

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

F.No.ER-332.4/NCTE/APE00096/B.Ed./AS/2023/68736

Dated: 18-09-2023

ORDER

WHEREAS, in terms of Section 14/15 of the NCTE Act, 1993, **College of Teacher Education, Tulsiram Raod, Tinsukia, Assam-786125** was granted recognition for B.Ed. programme of one year duration with an annual intake of 60 seats from the academic session 2002-2003 vide order No. ERC/7-26/2002/2090 dated 17.07.2002, followed by revised recognition for B.Ed. programme of two year duration with an annual intake of 50 students (one basic unit) from the academic session 2015-2016 vide order No. ERC/NCTE/APE00096/B.Ed./(Revised Order)/2015/31840 dated 22.05.2015 as per NCTE Regulations, 2014.

2. **AND WHEREAS**, the ERC in its 267th meeting on consideration of reply from the institution regarding fulfillment of conditions as per NCTE Regulations 2014, observed that the institution is still deficient on the following and accordingly, issued First show cause notice under section 17(1) of NCTE 1993 vide letter No.59372 dated 21.02.2019 to comply the following:

- i. *Approved faculty list (current) by the concerned affiliating body along with requisite documents.*
- ii. *Approved building plan by the concerned Govt. Engineer/Authority.*
- iii. *Approved Building completion certificate by the concerned competent Govt. engineer/authority.*
- iv. *FDRs towards Endowment Fund and Reserve Fund after conversion into joint operation mode as prescribed in the NCTE Regulations, 2014.*
- v. *Confirmation on website updates of the institution with all details along with affidavit.*

3. **AND WHEREAS**, the ERC in its 271st meeting considered the matter and as decided, Second Show Cause Notice u/s 17(1) was issued vide letter no.60367 dated 14.05.2019 on the following grounds:

- (i) *The institution has not submitted requisite documents in compliance of SCN dated 21.02.2019.*

4. **AND WHEREAS**, the ERC in its 275th (Part-I) meeting held on 26th July, 2019 observed that the 1st show cause notice u/s 17(1) issued on 21.02.2019, followed by final show cause notice dated 14.05.2019 and the institution is still deficient on the following ground:-

- (i) Approved faculty list is not as per NCTE Regulations, 2014 as three teachers are part-time.

Recognition granted to B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-2021. Accordingly, withdrawal order under section 17(1) of NCTE Act, 1993 was issued vide No.61397 dated 26.08.2019.



5. **AND WHEREAS**, the institution preferred an appeal to the NCTE Hqrs. against the ERC's withdrawal order dated 26.08.2019. The Appellate Authority vide its Order No.89-365/E-135674/2019 Appeal/5th Mtg.-2020/4th February, 2020/90083 dated 11.03.2020 confirmed the ERC's withdrawal order dated 26.08.2019.

6. **AND WHEREAS**, the institution filed W.P.(C) No. 873/2021 before the Hon'ble High Court of Gauhati and the Court passed an Order dated 17.02.2021 disposing of the case with the following direction:-

"... In the resultant situation, if the authorities under the NCTE are of the view that recognition of the petitioner institute is unsustainable because of any such other reason, the NCTE would be at liberty to issue appropriate notices to the petitioner institute and after getting their reply may pass any reasoned order as may be permissible under the law.

Till such an exercise is undertaken, the impugned order of withdrawing the recognition of the petitioner institute dated 26.08.2019 shall be kept in abeyance.

Writ petition stands disposed of in the above terms."

7. **AND WHEREAS**, the ERC in its 290th (Part-I) meeting held on 03rd March, 2021 on consideration of the Order dated 17.02.2021 passed by the Hon'ble High Court of Gauhati in W.P.(C)/873/2021, after withdrawal of recognition, found that the institution is still having deficiency on the following:

- i. The institution has not submitted latest faculty list duly approved by the concerned affiliating body and any supporting document, but only submitted two representations dated 17.08.2020 and 26.11.2020, wherein mentioned that three part-time teachers have been appointed as full-time teachers, which is not acceptable.*

Accordingly, Show Cause Notice u/s 14 issued vide letter no.63764 dated 10.03.2021 giving 30 days to the institution to submit reply dated 10.05.2021 received on 01.06.2021 from the date of issue of show cause notice.

8. **AND WHEREAS**, the ERC in its 293rd meeting held on 9th June, 2021 considered the original file along with other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, reply in response to show cause notice and the Committee made following observations:

- (i) Show Cause Notice was issued on 10.03.2021.*
- (ii) The institution has submitted representation dated 10.05.2021 without any supporting documents.*
- (iii) The institution is still deficient in compliance of SCN dated 10.03.2021.*

Hence, final show cause notice under section 14 of the NCTE Act, 1993 be issued to the institution to submit reply within 30 days from the date of issue of show cause notice."

