

**TO BE PUBLISHED IN GAZETTE OF INDIA PART – III, SECTION 4**

National Council for Teacher Education

Eastern Regional Committee

(A Statutory Body of the Govt. of India)

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ERC/199.2.2/NCTE/APE00706/D.El.Ed./2015/ 39822

Date: 30/12/2015

**Order**

WHEREAS Jote Kanuramgarh Mahatma Primary Teachers Training Institute, Vill/PO- Jot Kanuramgarh, PS- Daspur, Dist- Paschim Medinipur, West Bengal-721212 (Code No. APE00706) was granted recognition by ERC, NCTE on 04.08.2009 for conducting D.El.Ed. course of two year duration with an annual intake of 50 from the academic session 2009-2010 under clause 7(11) of NCTE (Recognition Norms & Procedure) Regulation 2007.

2. AND WHEREAS the Hon'ble High Court at Calcutta passed an order dated 19.08.2013 in W.P. No. 16691 (w) of 2013 (CAN No. 6749 of 2013) filed by Imdadul Haque & Ors. Vs. State of West Bengal & Ors. The Hon'ble High Court directed inter-alia:-

**"In order to finally conclude the controversy, I am of opinion that the NCTE and the Board should conduct a joint enquiry as regards the facilities and the infrastructure of the institute".**

3. AND WHEREAS, the Eastern Regional Committee in its 169<sup>th</sup> Meeting held on 13<sup>th</sup> - 14<sup>th</sup> February, 2014 considered the matter and decided to nominate Dr. U.N. Singh, Ex-Joint Commissioner, KVS and VT Member of ERC, NCTE as a Member of the Joint Committee. Accordingly, a letter to the Secretary, West Bengal Board of Primary Education, West Bengal was issued vide No. 24614 dated 11.03.2014 with a request to conduct joint enquiry along with Dr. U.N. Singh into the Jote Kanuramgarh Mahatma Primary Teachers Training Institute, Vill/Po- Jot Kanuramagarh, PS- Daspur, Dist.- Paschim Medinipur-721212, West Bengal and forward a copy of the report at the earliest for appropriate action in the matter.

4. AND WHEREAS, the enquiry report dated 07.04.2014 was placed before the ERC in its 171<sup>st</sup> Meeting held on 3<sup>rd</sup> - 4<sup>th</sup> June, 2014, wherein the committee observed as under:-

"W.P. No. 16691 (w) of 2013 and CAN No. 6749 of 2013 filed by Imdadul Haque & Ors. Vs the State of West Bengal & Ors in the Hon'ble High Court of Calcutta.

The Hon'ble High Court at Calcutta has disposed of the Writ Petition on 19.08.2013 with a direction inter alia "In order to finally conclude the controversy, I am of opinion that the NCTE and the WBBPE should conduct a joint enquiry as regards the facilities and the infrastructure of the institution..."

As per the request of West Bengal Board of Primary Education, Dr. U.N. Singh has been nominated by ERC as a member of the Joint Inquiry Committee. The committee conducted the Inquiry and submitted the report. The report was placed before the committee for consideration. During the discussion Dr. Manik Bhattacharya, State Representative of West Bengal as well

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as President West Bengal Board of Primary Education shown a letter received from NCTE Hqs wherein the NCTE decided to conduct an inspection under section 13 of NCTE Act 1993 along with the representative of West Bengal Board of Primary Education.

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

Defer the case till the report received from NCTE Hqs. Report of the Joint Inquiry committee be forwarded to West Bengal Board of Primary Education".

5. AND WHEREAS, the institution filed W.P. No 24253 (w) of 2014 received by this office on 10.09.2014 for a direction to issue form for admission in D.El.Ed course for the session 2014-2016. The Institution was inspected on 26.12.2014 by the NCTE (HQ). The NCTE (HQ) analysed the VT report and submitted VT Report along with analysed copy of inspection report before the Hon'ble High Court at Calcutta.

The Hon'ble High Court disposed of the case on 17.07.2015 which was received from the petitioner advocate by this office on 21.08.2015. The Hon'ble High Court has directed as mentioned below:

**"Since it has been directed earlier by this court that a final decision is to be taken by the NCTE based on the inspection report as well as the responses thereto offered by the two groups, I dispose of this writ petition with a direction upon the Regional Director, Eastern Regional Committee of the NCTE to take into consideration the responses received from the two groups, to find out whether the deficiencies pointed out in the letter dated 24.04.2015/06.05.2015 issued by Pradeep Kumar Yadav, Under Secretary (Inspection) have been cured/removed or not and to take a final decision within twelve weeks from date of receipt of a copy of this order. In the event the deficiencies are cured and the Regional Director considers it proper to allow the institute to admit students, permission in that behalf may be granted.**

**However, while considering the issue in terms of this order, the Regional Director shall also decide as to which of the two groups have the authority to manage and administer the affairs of the training institute upon extending reasonable opportunity of hearing to the two groups.**

**I hope and trust that having regard to the sensitivity involved, the Regional Director shall make all endeavour to complete the process of consideration and decision within the time fixed above without seeking any further extension".**

6. AND WHEREAS, the ERC in its 197<sup>th</sup> Meeting held on 30<sup>th</sup> - 31<sup>st</sup> October, 2015 considered the matter and observed as under:-

Regarding the first direction of the Hon'ble High Court at Calcutta that the deficiencies pointed in letter dated 24.04.2015/06.05.2015 issued by the NCTE Hqs. has not been removed/cured by the institution till date. This facts has been substantiated by the communication made by both the parties dated 29.05.2015 and 19.10.2015.

