

**TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY PART-III, SECTION-4**

**F.NRC/NCTE/F-7/159 MEETING/2010** / 21903,

**Dated:**

12 MAY 2010

**ORDER**

WHEREAS **Post Graduate College, Ravindrapuri, Ghazipur, Uttar Pradesh**, had applied Under Section 18B (2) of the National Council for Teacher Education (Amendment and Validation) ordinance, 2006 read with Rule- 4 of the National Council for Teacher Education (Procedure for Recognition certain categories of institutions) Rules, 2006 for validation of Post Graduate Course in Physical Education for academic session 1995-96, 1996-97, 1997-98, and 1998-99. As per the NRC letter dated 19.02.2007 the application was sent by the institution through covering letter dated 17.11.2006 and the same was received in the office of NRC on 29.11.2006. After scrutiny of the application and relevant documents it was observed that the application was not complete in all respects and the following deficiencies were communicated to the institution vide NRC letter dated 19.02.2007.

- I. That application has not been submitted within the prescribed time limit i.e. within 10 days from the date of commencement of the Rules referred to above. The rules have come into force with effect from 23.10.2006 from the dated of its publication in official Gazette. The application has been sent through covering letter dated 17.11.2006 and the same is received in the office of Northern Regional Committee, Jaipur on 29.11.2006. Thus, the application is not maintainable being not submitted within the prescribed time limit.
- II. As per Rules 4 of the Rules referred to above, an institution desirous of getting recognition under section 18 B shall submits its application in duplicate along with the documents mentioned in the application form and accompanied by a non refundable fee of Rs. 30,000/-. As per the application form Para (19), the following documents are required to be attached.
  - A. A certificate from the State Government with regard to approval to the Institution as prescribed. (Appendix-I)
  - B. A certificate from the University/Board/Affiliating/Examining body with regarding to affiliation and conduct of the examination as prescribed. (Appendix-II).
  - C. A certificate from the institution as prescribed along with year- wise details of fee structure duly verified by the affiliating body. (Appendix- III)

From the application it was verified that certificate Appendix-I, was not submitted at all. The certificate appendix- II was not signed by the authorized signatory of the affiliating body/University. The certificate appendix- III was not verified by the affiliating body as required.

In view of this, the application was not complete, as required documents have not been submitted.

- III. The validation of the training course is being sought for Diploma in Physical Education (D.P.Ed) while as per the Regulations, the courses in Physical Education are :-
  - A. Certificate in Physical Education (C.P.ED) programme.
  - B. Bachelor in Physical Education (B.P.Ed) programme.
  - C. Master in Physical Education (M.P.Ed) Programme.

2. AND WHEREAS after the NCTE Act, 1993 came into force, the above mentioned course Diploma in Physical Education of P.G. College, Ghazipur is not covered in the Appendices and no norms and standards are prescribed for the same.

3. AND WHEREAS in view of the above the institution was written vide NRC letter dated 19.02.2007 to rectify the above defects within a period of 21 days.

4. AND WHEREAS the matter was considered by the NRC in its 114<sup>th</sup> Meeting held on 25-26 March, 2007 and the Committee decided to refuse the request of the institution for validation of **Diploma in Physical Education**. Accordingly refusal order was issued vide office order NRC/NCTE/F-3/PGC/Sec-18/2007/15281 dated 16.04.2007.

contd.2.

5. ANDWHEREAS, the above said institution, thereafter preferred an appeal dated 11.06.2007 to the NCTE, New Delhi under section 18 of the NCTE Act, 1993 against the aforesaid order.

6. ANDWHEREAS, the appeal of the said institution was rejected vide its order no. F.No. 89-95/2007-Appeal dated 09.09.2007.

7. ANDWHEREAS, the institution approached the High Court of Judicature at Allahabad in W.P. No. 60940/2007 against the appellate order dated 07.09.2007. the Hon'ble High Court in its order dated 11.04.2008, after considering facts of the case while allowing the Writ petition quashed the Appellate Order dated 07.09.2007 observing that:

*"While submitting an application every requirement cannot be rated to be mandatory so as to nullify the application itself in the absence of strict compliance with each such requirement. Several factors required to be enumerated in application or amongst the documents required to be filed are purely directory. The application of the petitioners was in substantial compliance with the regulations and could not be thrown out as has been done by the NCTE, New Delhi. For the reasons stated above, the writ petition is allowed and the impugned orders are quashed. No order to costs."*

8. ANDWHEREAS, the Council hereby reverses its own order dated 30.03.2009, the order appealed against vide its order dated 30.03.2009 with the direction to NRC to validate the D.P.Ed certificate of the appellant institution Post Graduate College, Ravindrapuri, Ghazipur- 233001, Uttar Pradesh under the Ordinance 2006 for the academic sessions 1995-96, 1996-97, 1997-98 and 1998-99.

9. Since the original records/ file of the institution for D.P.Ed course was untraceable here at NRC, a letter was written to the appeal section vide NRC letter dated 25.01.2010 and the NCTE Hqtrs sent a reply vide its letter dated with a copy of the application other documents with a direction constitute a new file and issue the appropriate order.

10. ANDWHEREAS the matter was considered by the NRC in its 159<sup>th</sup> Meeting and the Committee decided as per the Appeal order dated 30.03.2009, the D.P.Ed awarded for the academic sessions 1995-96, 1996-97, 1997-98, and 1998-99 are only validated but the institute is not permitted to continue with D.P.Ed Course.

11. AND THEREFORE as per the decision of the NRC, Jaipur Diploma in Physical Education for the academic sessions 1995-96, 1996-97, 1997-98 and 1998-99 of P.G. College, Ghazipur, Uttar Pradesh are validated under the ordinance 2006 dated 11.09.2006 but the institute is not permitted to continue with D.P.Ed Course.

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

By order  
  
Regional Director

C.C

1. The Principal, **P.G. College, Ravindrapuri, Ghazipur, Uttar Pradesh**
2. The Education, Secretary, Govt of U.P., Secretariat, Lucknow, U.P.
3. The Secretary, Dept. of Elementary Education and literacy, Ministry of Human resource Development, Govt. of India, Shastri Bhawan, New Delhi-110 001,
4. The Registrar, **Veer Bahadur Singh Purvanchal University, Jaunpur, U.P.**
5. The Director, Directorate of Higher Education, I/c Teacher Education, Govt. of U.P., Directorate, Allahabad, U.P.
6. The US (Computer), National Council for Teacher Education, Hans Bhawan, Wing-II, Bhadurshah Zafar Marg, New Delhi-110 002.
7. Office order file/Institution file.

  
Regional Director