

F.No.ER-301.8/NCTE/AS-S/E-12/96/B.Ed./2022/ 64951-953 Dated: 27.01.2022

As per instructions received through Email dated 25.01.2022 from Advocate Jai Sahai Endlaw conveying the directions of Hon'ble High Court of Delhi (Division Bench) in L.P.A. No.460/2021 titled College of Education & Anr. Vs. National Council for Teacher Education & Anr., the ERC in its 301st (Emergent) Meeting held on 21st January, 2022 through online circulation mode, in view of urgency of court matter considered the case as an additional agenda item with the permission of Chair, recorded as Item No.8 in the Minutes of the said ERC Meeting approved dated 26.01.2022, and the Committee decided as under:

“Considering the deadline for admitting students for the academic session 2021-2022 for 50 seats in B.Ed. course is 27.01.2022, the Hon'ble Delhi High Court directed that ERC should inform the affiliating university that the appellant institution, College of Education, Christian Basti, Amarawati Path, P.O.- Dispur, Guwahati, Assam – 781005, be allowed to participate in the counselling process. Further, the Hon'ble High Court of Delhi has granted four weeks time to carry out inspection in order to inspect the roofing of the petitioner institute.

Hence, keeping in view of the urgency of the matter, the Committee decided to honour the court direction in the instant case and the matter be forwarded to NCTE HQrs. for taking action as it deems fit.”

In view of the above, the institution is hereby allowed to participate in the counselling process for the academic session 2021-2022 **only**, for 50 seats in B.Ed. course, as per direction of Hon'ble Delhi High Court and subsequently decided by ERC, NCTE.

To

The Principal/Correspondent,
College of Education, Christian Basti,
Amarawati Path, P.O.- Dispur,
Guwahati, Assam – 781005.

(Sd/-) (Signature)
Regional Director (A/c)
क्षेत्रीय निदेशक / Regional Director
पूर्व क्षेत्रीय समिति / Eastern Regional Committee
राष्ट्रीय अध्यापक शिक्षा परिषद्
National Council for Teacher Education
भारत सरकार / Govt. of India
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075
G-7, Sector-10, Dwarka, New Delhi-110075

Copy for necessary action to:

1. The Registrar, Gauhati University, Gopinath Bardoloi Nagar, Guwahati, Assam- 781014.
2. The Commissioner & Secretary, Elementary and Secondary Education Department, Govt. of Assam, Block – C, Ground Floor, New Secretariat Building, Assam Secretariat, Dispur, Guwahati-781006, Assam.

F.No.ER-336.1/NCTE/B.Ed./AS-S/E-12/96/AS/2024/

Dated:

To,

(69341-69346)

08/02/2024

69341

The Principal / Correspondent,
College of Education, Christian Basti,
Amarawati Path, P.O.- Dispur,
Guwahati, Assam – 781005.

Sub: Decision of 336th (Virtual) ERC Meeting held on 20th December, 2023 in respect of College of Education, Christian Basti, Amarawati Path, P.O.- Dispur, Guwahati, Assam – 781005.

Madam / Sir,

In terms of Section 14/15 (3)(a) of the NCTE Act, 1993, the recognition was granted to **College of Education, Christian Basti, Amarawati Path, P.O.- Dispur, Guwahati, Assam-781005 (AS-S/E-12/96)** for conducting B.Ed. programme of one year duration with an annual intake of 100 students *vide* Order No. 2383 dated 21.07.2005 from the academic session 2005-2006, followed by revised recognition Order No. 31850 dated 22.05.2015 for an intake of 100 students from the academic session 2015-2016.

2. Recognition of the institution was withdrawn *vide* Order No. 60922 dated 27.06.2019 from the academic session 2020-2021 on the following grounds:-

- i. *Show Cause Notice u/s 17(1) were issued on 20.04.2018, 14.12.2018, 21.02.2019 & 16.05.2019.*
- ii. *Principal doesn't possess Ph.D. qualification.*
- iii. *Faculty in Fine Arts appointed on part-time basis is not accepted.*
- iv. *FDR Rs. 5 lakh is not in joint mode with RD, ERC, NCTE.*
- v. *Building completion certificate is not submitted.*

3. The institution had approached before the Hon'ble High Court in W.P.(C) 1082/2021. In compliance of order dated 28.01.2021 passed in W.P.(C) 1082/2021 by the Hon'ble High Court of Delhi, permission was granted to the institution to participate in the counselling for the academic session 2020-2021 and thereafter for the academic session 2021-2022 with an intake of 50 students.

