

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

F.No.ER-327.7/ERCAPP2399/D.El.Ed./BR/2023/68182

Dated: 08-06-2023

ORDER

WHEREAS, in terms of Section 14/15 of the NCTE Act, 1993, **Matri Prem College of Education, Plot No.-1243, 1244, Vill.-Chilhari, Po.-Purana Bhojpur, Tehsil/Taluka-Dumraon, Town/City-Buxar, Dist.-Buxar, Bihar-802133** was granted recognition for conducting D.El.Ed. programme of two year duration with an annual intake of 100 students vide order No. F.No.ER-207.6.49/ERCAPP2399/D.El.Ed/2016/44330 dated 03.03.2016 from the academic session 2016-2017.

2. **AND WHEREAS**, the Show cause notice under section 17 (1) of NCTE Act, 1993 was issued on 05.08.2022 as per decision of 306th meeting of ERC held on 12th to 13th July, 2022 to the all institutions which have not filed PAR on the ground that the institution has breached the condition of recognition as per the provision of clause 8 (12) of NCTE Regulations, 2014 and also clause 7(14)(i) of NCTE, Regulations, 2014 which is related to uploading information on the website, if the web site of the institution is not working.

3. **AND WHEREAS**, the matter was again placed before 311th meeting of ERC held on 11th Oct, 2022, and the case of the institutions which had not filled up the PAR was considered by the ERC in its 306th meeting held 12th & 13th July, 2022 and as per decision of the Committee, the Show cause notice under section 17 (1) of NCTE Act, 1993 was issued on the ground that the institution has breached the condition of recognition as per the provision of clause 8 (12) of NCTE Regulations, 2014 and also clause 7 (14)(i) of NCTE, Regulations, 2014 which is related to uploading information on the website, if the web site of the institution is not working. The Committee decided that Final Show Cause Notice be issued before withdrawal of recognition under Section 17 of the NCTE Act, 1993 to submit reply within 15 days from the date of issue of Final Show Cause Notice. As per decision of ERC-NCTE, SCN was issued to the applicant institution on 28.10.2022.

4. **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, the matter was considered by ERC in its 313th (Virtual) meeting and the committee observed that:-

- *As per provision contained in Section 12 (j) & (k) of the NCTE Act, 1993, the institution was asked to fill up the Performance Appraisal report (PAR) for the academic session 2020-21, however, the institution has not filled up the same.*
- *Therefore, as per decision taken by ERC in its 306th meeting held on 12th to 13th July, 2022, Show Cause Notice under Section 17 (1) of NCTE Act, 1993 was issued to the institution for not filing PAR on the ground that the institution has breached the condition of recognition as per the provision of clause 8 (12) of NCTE Regulations, 2014 and also clause 7 (14) of NCTE, Regulations, 2014 which is related to uploading information on the*

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website, if the web site of the institution is not working.

- *Further, as per decision taken by ERC in its 311th meeting held on 11th October, 2022, Final Show Cause Notice was issued to the institution for not submitting the reply of Show Cause Notice issued to it.*
- *The Committee further noted that the institution has not submitted the reply of Final Show Cause Notice.*

Hence, Committee decided that the recognition for D.El.Ed. Programme be withdrawn under Section 17 (1) of the NCTE Act, 1993 with effect from the end of academic session next following the date of communication of withdrawal order.

Accordingly, Withdrawal Order was issued to the institution on 24.11.2022.

5. **AND WHEREAS** the institution preferred an appeal to NCTE Hqrs. against the withdrawal order dated 24.11.2022. The Appellate Authority has passed an Order No.89-269/E-283688/2022 Appeal/11th Meeting, 2022 APPLERC202214496/116460 dated 11.01.2023. The operative part of order as under:-

"...In view of the above direction given by Hon'ble Supreme Court, the institution shall not be exempted for non-filling the Performance Appraisal Report (PAR) on the technical error or non-functioning of server etc. It leading to violation of mandatory direction of the NCTE as well as the direction of the Hon'ble Supreme Court. Hence the Appeal Committee decided to reject the instant Appeal of the applicant institution.

