

F.SRO/NCTE/APSO7324/KA/B.Ed./2021

Date: 18 JAN 2021

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TO BE PUBLISHED IN GAZETTE ON INDIA PART III SECTION 4

WITHDRAWAL ORDER

WHEREAS the institution namely Nayala College of Education, Kalidasa Nagar, Sira Gate, Tumkur-572101, Karnataka was granted recognition vide order no. F.SRO/NCTE/B.Ed./2006-2007/16844 on 10.1.2008 with an annual intake of 100 students.

AND WHEREAS, his office is in receipt of letter No. TY: VCPS: 2011-12:98 dated 21.05.2011 from the Vice-Chancellor, Tumkur University, Tumkur by enclosing a list of 19 institutions with the committee observations by conducting inspections.

AND WHEREAS, the SRC in its 206th meeting held on 9th-10th June 2011 noted the inspection report of the Vice – Chancellor, Tumkur University, dated 21.05.2011 and the deficiencies in the 19 institutions in Tumkur District and decided to issue show cause notice under section 17 of NCTE Act. Accordingly, a show cause notice was issued to the institution on 08.07.2011. The institution submitted its reply in Kannada on 29.08.2011. A letter was addressed to the institution to submit reply in English on 26.9.2011.

AND WHEREAS, pending submission of the reply by the institution, an inspection to the institution was proposed between 28th October – 2nd November 2011. A letter was addressed to the institution on 19.10.2011. In the meantime, the institution submitted its written reply to the Show Cause Notice dated 4.10.2011 which was received by this office on 19.10.2011. Inspection was conducted to the institution on 28.10.2011.

AND WHEREAS, in the meantime, Tumkur University vide their letter received on 17.10.2011 conducted re-visit to the institution during 15-19 and 27th of July, 2011 and made certain observations.

AND WHEREAS, the SRC in its 216th meeting of SRC held on 11-12 January, 2012 considered the VT report, VCD and all the relevant documentary evidences and it was decided to serve Show cause Notice under Section 17 of NCTE Act for the following:-

1. The institution has not submitted Inspection fee of Rs. 40000/-.
2. Original certified land documents issued by competent civil authority is not submitted.
3. Approved building plan of the College from competent Govt. authority is not submitted.
4. The institution has submitted copy of Building plan of H.M.S. English High School. Which is against the Regulations of NCTE.

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5. Building completion certificate from competent Govt. authorized engineer is not submitted.
6. Land usage certificate from the concerned Government authorities stating that the land is exclusively permitted/sanctioned for educational purpose only is not submitted.
7. Non-Encumbrance Certificate issued by the Sub-Registrar is not submitted by the institution.
8. Original FDRs of Rs. 5 & 3 lacs towards endowment and reserve fund respectively from Nationalized Bank in joint account is not submitted.
9. Original Affidavit in the prescribed form on Rs. 100/- stamp paper duly attested by oath commissioner or Notary public is not submitted.
10. As per VT report, the land is on lease for 30 years w.e.f 10.07.2006. The building and land are not in the same place. This is a gross violation of NCTE norms.
11. Science lab, Psychology lab, ET lab & other lab/physical Education are to be strengthened.
12. Furniture provided in the Classrooms, Halls & Library are too old and are in damaged conditions. Needs to be strengthened and replaced.
13. Principal is not qualified as per NCTE norms.
14. The institution has not submitted the approved staff list from University with their experience certificate.
15. Lecturer in Art Education (part time, Fine arts/performing art) and Director of Physical Education is not available.
16. Consolidated salary is paid in cash to staff members, not through Bank Cheque.
17. The scale of pay offered to the staff is not as per Central/State Govt/UGC guidelines.
18. As per VT report, regarding the human resources, the college has only 1+5 teaching faculty, 2 technical and 3 non-teaching staff. All the teaching faculty except one have qualifications as per NCTE norms. Out of 6 staff members, only 2 had high school level teaching experience and one has to complete his PG degree. On interaction with the staff and on VT observation, it is felt that some 2 to 3 teaching and non-teaching staff has been called for the day of inspection. As per the office records, there are 32 students. Among them, it is observed some (nearly 30-50%) are not regular to the College.