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The following deficiencies still exist:-

- i. You are directed to explain as to why it has not properly set up the Computer Lab and Library. The Institution be directed to enhance the seating capacity in the library and arrange more computers and digital Learning Resources in the ICT Lab.
- ii. The institution does not fulfil the NCTE Norms regarding infrastructure as it has small sized multipurpose hall, Library, science Lab, computer Lab, Art room etc and the building has asbestos roofing also. The institution is therefore, directed to give comments on the status of infrastructural facilities provided by it.
- iii. You are directed to explain as to why students and teachers were not available for interaction with VT members on the day of inspection. Further, you may also explain as to why the salary to staff is paid in cash and why only consolidated salary is paid. The salary statement submitted relates to the month of October, 2012. The institution is required to submit salary statements upto the month of December, 2014.
- iv. The institution is required to submit the list of students enrolled for the session 2012-2013 and list of schools allotted for the practice teaching in the year of 2013-14.

Accordingly, as decided by ERC, a Show Cause Notice was issued vide No. 37775 dated 05.11.2015 to the institution along with letter of hearing to both the parties as per the direction of the Hon'ble High Court at Calcutta vide order dated 17.07.2015.

7. AND WHEREAS, the institution submitted its reply dated 13.11.2015 & 20.11.2015 in response to the Show Cause Notice dated 05.11.2015 which was received by this office on 18.11.2015 & 20.11.2015.

8. AND WHEREAS the Eastern Regional Committee in its 199<sup>th</sup> Meeting held on 9<sup>th</sup> - 10<sup>th</sup> December, 2015 considered the matter and observed as under:

"The institution was granted recognition vide ERC order No. ERC/7-99.6(I).13 /2009/973 dated 04.08.2009 for conducting ETT (D.Ed.) course of elementary level of two years duration with an annual intake of 50 from the academic session 2009-2010 under clause 7(11) of the NCTE (Recognition, Norms and Procedure) Regulation, 2007 subject to fulfillment of certain condition therein.

The matter was considered by the ERC in its 198<sup>th</sup> meeting held on 20<sup>th</sup> -21<sup>st</sup> November, 2015, taking in view of the direction of the Hon'ble High Court of Calcutta, the Regional Director has issued a notice dated 06.11.2015 to both the parties with a direction to be present before the Regional Director, ERC NCTE on 20.11.2015 at 11.00 A.M for personal hearing. Both the parties were present on 20.11.2015 before

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the Regional Director, ERC NCTE for personal hearing and they have agreed to make compromise and will submit compliance in affidavit within 15 days. The Committee has decided to defer the matter till compliance submitted by the institution.

That both the parties have submitted their reply dated 13.11.2015 and 20.11.2015 respectively to the show cause notice dated 05.11.2015 which is as follows:

- A. That the reply dated 13.11.2015 of Sri Saiful Mallick in response to the show cause notice dated 05.11.2015 received by this office on 18.11.2015.
- (i) With regard to deficiency shown as under clause (a) Computer Lab & Library have been developed by acquisition of more computers, digital Learning resources such as CD, VCP, Projector, chairs, tables, books etc. enhancing the seating capacity.
  - (ii) With regard to deficiency shown under clause (b) of the show cause notice it is humbly submitted that the institute obtained the recognition by fulfilling all the infrastructural facilities enumerated under the provision of the NCTE recognition (norms & procedure) regulations, 2007. The institute building is a 4 storied building of which the top most floor is asbestos roofed some ceiling has been properly arranged for proper utilization of space.
  - (iii) With regard to deficiency mentioned under clause (c) of the show cause notice it is humbly submitted that since July, 2012 no student could be admitted till date due to the disturbances created by the erstwhile secretary in collusion with official persons culminating to litigations. Inspection was conducted on 26.12.2014 only on the basis of a telephonic notice at the dead hours of last night & as such teacher could not be present coming from remote part of district.
  - (iv) With regard to deficiency shown under clause (d) of the show cause notice admission of students since academic session 2012-2013 till date was totally paralyzed due to the reason as stated in earlier paragraphs.

- B. That the reply dated 20.11.2015 of Sri Rameswar Chakraborty in response to the show cause notice dated 05.11.2015 received by this office on 20.11.2015.

***"That with reference to your show cause notice as well as deficiencies pointed out by your goodself I want to state that as presently as the other party is not allowing myself to take any necessary steps to cure the said deficiencies, I could not able to cure the same".***

The deficiencies pointed out in the show cause notice dated 05.11.2015 have not been removed/cured by the institution till date.

