024 held on 14.08.2024. The appellant institution along with its appeal report has submitted a copy of letter of intent prior to grant of Recognition/permission B.A. B.Ed./B.Sc. B.Ed. (Integrated) course from the academic session 2016-2017 and a copy of minutes of 262nd meeting of the NRC held from 16th to 24th January, 2017 minuted therein: - **"the Committee decided that recognition be granted to the institution for B.A. B.Ed./B.Sc. B.Ed. (Integrated) course for 1 unit (50 students) under clause 7(16) of the NCTE Regulation, 2014 from the academic session 2017-2018."** However, the NRC in its 423rd Meeting held on 15th July, 2024 stated that: - **"The institution is not recognized by NRC-NCTE for 4 year integrated programme (B.A. B.Ed./B.Sc. B.Ed.), therefore, the application of the institution is not eligible for processing for transition into ITEP."**

In view of the above the Appeal Committee decided to seek following clarification/documents so that the decision of the appeal Committee become authenticated: -

(i) Report from the NRC seeking status of recognition granted to the institution with reference to the copy of minutes of 262nd meeting of the NRC held from 16th to 24th January, 2017 minuted therein: - **"The Committee decided that recognition be granted to the institution for B.A. B.Ed./B.Sc. B.Ed. (Integrated) course for 1 unit (50 students) under clause 7(16) of the NCTE Regulation, 2014 from the academic session 2017-2018."**

The Appeal Committee decided to seek following documents along with Affidavit from the Appellant institution as under: -

(i) An attested/notarized copy of recognition order issued by the WRC for conducting B.Sc. B.Ed. course.
(ii) An attested/notarized copy of Affiliation order granted by the respected Affiliating body for conducting B.Sc. B.Ed. course.
(iii) A copy of letter issued to the institution for constitution of Visiting Team (VT), LOI and other related correspondence.

In view of above, the Committee decided to grant another (Second) opportunity to the appellant institution with the direction to submit the aforesaid documents on or before next date of the Appeal Committee Meeting.

The instant matter was placed in its 11th Meeting, 2024 held on 19.09.2024. The appellant institution did not appear online to present its case before Appellate Authority on 19.09.2024 and as such the Appeal Committee as per extant appeal rules decided to grant another (3rd/Final) opportunity to appellant institution with the direction to submit the aforesaid documents on or before next date of the Appeal Committee Meeting.

The instant matter was again placed in its 13th Meeting, 2024 held on 18.11.2024 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. 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, and observed that the institution has failed to submit the following documents as sought for 10th Meeting, 2024 held on 14.08.2024 despite giving ample opportunities which is just a due process of grant of recognition to any recognised institution: -

(i) An attested/notarized copy of Affiliation order granted by the respected Affiliating body for conducting B.A. B.Ed./B.Sc. B.Ed. (4 years integrated course)
(ii) An attested/notarized copy of recognition order issued by the NRC for conducting B.A. B.Ed./B.Sc. B.Ed. (4 years integrated course)

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 in its 10th Meeting, 2024 despite giving ample opportunities and as such, the Appeal Committee decided that the instant appeal deserves to be rejected and does not call for the interference by the Committee and hereby dismissed.

IV. DECISION: -

After perusal of the Appeal Report, documents made available on record during the online hearing, the Appeal Committee of the Council concluded that the instant appeal deserves to be rejected and does not call for the interference by the Committee and hereby dismissed.

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, A.K.G College, Plot No. 448, Bikamaukaala Village, Bakshi Ka Talab, Kissan Path, Lucknow, Uttar Pradesh-226201.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Principal Secretary, Department of Higher Education & Member Secretary, Uttar Pradesh State Council of Higher Education,6th Floor, 619, Indira Bhawan, Ashok Marg, Lucknow, Uttar Pradesh-226001.