4. The institution filed LPA 460/2021 before the High Court of Delhi at New Delhi and the Court passed an order dated 23.09.2022. The operative part of the order is as under:

"...After hearing learned Counsel for the Respondent, the interim order dated 25.01.2022 is extended to the current academic year also i.e. 2022-23." The institution filed LPA 460/2021 in the High Court of Delhi at New Delhi and passed an order dated 13.01.2023. The operative part of the order is as under:



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“... Court that a fresh inspection was carried out on 11.03.2022 by Visiting Team and, thereafter, a report was placed before the Regional Committee. The said report reveals that the Regional Committee has taken the same on record and has directed that the inspection report be placed before this Court.

The Court observed that a decision has to be taken by the Regional Committee on the basis of the report and, therefore four weeks time be granted.

Let a decision be taken in the matter and consequential orders be passed by the competent authority positively within four weeks from today.”

5. The matter was considered by the ERC in its 319th (Virtual) meeting of the ERC held on 25th January, 2023 and the committee decided as under:-

“In compliance of the Court Order dated 13.01.2023 in L.P.A. No. 460/2021 passed by the Hon’ble High Court of Delhi, the ERC considered the Report of Inspection conducted under Section 13 of the NCTE Act, 1993 by VT members on 11th & 13th March, 2022 and observed the following:

- ***Seating capacity in the library is only 30 which is less as required under NCTE Regulations, 2014.***
- ***The institution has not updated its website as per Clause 7(14), 8(6) & 10 (3) of the NCTE Regulations 2014.***
- ***The institution is required to submit the latest teaching faculty duly approved by the affiliating body.***
- ***In the BCC issued by Assistant Engineer, the total land area is mentioned 535 Sq.mtrs. only against the Colum No. 15 which is grossly inadequate as per NCTE Regulations 2014.***
- ***One of the FDRs of 7.00 lakhs is already matured on 24.04.2021. The same is required to be renewed by the institution.***
- ***The institution is required to submit salary statement in respect of its teaching faculty for the last six months issued by the concerned bank.***

In view of above, the Committee decided Show Cause Notice be issued under Section 17 (1) of the NCTE Act, 1993 to the institution to submit reply within 15 days from the date of issue of show cause notice.”

Accordingly, Show Cause Notice was issued to the institution on 09.02.2023.

6. The institution submitted its reply *vide* letter dated 23.02.2023 received in ERC office on 27.02.2023. The matter was considered by the ERC in its 322nd (Virtual) meeting of the ERC held on 1st March 2023 and the committee decided as under:-



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“The application 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 as under:

- ❖ ***The ERC in its 308th (Virtual) meeting held on 2nd September 2022 considered Visiting Team Report of the institution for inspection conducted u/s 13 of the NCTE Act, 1993 by the NCTE (HQ) in compliance of the Order dated 17.01.2022 & 25.01.2022 passed by the Hon’ble High Court of Delhi in LPA No. 460/2021 and had observed the following:***
- ***The Committee observed that the Hon’ble Court vide its Order dated 25.01.2022 inter-alia directed NCTE to report to Court as to whether the roofing on the fourth floor of the subject building has GIC roofing, or as contended by the appellants, RCC roofing.***
- ***The VT Report categorically reveals that the institution is having five storied building of RCC roofing.***

The Committee decided that the VT report along with the Pen drive/CD of inspection be forwarded to the Legal Counsel of NCTE to place the same before the Hon’ble High Court.

In compliance of the above decision, the report was placed before the Hon’ble High Court through the Legal Counsel of ERC and the same has been taken on record by the Hon’ble Court vide Order dated 13.01.2023. Further, the Court directed Eastern Regional Committee to consider the inspection report and on the basis of report, decision has to be taken by the Regional Committee within four weeks of the said Order.

