

F.No. NRC/NCTE/HR-374, 595, 649, 742, 829 & 932/237th meeting/2015

Dated 15 JUL 2015

ORDER

1187/9

WHEREAS, in terms of Section 15(1) of the NCTE Act, 1993, I.P. College of Education, Rithal Road, Village & Post-Jassia, District-Rohtak, State-Haryana was granted recognition for the following courses :-

1. NRC order no. F.NRC/NCTE/F-7/HR-374/23139 dated 02.08.2007 for the B.Ed. Course of one year duration with an annual intake of 100 (One Hundred only) students.
2. NRC order no. F.NRC/NCTE/F-7/HR-595/38906-12, dated 12.02.2008 for the B.P.Ed. Course of one year duration with an annual intake of 50 (Fifty only) students.
3. NRC order no. F.NRC/NCTE/F-7/HR-649/2007/29249 dated 29.09.2007 for the M.Ed. Course of one year duration with an annual intake of 25 (Twenty Five only) students.
4. NRC order no. NRC/NCTE/F-7/HR-742/27324-27330 dated 12.09.2007 for the D.Ed. course of two years duration with an annual intake of 50 (Fifty only) students.
5. NRC order no. NRC/NCTE/F-7/HR-829/28179-85 dated 20.09.2007 for the B.Ed. Add. Course of one year duration with an annual intake of 100+100=200 (Two Hundred only) students.
6. NRC order no. NRC/NCTE/F-7/HR-932/2007/29725 dated 29.09.2007 for the C.P.Ed. Course of two years duration with an annual intake of 50 (Fifty only) students.

AND WHEREAS, the NRC in its 161st meeting decided to withdraw the recognition of D.Ed., B.Ed., B.Ed. additional, C.P.Ed., M.Ed. and B.P.Ed. Courses from the academic session 2010 - 2011.

AND, WHEREAS, the institution filed a Writ Petition before the Hon'ble High Court at Delhi and consequent upon the stay of the Hon'ble High Court, the decision of the NRC to withdraw the recognition was kept in abeyance. Subsequently the said writ petition was disposed off and dismissed. Thereafter, the institution approached the Hon'ble Supreme Court. The institution alongwith others filed a Civil Appeal No. 3505 of 2012 (arising out of SLP (Civil) No. 233 of 2011 before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court held the following :

"Para 1-31 (pl. see order of the Hon'ble Supreme Court)

Para 32 In what we have discussed above, in our considered view, interest of justice shall be sub-served, if the Council causes inspection of all the institutions concerned in these Appeals-which approached Madhya Pradesh High Court and Delhi High Court- being made as provided in Section 13 of the 1993 Act within six weeks from today. The Council shall communicate to the concerned institutions the result of such inspection and call upon the institutions to make up the deficiencies, if found during such inspection, as early as may be possible. With regard to the institutions where no deficiencies are found in the course of inspection or the institutions which make up deficiencies brought to their notice as a result of inspection, the Regional Committee shall issue appropriate order withdrawing order of de-recognition. In respect of the institutions which do not make up the deficiencies within time granted by the Council, the order of withdrawal of recognition by the Regional Committee shall stand.

Para 33 Civil Appeals are disposed of as above with no order as to costs.

Para 34 In view of the above, Interlocutory Applications, if any, do not survive and stand disposed off.

AND, WHEREAS, in pursuance of the direction of the Hon'ble Supreme Court, the NCTE Hqrs. conducted the inspection of the institution under section 13 of the NCTE Act, 1993 and communicated certain deficiencies to the institution vide letter No. F.No. 93-14/2013/NCTE/Sec.13/Inspection/A55978 dated 06.08.2012.

AND, WHEREAS, the institution did not submit reply to the deficiency letter dt. 06.08.2012.

AND, WHEREAS, the case was considered by NRC in its 207th meeting held on 27th to 30th November, 2012, in view of the direction of the NCTE Hqrs. following the directions of the Hon'ble Apex Court in the Civil Appeal No. 3505 of 2012 (arising out of S.L.P. (Civil) No. 233 of 2011 in light of the provisions of the NCTE Act, Rules & Regulations. The Committee decided as under :-

"The Committee after going through all relevant records, report of the NCTE Hqrs. under section 13 of the NCTE Act, 1993, deficiencies pointed out by the NCTE Hqrs., viz-a-viz provisions of the NCTE Act, Rules & Regulations

observed that the deficiencies were communicated by the NCTE Hqrs. for compliance vide letter No. F.No.93-24/2012/NCTE/ Sec.13/Insp./A55978 dt.06.08.2012

The institution did not reply to the deficiencies pointed out by the NCTE Hqrs. under Section 13 of the NCTE Act, 1993 as per the direction of the Hon'ble Supreme Court.