AND WHEREAS, a Show Cause Notice was issued to the institution on 6.3.2012. The institution had not replied to the show cause notice issued on 06-03-2012, for the deficiencies pointed in the notice.

AND WHEREAS, the SRC in its 226th meeting held on 9th – 10th July 2012 decided to withdraw the recognition of the B.Ed course run by the Nayala College of Education, Kalidasa Nagar, Sira Gate, Tumkur District-572101, Karnataka, from the academic year 2012-13, in order to enable the ongoing batch of students in B.Ed, course, if any, to complete their course.

AND WHEREAS, a withdrawal order was issued to the institution vide order APSO 7324/B.Ed/KA/2012-13/44336 dated 26/07/2012.

AND WHEREAS, aggrieved by the withdrawal order of SRC, the institution filed a writ petition No.41662/2012 in the High Court of Karnataka and the Hon'ble Court passed an interim order dated 11/10/2012, staying the operation of the order No. F.No.APSO 7324/B.Ed./KA/2012-13/44336 dated 26/07/2012 and not to give effect to the same and permit to admit the students for B.Ed, course for the year 2012-13 during the pendency of the writ petition.

AND WHEREAS, a letter from the advocate Mr. Ashok Haranahalli dated 09/11/2012 received by this office on 27/11/2012 with the contents of the court order dated 05/11/2012 states as under.

"The Hon'ble Court relying on the order dated 19/10/2012 passed in writ petition No.41463/2012(Bharathi College of Teacher Training Education) allowed the matter with a direction to Southern Regional Committee to inspect the petitioner-college within 15 days from the date of receipt of a copy of the order and if the petitioner complies with the norms and standards prescribed by NCTE and to pass orders after inspecting the petitioner-institution. With the above direction, the writ petition was disposed off".

A letter from Nayala College of Education Institution enclosing a copy of the court order is received by this office on 03/12/2012 requesting the implementation of the court order.

The SRC in its 237th meeting held on 05th – 06th January 2013 considered the matter and decided to await court order, on receipt of the same and after collecting Rs. 50000/- towards inspection fee and to cause inspection under section 14 (1) of 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 the decision of SRC, a letter was addressed to the institution on 14.3.2013 to submit payment of RS.50,000/- towards causing of inspection and also to submit essential documents along with the questionnaire.

AND WHEREAS, a visit was scheduled to the institution during 6th May to 10th May, 2013 and a letter was addressed to the institution on 3.5.2013. The letter is returned back on 7.5.2013 which was again resent and received back on 10.5.2013 with a remark that "addressee left & returned to sender".

AND WHEREAS, Due to unavailability of one of the VT member, the visit was again rescheduled during 20th May to 24th May, 2013. Again, a letter was addressed to the institution regarding the visit proposed during 20th May to 24th May 2013 on 14.05.2013. The letter is again returned back and received by this office on 20.5.2013 stating that "addressee left and returned to sender".

AND WHEREAS, an e-mail is received from one of the VT Member, Mr. Subbarayan Peri on 18.6.2013 stating that "When I contacted the management, they replied that they want to postpone the inspection in view of non-completion of the building and that they had already informed the SRO. On my request they sent a copy of the letter addressed to the Regional Director to my e-mail on 21st May 2013. We dropped our inspection. Now, through my colleague, I came to know that they are complaining on the non-inspection by the visiting team. A copy of the letter addressed to the Regional Director by the Management is attached."

Remarks of SRO:

From the Diary report, it is observed that the letter e-mailed to the Visiting team member dated 20.5.2013 requesting for postponement of inspection is not received by this office so far.

AND WHEREAS, the SRC in its 248th meeting held on 13th – 15th July, 2013 considered the matter and all other relevant documents and decided to cause inspection 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, the inspection of the institution should be carried out with another VT members.

AND WHEREAS, as per the decision of SRC, a letter was addressed to the institution on 22.08.2013 to submit payment of RS.50,000/- towards causing of inspection and also to submit essential documents along with the questionnaire.

AND WHEREAS, a visit was scheduled to the institution during 2nd September, 2013 and a letter was addressed to the institution on 22.08.2013. The letter is returned back on 28.08.2013 with a remark that "addressee left & returned to sender".