Accordingly, Final Show Cause Notice was issued to the institution vide letter no. 64208 dated 11.06.2021.



9. **AND WHEREAS**, the ERC in its 301st (Emergent) meeting held on 21st January, 2022 considered the original file along with other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, reply in response to final show cause notice and the Committee made following observations:

“After consideration of documents in compliance of Order dated 17.02.2021 passed by Hon’ble High Court of Gauhati in W.P.(C)/873/2021 by ERC, following decisions were taken time to time as under:

1. *First Show Cause notice u/s 14 was issued to the institution dated 10.03.2021 on the following ground:*

i. *The institution has not submitted latest faculty list duly approved by the concerned affiliating body and any supporting document, but only submitted two representations dated 17.08.2020 and 26.11.2020, wherein mentioned that three part-time teachers have been appointed as full-time teachers, which is not acceptable.*

2. *Final show cause notice u/s 14 issued dated 11.06.2021 to the institution on the following grounds:*

i. *Show Cause Notice was issued on 10.03.2021.*

ii. *The institution has submitted representation dated 10.05.2021 without any supporting documents.*

iii. *The institution is still deficient in compliance of SCN dated 10.03.2021.*

3. *In response to final show cause notice u/s 14, the institution submitted representation dated 10.07.2021 and the documents available on record were scrutinized and observed that following deficiencies still persists in light of NCTE Regulations, 2014:*

(A) As reflected on the approved faculty list (session 2020-2021), the Principal and following faculties have been appointed prior to date of receipt of application (26.12.2001) at ERC NCTE seeking grant of recognition to B.Ed. course.

i. *Principal (Mrs. Kaberi Shantana Das) at sl.no.1(A) appointed on 29.10.1999.*

ii. *Lecturer (Dr. Sukla Rai Choudhury) at sl.no.1 (B).1 appointed on 09.01.1997.*

iii. *Lecturer (Mrs. Leena Trivedi) at sl.no.1 (B).2 appointed on 29.08.2000.*

(B) On further verification of copy of old approved faculty list (session 2018-2019) dated 31.05.2019 submitted along with letter dated 11.06.2019 (in response to SCN dated 14.05.2019) before withdrawal order dated 26.08.2019 and the present faculty list (session 2020-2021), following discrepancies have been observed:

i. *Date of joining in respect of Principal (Mrs. Kaberi Shantana Das) shown in old approved faculty list as 01.11.1999, which does not match with date of joining shown in the present list i.e.10.01.1999.*

ii. *Date of appointment and date of joining of lecturer at sl.no.2 (Mrs. Leena Trivedi) shown in old list as 29.01.2000 and 02.11.2000 whereas in present list shown as 29.08.2000 and 29.08.2000, both dates mismatch as per the lists submitted.*

iii. *Date of appointment and date of joining of lecturer at sl.no.9 (Ms. Indirima Dihingia) shown in old list as 24.12.2018 and 02.01.2019 whereas in present list shown as*

Pradeep

- 14.08.2019 and 16.08.2019, both dates mismatch as per the lists submitted.*
- iv. *Date of appointment and date of joining of lecturer at sl.no.10 (Mrs. Malaya Boruah) shown in old list as 2.5.2017 and 2.5.2017 whereas in present list shown as 14.08.2019 and 16.08.2019, both dates mismatch as per the lists submitted.*
 - v. *Lecturer at sl.no.6 (Ms. Pallabi Baruah) appointed on 01.08.2018 i.e. after NCTE Gazette Notification 09.06.2017 does not possess either NET/Ph.D., hence she is not qualified as per NCTE Norms and Regulations as amended time to time.*
 - vi. *Lecturer at sl.no.7 (Ms. Nisha Agarwal) appointed on 01.03.2019 possesses SLET in 2018 but no NET/Ph.D as required under NCTE Gazette Notification 09.06.2017. She is pursuing M.Ed, hence not qualified as per NCTE Norms and Regulations as amended time to time.*

In view of the above, the Committee decided as under:

In compliance of Order dated 17.02.2021 passed by Hon'ble High Court of Gauhati in W.P.(C)/873/2021 and accordingly, the final show cause notice dated 11.06.2021 was issued to the institution for fulfillment of deficiencies mentioned therein. Even after that, the institution falls short of qualified faculties as required under NCTE Norms and Regulations for one unit 50 intake of B.Ed. Course. Hence, the decision of ERC taken vide withdrawal order no.61397 dated 26.08.2019 for B.Ed. course from the academic session 2020-2021, which was kept in abeyance by the Hon'ble High Court of Gauhati in its Order dated 17.02.2021, remains unchanged.

A reasoned order be issued to the institution stating the above position."

Accordingly, Reasoned Order was issued to the institution vide letter no. 64977-82 dated 31.01.2022.

