

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

F.No.ER-321.26/WB-S/N-1/2000/B.Ed./2023/67570

Date: 03-03-2023

ORDER

WHEREAS, in terms of Section 14/15 of the NCTE Act, 1993, **University B.T. and Evening College, Kesab Road, Kunjabari, Cooch Behar, West Bengal-736101 (WB-S/N-1/2000)** was granted recognition for B.Ed. Course of one year duration with an intake of 50 vide ERC Order No.ERC/7-20/2001/2563 dated 05.09.2001, followed by revised recognition for B.Ed. course of two years duration with an intake of 50 students (one basic unit) from the academic session 2015-2016 vide order No.F.ERC/NCTE/WB-S/N-1/2000/B.Ed.(Revised Order)/2015/32385 dt.29.05.2015, as per NCTE Regulations, 2014.

2. **AND WHEREAS**, the ERC in its 279th meeting held on 14th – 16th February, 2020 decided that recognition granted to B.Ed. course be withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-2021. As per decision of committee withdrawal order was issued on 26.02.2020.

3. **AND WHEREAS**, the institution had preferred an appeal to the NCTE Hqrs. against the ERC's withdrawal order dated 26.02.2020. The Appellate Authority vide its Order No.F.No.89-80/E-156414/2020 Appeal/13thMtg.-2020/27th July, 2020/93120 dated 15.09.2020 remanded back the case to ERC for revisiting the matter as per the submissions made by the appellant before the Appellate Authority.

4. **AND WHEREAS**, in compliance of Appeal order dated 15.09.2020 the ERC in its 290th meeting held on 03rd March, 2021 considered the submission of institution and the original file alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time and decided to issue Show Cause notice under section 17 of the NCTE Act, 1993.

5. **AND WHEREAS**, as per above decision of ERC Show Cause Notice was issued to the applicant institution on 17.03.2021. The institution has submitted reply of Show Cause Notice on 13.04.2021 & 08.11.2021, the original file of the institution along with other related documents, replies submitted by the institution in the light of NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, were carefully considered by ERC in its 300th (Virtual) meeting held on 28th December, 2021, and the Committee decided to issue Final Show Cause Notice to the institution.

6. **AND WHEREAS**, as per above decision of ERC, Final Show Cause Notice issued to the institution on 17.01.2022. The institution has submitted reply of Final Show Cause Notice on 31.01.2022, 05.03.2022 & 11.05.2022. The original file of the institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time and reply in response to show cause notice were carefully considered by ERC in its 306th (Virtual) meeting held on 12th – 13th, 2022 and the Committee made following observations:

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G-7, Sector-10, Dwarka, New Delhi - 110075

Phone : +91-11-20893265, 43152358

Email : erc@ncte-india.org | Website : www.ncte.gov.in

As per the decision taken by ERC in its 290th meeting, the first show cause notice was issued under section 17 of NCTE Act, 1993 to the institution on 17.03.2021. The reply submitted by the institution was considered by ERC in its 300th meeting and as per the decision taken by ERC, the final show cause notice under section 17 of NCTE Act, 1993 was issued to the institution on 17/01/2022. The reply dated 31.01.2022, 05/03/2022 and 11/5/2022 submitted by the institution were carefully considered by ERC and observed as follows:

1. *Copy of educational qualification certificate/ testimonials in respect of Sh Manasi Nag and Mr. Kausik Roy are not submitted by the institution which were required in SCN.*

Hence, ERC decided that the recognition for B.Ed. Course 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 on the above grounds.

7. **AND WHEREAS**, the institution had filed W.P (C) No.11567/2022 before the Hon'ble High Court of Delhi against withdrawal order dated 22.07.2022 issued by ERC and the Hon'ble High Court passed an Order dated 04.08.2022 with the direction that the petitioner shall be entitled to participate in counselling and admit students for the academic session 2022-23 and 2023-24.

8. **AND WHEREAS**, the matter was considered by the ERC in its 308th (Virtual) Meeting held on 02nd September, 2022 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.

As per decision of ERC taken in its 306th meeting, the recognition for B.Ed. course was withdrawn vide order dated 22.07.2022 with effect from the end of academic session next following the date of communication of withdrawal order.

The institution had filed W.P (C) No.11567/2022 before the Hon'ble High Court of Delhi against withdrawal order dated 22.07.2022 issued by ERC and the Hon'ble High Court passed an Order dated 04.08.2022 with the direction that the petitioner shall be entitled to participate in counselling and admit students for the academic session 2022-23 and 2023-24.

In compliance of the above Order passed by the Hon'ble High Court, letter dated 12.08.2022 was issued by the office of ERC to the institution, State Government and the affiliating body concerned.

The committee confirmed the letter dated 12.08.2022 issued by RD- ERC in compliance of the Order dated 04.08.2022 passed by the Hon'ble High Court.

The Committee further decided that in light of provision of section 17 (1) of NCTE Act, 1993 Review Application be filed with regard to academic session 2023-24.

9. **AND WHEREAS**, in compliance of court order dated 04.08.2022, a letter was issued to the institution on 12.08.2022.

10. **AND WHEREAS**, the institution also preferred an appeal to the NCTE Hqrs. against the ERC's withdrawal order dated 22.07.2022. The Appellate Authority vide its Order No.F.No. 89/E-271606/2022 Appeal/9th Meeting, 2020 APPLERC202214451 dated 30.11.2022 passed an order as under:-

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 22.07.2022 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

".....Appeal Committee of the Council concluded to remand back the case to ERC with a direction to consider the documents submitted in appeal which is 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 concluded to remand back the case to ERC with a direction to consider the documents submitted in appeal to be sent to them by the appellant and take further necessary action as per the NCTE Regulation, 2014".

11. **AND WHEREAS**, the institution submitted a representation dated 12.12.2022 received in a ERC office on dated 20.12.2022.

12. **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. 89-228/E-271606/2022 Appeal/9th Meeting, 2020 APPLERC202214451/115578 dated 30.11.2022, 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 22.07.2022 has already been set aside by the Appellate Authority vide its Order dated 30.11.2022 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. Order be issued accordingly."*


13. **NOW THEREFORE**, in terms of above decision of ERC, the recognition granted to University B.T. and Evening College, Kesab Road, Kunjabari, Cooch Behar, West Bengal-736101 vide order No. F.ERC/NCTE/WB-S/N-1/2000/B.Ed.(Revised Order)/2015/32385 dated 29.05.2015 for B.Ed. programme with annual intake of 50 students (one unit) 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.

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To

 **The Principal/Correspondent,**
University B.T. and Evening College,
Kesab Road, Kunjabari, Cooch Behar,
West Bengal-736101

Copy to:-

1. The Secretary to the Govt. of West Bengal, Department of Higher Education, 6th Floor, Room No.-606, Bidhan Nagar, Kolkata, West Bengal-700091.
2. The Registrar, University of North Bengal, Raja Rammohunpur, Post- North Bengal University, Distt- Darjeeling, West Bengal-734013.
3. The Director of Public Instruction, Govt. of West Bengal, 6th Floor, Bikash Bhawan, Salt Lake, Kolkata, West Bengal-700091.
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