AND WHEREAS, a VT report is received by this office on 02/09/2013, the VT members has remarked that the college remained closed and refused the inspection.

AND WHEREAS, as per the Hon'ble High Court Order dated 19/10/2012, the inspection of the institution was arranged and scheduled:

AND WHEREAS, a VT Inspection schedule to the institution was fixed between 6th May to 10th May, 2013 and a letter was sent to the institution on 3.5.2013. The letter was returned back on 7.5.2013, which was again reposted and received back on 10.5.2013 with a remark that "addressee left & returned to sender".

AND WHEREAS, again VT inspection of the institution was scheduled during 20th may to 24th May 2013 and a letter was sent to the institution on 14.05.2013. The letter posted to the institution has returned back to this office received on 20.05.2013 stating that "addressee left & returned to sender".

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AND WHEREAS, once again a letter was sent to the institution on 22.08.2013 to be ready for inspection. The letter was returned back on 28.08.2013 with a remark that "addressee left & returned to the sender.

AND WHEREAS, as per the VT report received by this office on 02/09/2013, VT remarked in their letter that "the college remained closed and refused the inspection".

AND WHEREAS, when the VT members visited the institution as per schedule for inspection, the management people refused the inspection and the college was remained closed. This was a deliberate attempt on the part of the management not to allow the visiting team members for inspecting the institution and thereby preventing VT from discharging their official duty. The NCTE has followed the Court direction to inspect the institution and NCTE is well within the powers to inspect any institution to ensure maintenance of standards and quality.

AND WHEREAS, based on the above, it is clear that the management is not willing to get the institution inspected as per the Court order and also not cooperating with VT members for inspection.

AND WHEREAS, under the above grounds and with reference to the totality of information collected & based on a collective application of mind, the SRC in its 253rd meeting held on 30th September & 1st October, 2013 consider the matter and decided as per NCTE Regulations 2009, the court asked us to inspect the institution. But they have not been allowing us to do that, so far to reject the application of the institution for recognition of B.Ed. course.

AND WHEREAS, as directed a rejection order was issued to the institution on 25.11.2013.

AND WHEREAS, a letter from the Institution enclosing a copy of the court order in W.P. No. 41662/2012 dated 05.11.2012 received by this office on 21.10.2014 with regard to continuation of recognition of B.Ed. course.

The court order stated as follows: -

"ORDER: Petitioner has sought for quashing annexure D dated 26.07.2012 and to direct the respondent to permit it to admit students for B.Ed. course for the academic year 2012-13.

Heard the counsel representing the parties.

In a similar situation, in WP 41463/2012 decided on 19.10.2012 this court having directed the respondent authorities to consider the application of the petitioner for recognition for the academic year 2012-13, has also directed the petitioner to rectify the deficiencies pointed out.

In the case on hand, according to the petitioner, they have complied with the requirements. However, it is for the petitioner to meet out the deficiencies, if any pointed out by the respondent authority within a fortnight. The respondent authority is directed to once again visit the petitioner institution thereafter and pass appropriate orders considering the fact that the institution is running since 2007-08.

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Petition is allowed. Order at annexure D be reviewed immediately after conducting as indicated above. In the event there is delay caused for want of inspection being conducted and other decisions to be taken, the delay be condoned by extending some more time for admitting the students."

AND WHEREAS, the SRC in its 274th meeting held on 30-31 October 2014 considered the institution letter 21.10.2014 along with court order in W.P.No.41662 of 2012 dated 05.11.2012 and the committee has decided as follows:-

"This is a case of total recalcitrance by the institution. We should appeal against the court's order."

AND WHEREAS, a letter was sent to Advocate on 19.11.2014. As requested by Advocate, original file was sent to Advocate on 17.12.2014.

AND WHEREAS, in the meantime, the institution has submitted its written representation on 24.01.2015 along with photocopy of Court order in W.P.No.56229 OF 2014 (EDN-REG-P) dated 19.12.2014. The Court order stating as follows: -

" ORDER:

The petitioner is before this Court assailing the order dated 25.11.2013 whereby the application of the petitioner seeking recognition of their institution has been rejected.