10. AND WHEREAS, the institution preferred an appeal before the NCTE Hqrs. against the ERC's withdrawal order dated 31.01.2022. The Appellate Authority vide its Order No. 89-208/E-264288/ 2022 Appeal/6th Mtg.-2022 dated 13.09.2022 confirmed the ERC's withdrawal order dated 31.01.2022.

11. AND WHEREAS, the institution filed W.P. (C) 2587 of 2023 in the High Court of Gauhati passed an order dated 24.07.2023 as under:

"...14.After hearing learned counsel for the parties and on consideration of the materials available on record, it appears that the order, dated 31.01.2022, was passed upon fresh violations, which were never put to the petitioner-institution in the show-cause notice. A perusal of the records would indicate that the final show-cause notice dated 11.06.2021 was issued on a different ground and the order of withdrawal of recognition dated 31.01.2022 was passed on other grounds, which were not specifically a part of the show-cause notice, which was given to the petitioner-institution.

15. This Court has also considered the fact that the order of the appellate authority dated 13.09.2022 was also passed on two issues, which did not form part of the show-cause notice. In any case, it is the contention of the petitioner- institution that the deficiencies reflected in the order, dated 13.09.2022 has also been cured inasmuch as a qualified Principal having Ph. D degree has been appointed after due advertisement and three teachers, one in the Core Subject and two for Pedagogic Content Knowledge were also appointed.

P. Mohanta.

Contd...5

16. *In that view of the matter, as already discussed here-in-above, the impugned order dated 13.09.2022 passed by the appellate authority and the orders dated 26.08.2019 and 31.01.2022 issued by the ERC are set aside and quashed, however, giving liberty to the respondents to issue specific show-cause notice on any deficiency that may be noticed by the respondents after having due inspection of the petitioner-institution, if so advised. Till such steps are taken, the petitioner-institution shall be permitted to impart B. Ed course.*

17. *With the above observations and directions, the writ petition is disposed of."*

12. **AND WHEREAS,** the ERC in its 332nd (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 and the Committee observed that:

The Hon'ble High Court of Guwahati disposed of the case vide an Order dated 24.07.2023 in W.P.(C) 2587/2023 as under:

14. *After hearing learned counsel for the parties and on consideration of the materials available on record, it appears that the order, dated 31.01.2022, was passed upon fresh violations, which were never put to the petitioner-institution in the show-cause notice. A perusal of the records would indicate that the final show-cause notice dated 11.06.2021 was issued on a different ground and the order of withdrawal of recognition dated 31.01.2022 was passed on other grounds, which were not specifically a part of the show-cause notice, which was given to the petitioner-institution.*

15. *This Court has also considered the fact that the order of the appellate authority dated 13.09.2022 was also passed on two issues, which did not form part of the show-cause notice. In any case, it is the contention of the petitioner institution that the deficiencies reflected in the order, dated 13.09.2022 has also been cured inasmuch as a qualified Principal having Ph.D degree has been appointed after due advertisement and three teachers, one in the Core Subject and two for Pedagogic Content Knowledge were also appointed.*

16. *In that view of the matter, as already discussed here-in-above, the impugned order dated 13.09.2022 passed by the appellate authority and the orders dated 26.08.2019 and 31.01.2022 issued by the ERC are set aside and quashed, however, giving liberty to the respondents to issue specific show-cause notice on any deficiency that may be noticed by the respondents after having due inspection of the petitioner-institution, if so advised. Till such steps are taken, the petitioner-institution shall be permitted to impart B. Ed course.*

17. *With the above observations and directions, the writ petition is disposed of.*

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



13. **NOW THEREFORE**, in terms of above decision of ERC, the recognition granted to the institution viz. **College of Teacher Education, Tulsiram Raod, Tinsukia, Assam-786125** vide Order No. ERC/NCTE/APE00096/B.Ed./(Revised Order)/2015/31840 dated 22.05.2015 for an annual intake of one basic unit of 50 students each is hereby restored subject to fulfillment of the condition as per NCTE Regulations, 2014 till the fresh withdrawal order is issued by NCTE/ERC.

Also order that a copy of this Order be published in the Official Gazette.

(इसके अतिरिक्त, इस आदेश की एक प्रतिलिपि सरकारी राजपत्र में भी प्रकाशित की जाए)



(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,**
College of Teacher Education,
Tulsiram Raod, Tinsukia,
Assam-786125.

Copy to:-

1. The Commissioner & Secretary, Elementary and Secondary Education Department, Govt. of Assam, Block – C, Ground Floor, New Secretariat Building, Assam Secretariat, Dispur, Guwahati-781006, Assam.
2. The Registrar, Dibrugarh University, Dibrugarh, Assam-788004.
3. The Director, SCERT, Assam, Kahilipara, Guwahati, Assam-781019.
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), National Council for Teacher Education, G-7, Sector-10, Near Metro Station Dwarka, New Delhi -110075.
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)