

F. No.SRC/NCTE/KA/APSO6049/B.Ed/2019/107769-7775

Date: 30 JUL 2019

TO BE PUBLISHED IN GAZETTE ON INDIA PART III SECTION 4  
ORDER

**WHEREAS**, Mangalore Jesuit Educational Society, Mangalore, Karnataka was granted of recognition to run institution namely **St. Aloysius Institute of Education**, P.B.No.720, Kudumal Ranga Rao Road, Kodiyalball, Mangalore-560003, Karnataka vide order No.F.SRO/NCTE/B.Ed/2006-2007/2060 dated 30.03.2007 for B.Ed. course of one year duration with an annual intake of 100 students with a condition to shift to its own premises/building within three years from the date of recognition (if started in rented premises).

**AND WHEREAS**, the Secretary, MJES vide letter dated 8.8.2012 received by this office on 10.08.2012 has requested permission for shifting of the B.Ed. course to a new building. The Secretary has submitted a Demand Draft No. 002525 dated 7.8.2012 of Central Bank of India for Rs.50,000/- .

**AND WHEREAS**, the SRC in its 232<sup>nd</sup> meeting held on 29<sup>th</sup> to 31<sup>st</sup> August 2012 has considered the reply of the institution dt.08.08.2012 and all other relevant documents and decided to cause composite inspection for shifting of premises under NCTE Act, to examine whether the institution fulfils all the requirements as per the norms, for the proposed programme, subject to the condition that the deficiencies, if any, were duly rectified by the institution, as per the norms.

**AND WHEREAS**, as per direction of SRC the inspection of the institution is carried on 19.10.2012 and the SRC in its 237<sup>th</sup> meeting held on 5<sup>th</sup> – 6<sup>th</sup> January 2013 considered the VT report, VCD and all the relevant documentary evidences and it was decided to serve Show cause Notice. Accordingly a Show Cause notice was issued on 06.03.2013. The institution had submitted a written representation on 01.04.2013.

**AND WHEREAS**, the Southern Regional Committee in its 245<sup>th</sup> Meeting held on 19<sup>th</sup> – 21<sup>st</sup> May, 2013 considered the reply of the institution and decided to reject the proposal of the institution for shifting vide their letter dated 08.08.2012. Further the SRC considered the written reply of the institution vide their letter dt. 01.04.2013 on the above matter and also the relevant documents of the institution and decided to withdraw recognition. **Accordingly as per the decision of SRC, the recognition of the institution was withdrawn vide order no. F.No.APS06049/B.Ed/KA.2013-14/52656 dated 10.07.2013.**

**AND WHEREAS**, in the meantime the institution had filed an appeal under Section 18 of NCTE Act, before the appellate Authority, NCTE, New Delhi against the withdrawal order of SRC. The appellate authority vide order No.F.No.89- 555/2013/Appeal/16<sup>th</sup> Meeting-2013 dated 13.11.2013 has made the following observations :-



**The Council hereby confirms the Order appealed against**

**AND WHEREAS**, the above decision of the appellate authority was placed before SRC in its 257<sup>th</sup> Meeting held on 20<sup>th</sup> – 22<sup>nd</sup> December 2013 and the committee noted the matter.

**AND WHEREAS**, on, 27.12.2013, the Secretary, Mangalore Jesuit Education Society, St. Aloysius College, Mangalore – 575003 has submitted a copy of the interim order of the Hon'ble High Court of Karnataka, Bangalore dated 18.12.2013 in W.P.No. 56434/2013 filed by St. Aloysius Institute of Education, Mangalore. The interim order of the Hon'ble High Court of Karnataka in W.P.No. 56434/2013 dated 18.12.2013 is as under;

***"It is stated that the recognition of the petitioner institution is withdrawn primarily on the ground that it has not met the land and building norms which are required to be complied with in respect of its institution. The learned senior advocate Shri.Madhusudhan .R.Naik would submit that there is no impediment to comply with such norms in the manner required by NCTE, if reasonable time is granted. But, in the meanwhile, if the recognition is withdrawn and the institution grinds to a halt, it would affect hundreds of students and their career and therefore has sought for an interim relief.***

