

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

F.No.ER-332.1/NCTE/ERCAPP3950/D.El.Ed/WB/2023/68728

Dated: 18-09-2023

ORDER

WHEREAS, in terms of Section 14/15 of the NCTE Act, 1993, **Sahid Khudiram College of Education, Plot No.1006, 1553, 1555, Street No.-NH6, Vill.-Dakshin Mechogram, P.O.-Uttar Mechogram, Tehsil/Taluka/Tamluk, Town/City-Panskura, Dist.-Midnapore, West Bengal — 721139** for D.El.Ed. programme of two year duration with an intake of 100 students *vide* ERC Order No. ER-237.6.51 (Part-3)/ERCAPP3950/D.El.Ed./2017/53008 dated 02.05.2017 from the academic session 2017-2018, as per NCTE Regulations, 2014.

2. **AND WHEREAS**, a complaint letter dated 05.05.2017 received against the institution. The matter was placed before the ERC in its 282nd Meeting held on 8th —9th July, 2020 and ERC decided to issue Show Cause notice under section 17 of the NCTE Act, 1993.

3. **AND WHEREAS**, as per above decision of ERC, Show cause notice was issued to the applicant Institution on dated 10th August, 2020. The institution had submitted reply dated 01.09.2020 received on 08.09.2020. The original file of the institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, reply of the institution were carefully considered by ERC in its 303rd (Virtual) meeting held on 24th March, 2022 and the Committee decided to issue the Final Show Cause notice to the institution.

4. **AND WHEREAS**, as per above decision of ERC, Final Show Cause Notice issued to the institution on dated 05.04.2022, the institution has submitted reply of Final Show Cause Notice which was received on 30.04.2022 & 21.05.2022. The original file of the institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, reply of the institution were carefully considered by ERC in its 306th (Virtual) meeting held on 12th —13th, 2022 and the Committee made following observations:

As per the decision of ERC taken in its 282nd meeting, the first Show Cause Notice dated 10.08.2020 was issued to the institution under section 17 of NCTE Act, 1993, the reply of SCN was considered by ERC in its 303rd meeting and as per the decision of ERC, the final Show Cause Notice under section 17 of NCTE Act, 1993 was issued to the institution on 05.04.2022. The institution has submitted reply dated 30.04.2022, 21.05.2022 which were carefully considered by ERC and found the institution deficient on the following grounds:

1. The Institution has submitted Land Documents wherein the total land area is only 3078.41 Sqmts for two units of B.Ed. programme and two units of D.El.Ed programme. As per NCTE



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Regulations, the land area of 3500 sqmts is required for 2 unit B.Ed Course and 2 unit D.El.Ed course. Hence, the institution does not fulfil the land requirement as per NCTE Regulations, 2014 as amended from time to time.

5. **AND WHEREAS**, recognition of the institution was withdrawn vide Order No. ER-ERC/306.15/ERCAPP3950/D.El.Ed./2022/65949 dated- 22.07.2022.

6. **AND WHEREAS**, the Appellate Authority vide Order No. File No. 89-239/E-274971/2022Appeal/1st Meeting, 2023 APPLERC202214455/ 117179, passed and order 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 and decide that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 22.07.2022 issued by the ERC is confirmed.

7. **AND WHEREAS**, the institution filed W.P.(C) 5074 of 2023 and CM APPL. 43268 of 2023 before the High Court of Delhi at New Delhi and the Hon'ble High Court disposed of the case and passed an order dated 22.08.2023. The operative part of the order is as under:-

"...14. The petitioner-institution takes a categorical stand that for operating two units of B.Ed. course and two units of D.El.Ed. course in accordance with the extant regulations, the land required is 3000 sq. mtrs.

15. It is, thus, seen that had this deficiency been intimated to the petitioner-institution or if the petitioner-institution was called upon to respond to the said deficiency, it would have explained on the basis of the extant regulation as to whether the land requirement for operating the concerned units was being fulfilled by the petitioner-institution or not.

16. In any case, since the reason for withdrawal was not the part of the show cause notice, therefore, the order of withdrawal suffers from material illegality.

17. This court, at this stage, is not examining whether the land purchased thereafter, can be taken into consideration by the Appellate Authority and is limiting its adjudication only to the extent of not providing the petitioner institution a sufficient opportunity of hearing. It is, therefore, found that the order of withdrawal suffers from material illegality and the same requires to be interfered with.

