

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

F.No.ER-334.1/APE00674/B.Ed./WB/2023/68990

Dated: 20-10-2023

ORDER

WHEREAS, Raidighi B.Ed. College, Vill/PO-Raidighi, Dist-South 24 Parganas, West Bengal-743383 (Code No. APE00674) was granted recognition for B.Ed. programme with an annual intake of 100 students from the academic session 2008-2009 vide Order No. ERC/77-88.5.12/2008/12798 dated 30.08.2008, followed by revised order vide No. ERC/NCTE/APE00674/B.Ed.(Revised Order)/2015/32347 dated 29.05.2015 with an annual intake of 100 (two basic units of 50 students each) from the academic session 2015-2016 as per NCTE Regulations, 2014.

2. AND WHEREAS, the ERC in its 272nd meeting held on 30th -31st May, & June 01, 2019 considered the matter and as decided, Final Show Cause Notice u/s 17(1) was issued on 14.06.2019 to the institution on the following grounds:

- Building Completion Certificate is not in accordance with the NCTE prescribed proforma.
- The submitted faculty list comprises 1+6 instead of 1+15 as required under NCTE Regulations, 2014. Requisite number of faculty is not approved by the affiliating body.
- Website not maintained and updated.
- Fire Safety and Certificate is not submitted.

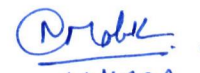
In view of the above, the Committee decided as under:

Final Show Cause Notice under section 17(1) of NCTE Act, 1993 be issued to the institution for compliance in the form of soft copy (scanned PDF documents) through email: revisedordercomplianceerc2015@gmail.com within 21 days of uploading of proceedings on ERC website followed by hard copy of the same by hand/speed post/courier, failing which withdrawal of recognition will be taken up by ERC as per NCTE Act, Rules & Regulations.

3. AND WHEREAS, the ERC in its 275th meeting (Part-2) held on 27th July, 2019 considered the matter along with the reply dated 22.06.2019 & 27.06.2019 received in this office on 27.06.2019 & 27.06.2019 respectively submitted by the institution in response to Final Show Cause Notice and observed as under:-

- Total built up area mentioned in building completion certificate as 1360.02 Sq. Mts., which is less than required 1500 Sq. Mts. even for running one basic unit (50 intake) of B.Ed. course.
- Faculty list submitted only 1+6 instead of 1+15 as per NCTE Regulations, 2014 for running 100 intake of B.Ed. course.

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


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Recognition granted to B.Ed. course was **withdrawn** under section 17(1) of NCTE Act, 1993 from the academic session **2020-2021**.

4. **AND WHEREAS**, recognition granted to the institution viz. **Raidighi B.Ed. College**, Vill/PO-Raidighi, Dist-South 24 Parganas, West Bengal-743383 (Code No. APE00674) for B.Ed. course was withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2020-2021. Accordingly, withdrawn order issued on dated 02.09.2019.

5. **AND WHEREAS**, the institution preferred an appeal before the NCTE Hqrs. against the ERC's Withdrawal order dated 02.09.2019. The Appellate Authority vide its Order No F.No.89-30/E-175279/2021 Appeal/8 Mtg.-2021/24th February, 2021/98164 dated 18.03.2021 decided to remand back the case of Raidighi B.Ed. College, Raidighi, South 24-Pargana, West Bengal to the ERC, NCTE, for necessary action as indicated action.

6. **AND WHEREAS**, the ERC in its 292nd meeting held on 20th April, 2021 considered the matter along with the reply dated 23.03.2021 received in this office on 30.03.2021 submitted by the institution in response to speaking order and observed as under:-

"The original file alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time and appeal order dated 18.03.2021 were carefully considered by the ERC and following observation was made:-

- a. Lecturer in Music, Fine Arts and Physical Education to be appointed as required under NCTE Regulation, 2014.***

Hence, 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, Show Cause Notice issued to the institution on 29.04.2021.

7. **AND WHEREAS**, the ERC in its 293rd meeting held on 09th June, 2021 considered the matter along with the reply dated NIL received in this office on 01.06.2021 submitted by the institution in response to Show Cause Notice and observed as under:-

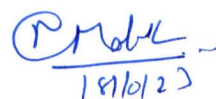
- a. Show Cause Notice was issued on 29.04.2021.***
b. The institution submitted reply vide letter dated 24.05.2021 requesting to extend some more time for compliance of reply to SCN due to Covid Pandemic.
c. The Committee has accepted the request of the institution.

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 issued to the institution on 11.06.2021.

