

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

F. No. NCTE/NRC/ HP-176, NRCAPP-59 & NRCAPP-7052/
B.Ed., D.El.Ed. & M.Ed./2024/२२५२१२

Dated:
08 JUL 2024

ORDER FOR RESTORATION OF RECOGNITION

WHEREAS, in terms of Section 14/15 of the NCTE Act, 1993, the recognition was granted to **Shimla College of Education, Vill – Chamyana , Sheetal Kunj Estate, Branch PO - Kamla Nagar, Sanjauti, Shimla - 171006**, for conducting **B.Ed.** with annual intake of **100** students *vide* Order No. F.NRC/NCTE/F-3/HP-176/20922-20929 dated 04.07.2007 and for **D.El.Ed** course with an annual intake of **100** students *vide* Order No. F.NRC/NCTE//NRCAPP-59/202nd Meeting/D.El.Ed./2017/165716-22 dated 30.01.2017 from the academic session 2017-2018 and for **M.Ed.** course with an annual intake of **50** students *vide* Order No. F.No. NRC/NCTE/NRCAPP-7052/Recognition/274th Meeting/2017/181438-43 dated 16.07.2017 from the academic session 2017-2018.

2. **AND WHEREAS**, the Revised Recognition Order for two years B.Ed. course as per NCTE Regulations, 2014 was issued *vide* Order No. **NRC/NCTE/HP-176/2015/104467-72** dated **25 .05.2015** for **2 units (100 students)**.

3. **AND WHEREAS**, as per the directions of the Hon`ble High Court of Himachal Pradesh at Shimla in W.P. No. 1311 dated 12.12.2018, the inspection of the institution u/s 13 of the NCTE Act 1993 was conducted by NCTE.


4. **AND WHEREAS**, the matter was considered by NRC in its 396th Meeting held on 05th-06th April 2023 and the Committee observed and decided as under :-

The NRC authorized the Regional Director, NRC to examine the VT report and other if any vis-à-vis original file of the institution (s) and in case deficiencies are observed, the Regional Director may issue First Show Cause Notice to the institution (s) under Section 17 (1) of the NCTE Act, 1993 giving 15 days for submission of reply, for the deficiencies so observed by office of NRC.

5. Accordingly, the First Show Cause Notice u/s 17 of the NCTE Act was issued to the institution *vide* SCN dated 04.05.2023.

6. The institution had not submitted reply of first SCN. The matter was considered in NRC in its 400th meeting held on 09th June 2023 and as per decision of NRC, Final SCN was issued to the institution *vide* FSCN dated 23.06.2022.

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7. The institution submitted the reply of Final SCN vide letter dated 06/07/2023 which was considered by NRC in its 405th meeting held on 24 July 2023 and the Committee observed the following: -

- *The institution is not a Multi Disciplinary Institution as per clause 2 (b) of NCTE Regulations 2014.*
- *Certified copy of Registered land documents not submitted by the institution.*
- *In support of land documents, the institution has submitted the supplementary trust deed registered on 09.12.2016. As per deed endorsement details, it is mentioned "Trust nama for other than declaration of property". In view of the above, the above document cannot be accepted as a valid land document.*
- *The Non Encumbrance Certificate is dated 23.04.2019. Latest NEC not submitted.*
- *The submitted building plan is approved by Gram panchayat and not by any Government Engineer, as desired by NRC.*
- *The institution in its earlier reply dated 03rd July 2023 has mentioned the total built up area as 3965 sqm and has attached the Building plan for five floors mentioning the Built up area as 3965 sqm, whereas in the another reply dated 11/07/2023 has mentioned the total built up area as 4511 sqm and has attached the same building plan.*
- *The Executive Engineer, HPPWD, Shimla vide certificate dated 15/5/2023 has mentioned "It is certified that undersigned has inspected the existing building i.e. Block C of Shimla College of Education and during the inspection it has been observed that said building visually seems to be safe and sound. However, structure stability cannot be ascertained due to non availability of structural drawings and other specifications required for the building constructions as per building code, but the building visually seems to be fit for occupancy for the year 2023-2028 during normal conditions. This certificate is being issued purely on the basis of visual inspection and issuance of the certificate does not confirm any legal rights". This certificate cannot be treated as Building Safety Certificate.*
- *The staff shown have been appointed in 2007, 2010, 2013, 2017, 2019. The institution has not submitted any document to prove that the staff appointed approx 10/15 years back are still continuing in the institution.*
- *As per the approval of staff submitted by, seven staff are not approved by the affiliating body.*
- *No Bank statement depicting salary to staff through bank is submitted.*
- *The institution has not submitted the site plan duly approved by the Competent Authority duly demarcating land and built up area for the Teacher Education course and other course (s) / school being run in the institution.*
- *The website of the institution is not updated as per clause 7 (14) and 8 (14) of NCTE Regulations 2014.*

Hence, the NRC decided to withdraw the recognition granted to the institution for B.Ed. D.El.Ed. and M.Ed. course under section 17 of NCTE Act, 1993 from the academic session 2024-2025.

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Accordingly, withdrawal order was issued to the institution for B.Ed., D.El.Ed. and M.Ed. Course *vide* Order No. NCTE/Reg105(14)/477/2022-Regulation Section (HP)-NRC/222979-222988 dated 16.08.2023.

