

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

F.No.ER-321.15/NCTE/ERCAPP1704/B.Ed./BR/2023/67481

Dated: 03-03-23

ORDER

WHEREAS, in terms of Section 14/15 of the NCTE Act, 1993, the recognition was granted to Chandradev Narayan College, Sahebganj, Plot No.-216, Vill.-Rampur Asli, Po.-Karnaul, Tehsil/Taluka -Sahebganj, Town/City-Sahebganj, Dist - Muzaffarpur, Bihar- 843125 for conducting B.Ed. programme of one year duration with an annual intake of 100 seats vide order No. ERC/7-170.6.13/NCTE/B.Ed./2014/24388 dated 03.03.2014, followed by revised recognition for B.Ed. programme of two year duration with an annual intake of 100 students (Two Basic Units of 50 Students Each) from the academic session 2015-2016 vide order ERC/NCTE/ERCAPP1704/B.Ed.(Revised Order)/2015/31987 dated 23.05.2015, as per NCTE Regulations, 2014.

2. AND WHEREAS, recognition of the institution was withdrawn vide Order No.F.No.ER-295.13/ERCAPP1704/B.Ed./2021/64438 dated 03.09.2021.

3. AND WHEREAS, The institution filed court case before the Hon'ble High Court of Delhi at New Delhi in W.P. (C) 9530/2021 & CM APPLs. 29531-29532/2021 dated 03.09.2021. The operative part of court order is produced below:

"7. In the meanwhile, it is clarified that the impugned decision of the ERC will take effect only from the end of the next academic session, i.e. 2022-23. The petitioners will be entitled to participate in counselling and admits students for the session 2021-22. The respondents are directed to reflect the status of the petitioners as recognized institutions on their website and to communicate the same to the petitioners' affiliating universities and the concerned State Government authorities forthwith and no later than 07.09.2021."

4. AND WHEREAS, in compliance of above Hon'ble High Court Order dated 03.09.2021, the matter was considered by the ERC in its 296th (Emergent) meeting of the ERC held on 01.October, 2021 and the committee decided as under:-

"The petitioner institution be allowed to participate in counselling for the academic session 2021-2022. Further, the matter may be considered by ERC as per decision taken by Appellate Authority, NCTE".

Accordingly, letter was issued to the institution on dated 27.01.2022. The institution submitted a representation dated 15.02.2022 received in ERC office on dated 22.02.2022.

5. AND WHEREAS, the institution filed W.P. (C) No. 5501 of 2022 & CM APPL. 16375-76/2022 before the High Court of Delhi at New Delhi and an order dated 01.04.2022 was passed as under:

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“6. In the light of the aforesaid, the writ petition deserves to be allowed and is, accordingly, allowed by clarifying that the petitioner would be entitled to admit the students in the academic year 2022-23 and would therefore be entitled to participate in the counselling for B.Ed. course forward a necessary clarification in this regard to the affiliating university and other statutory authorities wherein it would also be made clear that the petitioner is being permitted to participate in the counselling only for the academic year 2022-23 and the permission for the next year would depend upon the outcome of the petitioner’s appeal against the withdrawal order dated 21.08.2021.”

6. AND WHEREAS, in compliance of above Hon’ble High Court Order dated 01.04.2022, the matter was considered by the ERC in its 304th (Emergent) Meeting held on 11th April, 2022 and the committee decided as under:-

In compliance of order dated 01.04.2022 passed by Hon’ble Court, the institution is permitted to participate in the counselling of fresh students for two years course only for the academic session 2022-2023, which will end in the year 2024. The counselling for the next year shall be subject to outcome of appeal order passed by NCTE and further decision taken by ERC. The concerned affiliating body be informed accordingly and the status of institution be updated on the ERC portal of NCTE website.

Accordingly, letter was issued to the institution on dated 21.04.2022. The institution submitted a representation dated 15.02.2022 received in ERC office on dated 22.02.2022.

7. AND WHEREAS, the Order No. F.No.89-248/E-196690/2021 Appeal/4th Meeting, 2022/APPLERC202114106 dated 26.05.2022, was passed by the Appellate Authority, the operative part of the order is as under:-

“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 of the institution and therefore decided to reject the instant appeal and confirm the impugned withdrawal order issued by ERC”.

8. AND WHEREAS, the appellant institution moved to the Hon’ble Delhi High Court by the way of W.P. (C) No. 15268/2022 titled Chandradev Narain College v/s National Council for Teachers Education & Anr and the Hon’ble Court vide order 04.11.2022 issued following directions:-

“11. Since the documents were placed on record but were not taken into consideration by Appellate Committee and keeping in view the aforesaid submissions, the instant petition is allowed with the following directions:

(i) Appeal order dated 26.05.2022 is set aside and appeal before the Appellate Appeal order dated 26.05.2022 is set aside and appeal before the Appellate Committee is restored.

(ii) Petitioner-college”.

9. **AND WHEREAS**, in compliance of Court Order dated 04.11.2022, the Appellate Authority has passed order No. F.No.89-248/E-196690/2021 Appeal/11th Meeting, 2022/APPLERC202114106 dated 11.01.2023 as under:

"In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 03.09.2021 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

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 to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority."

10. **AND WHEREAS**, the institution submitted its reply dated 14.01.2023 and 16.01.2023 received in ERC office on dated 19.01.2023 and 31.01.2023.

11. **AND WHEREAS**, the matter was considered by the ERC in its 321st(Virtual) meeting of the ERC held on 21.02.2023 and the committee decided as under:-

"The original file of the institution alongwith Appeal Order No. F.No. 89-248/E-196690/2021 Appeal/11th Meeting, 2022/APPLERC202114106/116568 dated 11.01.2023, other related documents submitted by the institution, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, was considered by ERC.

- The Committee noted that the withdrawal order 03.09.2021 has already been set aside by the Appellate Authority vide its Order dated 11.01.2023 and remanded back to ERC for consideration, therefore, ERC decided that the recognition granted to the institution for running B.Ed. programme is hereby restored. Orders may be issued accordingly."*

12. **NOW THEREFORE**, in terms of above decision of ERC, the recognition granted to the institution viz. Chandradev Narayan College Sahebganj, Plot No.- 216, Street No. NA, Vill.- Rampur Asli, P.O.- Karnaul, Tehsil/Taluka-Sahebganj, Town/City-Sahebganj, Dist.- Muzaffarpur, Bihar-843125 vide order No. ERC/NCTE/ERCAPP1704/B.Ed.(Revised Order)/2015/31987 dated 23.05.2015 for B.Ed. programme with an annual intake of 100 students (two units) is hereby restored.

(Ravindra Singh)
Regional Director

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

To,

✓ **The Principal/Correspondent,**
Chandradev Narayan College Sahebganj, Plot No.- 216,
Street No. NA, Vill.-Rampur Asli, P.O.-Karnaul,
Tehsil/Taluka-Sahebganj, Town/City-Sahebganj,
Dist.-Muzaffarpur, Bihar-843125.

Copy to:-

1. The Commissioner-cum-Secretary, Primary, Secondary & Higher Education, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna, Bihar-800015.
2. The Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur, Bihar-842001.
3. The Director, Department of Secondary Education, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna, Bihar-800015.
4. The Secretary, Dept. 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. Office Order file/Institution file.

Regional Director