

TO BE PUBLISHED IN GAZETTE OF INDIA
(EXTRAORDINARY)
PART – III, SECTION 4

F.No.ER-329.2/NCTE/APE00098/B.P.Ed./WB/2023/68344

Dated: 06-07-2023

ORDER

WHEREAS, in terms of Section 14 (3)(a)/15 (3) (a) of the NCTE Act, 1993, recognition was granted to Post Graduate Training College for Physical Education, Bampur, North Parganas, West Bengal-743233 for conducting B.P.Ed. programme of one year duration with an annual intake of 120 *vide* Order No. ERC/7-23/2002/1131 dated 12.04.2002, followed by revised recognition order for B.P.Ed. programme of two year duration with an annual intake of 100 students from the academic session 2015-2016 *vide* Order No. F.ERC/NCTE/APE00098/B.P.Ed./(Revised Order)/2015/32545 dated 30.05.2015, as per NCTE Regulations, 2014.

2. **AND WHEREAS**, recognition of the institution was withdrawn *vide* Order No. F.No.ER-275.14.71/APE00098/B.P.Ed./2019/61483 dated 02.09.2019.

3. **AND WHEREAS**, the institution preferred an appeal against the withdrawal order and the Appellate Authority *vide* its Appeal order No. 89-180/E-164127/2020 Appeal/22nd Mtg.-2020 dated 19.10.2020 concluded to confirm the impugned withdrawal order dated 28.01.2020.

4. **AND WHEREAS**, the institution has submitted the representation dated 20.09.2022 received in ERC office on 28.09.2022.

5. **AND WHEREAS**, the Hon'ble High Court of Calcutta in W.P.A. 22441 of 2022 passed an order dated 28.09.2022. The operative part of the order is as under:-

“...The respondent No. 1 through its competent and appropriate authority shall decide forthwith the issue at the earliest, since the admission for the course through the portal would come to an end on October 10, 2022.

The respondent No.1 through its competent and appropriate authority shall consider the representation of the petitioner dated September 20, 2022, Annexure P-13 to the writ petition positively on October 11, 2022 after giving prior notice of hearing to the petitioner and an opportunity of hearing to the competent authority then shall pass its reasoned decision/order on the issue and communicate the same to the petitioner positively by October 14, 2022.

In the event, the reasoned order goes in favor of the petitioner, the respondent No. 4 and 5 and or the appropriate State authority shall allow the petitioner to receive the necessary applications from the intending students to pursue their course at the petitioner's College till October 20, 2022 by keeping their portal alive only for the petitioners and restricted to the petitioner only.

R. Malik.

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It is made clear that, this Court has not gone into the merit of the claim of the writ petitioner in any manner. All points are kept open for the petitioner to urge before the respondent No. 1.

The petitioner will be at liberty to reply upon whatever documents and records be wishes to reply upon.

Since affidavits are not called for the allegations made in the writ petition are deemed not to have been admitted by the respondents.

The writ petition shall appear once again on November 4, 2022 under the heading "For Orders" along with W.P.A. 2818 of 2022 is a matter relates to Jalpaiguri Circuit Bench, since issues are identical and respondents are the same, for passing the necessary order for final disposal.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities."

6. AND WHEREAS, the matter was considered by ERC in its 311th (Virtual) meeting held on 11th October, 2022 and the Committee observed as under:

- The institution was granted recognition for running B.P.Ed. programme with an annual intake of 50 students (1 unit) vide Order No.1151 dated 12.04.2002 followed by revised recognition Order No. 32545 dated 30.05.2015 with an annual intake of 100 students (1 unit).*
- As per decision taken by ERC in its 275th (Part-2) meeting held on 27th July, 2019, the recognition of the institution was withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2020-21 vide Order dated 02.09.2019.*
- The Appeal Committee vide its Order No. F. No. 89-180/E-164127/2020 Appeal/22nd Mtg.-2020 dated 19.10.2020 decided to confirm the ERC Order dated 02.09.2019.*
- Being aggrieved, the institution filed W.P.A. 22441 of 2022 in the Hon'ble High Court of Calcutta. The Hon'ble Court passed an order dated 28.09.2022.*
- In compliance to the Court Order, representation of the institution was considered and also the institution was given prior notice for an opportunity of hearing before the ERC on 11.10.2022 through virtual mode. Accordingly, an email on 10.10.2022 was sent to the institution and the link of 311th meeting of ERC scheduled to be held on today was also shared with the institution.*

Dr. (Mrs.) Chandana Chakraborty, Principal (I/c) joined the meeting through virtual mode and presented their case before the ERC and the Committee observed the following:

- The institution has not appointed the Principal till date.*

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Hence, the Committee decided that the decision taken by ERC in its 275th (Part-2) meeting held on 27th July, 2019 withdrawing recognition of the institution section 17(1) of NCTE Act, 1993 vide Order dated 02.09.2019 stands.