एनसीटीई अपीलीय 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 - 16.12.2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
89-50/E-341922/2024/Appeal/13th Meeting, 2024
APPLWRC202414800

Swami Pragyanand Shiksha Mahavidyalaya, Plot No. 48/2, Village – Gram Kulhva, Street/Road-Katangi Road, Taluka/Mandal -Mjholi, District - Jabalpur, Madhya Pradesh-483105. **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**No one appeared**
Respondent by	**Regional Director, WRC**
Date of Hearing	18.11.2024
Date of Pronouncement	16.12.2024

आदेश/ ORDER

I. GROUNDS OF REFUSAL

The appeal of **Swami Pragyanand Shiksha Mahavidyalaya, Plot No. 48/2, Village – Gram Kulhva, Street/Road-Katangi Road, Taluka/Mandal -Mjholi, District - Jabalpur, Madhya Pradesh- 483105** dated 12.07.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/WRC/2526202402231671/Madhya Pradesh/2024/Rejc/1621** dated 14.05.2024 of the Western Regional Committee, refusing recognition for conducting ITEP Course on the grounds that "As per the details provided by the institution on the transition portal, the name of the institution mentioned in the recognition order for 4-year integrated B.A. B.Ed./B.Sc. B.Ed. course (as applicable) by NCTE does not match with the name mentioned in the transition application."

II. SUBMISSIONS MADE BY APPELLANT: -

No one from Swami Pragyanand Shiksha Mahavidyalaya, Plot No. 48/2, Village – Gram Kulhva, Street/Road-Katangi Road, Taluka/Mandal -Mjholi, District - Jabalpur, Madhya Pradesh- 483105 appeared online to present the case of the appellant institution on 18.11.2024. In the appeal report, it is submitted that "The name of the institution mentioned in the recognition order for 4-year integrated B.A. B.Ed./B.Sc. B.Ed. course (as applicable) by NCTE match with the name mentioned in the transition application."

III. OUTCOME OF THE CASE

The Appeal Committee in its 13th Meeting, 2024 held online on 18th November, 2024 perused the Appeal Report, documents available on the records during the Meeting.

The Appeal Committee noted that the appellant institution had submitted an application to the Western Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 05.03.2024. The recognition of the institution for ITEP programme was refused by the WRC vide order dated 14.05.2024.

The instant matter was placed in its 10th Meeting, 2024 held on 14.08.2024. The appellant institution did not appear online to present its case before Appellate Authority on 14.08.2024. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to ask the institution to submit their report/reply.

The instant matter was placed in its 11th Meeting, 2024 held on 19.09.2024. The Appeal Committee noted that the institution has not submitted hard copy of the documents as sought by the Appeal Committee in its 10th Meeting held on 14.08.2024. The Appeal Committee decided to seek following documents along with Affidavit from the Appellant institution so that the decision of the Appeal Committee become authenticated: -

(i) The institution shall submit an Affidavit clearly stating about the status of recognition of the institution by the NCTE and detailed reasons for non-matching the name of the institution as per recognition order viz a viz detailed uploaded in the ITEP portal.
(ii) An attested/notarized copy of Affiliation order granted by the respected Affiliating body for conducting B.A. B.Ed./B.Sc. B.Ed. course.

The instant matter was placed in its 13th Meeting, 2024 held on 18.11.2024 and the appellant institution has failed to appear online to present its case before Appellate Authority. The Appeal Committee has granted several opportunities to the Appellant institution. 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, documents made available on records and observed that the appeal of the institution is still deficient on the following points which is just a due process of grant of recognition to any recognised institution: -

(i) The institution has failed to submit the desired attested/notarized copy of Affiliation order granted by the respective Affiliating body for conducting B.A. B.Ed./B.Sc. B.Ed. course despite affording several opportunities.

(ii) The institution has submitted the Affidavit without any declaration and verification to the effect that the contents of the Affidavit are true and correct. However, the submitted documents in the form of Affidavit is not an Affidavit in the eyes of law and as such cannot be considered.

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 in its 10th & 11th Meeting, 2024 accordingly. The Appeal Committee concluded that the WRC was justified in refusing the recognition and decided that the instant appeal deserves to be rejected and therefore, the refusal order dated 14.05.2024 issued by WRC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and during the Appeal hearing, the Appeal Committee of the Council concluded that the WRC was justified in refusing the recognition and decided that the instant appeal deserves to be rejected and therefore, the refusal order dated 14.05.2024 issued by WRC 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, Swami Pragyanand Shiksha Mahavidyalaya, Plot No. 48/2, Village – Gram Kulhva, Street/Road-Katangi Road, Taluka/Mandal -Mjholi, District -Jabalpur, Madhya Pradesh- 483105.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Department of Higher Education, 2nd floor, Annex-3, Vallabh Bhawan, Bhopal – 462004, Madhya Pradesh.