After perusal of the Memoranda of Appeal, Affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 24.11.2022 issued by ERC is confirmed".

6. **AND WHEREAS**, the matter was again placed before 327th (Emergent) meeting of ERC held on 07.06.2023 and the committee observed that:-

- The Hon'ble High Court of Delhi vide its Order dated 16.05.2023 of CM APPL. 25525/2023 in W.P. (C) No. 3194/2023 passed an Order as under:
 1. *The instant writ petitions were already disposed of vide order dated 17.03.2023 and are now taken up on CM APPL. 25492/2023, CM APPL. 25514/2023 and CM APPL. 25525/2023 filed on behalf of the petitioners.*
 2. *Heard learned counsel appearing on behalf of the petitioners.*
 3. *A perusal of the impugned order dated 17.03.2023 would indicate that the impugned action under challenge in the main writ petition was set aside, and therefore, there is no reason to deny admission to be made by the petitioners-institutions for the Academic Year 2023-24 for that count.*
 4. *It is, therefore, directed that the petitioners-institutions be allowed to participate in the*

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counselling process to be conducted for the Academic Year 2023-24.

5. *The respondent no.1- NCTE is also directed to issue an order of restoration for the recognition of the petitioners-institutions within a period of two weeks from today and the same be also communicated to the affiliating university and the to the Department of Higher Education.*
6. *No further directions are called for.*
7. *The application stand disposed of.*

Further, the Hon'ble High Court of Delhi vide its Order dated 01.06.2023 in CM APPL. 31093/2023 in W.P. (C) No. 3194/2023 passed an Order as under:

1. *Learned counsel appearing on behalf of respondent no. 1-NCTE submits that he has received certain instructions from Mr. Naveen Malik, Regional Director of Eastern Committee (ERC) that the restoration order would be passed within a period of seven days from today. The said statement made by learned counsel appearing on behalf of respondent no. 1- NCTE is taken on record.*
2. *In view of the statement made by learned counsel for respondent no. 1- NCTE, the instant applications stand disposed of.*
3. *Liberty is, however, granted to the petitioner to file an appropriate application, in case, no restoration order is passed within a period of seven days and liberty is also granted to make a mention before the Vacation Bench, if so necessitated.*

In compliance with the directions passed by the Hon'ble High Court of Delhi, ERC decided that the recognition granted to the institution for running D.El.Ed. programme is hereby restored.

Order be issued and the affiliating University, Department of Higher Education and other concerned be informed accordingly.

7. **NOW THEREFORE**, in terms of above decision of ERC, the recognition granted to the institution viz. Matri Prem College of Education, Plot no-1243, 1244, Vill.-Chilhari, Po.-Purana Bhojpur, Tehsil/Taluka-Dumraon, Town/City-Buxar, Dist.-Buxar, Bihar-802133 for running D.El.Ed. programme for 100 students (two basic units) is hereby restored.



(Naveen Malik)

Regional Director (I/C)

The Controller of Publications,
Department of Publications (Government of India),
Ministry of Urban Development
Civil Lines, New Delhi-110054

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To,

The Principal/Correspondent,
Matri Prem College of Education,
Plot no-1243, 1244, Vill-Chilhari
Po-Purana Bhojpur, Tehsil/Taluka-Dumraon
Town/City-Buxar, Dist-Buxar,
Bihar-802133.

Copy to:-

1. The Secretary/Correspondent, Indian Computer Education Society, Vill/PO-Dhanaunada, Tehsil/Taluka/Town/City-Kanina, Dist-Mahendragarh, Haryana-123027.
2. The Commissioner-cum-Secretary, Primary, Secondary & Higher Education, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna, Bihar-800015.
3. The Secretary, Bihar School Examination Board, Fraser Road, Patna, Bihar-800001.
4. The Director, Department of Primary Education, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna, Bihar-800015.
5. The Secretary, Department, of School Education and Literacy, Ministry of Education, Govt of India, Shastri Bhawan, New Delhi-110001.
6. The Under Secretary (IT), National Council for Teacher Education, G-7, Sector-10, Dwarka, New Delhi.
7. Office Order file/Institution file



Regional Director (I/C)