Accordingly, letter was issued on dated 19.10.2022.

7. **AND WHEREAS**, the institution submitted representations dated 13.04.2023, 28.04.2023, 12.06.2023, 12.06.2023 & 27.06.2023.

8. **AND WHEREAS**, the institution filed W.P.A. 24060/2022 before the Hon'ble High Court of Calcutta. The Hon'ble Court passed an order dated 11.11.2022 as under:

“ In view of the foregoing discussions and reasons the impugned order of withdrawal of recognition dated October 19, 2022, Annexure “D” to this writ petition along with the relevant decision in connection thereto of the respondent No.1 as appearing from the minute of the meeting regarding the withdrawal of the recognition of the petitioner College stand set aside and quashed. Any other decision or decisions for withdrawal of recognition of the petitioner college including the decision of the appellate authority, on this issue, stands set aside and quashed.

It is made clear that this order shall not preclude the respondent No. 1 from taking any step or further steps in accordance with law. In view of the submissions made on behalf of months from date subject to compliance of all the formalities strictly in accordance with law. On the above terms this writ petition being WPA 24060 of 2022 stands allowed and disposed of.

There shall, however, be no order as to costs. Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

9. **AND WHEREAS**, the original file of the institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, was considered by ERC in its 329th (Emergent) meeting held on 30th June, 2023 and the committee observed that:-

“The original file of the institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, was considered by ERC and the Committee observed that:

- The institution filed W.P.A. 24060/2022 before the Hon'ble High Court of Calcutta, which disposed of the case by passing an order dated 11.11.2022 as under:*

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P. Moha
8/11/23

-*"In view of the foregoing discussions and reasons the impugned order of withdrawal of recognition dated October 19, 2022, Annexure "D" to this writ petition along with the relevant decision in connection thereto of the respondent No.1 as appearing from the minute of the meeting regarding the withdrawal of the recognition of the petitioner College stand set aside and quashed. Any other decision or decisions for withdrawal of recognition of the petitioner college including the decision of the appellate authority, on this issue, stands set aside and quashed.*
- *It is made clear that this order shall not preclude the respondent No. 1 from taking any step or further steps in accordance with law. In view of the submissions made on behalf of months from date subject to compliance of all the formalities strictly in accordance with law. On the above terms this writ petition being WPA 24060 of 2022 stands allowed and disposed of.*
- *There shall, however, be no order as to costs. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.*
- *In compliance of the Court Order, the Committee decided that the recognition of institution for running B.P.Ed. course is restored until a fresh withdrawal order is issued by ERC.*

Orders be issued accordingly.

10. **NOW THEREFORE**, in terms of above decision of ERC, the recognition granted to the institution viz. Post Graduate Training College for Physical Education, Bampur, North Parganas, West Bengal-743233 for running B.P.Ed. programme for 100 students is hereby restored until a fresh withdrawal order is issued by ERC.



(Naveen Malik)

Regional Director (I/C)

The Controller of Publications,
Department of Publications, (Gazette Section),
Ministry of Urban Development,
Civil Lines, Delhi-110054.

To,

✓ **The Principal/Correspondent,**
Post Graduate Training College for Physical Education,
Bampur, North Parganas, West Bengal-743233

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Copy to:-

1. The Secretary, Department of Higher Education, Govt. of West Bengal, 6th Floor, Bikash Bhawan, Salt Lake, Kolkata, West Bengal-700091.
2. The Registrar, Baba Saheb Ambedkar Education University (Erstwhile WBUTTEPA), 25/2 & 25/3 Ballygunge Circular Road, Kolkata-700019, West Bengal.
3. The Director of Public Instruction, Govt. of West Bengal, 6th Floor, Bikash Bhawan, Salt Lake City, Kolkata, West Bengal-700091.
4. The Secretary, Department, of School Education and Literacy, Ministry of Education, Govt. of India, Shastri Bhawan, New Delhi - 110001.
5. The Under Secretary (IT), NCTE, G-7, Sector-10, Dwarka, Landmark-Near Metro Station, New Delhi-110075.
6. The Computer Programmer (IT Cell), Eastern Regional Committee, National Council for Teacher Education, G-7, Sector-10, Near Sector-10 Metro Station, Dwarka, New Delhi – 110075. [with the direction to make necessary changes as per the direction contained in the order in the website data of the ERC].
7. Sh. Sauvik Nandy, Legal Counsel of ERC-NCTE, 47/C1A, Moore Avenue, Kolkata-700040.
8. Office Order file/Institution file.



Regional Director (I/C)