8. **AND WHEREAS**, representation dated 02.07.2021 & 16.11.2021 received on 07.07.2021 & 30.11.2021 respectively from the institution in reference to grounds of Final Show Cause notice dated

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11.06.2021 was considered by ERC in its 302nd ERC (Virtual) Meeting held on 28th February & 01st March, 2022 which was confirmed in 303rd ERC (Virtual) Meeting held on 24th March, 2022 and the Committee made following observations:-

"The Committee found that two Show Cause notice have already been issued to the institution on 29.04.2021 & 11.06.2021. There is not provision to issue 3rd Show Cause Notice to the institution.

In response to Final Show Cause Notice dated 11.06.2021, the institution has submitted its reply vide letter dated 02.07.2021 and 16.11.2021 alongwith supporting documents.

The ERC considered the reply of the institution and found the institution is still deficient of the following ground:

- 1. The Institution has appointed (librarian) including 1+15 teaching staff. Librarian is not teaching faculty as per Regulation, 2014.***
- 2. The website of the institution not functional /updated as per clause 7(14) (i) of Regulation, 2014.***

Hence, ERC decided to permit recognition for the session 2020-2021 and 2021-2022 and withdraw the recognition of B.Ed course under Section 17 of the NCTE Act, 1993 from the academic session 2022-23. A detailed withdrawal order be issued to the institution for respective course."

9. AND WHEREAS, recognition of the institution was withdrawn vide Order No. ER-303.3/APE00674/B.Ed./2022/65545-51 dated 27.04.2022.

10. AND WHEREAS, the institution filed W.P. (C) No. 9373 of 2022 in the High Court of Delhi at New Delhi and Hon'ble High Court disposed of the case and passed an order dated 03.06.2022. The operative part of the order is as under:-

".....4. In terms of the second proviso to Section 17(1) of the NCTE Act, 1993, the order of withdrawal takes effect at the end of the academic session next following the date when it was passed. It is common ground that the order having been passed on 28th February and 1st March, 2022, it would take effect from the end of the academic session 2022-23.

5. In view of the above, it is made clear that the petitioner is entitled to take part in counselling and admit students for the academic session 2022-23. NCTE is directed to reflect Petitioner's status as a recognised institution for the year 2022-23 on its portal and also to communicate the same to the Petitioner's affiliating university and the concerned State Government within a period of three days from today.

6. The petition stands disposed of in these terms."

Accordingly, in compliance of Order dated 03.06.2022 of Hon'ble Court, the office of ERC issued letter on 13.06.2022.

11. AND WHEREAS, the ERC in its 306th (Virtual) meeting held on 12th and 13th July, 2022 decided as under:-

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"The original file of the institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, the case was considered by ERC in its 302nd meeting as per decision of ERC the recognition for B.Ed. course was withdrawn vide order dated 27.04.2022 from the academic session 2022-2023.

The institution had filed W.P (C) No. 9373/2022 before the Hon'ble High Court of Delhi against withdrawal order dated 27.04.2022 passed by ERC and the Hon'ble High Court passed an Order dated 03.06.2022.

In compliance of Hon'ble High Court Order dated 03.06.2022 passed in W.P. (C) 9373/2022, letter dated 13/06/2022 was issued to the institution, State Government and the affiliating body concerned with regard to comply the Hon'ble High Court Order dated 03/06/2022.

The committee confirmed the letter dated 13.06.2022 issued by RD- ERC in the light of Hon'ble High Court Order dated 03.06.2022".

12. **AND WHEREAS**, the institution had preferred an appeal against the withdrawal order before NCTE HQrs. and the Appellate Authority vide Order No. F.No.-89-127/E-252910/2022Appeal/11th Meeting, 2022/APPLERC202214359 dated 11.01.2023 concluded to confirm the impugned withdrawal order dated 27.04.2022

13. **AND WHEREAS**, the institution filed W.P. (C) No. 5341/2023 & APPL. 20861/2023 before the High Court of Delhi at New Delhi and Hon'ble High Court disposed of the case and passed an order dated 30.05.2023. The operative part of the order is as under:-

"...5. In view of the aforesaid, this court is not inclined to go into the other aspects of the matter and deems it appropriate to remit the matter back to the AC for its fresh decision.

6. Let the fresh notice of hearing of appeal be sent to the petitioners.

7. Let the appeal be decided in accordance with law within a period of three weeks from the date of receipt of a copy of this order.