Therefore, the NRC decides that the order of withdrawal of recognition stands for derecognized courses."

AND, WHEREAS, withdrawal order was issued to the institution on 24.01.2013.

AND, WHEREAS, the institution preferred an appeal dated 29.11.2013 to the Council NCTE, New Delhi against the aforesaid order. The Council vide order F. No. 89-89/2014 Appeal/10th Meeting-2014 dated 16/25.09.2014 accepted the appeal. The Appellate Authority concluded the following:-

".....And whereas, after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Council concluded to remand back the case to NRC with a direction to accept the reply of the appellant institution which should be submitted by them within a period of 30 days from the date of issue of appeal order and take further action as per Regulations.

Now therefore, the Council hereby remands back the case of IP College of Education, Rohtak, Haryana to the NRC, NCTE, for necessary action as indicated above."

AND, WHEREAS, the institution filed W.P. No. 13115/2014 in the Hon'ble Court at Chandigarh for participation in D.El.Ed. Counselling. The Hon'ble Court vide order dt. 14.03.2014 allowed participation of the institution in the counselling. The Operative part of the order is as under: -

".. A mere direction for time-bound disposal of the case before the appellate authority cannot really yield fruit. In the case, since admittedly, the new norms have not been made for consideration, the counsel for the petitioners points out that NCTE itself has kept in abeyance the de-recognition orders. Although reasons are not spelt out, it is assumed that it is on account of the pendency of cases before the Supreme Court and in the present situation when the norms have not been finalized. The petitioner ought to have the same relief and till the final decision is taken in terms of the new norms when they are framed and the appeal is disposed of, the de-recognition already made which are subject of appeals shall stand stayed. There shall be a status quo ante to the date when the orders of de-recognition were made. The petitioners will be at liberty to approach this court if the new norms are framed and if the appeals are still not taken up and disposed of at an appropriate time.

The petitioners/institutes will carry on with the admissions which shall ultimately abide by the decision regarding recognition. This order is passed to keep for uniformity in approach to similarly situate petitions in CWP Nos. 22676 of 2012 and 1447 of 2014 where the petitioners in the said cases appear to have been granted permission to admit students and undertake counselling for students studying in one year B.Ed. course. In this case, the petitioners are seeking for permission for diploma in education which is said to be two years course. The principle remains the same and I will not find this difference of any relevance to deny the petitioners the benefit of direction in the manner made above.

Both the writ petitions are disposed of on the above directions."

AND, WHEREAS, the institution has also filed another W.P. No. 17070/2014 to allow participation in B.Ed. counselling for 2014-15 and grant provisional affiliation till pendency of appeal. The Hon'ble Court passed an order dated 11.12.2014 in writ petition No. 17070/2014. The Operative part of the Court order is as under: -

".. The Counsel for the petitioner states that the reply had been presented before the NCTE before 27.11.2014 which fact is however denied by the respondents. The order already passed requiring the authority to take a decision on the basis of reply will continue. It is also brought out at the instance of the counsel appearing on behalf of the University that the petitioner-college has been disaffiliated and there is no challenge to the same. If the disaffiliation was independent of the decision of NCTE on any inspection and show cause notice, the petitioner cannot have the benefit of initial order of withdrawal of recognition being set aside to his benefit without a



challenge to the order of disaffiliation by the University. The respective counsel seek for time to secure the copy of the order of the University and take appropriate action.

Adjourned to 22.01.2015.

The Counsel for the University shall deliver up the copy of the order of the University to the petitioner in the meanwhile if it has not already been done."

AND, WHEREAS, the institution has also filed another W.P. No. 20894/2014 for admission in C.P.Ed. (HR-932), B.P.Ed. (HR-595), and M.Ed. (HR-649) courses for the session 2014-15. The Court vide interim order dated 16.10.2014 has allowed provisional admissions 2014-16. The Operative part of the order is as under :-

"...that the petitioner could have the benefit of provisional admission, the Counsel points out to me that there are already directions given for other courses [An respect of the very same institute providing for provisional admission. For the sake of homogeneity in approach, I pass interim directions to allow for such provisional admission and students shall be informed that it is subject to the final outcome of the writ petition and it is purely on a contingency of the Institutes securing appropriate permission to run these courses. The institute shall also be liable to refund any amount that is collected in the event of permission being denied to any of the candidates who are admitted to the course.

