

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

F.No.ER-348.28/NCTE/B.Ed./ERCAPP3825/WB/2024/

(69863-69870)

ORDER

Dated: 9/8/2024

WHEREAS, in terms of Section 14/15 of the NCTE Act, 1993, recognition was granted to **Bishnupur Mallabhum B.Ed. College, Plot No.- 330, Vill.-Mayrapukur, P.O.- Gossainpur, Tehsil/Taluka-Bishnupur, Town/City- Bishnupur, Dist.-Bankura, West Bengal - 722122** for conducting B.Ed. programme of two year duration with an annual intake of 50 students (One basic Units) from the academic session 2017-2018 vide Order No. ER-218.6.17/ERCAPP3825/B.Ed./2016/48609 dated 29.07.2016. followed by revised recognition for B.Ed. programme of two year duration with an another intake of 50 (existing 50 intake + additional 50 intake) from the academic session 2017-2018 vide Order No. ER-236.4.6(Part-II)/ERCAPP3825/B.Ed./2016/ 52601 dated 28.04.2017, as per NCTE Regulations, 2014.

2. **AND WHEREAS**, the matter was placed before ERC in its 307th (Virtual) meeting held on 05th August. 2022 and the committee decided to issue Show Cause Notice to the institution. Accordingly, SCN was issued to the institution on 12.08.2022. The reply of the institution was received in ERC on 07.09.2022, 06.10.2022& 23.03.2023.

3. **AND WHEREAS**, the matter was placed before ERC in its 319th (Virtual) Meeting held on 25th January, 2023 and the committee considered the reply submitted by the institution in reference to the Show Cause Notice and decided to get verified the following documents from the concerned issuing authorities before considering the reply:

- List of faulty from the affiliating University.
- FDRs from the issuing Bank concerned.
- Fire Safety Certificate
- Building Safety Certificate
- Certificate of Land Use

The letter be issued to concerned authorities for verification and submission of their report within 15 days and thereafter, the matter be put up again before ERC for appropriate decision.

4. **AND WHEREAS**, Accordingly, the letter was issued to concerned authorities on dated 08.02 2023. The reply of the concerned authorities was received in ERC on 22.02.2023, 24.02.2023 & 01.03.2023.

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5. **AND WHEREAS**, the matter was considered by ERC in its 326th meeting held on 23rd May, 2023 and the committee decided as under:-

The ERC in its 319th (Virtual) Meeting of the ERC held on 25th January, 2023 decided to verify the following documents from the issuing authorities:-

- List of faculty from the affiliating University.
- FDRs from the issuing Bank concerned.
- Fire Safety Certificate
- Building Safety Certificate
- Certificate of Land Use

The committee noted that letters to the authorities concerned were sent by the office of ERC on 08.02.2023 for verification.

The committee further noted that the verification of the following documents has not received so far from the issuing authorities:-

- List of faculty from the affiliating University.
- Fire Safety Certificate

In view of the above, the committee decided to issue reminder letter/s to the authorities concerned for verification.

*The committee also noted that the concerned issuing authority of **Land Use Certificate and Building Safety Certificate** have informed that the documents have not been issued from their office.*

*In view of above, the Committee also decided that **Final Show Cause Notice** be issued under section 17 of the NCTE Act, 1993 to the institution before withdrawal of recognition to submit reply within 15 days from the date of issue of show cause notice.*

6. **AND WHEREAS**, Accordingly the committee decided to issue Show Cause Notice to the institution on dated 31.05.2023. The reply of the institution was received in ERC on received on 03.07.2023

7. **AND WHEREAS**, the matter was considered by ERC in its 331nd meeting held 26.07.2023 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 and the Committee observed that:

- *The Additional District Magistrate and District Land and Land Reforms Officer, Bankura, Government of West Bengal vide Memo No. 2086/LR/BNK/CONV/23 dated 10.04.2023 has informed that the Change of Land Use bearing Memo No. 89/Conv-04/LR/2015 dated 28.04.2015 is not issued by the office of District Land and Land Reforms Officer, Bankura, Government of West Bengal. The said Change of Land Use was submitted by the institution vide letter dated 31.08.2022 (received in ERC on 07.09.2022) in response to the Show Cause Notice dated 12.08.2022.*
- *The District Engineer, Bankura Zila Parishad, Bankura vide Memo No. 911/ZP/2023 dated 24.02.2023 has informed that the Building Safety Certificate bearing Memo No. 1256/BZP/2021 dated 31.03.2021 is not issued by the office of Bankura Zila Parishad, Bankura. The said Building Safety Certificate was submitted by the institution vide letter dated 31.08.2022 (received in ERC on 07.09.2022) in response to the Show Cause Notice dated 12.08.2022.*

Hence, Committee decided that the recognition granted to the institution for running B.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.

8. Accordingly, withdrawal order was issued to the institution dated 09.08.2023.

9. **AND WHEREAS**, the institution against the order of ERC, preferred an appeal before NCTE (HQ) under section 18 of NCTE Act, 1993 and the NCTE (HQ) vide its Order File No.89-163/E-317087/2023 Appeal/15th Meeting, 2023 APPLC202314678 Dated 19.12.2023 confirmed the order of ERC as under:

“After perusal of the Appeal Report, 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 09.08.2023 issued by ERC is confirmed.

10. **AND WHEREAS**, the institution approached the Hon’ble High Court of Delhi and the Hon’ble Court vide order dated 30.04.2024 has stayed the withdrawal order dated 09.08.2023 and the Appellate Authority order dated 19th December 2023.