- ❖ ***Thereafter, in compliance of the Court Order dated 13.01.2023 in L.P.A. No. 460/2021 passed by the Hon’ble High Court of Delhi, the ERC in its 319th (Virtual) meeting held on 25th January 2023 considered the report of inspection conducted under Section 13 of the NCTE Act, 1993 by VT members on 11th & 13th March, 2022 and decided to issue the Show Cause Notice. Accordingly, SCN was issued to the institution on 09.02.2023.***

The institution has submitted its reply to Show Cause Notice vide letter dated 23.02.2023 received in ERC on 27.02.2023 and the Committee observed the following:

- ***The institution has appointed one Principal & 11 faculty against the requirement of one Principal & 15 faculty as per NCTE Regulations, 2014 as amended from time to time. The faculty appointed by the institution is sufficient to run one unit only.***

In view of above, the Committee decided that recognition granted to the institution for conducting B.Ed. programme be restored with an annual intake of 1 basic unit (50 students) only. Accordingly, Restoration Order was issued to the institution on dated 01.03.2023.”

7. The institution filed CM APPL. 43065-43066/2021, 43068/2021 & 43156/2021 in LPA 460/2021 before the High Court of Delhi at New Delhi and the Hon’ble High Court passed an order dated 02.05.2023. The operative part of the order is as under:-



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“...At the outside, learned counsel for the Appellants has informed this Court that the deficiency in respect of teachers has been curd and a list has been submitted to the NCTE on 28.04.2023

Learned Counsel for the NCTE prays for time to seek instruction and place the outcome of the decision taken in the matter. List on 04.07.2023.

8. The institution submitted representation vide letter dated 28.04.2023 received in ERC office on 01.05.2023. The institution filed CM APPL. 43065-43066/2021 (178 Days Delay in Appeal), CM APPL. 43066/2021(Add. Document), CM APPL. 43068/2021 (Stay), CM APPL.43156/2021 (Stay) in LPA 460/2021 before the High Court of Delhi at New Delhi and the Hon’ble High Court passed an order dated 04.07.2023.The operative part of the order is as under:-

“Mr. Endlaw, learned counsel appearing for the National Council for Teacher Education [NCTE], apprises the Court that pursuant to the last inspection of the institution which was undertaken it has now been found to be compliant with the relevant statutory regime.

“According to learned counsel, the only issue which now survives is whether permission is liable to be granted to the appellant insofar as the second unit is concerned. The Court however could not proceed further since none appeared for the appellant when the matter was called.

Consequently, let this appeal be called again on 10.08.2023.

Later on, Mr. Amitesh Kumar, learned counsel for the appellant appeared and was apprised of this order.”

9. The matter was considered by the ERC in its 322nd (Virtual) meeting of the ERC held on 1st March 2023 and the committee decided as under:-

“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.

The Committee noted the Order dated 04.07.2023 passed by the Hon’ble High Court of Delhi in LPA 460/2021 and CM APPL. 43065-43066/2021, CM APPL. 43066/2021(Add. Document), CM APPL. 43068/2021 (Stay), CM APPL.43156/2021 (Stay) and decided that no further action is required to be taken.”

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10. The institution filed CM APPL. 43065-43066/2021 (178 Days Delay in Appeal), CM APPL. 43066/2021(Add. Document), CM APPL. 43068/2021 (Stay), CM APPL.43156/2021 (Stay) in LPA 460/2021 before the High Court of Delhi at New Delhi and the Hon'ble High Court passed an order dated 10.08.2023.

1. *Learned counsel for the petitioner states that although its intake for Unit-I comprising of 50 has been duly attended to and granted by the National Council for Teacher Education (NCTE), the said entity is yet to convey its decision in so far as the second unit is concerned.*
2. *Mr. Endlaw, learned counsel representing the NCTE, states that subject to verification of all facts and contentions on merits been kept open, a decision in that respect will be duly communicated to the petitioner with due expedition and preferably within a period of four weeks.*

In view of the aforesaid and since nothing further would survive, the appeal is disposed of.

11. The institution had submitted the representation to restore of second unit of B.Ed. Course in the College of education, Guwahati received in ERC office on dated 18.08.2023, 22.08.2023 & 21.08.2023.

12. The Eastern Regional Committee in its 332nd (Virtual) ERC Meeting held on 30th August, 2023 considered the matter of College of Education, Christian Basti, Amarawati Path, P.O.- Dispur, Guwahati, Assam – 781005 and the Committee decided as under:-

“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.