***Accordingly, pending disposal of this writ petition, interim order is granted as prayed for;"***

**AND WHEREAS**, the above court order dated 18.12.2013 was placed before 258<sup>th</sup> meeting of SRC held during 3-5 January, 2014 wherein the Committee decided that

- "1. The institution has had 7 years time to take appropriate action. They cannot say, they have not had time to follow the norms/standards.**
- 2. According to the NCTE regulations, no more time can be given, for removal of deficiencies after VT inspection.**
- 3. The deficiencies are many and serious.**
- 4. Let us file an appeal and obtain 'stay'."**

**AND WHEREAS**, a letter was addressed to the then Advocate, Shri.P.Dinesh Kumar on 17.01.2014. A copy of the decision of 258<sup>th</sup> meeting of SRC held during 3-5 January, 2014 is enclosed for obtaining stay in the matter and also for vacation of interim stay granted to the institution.

**AND WHEREAS**, On 28.01.2015, the institution submitted an affidavit affirming adherence to Regulations, 2014. On 29.05.2015, the institution submitted a written representation along with a copy of the Court order dated 18.12.2013. A revised order was issued to the institution on 31.05.2015 for offering B.Ed course of two years duration from the academic session 2015-16 subject to the result of W.P. No. 56434 of 2013.

**AND WHEREAS**, in the mean time on 14.07.2015, the institution submitted a request for one basic unit of 50 students. A corrigendum to this effect was issued to the institution on 21.07.2015.

**AND WHEREAS,** the SRC in its 328<sup>th</sup> meeting held during 31<sup>st</sup> January, 2017 considered the court order and decided as under :-

1. "Process the documents.
2. Thereafter, in compliance of the Court order, cause inspection.
3. Ask our lawyer to report status of the old case."

**AND WHEREAS,** the SRC in its 332<sup>nd</sup> meeting held during 28<sup>th</sup> February-03<sup>rd</sup> March, 2017 considered the matter and as per the decision of the SRC Inspection of the institution was conducted on 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup> March, 2017 and the VT report along with documents received on 30.03.2017.

**AND WHEREAS,** the SRC in its 335<sup>th</sup> meeting held during 11<sup>th</sup> – 12<sup>th</sup> April, 2017 considered the VT report and decided as under: -

1. Title is clear.
2. Land area in title deed is adequate. But, only 0.53 acres of that is covered by the LUC Sy.No.213-2-P2 measuring 0.13 acre is not covered. They need at least 0.60 acre. They have only 0.53 acre. They should explain.
3. EC is clear.
- 4.1 BP- original Blue print is not given.
- 4.2 BP does not show M.P. Hall.
- 1.1 BCC is not approved by competent authority.
- 1.2 Built-up area of 2787 sq.mts. is adequate.
- 6.1 FDRs should be given, in original, in joint account, @7+5 lakhs for each unit of each course.
- 6.2 FDRs given were valid only for 1 year. They expired long ago; not revalidated.
7. Faculty list is not in the prescribed form and not approved by competent authority. Latest approved Faculty list is required.
8. They have had more than 9 years to improve the norms and standards. They have done nothing.
- 9.1 We had conducted the VT inspection in compliance of the Court order.
- 9.2 Since the case is still under appeal, the VT Report along with our observations thereon should be sent to the Appellate authority.

**AND WHEREAS,** the SRC considered the case of the institution in its 336<sup>th</sup> meeting held during 19<sup>th</sup> – 20<sup>th</sup> April 2017, reviewed the decision of 335<sup>th</sup> meeting and in its 340<sup>th</sup> meeting held during 08<sup>th</sup> – 09<sup>th</sup> June, 2017 considered the court order dated 17.04.2017 in WP No: 56434/2013 and decided as under:-

1. The Court has directed us to take a decision for grant of recognition to Petitioner's institution.
2. Such a decision will create many difficulties for us in other cases which may cite this as a precedent.
3. The Court decision is based mainly on the VT inspection report which itself has factual inaccuracies.
4. We had, in Dec. 2013, asked the SRO to file an appeal against the (then) order of the Court. Action thereon had been inexcusably delayed.
5. Ask the Lawyer now to quickly move in the matter and file an appeal against this latest orders.



**AND WHEREAS,** as per the decision of SRC, a letter along with brief of the institution was sent to the advocate on 28.06.2017.