Notice for motion for 11.12.2014.

The petitioner-institute is also informed that it will be made liable to pay damages to the students in the event of the admissions falling later by want of permission."

AND, WHEREAS, the matter was placed before the NRC in its 229th meeting held on 27.11.2014. The Committee decided as under :-

"The institution has filed writ petition in the Hon'ble High Court, Chandigarh. The concerned Advocate be informed to submit the following decision of NRC before the Hon'ble High Court.

The case has been remanded back to NRC by the Appellate Authority vide order dated 25.09.2014 with a direction to the applicant institution to submit its reply within a period of 30 days to NRC from the date of issue appeal order.

The institution has not submitted the reply to NRC, NCTE, Jaipur as required in the directions of Appellate Authority order.


Keeping in view the directions of the Hon'ble Supreme Court, the case shall be processed as per the Regulations, 2014 to be framed by NCTE."

AND, WHEREAS, as per guidelines issued by NCTE Hqrs. in view of notification of NCTE Regulations, 2014, and as decided by the NRC in its 230th meeting held on 07th to 08th January, 2015 regarding compliance to be done by the existing institution, a letter is yet to be written to the institution.

AND, WHEREAS, the matter was placed before the NRC in its 231st meeting held on 21st to 24th January, 2015. The Committee decided as under :-

"The original file of the Institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines of NCTE published from time to time were carefully considered by NRC and following observations was made.

The Committee decided that the institution is required to furnish course-wise detailed information regarding land documents, faculty positions, Infrastructure support, Endowment & Reserve Fund etc. as per NCTE Regulations, 2014 within 30 days from the date of issue of the letter."



"The original file of the Institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines of NCTE published from time to time were carefully considered by NRC and following observation was made.

- NRC considered the reply of the institution dated 25.2.2015 with regard to files HR 649, 374, 829, 742, 932 and 595. The total land area available for all these courses is only 64 kanals, which is not sufficient for all these courses as per NCTE norms. The required built-up area for which recognition has been granted to the Institution is 7700 Sq. Mts. for B.Ed.+D.El.Ed.+M.Ed.+B.P.Ed.+ B.Ed (Addl. Intake)+C.P.Ed. courses.
- The institution has not submitted course-wise details with regard to faculty members appointed and approved by affiliating university, infrastructure in the form of land, built-up area along with building completion certificate issued by competent authority in the format of NCTE, statement of salary paid to the staff members through bank transaction in the form of bank transfer/account payee cheque, session-wise enrolment of students since the beginning of the course.

Hence, show cause notice under Section 14/15 (3)(b) 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."

AND, WHEREAS, a Show Cause Notice was issued to the institution on 20.05.2015.

AND, WHEREAS, an email dt. 05.06.2015 has been received from institution alongwith a copy of order dated 19.05.2015 passed by Hon'ble court in LPA No. 428 of 2015.

AND, WHEREAS, the reply dated 30.05.2015 received from the institution in response to the show cause notice dt. 20.05.2015.

AND, WHEREAS, an email dt. 22.06.2015 has been received from Sh. Vinod S. Bhardwaj, Advocate, alongwith a copy of order dated 19.05.2015 passed by Hon'ble court in LPA No. 428 of 2015.

AND, WHEREAS, the matter was placed before the NRC in its 239th Meeting held from 30th June & 01st July, 2015. The Committee decided as under: -

"The original file of the Institution alongwith other related documents, NCTE Act, 1993, Regulations were carefully considered by NRC and following observation was made:

- (i) In reply to SCN dated 20th May, 2015 issued by the NRC, NCTE, the institution consented for withdrawal of its B.P.Ed. programme. Therefore, as far as requirement of land is concerned the same is fulfilled.
- (ii) As regards approval of staff, the NRC found that the recognition for all recognized courses being run by the institution was granted as per provisions of the NCTE Regulations, 2005 & 2007 and the institution at that point of time had submitted a list of faculty approved by the duly constituted Selection Committee as per the provisions of the NCTE Regulations, 2005 & 2007. However the recognition of the institution was withdrawn from the session 2010-2011. Thereafter, the institution filed appeal against the said order and also the matter remained under litigation at High Court and Supreme Court. Also the institution obtained admission of students from the affiliating body on the basis of said orders.