8. **AND WHEREAS**, the institution filed an appeal before the Council against the withdrawal Order dated 16.08.2023. The Council *vide* Appeal Order No. F.No.89-150/E-315527/2023 Appeal/15th Meeting, 2023/APPLNRC202314662 dated 19.12.2023 remanded back the case to NRC as under:

The Appeal Committee set-aside the impugned withdrawal order dated 16.09.2024 (B.Ed. Programme) as the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

Appeal Committee of the Council concluded to remand back the case in respect of B.Ed. programme to NRC with a direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution. The Appellant Institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

9. **AND WHEREAS**, the institution filed W.P.(C) 76/2024 & CM APPLs. 294/2024 and 293/2024 before the High Court of Delhi at New Delhi and the Hon'ble Court passed an Order dated 04.01.2024. **The operative part of the Order is as under:-**

8. Counter affidavit be filled within four weeks with advance copy to learned counsel for the petitioner who may file rejoinder within four weeks thereof.

9. List on 22 April 2024.

10. Mr. Sharawat contention is that the findings on the basis of which the order dated 24 July 2023m, qua the B.Ed. course, has been set aside, would apply mutatis mutandis to the M.Ed. and D.El.Ed. course too.

11. In view thereof, till the next date of hearing, the stay granted by paragraph 8(b) of the order dated 21 August 2023 supra shall continue to remain in operation insofar as the D.El.Ed. and M.Ed. courses conducted by the petitioner colleges are concerned.

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12. I am not presently interdicting the de novo inspection by the NRC as has been directed by the impugned order dated 19 December 2023. However, the inspection, and any fall out thereof, shall remain subject to the outcome of this writ petition.

10. AND WHEREAS, the matter was placed before NRC in its 421st meeting held on 21-22 May 2024 and the Committee observed the following:

- The committee in pursuance of order of the Appellate Committee dated 19.12.2023 decided that the inspection of the institution be conducted in consonance with Section 13 of the NCTE Act, 1993 in respect of B.Ed. Course to verify the infrastructural and instructional facilities available with the institution.

11. AND WHEREAS, in the meantime, the institution filed W.P.(C) 76/2024, CM APPLs. 293/2024 and 294/2024 before the High Court of Delhi at New Delhi and the Hon'ble Court of Delhi passed an Order dated 30.05.2024. The operative part of the order is as under:-

It is obvious that the decision of the Appellate Committee would necessarily have to extend to all the three courses in respect of which recognition was withdrawn and cannot be restricted to the B.Ed. course. The principle in the order dated 30 July 2021 passed by this Court in W.P. (C) 7260/2021 that where the matter is remanded by the Appellate Committee for a fresh consideration, the petitioner would be entitled to restoration of recognition pending the outcome of the fresh consideration, would have to extend to all the courses conducted by the petitioner.

In that view of the matter, the impugned order dated 19 December 2023 of the Appellate Committee is modified to the extent that recognition of the petitioner stands restored in respect of all the three courses i.e. B.Ed., D.El.Ed. and M.Ed. Needless to say, however, this restoration would be subject to the outcome of the fresh inspection and fresh consideration as directed by the Appellate Committee in its order dated 19 December 2023.

The respondent is also directed to take steps to reflect the status of the petitioner on its website as a recognized institute in respect of all the three courses as above and to issue fresh restoration orders for all the three courses and appropriately intimate the Affiliating Body, subject to the outcome of the fresh inspection as per direction of the Appellate Committee. The restoration order would be issued within a period of two weeks from today.

The writ petition is allowed in the aforesaid terms.

12. NOW THEREFORE, in compliance of the Order dated 30.05.2024 passed by the Hon'ble High Court of Delhi in W.P.(C) 76/2024, CM APPLs. 293/2024 and 294/2024, recognition granted to the institution namely Shimla College of Education **is hereby restored**


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for B.Ed. programme with an intake of 100 (two units), D.El.Ed. programme with an intake of 100 (2 units) and M.Ed. programme with an intake of 50 (one unit). The said recognition will be subject to the outcome of the fresh inspection carried on as per direction of the Appellate Committee or till a fresh withdrawal is issued by Northern Regional Committee as per NCTE Regulations 2014.

By Order


(Naveen Malik)
Regional Director

To
The Controller of Publications,
Govt. of India Press,
Department of Publications, (Gazette Section)
Civil Lines, Delhi – 110 054

Copy to: -

1. ✓ The Principal, Shimla College of Education, Sheetal Kunj Estate, BPO Kamtanagar, Sanjauti, Shimla – 06
2. The Secretary, Department of School Education and Literacy, Govt. of India, Ministry of Education, Shastri Bhawan, New Delhi- 110001.
3. The Principal Secretary, (Education), Govt of Himachal Pradesh, Himachal Pradesh Secretariat Shimla, HP
4. The Director, Directorate of Higher Education, I/C Teacher Education, Government of Himachal Pradesh Directorate, Shimla, HP.
5. The Registrar, Himachal Pradesh University, Shimla (Himachal Pradesh)
6. Himachal Pradesh Board of School Education Gyan Alok Parisar, Jawahar Nagar, Dharamshala, Himachal Pradesh 176213
7. The Secretary, Himachal Pradesh Private Educational Institutions Regulatory Commission, Happy Nest Building, Kagnadhar, Below BCS, Shimla-9
8. Computer Section, NRC, for uploading on Website
9. Institution file-HP-176 + NRCAPP59 + NRCAPP7052
10. Guard file.


Regional Director