एनसीटीई अपीलीय 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 - 16.12.2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
F.No. 89-40/E-339434/2024/Appeal/13th Meeting, 2024
APPLSRC202414790

Jonah College of Physical Education, Survey no. 976, 976/a1, 978/a1/2, Village-Aitipamula, NH65, Kattangur, Nalgonda, Telangana - 508205. **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Mr. Shaik Hassan Jany, Vice Principal**
Respondent by	**Regional Director, SRC**
Date of Hearing	18.11.2024
Date of Pronouncement	16.12.2024

आदेश/ ORDER

I. GROUNDS OF REJECTION ORDER

The appeal of **Jonah College of Physical Education, Survey no. 976, 976/a1, 978/a1/2, Village- Aitipamula, NH65, Kattangur, Nalgonda, Telangana – 508205** dated 22.06.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.SRO/NTE/SRCAPP201630193/M.P.Ed./AP/2017-18/93392** dated 30.05.2020 of the Southern Regional Committee, Rejected the recognition for conducting M.P.Ed. Course on the grounds that "There is no NOC for M.P.Ed. 2.They have not replied to our SCN issued on 13.04.2017. 3. Reject the application. 4. Inform the affiliating body. 5. Close the file."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Shaik Hassan Jany, Vice Principal of Jonah College of Physical Education, Survey no. 976, 976/a1, 978/a1/2, Village- Aitipamula, NH65, Kattangur, Nalgonda, Telangana – 508205 appeared online to present the case of the appellant institution on 18.11.2024. In the appeal report, it is submitted that "Got NOC from Mahatma Gandhi University, Nalgonda vide Ir No.207/AAC/MGU/NLG/2023-24 dt. 18.01.2024."

III. OUTCOME OF THE CASE

The Appeal Committee in its 13th Meeting, 2024 held online on 18th November, 2024 perused the Appeal Report, documents available on the records and heard oral arguments advanced during the Meeting.

The Appeal Committee noted that the appellant institution had submitted an application to the Southern Regional Committee for grant of recognition for seeking permission for running the M.P.Ed. Course on 30.06.2016 and the institution submitted the hard copy of the application on 12.07.2016. The recognition of the institution for M.P.Ed. programme was rejected by the SRC vide order dated 30.05.2020.

The instant matter was placed in its 10th Meeting, 2024 held on 14.08.2024. The Appeal Committee noted that the institution had applied for M.P.Ed. programme and the application of the institution was rejected vide order dated 30.05.2020. The Appeal Committee noted that there is delay in filing of appeal, and during the hearing of appeal, the institution has explained the delay. Institution has prayed to condone the delay and submitted that "**we have already submitted our reply to Show Cuse Notice without NOC as at that time. The State government and the concerned university has not issued NOC to us. It is further submitted that the State Government of Telangana and the Mahatma Gandhi University has issued NOC on 18.01.2024 to the institution. Now, I am submitted NOC dated 18.01.2024 to the Appeal Section. I further state that the delay caused in filing of Appeal as not fault of Institution as such the delay if any may be condoned. It is settled law that no Party should suffer on the fault of another person because this is not our fault, and the State Government has issued NOC on 18.01.2024. So, if there is any delay in filing of Appeal same may be condoned. The delay caused in filing of Appeal is neither deliberately nor intentionally however due to cause as explained hereinabove. The application is being filed bonafide and in the interest of justice.**" In view of the above, the Committee accepted the submission made by the institution regarding the delay in filling of appeal and accordingly the Committee decided to condone the delay, as such delay in filing of appeal is hereby condoned.

The Appeal Committee in order to decide the case on merit decided to seek following documents along with Affidavit from the Appellant institution as under: -

(i) The institution is required to submit a copy of No Objection Certificate (NOC) from Mahatma Gandhi University for M.P.Ed. course.

(ii) Reply to SCN dated 13.04.2017 issued by the SRC, NCTE.