The Appellate Authority vide order dated 16.9.2014 remanded back the case to the NRC, therefore, in view of the above the Committee decided to restore the recognition of the institution for running B.Ed.(four units), D.Ed.(one unit), M.Ed. (one unit) and C.P.Ed. (one unit) and the recognition for B.P.Ed. programme shall stand withdrawn. However, the institution shall comply with the following directions:



"The original file of the Institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines of NCTE published from time to time were carefully considered by NRC and following observation was made.

- NRC considered the reply of the institution dated 25.2.2015 with regard to files HR 649, 374, 829, 742, 932 and 595. The total land area available for all these courses is only 64 kanals, which is not sufficient for all these courses as per NCTE norms. The required built-up area for which recognition has been granted to the institution is 7700 Sq. Mts. for B.Ed.+D.El.Ed.+M.Ed.+B.P.Ed.+ B.Ed (Addl. Intake)+C.P.Ed. courses.
- The institution has not submitted course-wise details with regard to faculty members appointed and approved by affiliating university, infrastructure in the form of land, built-up area along with building completion certificate issued by competent authority in the format of NCTE, statement of salary paid to the staff members through bank transaction in the form of bank transfer/account payee cheque, session-wise enrolment of students since the beginning of the course.

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- (ii) As regards approval of staff, the NRC found that the recognition for all recognized courses being run by the institution was granted as per provisions of the NCTE Regulations, 2005 & 2007 and the institution at that point of time had submitted a list of faculty approved by the duly constituted Selection Committee as per the provisions of the NCTE Regulations, 2005 & 2007. However the recognition of the institution was withdrawn from the session 2010-2011. Thereafter, the institution filed appeal against the said order and also the matter remained under litigation at High Court and Supreme Court. Also the institution obtained admission of students from the affiliating body on the basis of said orders.

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- (i) The institution shall create additional facilities that include (a) additional built-up-area, (b) additional infrastructure, (c) additional funds, (d) adhere to staff norms as per Regulations, 2014 and inform Regional Committees with required documents by October 31, 2015
- (ii) The applicant Institution for additional unit will be required to submit the required documents such as land documents, Encumbrance Certificate (EC), Land Use Certificate (LUC) and the Building Plan (BP) in the specified proforma available on the website to the Regional Committee in proof of having provided additional facilities before October 31, 2015. Building completion Certificate (BCC) may be given along with other documents if available, otherwise it can also be given to the Visiting Team at the time of inspection.
- (iii) The Regional Committees shall arrange for verification of documents, inspection of these premises and check adherence to these condition by 20 February, 2016. If it is found by the Regional Committee that the institution fails to comply with these requirements, the institutions shall not be permitted to admit students for the academic year 2016-2017.

NOW, THEREFORE, in exercise of powers vested under the NCTE Act, 1993, the Northern Regional Committee decided to restore the recognition of the institution for running B.Ed.(four units), D.Ed.(one unit), V.Ed. (one unit) and C.P.Ed. (one unit) (whose nomenclature changed as D.P.Ed.) as per the terms & conditions laid down above and the recognition for B.P.Ed. programme shall stand withdrawn.

If the institution is not satisfied with the order, it may prefer an appeal under Section 18 of the NCTE Act, 1993 in the "on-line mode" available on NCTE's website www.ncte-india.org within 60 days from the issue of this order.

By Order

(Dr. S. K. Chauhan)
Regional Director

The Manager to Govt. of India
Department of Publications, (Gazette Section)
Civil Lines, Delhi- 110054

Copy to: -

1. The Secretary/Correspondent, Arya Shiksha Samiti, Jassia Rithal Road, Distt.- Rohtak, Haryana.
2. The Principal, I.P. College of Education, Rithal Road, Village & Post-Jassia, District-Rohtak, State-Haryana
3. The Registrar, M.D. University, Rohtak, Haryana.
4. The Principal Secretary, Department of Higher Education, New Haryana Civil Secretariat, Sector-17-C, 5th Floor, Room No. - 528, Chandigarh-160017, Haryana
5. The Director, SCERT Gurgaon, Gurgaon, Haryana.
6. The Principal Secretary, Department of School Education, Civil Secretariat, 3rd Floor, Room No. - 207, Sector - 17, Chandigarh - 160017.
7. The Secretary, Department of School Education and Literacy, Ministry of Human Resource Development, Govt. of India, Shastri Bhawan, New Delhi- 110001.
8. The US (EDP), National Council for Teacher Education, Hans Bhawan Wing-II, I, Bahadur Shah Zafar Marg, New Delhi- 110 002.
9. Office order file/ Institution file.


Regional Director