The institution filed LPA 460/2021 and CM APPL. 43065-43066/2021 (178 Days Delay in Appeal), CM APPL. 43066/2021(Add. Document), CM APPL. 43068/2021 (Stay), CM APPL.43156/2021 (Stay) before the Hon'ble High Court of Delhi at New Delhi and the Hon'ble Court passed an Order dated 10.08.2023 as under:

1. *Learned counsel for the petitioner states that although its intake for Unit-I comprising of 50 has been duly attended to and granted by the National Council for Teacher Education (NCTE), the said entity is yet to convey its decision in so far as the second unit is concerned.*
2. *Mr. Endlaw, learned counsel representing the NCTE, states that subject to verification of all facts and contentions on merits been kept open, a decision in that respect will be duly communicated to the petitioner with due expedition and preferably within a period of four weeks.*



3. *In view of the aforesaid and since nothing further would survive, the appeal is disposed of.*

- *The Committee noted that the VTR submitted by the VT members and the Building Completion Certificate submitted by the institution reveal that the institution has the total built up area of 2218.90 sqmts. out of which 1550 sqmts built up area is in its own building, however the built up area of 618.90 sqmts. is in another building which is on lease basis and on a distance of 100 mtrs at 1st & 5th floor.*

The Committee is of the view to restore two units of B.Ed. course keeping in view of the following:

- *The institution is very old and reputed one in the State of Assam.*
- *The institution was running an intake of 100 students prior to promulgation of NCTE Regulations 2014.*
- *The institution is located in the North-East Region of the Country.*

However, prior to restore 2nd unit of B.Ed. course, the Committee decided to refer the matter to the NCTE (HQ) for opinion for restoration of 2nd unit.”

13. In view of the above, matter was forwarded to NCTE (HQ) for seeking opinion for restoration of 2nd unit to the institution.

14. **AND WHEREAS**, the NCTE (HQrs) vide letter No. F.No. NCTE-Regl011/72/2023-Reg Sec-HQ dated 20.09.2023 furnished the reply.

15. The matter was considered by the ERC in its 334th (Emergent) meeting of the ERC held on 06th October 2023 and the committee decided as under:-

“The original file of the institution, letter No. F. No. NCTE-Regl011/72/2023-Reg Sec-HQ dated 20.09.2023 alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, was considered by ERC.

Put up in next Emergent meeting with detailed agenda”.

16. The matter was considered by the ERC in its 336th (Virtual) meeting of the ERC held on 20th December, 2023 and the committee decided as under:-

“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. Committee considered the reply received from NCTE (HQ), in response to letter dated 11.09.2023. The operative part of the letter is as under:-

1. *The sub clause (iv) and (v) clause D “Common Guidelines” of the SOP circulated vide letter of even no. dated 30.05.2022 to the Regional committees. The relevant extracts of the same is as under:-*



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(iv). *The Regional Director who is the convenor of the Regional Committee, while putting up the proposals to the Regional Committee, shall ensure that the correct provision in the Act, Rules or Regulations including norms and standards for various teacher education programmes are brought to the notice. (Clause 7(12) of NCTE Regulations, 2014).*

(v). *It should be ensured that routine matters which are within the purview of the functions/mandate of the Regional Committees/Regional Directors should not be forwarded to the Hqrs failing which an appropriate action shall be taken against the RC/RD concerned.*

In view of the above, the committee decided that the institution cannot be granted 2nd unit of B.Ed. course as the institution has the total built up area of 2218.90 sqmts. out of which 1550 sqmts built up area is in its own building, however the built-up area of 618.90 sqmts. is in another building which is on lease basis and on a distance of 100 mtrs at 1st & 5th floor. The institution be informed accordingly”.

17. In view of the decision of ERC, the institution cannot be granted 2nd unit of B.Ed. course.

Yours faithfully,


(Naveen Malik)

Regional Director (I/C)

To

The Principal/Correspondent,
College of Education,
Christian Basti Amarawati Path,
P.O.-Dispur, Guwahati, Assam-781005.

Copy to:-

- 69342 1. The Commissioner & Secretary, Department of Education, Govt. of Assam, Capital Complex, Dispur, Guwahati, Assam-781006.
- 69343 2. Registrar, Gauhati University, Gopinath Bardoloi Nagar, Guwahati, Assam-781014.
- 69344 3. The Director, SCERT, Assam, Kahilipara, Guwahati, Assam-781019.
- 69345 4. The Secretary, Department, of School Education and Literacy, Ministry of Education, Govt of India, Shastri Bhawan, New Delhi-110001.
- 69346 5. The Under Secretary (IT), National Council for Teacher Education, G-7, Sector-10, Dwarka, New Delhi.
6. Office Order file/Institution file.