The Appeal Committee noted that the instant matter was placed in its 11th Meeting, 2024 held on 19.09.2024 whereby the Appeal Committee of the council decided to keep the matter in abeyance till the report is submitted by the Southern Regional Committee (SRC). The relevant extract of the same is reproduced hereunder: -

"The instant matter was again placed in its 11th Meeting, 2024 held on 19.09.2024. The Appeal Committee perused the documents submitted in the appeal. The Committee also perused the letter dt. 02.09.2024 submitted by the appellant institution and noted the following: -

(i) A copy of NOC dt. 18.01.2024 issued by the Registrar, Mahatma Gandhi University, Nalgonda.

The Committee noted that reply to SCN dated 13.04.2017 issued by the SRC, NCTE is not submitted by the institution. The Committee is of the view that a clarification is required to be made in the matter with reference to the status of the institution.

In view of the above, the Committee decided a clarification shall be sought from the SRC, NCTE and the report shall be forwarded to the Appeal so that the decision of the Appeal Committee become authenticated.

The Appeal Committee decided to seek proper clarification in regard to the above from the SRC, NCTE. Hence, the Appeal Committee decided to keep the matter in abeyance till the report is submitted by the Southern Regional Committee (SRC)."

The instant matter was placed in its 13th Meeting, 2024 held on 18.11.2024 The Appeal Committee noted that the SRC vide order dt. 30.05.2020 rejected the application of the institution for grant of recognition for M.P.Ed. programme. The Appeal Committee is of the view that the rejected application cannot be revived at a belated stage since the portal of NCTE is not open as of now and the application of the institution was rejected as well in the year 2020. The Appeal Committee is of the view that the institution may apply a fresh as and when the portal of the NCTE is open and application for the said programme is invited by the NCTE.

Noting submissions and verbal arguments advanced during the online hearing, the Appeal Committee of the Council decided that the institution may apply a fresh as and when the portal of the NCTE is open and application for the said programme is invited by the NCTE. Therefore, the instant appeal deserves to be dismissed and the rejection order dated 30.05.2020 issued by SRC is confirmed.

IV. **DECISION**: -

After perusal of the Appeal Report, documents on record and during the Appeal hearing, the Appeal Committee of the Council concluded that the SRC was justified in rejecting the recognition and concluded that the institution may apply a fresh as and when the portal of the NCTE is open and application for the said programme is invited by the NCTE and as such, the instant appeal deserves to be dismissed and therefore, the rejection order dated 30.05.2020 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, Jonah College of Physical Education, Survey no. 976, 976/a1, 978/a1/2, Village- Aitipamula, NH65, Kattangur, Nalgonda, Telangana – 508205.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Principal Secretary, Department of Higher Education, 3rd Floor, Telangana Secretariat, Hyderabad, Telangana – 500022.

एनसीटीई अपीलीय 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 - 16.12.2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
89-66/E-344614/2024 Appeal/13th Meeting, 2024
APPLSRC202314748

Davangere University, Survey no. 26 and 27, Village - Tholahunase, District - Davangere, Karnataka – 577007. **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Prof. Venkatesha K., Chairman**
Respondent by	**Regional Director, SRC**
Date of Hearing	18.11.2024
Date of Pronouncement	16.12.2024

आदेश/ ORDER

I. OUTCOME OF THE CASE

The Appeal Committee noted that there was no order made available in the Appeal filed by the institution which has been mandated under Section 18 Sub-clause 3 of the NCTE Act, 1993 and as such, in the absence of availability of such order, the Appeal cannot be proceeded with as per NCTE Act, 1993 quoted as under: -

> ***"Chapter-IV APPEAL***
> ***Section 18 (3) Every appeal made under this section shall be made in such form and shall be accompanied by a copy of the order appealed against and by such fees as may be prescribed."***

In view of the above provision, the Appeal Committee decided that the appeal filed by the institution is not maintainable. Therefore, the instant appeal of the institution not entertained by the Appeal Committee.

II. 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 Appeal filed by the Appellant institution is not maintainable as per NCTE Rules and Regulation, 2014. Hence, the Appeal filed by the institution is hereby dismissed accordingly on the count of maintainability.

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, Davangere University, Survey no. 26 and 27, Village - Tholahunase, District - Davangere, Karnataka – 577007.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Principal Secretary to Government, Higher Education Department, Government of Karnataka, Secretary Establishment, Higher Education Dept., Room No. 645 A, 2nd Gate, 6th Floor, M.S. Building, Bengaluru – 1, Karnataka.