**AND WHEREAS,** the SRC in its 347<sup>th</sup> meeting held during 16<sup>th</sup> -17<sup>th</sup> November, 2017 considered the letter dated 16.10.2017 and copy of the opinion in W.P.No. 56434/2016 received from the Under Secretary to Government, Education Department (Universities-2) and decided as under:

***"1. Send a brief reply accordingly.***

***2. Has the Appellate court 'stayed' the operation of the lower courts order?"***

**AND WHEREAS,** as per the decision of SRC, a letter was sent to the advocate on 01.12.2017. On 06.12.2017, a letter dated 05.12.2017 is received by this office from the Advocate, Shri Basavaraj. V. Sabarad. On 07.12.2017, a letter from the institution is received by this office.

**AND WHEREAS,** the Legal Section SRC vide note dated 29.4.2019 submitted that a writ appeal has been preferred by this office against the order dated 17.4.2017 passed by the single judge bench of Hon'ble High Court of Karnataka at Bengaluru Bench. The Hon'ble Single Judge bench has directed NCTE to take a decision for grant of recognition to the Petitioner's institution as expeditiously as possible. In the present matter the Hon'ble High Court while disposing the writ appeal vide order dated 29.03.2019 received at this office on 26.04.2019 directed that :-

***"It is presently submitted by learned counsel for the appellants that this direction would amount to a positive direction to grant recognition to the petitioner's institution. We fail to understand as to how such a meaning could be attributed. Apparently, what the learned single judge noted was consideration of the plea of the writ petitioner based on the report. It is not a direction to positively grant recognition. Hence, the appeal is disposed off with the aforesaid observation."***

**AND WHEREAS,** the whole matter was again considered by the SRC, in its 375<sup>th</sup> meeting held during 13<sup>th</sup> -14<sup>th</sup> May, 2019 considered the matter and decided as under: -

**The original files of the Institution alongwith other related documents, NCTE Act, 1993, Regulations Guidelines issued by NCTE from time to time and documents furnished by the institution were carefully considered by the SRC and the following observations were made:-**

**The Committee decided to issue SCN asking therein to the Institution to submit the following documents/details:-**

- **A copy of all the documents related to Society/Trust Registration, bye-laws and members of the Society/Trust.**

- The institution is required to submit certified copy of land documents. (If the same are in Regional Language the institution is also required to submit notarised copy of English version of land documents)
- Land Use Certificate issued by the Competent Authority.
- Non Encumbrance Certificate issued by the Competent Authority.
- A copy of the approved Building Plan (if institution is running more than one Teacher Education programme, it shall be required to submit an exclusive earmarked building plan for each of the recognised Teacher Education programme)
- Details of Teacher Education programme/other programme (if any) being run by the institution in the same campus

Name of the course	Intake/unit(s)	Year of starting	Affiliating body
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- Building Completion Certificate as per prescribed Format.
- Staff list duly approved by the affiliating body as per the prescribed Format.
- Original FDR of Rs.7 lakh and 5 lakh, totalling Rs.12 lakh towards Endowment Fund & Reserve Fund into joint account for a duration of 5 years.

**AND WHEREAS**, as per the decision of SRC, a SCN was issued to the institution on 23.05.2019. The institution has submitted reply on 13.06.2019.

**AND WHEREAS**, the matter was finally considered by the SRC in its 378<sup>th</sup> meeting held from 25<sup>th</sup> & 26<sup>th</sup> July, 2019 decided as under:-

The original files of the Institution alongwith other related documents, NCTE Act, 1993, Regulations Guidelines issued by NCTE from time to time and documents furnished by the institution were carefully considered by the SRC and the following observations were made:-

On perusal of the response received to our show cause notice and decided to continue the recognition to St. Aloysius Institute of Education, P.B.No.720, Kudumal Ranga Rao Road, Kodiyalballi, Mangalore-560003, Karnataka for **B.Ed** programme for **1 units of 50 students**.