Meanwhile, one of the parties namely Sri Saiful Mallick and Sri Joydev Subud has submitted a letter dated 26.11.2015 contending therein; to revoke the compromise letter dated 20.11.2015.

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Accordingly, a legal opinion was sought from Sri S.S. Das, Advocate, Odi sha High Court and he has opined as follows:

**"After perusal of relevant letters and documents filed by both the parties before the NCTE Authorities on several dates, I find the way the matter is moving with non-co operation and back tracking from their own commitments from time to time, it is not possible on the part of the NCTE Authorities to resolve the issue, despite taking all sincere efforts to comply the order dated 17.07.2015 passed in W.P. No 24253 (w) of 2014 filed by Saiful Mallick vs State of West Bengal & Ors. keeping in view of the welfare of students. But, with all possible efforts by the NCTE Authorities to resolve the issue proved in vain.**

The NCTE issued show cause notice to both the parties on 05.11.2015 for curing the deficiencies indicated therein. Accordingly, Sri Saiful mallick filed show cause reply on 13.11.2015 and Sri Rameswar Chakraborty on 20.11.2015 and both the parties appeared personally before the NCTE Authorities on 20.11.2015 after receiving the letter dated 06.11.2015 issued by the NCTE for personal hearing. That on the same day on 20.11.2015 both the parties were given sufficient opportunity to submit their grievances approaching the NCTE Authority that the parties are agreeable for compromise. Accordingly, both the parties filed their respective petition for such compromise inter alia stating therein, contending the terms laid down under paragraph 1 to 4 of the compromise letter dated 20.11.2015.

But, shockingly and surprisingly one of the party namely Sri Saiful Malli-ck and Sri Joydev Subud submitted a letter dated 26.11.2015 contending there in, to revoke the compromise petition dated 20.11.2015 filed by them on vague grounds disclosing their malafide minds to stall the process of settlement.

In view of the above peculiar circumstances and non-co operation and the contents of the show cause reply by both the parties bringing serious allegations against each other and pendency of several criminal litigations against each other in different courts and also expressing their inability to cure/remove the deficiencies of the institution, clearly reveals that both the parties are not in a position to go for a amicable compromise, therefore, the NCTE Authority has no option but to take immediate steps to withdraw the recognition of the institution concern.

Keeping in view the above, the committee observed as under:

1. As per direction of the Hon'ble High Court of Calcutta the institution was given an opportunity vide show cause notice dated 05.11.2015 to remove/cure the deficiencies pointed out in the letter dated 24.04.2015/05.05.2015 issued by the Pradeep Kumar Yadav, Under Secretary (Inspection).
2. The institution has not removed/cured the deficiencies till date.

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3. Further, both the parties are not in a position to run the institution for better interest of the students.

**In view of the above the committee decided as under:**

1. The recognition of the institution be withdrawn from the session 2016-2017.
2. The Hon'ble High Court of Calcutta be intimated on the above facts and decision taken by ERC NCTE through Smt. Asha Gutgutia, Learned Advocate of NCTE.

9. NOW, THEREFORE, grant of recognition to **Jote Kanuramgarh Mahatma Primary Teachers Training Institute, Vill/PO- Jot Kanuramgarh, PS- Daspur, Dist- Paschim Medinipur, West Bengal-721212** (Code No. APE00706) for **D.El.Ed. course** is hereby **withdrawn** from the academic session **2016-2017** in terms of section 17(1) of NCTE Act, 1993.

10. Further, if the institution is not satisfied with the order, they may prefer an appeal under Section 18 of the NCTE Act in the "Online mode" available at NCTE's website [www.ncte-india.org](http://www.ncte-india.org) within 60 days of the issue of the order.

  
Regional Director

The Manager to Govt. of India  
Department of Publications, (Gazette Section)  
Civil Lines, Delhi - 110 054

**C.C.**

1. **The Principal/Correspondent, Jote Kanuramgarh Mahatma Primary Teachers Training Institute, Vill/PO- Jot Kanuramgarh, PS- Daspur, Dist- Paschim Medinipur, West Bengal-721212**
2. **The Principal Secretary, Department of School Education, Govt. of West Bengal, 6th Floor, Bikash Bhawan, Salt Lake, Kolkata, West Bengal - 700091.**
3. **The Secretary, West Bengal Board of Primary Education, Acharya Prafulla Chandra Bhaban, DK7/1, Sector - II, Salt Lake City, Bidhanagar, Kolkata, West Bengal - 700091.**
4. **The Director, Department of Primary Education, Govt. of West Bengal, Bikash Bhawan, Salt Lake, Kolkata, West Bengal - 700091.**
5. **The Secretary, Dept. of School Education and Literacy, Ministry of Human Resource Development, Govt. of India, Shastri Bhawan, New Delhi - 110001.**
6. **The Under Secretary (CS) National Council for Teacher Education, Hans Bhawan, Wing-II, 1, Bahadur Shah Zafar Marg, New Delhi- 110002.**
7. **Office Order file/ Institution file.**

  
Regional Director