8. All rights and contentions raised by parties are left open.

9. The order passed by the AC dated 11.01.2023 is set aside.

10. Accordingly, the instant petition stands disposed of.

11. Needless to state that if the petitioners have filed any additional documents after filing of the appeal, let the same be also considered by the AC before passing of the final decision."

14. **AND WHEREAS**, the Appellate Authority vide Order No. F.No.-89-127/E-252910/2022 Appeal /9th Meeting, 2023/APPLERC202214359 dated 12.09.2023 passed an order as under:-


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“Appeal Committee of the Council concluded to remand back the case to ERC with a direction to verify the submitted documents filed by the Appellant institution with Appeal from the records available with ERC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. 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 and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time.”

15. **AND WHEREAS**, the institution has submitted the representation dated 03.10.2023 received in ERC office on 06.10.2023.

16. **AND WHEREAS**, the matter was considered by the ERC in its 334th (Emergent) meeting of the ERC held on 06.10.2023 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) 12899/2023 before the Hon’ble High Court of Delhi at New Delhi and the Hon’ble Court disposed of the case vide Order dated 03.10.2023. The operative part of the Order is as under: -

3...Learned counsel appearing on behalf of the respondents accepts notice and on advance instructions he raises an objection with respect to non-submission of the relevant documents as was directed by the Appellate Committee vide order dated 12.09.2023.

4. Learned counsel appearing on behalf of the petitioners submits that in any case, the time given in order dated 12.09.2023 is expiring on 04.10.2023. He, therefore, submits that notwithstanding the submission of the documents through electronic mode, the physical copies of the relevant documents would be submitted with the concerned Regional Committee by tomorrow i.e. 04.10.2023.

5. The statement made by learned counsel appearing on behalf of the petitioners is taken on record.


6. Learned counsel then submits that the controversy involved in the instant writ petition is covered by the decision passed by this court in W.P.(C) 12235/2023 on 18.09.2023 in case titled as 'Sitapur Shiksha Sansthan vs. National Council for Teacher Education & Anr.'.

7. The directions passed by this court in W.P.(C) 12235/2023 vide order dated 18.09.2023 read as under:-

“(i) The NRC is directed to pass an order of restoration in favour of the petitioner-institution for recognition of the concerned course in accordance with law within a period of seven days from the date of receipt of copy of the order passed today. The said order shall remain subject to the further decision to be taken by the concerned Regional Committee;

(ii) The copy of the order of restoration of the recognition of the petitioner-institution for the concerned course will have to be communicated to all concerned;

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(iii) Once an order of restoration is passed, the petitioner-institution would be entitled to participate in the counselling etc.

8. The direction as reproduced above shall apply mutatis mutandis in the instant case also.

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

In view of the above, the Committee decided that the recognition granted to the institution for running two units (50 students each) of B.Ed. course vide revised recognition order dated 29.05.2015 is restored until a fresh withdrawal order is issued as per NCTE Regulations 2014.

The Committee further decided that the reply submitted by the institution be examined and the matter be placed before the ERC in ensuing meeting for further decision."

18. **NOW THEREFORE**, in terms of above decision of ERC, the recognition granted to the institution viz. **Raidighi B.Ed. College, Vill/PO-Raidighi, Dist-South 24 Parganas, West Bengal-743383** vide Order No. ERC/NCTE/APE00674/B.Ed.(Revised Order)/2015/32347 dated 29.05.2015 for an annual intake of (two basic units) of 100 students is hereby restored till a fresh withdrawal order is issued as per NCTE Regulations 2014.

By Order,


(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,
Raidighi B.Ed. College,
Vill/PO-Raidighi, Dist-South 24 Parganas,
West Bengal-743383.

Copy to:-

1. The Secretary/Principal/Correspondent, Raidighi College, Vill/PO-Raidighi, Dist-South 24 Parganas, West Bengal-743383.
2. The Secretary, Department of Higher Education, Govt. of West Bengal, 6th Floor, Bikash Bhawan, Salt Lake, Kolkata, West Bengal- 700091.
3. The Registrar, West Bengal University of Teachers' Training, Education Planning and Administration, 25/2 and 25/3, Ballgunge Circular Road, Kolkata, West Bengal- 700019.
4. The Director of Public Instruction, Govt. of West Bengal, 6th Floor, Bikash Bhawan, Salt Lake City, Kolkata, West Bengal - 700091.
5. The Secretary, Dept. of School Education and Literacy, Ministry of Education, Govt. of India, Shastri Bhawan, New Delhi -110001.

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


18/01/23
Regional Director (I/c)