11. **AND WHEREAS**, the matter was considered by ERC in its 344th meeting held 21st & 22nd May 2024 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 Order dated 30.04.2024 passed by the Hon'ble High Court in W.P.(C) 6662/2024 and CM APPL. 2770912024 (stay) was noted by ERC and the Committee decided the following:

- ***The Panel Counsel of NCTE at Hon'ble High Court of Delhi be directed to move appropriate application for vacation of stay before the Hon'ble High Court.***

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The Counter Affidavit in this case be immediately filed by ERC-NCTE.

12. AND WHEREAS, as per the decision of ERC, mail was sent to NCTE's Panel Counsel for filling LPA and application for vacation of stay.

13. AND WHEREAS, The Hon'ble High court of Delhi in LPA 692/2024, CM Appl No. 42449/2024, CM Appl 42450/2024 and CM Appl 42451/2024 & LPA 700/2024, CM Appl No. 42473/2024, CM Appl 42474/2024 and CM Appl 42475/2024 has disposed of the case and passed an order dated 30.07.2024. The operative part of the order is as under:-

- *After hearing the parties at some length, this court is of the view that reasoning given by the learned single judge is correct, both in fact and in law.*
- *Keeping in view the urgent and important issue involved in the present appeals, this court is of the view that the matters need to be decided at the earliest.*
- *Consequently, the impugned order are set aside and the matters are remanded back to the ERC for fresh decision. Since the ERC is holding its next morning on 6th and 7th August, 2024, this court directs the ERC to give a personal hearing to the respondents and pass fresh order in accordance with law, as expeditiously as possible.*
- *The Interim protections granted by the learned single judge shall continue till the decisions are pronounced by the ERC.*

14. AND WHEREAS, the matter was considered by ERC in its 348th meeting held 06th & 07th August, 2024 and the committee decided as under:-

The Order dated 30.07.2024 passed by the Hon'ble High Court of Delhi in LPA 692/2024, CM Appl No. 42449/2024, CM Appl 42450/2024 and CM Appl 42451/2024 & LPA 700/2024, CM Appl No. 42473/2024, CM Appl 42474/2024 and CM Appl 42475/2024 was noted by ERC wherein the Order passed by the ERC and Appellate Authority has been set aside and the Committee decided the following:

- *As per the direction of the Hon'ble Court, the mail / letter was sent to the institution on 01st August 2024 for personal hearing on 06th August 2024 at 03.00 PM before ERC.*
- *Sh. Satya Sadhan Dutta, President of the institution presented his matter before ERC in personal hearing before ERC on 06th August 2024 and explained his views and submit his written submission vide letter dated 06.08.2024 with the relevant documents.*
- *The Committee heard him carefully with regard to all points and examined the documents submitted.*
- *The Committee noted that the withdrawal order and order of the Appellate Authority has already been set aside by the Hon'ble Court, therefore, ERC decided that the recognition granted to the institution for running two years B.Ed. programme with an annual intake of 100 (Two Units) be restored until a fresh withdrawal order is issued by ERC. Order be issued accordingly.*

The Committee further decided the following:-

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- *The documents submitted by the President of the Institute before the Committee vide his written submission dated 06.08.2024 be forwarded to the concerned Department / Authority for verification and 21 days time be given to the concerned department / authority for verification.*
- *On receipt of reply the matter be again put up again before ERC for further consideration.*

15. **NOW THEREFORE**, in terms of the above decision of ERC, the recognition granted to **Bishnupur Mallabhum B.Ed. College, Plot No.- 330, Vill.-Mayrapukur, P.O.-Gossainpur, Tehsil/Taluka-Bishnupur, Town/City- Bishnupur, Dist.-Bankura, West Bengal – 722122**, for conducting B.Ed. programme of two years duration with an intake of 100 (existing 50 intake + additional 50 intake) from the academic session 2017-2018 vide Order No. ER-236.4.6(Part-II)/ERCAPP3825/B.Ed./2016/ 52601 dated 28.04.2017 is hereby restored until a fresh withdrawal order is issued by ERC.

By Order,

(Ravindra Singh)
Regional Director

To,

The Principal/Correspondent,

Bishnupur Mallabhum B.Ed. College,
Plot No.- 330, Vill - Mayrapukur, P.O.-Gossainpur,
Tehsil/Taluka – Bishnupur, Town/ City - Bishnupur,
Dist. - Bankura, West Bengal – 722122.

Copy to:-

- 68864 1. The Secretary/Correspondent, Sreejan Samsad, Vill./Town/City-Gopalganj, P.O.-Bishnupur, Tehsil/Taluka-Bishnupur, Town/City-Bishnupur, Dist.-Bankura, West Bengal-722122.
- 69865 2. The Secretary, Department of Higher Education, Govt. of West Bengal, 6th Floor, Bikash Bhawan, Salt Lake, Kolkata, West Bengal-700091.
- 69866 3. The Registrar, Baba Saheb Ambedkar Education University, 25/2 and 25/3, Ballygunge Circular Road, Kolkata, West Bengal 700019.
- 69867 4. The Director, of Public Instruction, Govt. of West Bengal, 6th Floor, Bikash Bhawan, Salt Lake City, Kolkata, West Bengal-700091.
- 69868 5. The Secretary, Department of School Education and Literacy, Ministry of Education, Govt. of India, Shastri Bhawan, New Delhi-110001.

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- 69869 6. The Under Secretary (IT), National Council for Teacher Education, G-7, Dwarka Sector-10, Near Metro Station, New Delhi-110075.
- 69870 7. 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]
8. Institution file/Office Order file/Guard file.


Regional Director