18. The petitioner-institution, however, would be at liberty to explain before the ERC as to what is the requirement under the extant regulations for operating two units of B.Ed. course and two units of D.El.Ed. course. Accordingly, the orders of withdrawal passed by the ERC dated 22.07.2022 and the orders passed by the Appellate Authority dated 09.02.2023, are hereby set aside.

19. The matter is directed to be remitted back to the ERC and ERC is at liberty to issue a fresh show cause notice to the petitioner-institution.



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20. *If the ERC finds that a fresh inspection of the petitioner-institution is required to be conducted, the same be also conducted in accordance with law.*

21. *Till the ERC passes a fresh order, the petitioner-institution is allowed to continue with two units of B.Ed. course and one unit of D.El.Ed. course for the Academic Session 2023-24.*

22. *The order of restoration with respect to two units of B.Ed. course and one unit of D.El.Ed. course is directed to be issued within a period of 10 days from the date of receipt of copy of the order passed today.*

23. *The communication of restoring the recognition of the petitioner institution for two units of B.Ed course and one unit of D.El.Ed. course be also sent to the affiliating university and all concerned.*

24. *All consequential steps including updating of the website be also taken immediately.*

25. *With the aforesaid observations, the instant petition stands disposed of.*

8. **AND WHEREAS**, the matter was considered by the ERC in its 332th (Virtual) meeting of the ERC held on 30.08.2023 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 observed that the institution filed W.P.(C) 5074 of 2023 and CM APPL. 43268 of 2023 before the Hon'ble High Court of Delhi at New Delhi and the Hon'ble Court disposed of the case vide Order dated 22.08.2023. The operative part of the Order is as under: -

"...19. The matter is directed to be remitted back to the ERC and ERC is at liberty to issue a fresh show cause notice to the petitioner-institution.

20. If the ERC finds that a fresh inspection of the petitioner-institution is required to be conducted, the same be also conducted in accordance with law.

21. Till the ERC passes a fresh order, the petitioner-institution is allowed to continue with two units of B.Ed. course and one unit of D.El.Ed. course for the Academic Session 2023-24.

22. The order of restoration with respect to two units of B.Ed. course and one unit of D.El.Ed. course is directed to be issued within a period of 10 days from the date of receipt of copy of the order passed today.

23. The communication of restoring the recognition of the petitioner institution for two units of B.Ed. course and one unit of D.El.Ed. course be also sent to the affiliating university, and all concerned.

24. All consequential steps including updating of the website be also taken immediately.



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25. With the aforesaid observations, the instant petition stands disposed of.

In view of the above, the Committee decided to restore the recognition granted to the institution for running B.Ed. & D.El.Ed. courses until a fresh withdrawal order is issued by ERC.

9. **NOW THEREFORE**, in terms of above decision of ERC, the recognition granted to the institution viz. **Sahid Khudiram College of Education, Plot No.1006, 1553, 1555, Street No.-NH6, Vill.-DakshinMechogram, P.O.-Uttar Mechogram, Tehsil/TalukaTamluk, Town/City-Panskura, Dist.-Midnapore, West Bengal - 721139** vide ERC Order No. ER-239.6.24 (Part-2)/ERCAPP2544/D.El.Ed./2017/52685 dated 30.04.2017 for 50 students is hereby restored subject to fulfillment of the condition as per NCTE Regulations, 2014 until a fresh withdrawal order is issued by ERC.



(Naveen Malik)

Regional Director (I/C)

The Controller of Publications,

Department of Publications, (Gazette Section),

Ministry of Urban Development,

Civil Lines, Delhi-110054.

To



The Principal/Correspondent,

Sahid Khudiram College of Education,

Plot No.1006, 1553, 1555, Street No.- NH6,

Vill.-Dakshin Mechogram, P.O.-Uttar Mechogram,

Tehsil/Taluka-Tamluk, Town/City-Panskura, Dist.-Midnapore,

West Bengal — 721139

Copy to:-

1. The Secretary/Correspondent, Sahid Khudiram Education Trust, Plot No.1006, 1553, 1555, Street No.-NH6, Vill.-DakshinMechogram, P.O.-Uttar Mechogram, Tehsil/Taluka-Tamluk, Town/City-Panskura, Dist.-Midnapore, West Bengal — 721139.
2. The Secretary, Department of Higher Education, 6th Floor, Room No.-606, Bidhan Nagar, Kolkata, West Bengal-700091.
3. The Director, Department of Primary Education, Govt. of West Bengal, Bikash Bhawan, Salt Lake City, 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.

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6. 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]
7. Office Order file/Institution file.



Regional Director (I/C)