**NOW THEREFORE**, this order is issued permitting the institution **St. Aloysius Institute of Education**, Khatha No.9889, Ward No.14 Court Ward, Kodiyalballi, Mangalore City Corporation, **Mangalore-560003, Karnataka** run by **Mangalore Jesuit Educational Society, Mangalore, Karnataka** for continuation of conducting B.Ed course of two years duration with an intake of 50 students (one basic units) subject to fulfillment of the following conditions:

- The Endowment fund of Rs. 5 lakhs and Reserve fund of Rs. 7 lakhs kept in joint account with Regional Director of NCTE should be maintained perpetually. Raising loan against the FDRs or mortgaging them shall not be done.
- The institution shall comply with the various other norms and standards prescribed in the NCTE Regulations, 2014 as amended from time to time.
- The institution shall make admissions only after it obtains affiliation from the examining body in terms of clause 8(10) of the NCTE (Recognition Norms & Procedure) Regulations, 2014.
- The institution shall ensure that the required number of academic staff duly approved by affiliating body for conducting the course should always remain in position.



6. Further, the institution is required to fulfill all such other requirements as may be prescribed by other regulatory bodies like UGC, affiliating University /Body, the State Government etc as applicable.

7. The institution shall submit to the Regional Committee as Self – Appraisal Report at the end of each academic year along with the statement of annual accounts duly audited by a Chartered Accountant.

8. The institution shall maintain its Website with hyperlink to the Council and the Southern Regional Committee, covering, inter – alia, the details of the institution, its locations, name of the programme(s) with intake; available of physical infrastructure, such as land, building, office, classrooms, and other facilities of amenities; instructional facilities, such as laboratory and laboratory and library and the particulars of their teaching faculty and non-teaching staff with photographs, for information of all concerned. The information with regard to the following shall also be made available on the website namely:-

- a. Sanctioned programme(s) along with annual intake in the institution;
- b. Name of faculty and staff in full as mentioned in school certificate along with their qualifications, scale of pay and photograph.
- c. Name of faculty members who left of joined during the last, quarter:
- d. Name of Students admitted during the current session along with qualification, Percentage of marks in the qualifying examination and in the entrance test, if any, date of admission, etc.;
- e. Fee charged from students;
- f. Available infrastructural facilities;
- g. Facilities added during the last quarter;
- h. Number of books in the library, journals subscribed to and additions, if any, in the last quarter;
- i. The affidavit with enclosure submitted along with application.
- j. The institution shall be free to post additional relevant information, if it so desires.
- k. Any false or incomplete information on website shall render the institution liable for withdrawal of recognition.

9. The institution shall adhere to the mandatory disclosure in the prescribed format and display up-to-date information on its official website.

10. The institution shall make available the list of students admitted on its official website.

11. The institution shall fill the information on GIS Portal on the NCTE Website.

If the institution contravenes any of the above conditions or the provision of the NCTE Act, Rules, Regulations and orders made or issued thereunder, the institution will render itself vulnerable to adverse action including withdrawal of recognition by the Southern Regional Committee under the provision of Section 17(1) of the NCTE Act, 1993.

Also order that a copy of this Order be published in the official Gazette.

By Order, ✓

11/11/2019  
(Dr. Anil Kumar Sharma)  
Regional Director

The Manager  
Govt. of India Press  
Department of Publications, (Gazette Section) (107775)  
Civil Lines, Delhi – 110 054

Copy to:-

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Khatha No.9889, Ward No.14 Court Ward,  
Kodialbail, Mangalore City Corporation,  
Mangalore-560003,  
Karnataka.
2. **The Correspondent/Secretary,**  
Mangalore Jesuit Educational Society®  
St. Aloysius College,  
Mangalore-575003.
3. **The Principal Secretary, Department of Education**  
(In-charge Teacher Education) Govt. of Karnataka,  
M.S. Building, Dr. Ambedkar Veedhi,  
Bangalore-560001,  
Karnataka.
4. **The Registrar,**  
Mangalore University,  
Mangalagangothri-574199,  
Karnataka.
5. **The Secretary,**  
Department of School Education and Literacy,  
Ministry of Human Resource Development,  
Govt. of India, Shastri Bhawan,  
New Delhi- 110001.
6. **The Under Secretary (IT and E-governance),**  
National Council for Teacher Education, Hans Bhawan Wing-II,  
1, Bahadur Shah Zafar Marg, New Delhi- 110 002
8. **Institution file**
9. **Guard file.**

11/11/19  
Regional Director