2. The facts pleaded need not be adverted to much in detail since the petitioner was before this Court at an earlier instance in W.P.No.41662/2012 disposed of on 05.11.2012. This Court while disposing of the said petition had directed the respondent therein to inspect the premises belonging to the petitioner and thereafter to pass fresh orders since in the meanwhile if there were any deficiencies, the petitioner was required to rectify the same. The grievance of the petitioner is that no such inspection has been conducted and the order impugned has been passed unilaterally by rejecting the application of the petitioner.

3. Learned counsel for respondent No.2 would contend that the procedure as contemplated was followed and notice of inspection was issued to the petitioner-Institution. However, since the Secretary was not available and the premises had been locked, notice had been returned back and therefore, respondent No.2 had no other option, but to proceed to pass orders on the application without inspection.

4. If the nature of the earlier proceedings and the submission as put forth by learned counsel for respondent No.2 is kept in view, there is no much dispute with regard to the fact that the inspection has not been conducted. The only grievance that is being put forth by the rival parties is that the inspection has not been conducted as ordered earlier. On this aspect, this Court need not dilate much. In ordering to hold a fresh inspection and pass fresh orders it will meet the ends of justice.

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5. To enable the same, the petitioner shall now file fresh e-application with necessary fee and immediately on such application being filed by the petitioner, the second respondent shall hold inspection on intimating the petitioner which shall be done in an expeditious manner so as to enable the petitioner to take benefit of the order for the ensuing academic session 2014-15.

With the said observation, petition stands disposed of.

AND WHEREAS, the SRC in its 279th meeting held on 1 February 2015, considered the matter and decided that pursue the earlier decision for filing an appeal.

AND WHEREAS, in the meantime, a letter received from Sri.Pramod N Kathavi, Advocate on 31.01.2015 regarding W.P.No.3519/2015 filed by Nayala College of Education Vs State &Ors.

AND WHEREAS, an e-mail has been received from the advocate Sri.Pramod N Kathavi dated 31.01.2015 stating that "...W.P. which was filed by Nayala College of Education institution came to be disposed off by an order dated 31.01.2015 in the said order the Hon'ble High Court Judge was pleased to dismiss the Writ Petition by directing the petitioner to submit a fresh e-application along with necessary fee for the purpose of inspection to be conducted by NCTE, as per the order of Hon'ble High Court in W.P.No.56229/2014."

AND WHEREAS, Shri. Pramod N Kathavi, advocate of Hon'ble High Court of Karnataka forwarded a court order in W.P.No.3519/2015 (EDN-REG-P) dated 31.01.2015 through an e-mail which was received by this office on 11.02.2015. The court order stated as follows: -

"...Petitioner has sought a direction to respondent no.2 to grant affiliation to the petitioner-institution for the academic year 2014-15 for B.Ed course and to conduct the course with all consequential benefits in terms of the order passed in W.P.No.56229/2014, which has been disposed on 19.12.2014.

2. I have heard learned counsel for petitioner, learned Additional Government Advocate for respondent no.1(State Govt) and learned counsel for respondents 2 (Tumkur University) and 3(SRC-NCTE) and perused the material on record.

3. By order dated 19.12.2014 passed in W.P.No.56229/2014, this court at paragraph-5 observed as under: -

"To enable the same, the petitioner shall now file fresh e-application with necessary fee and immediately on such application being filed by the petitioner, the second respondent shall hold inspection on intimating the petitioner which shall be done in an expeditious manner so as to enable the petitioner to take benefit of the order for the ensuing academic session 2014-15

With the said observation, petition stands disposed of."

Admittedly, petitioner has not filed e-application to the third respondent-National Council for Teacher Education so as to seek recognition from that authority.

Cont.8...

4. Learned counsel for respondent No.2- University states that so long as the recognition has not been granted by third respondent, university cannot grant affiliation to the petitioner-institution.

5. In that view of the matter, petitioner is at liberty to make an e-application with necessary fee to the third respondent. The third respondent-National Teacher Council on receipt of the said application shall take steps expeditiously on the same, in accordance with law, for the purpose of granting recognition or otherwise. Based on the decision of the third respondent, the second respondent-University shall take steps accordingly.

6. with the aforesaid observations and directions, writ petition stands disposed.

AND WHEREAS, the Southern Regional Committee in its 280th Meeting held during 12th to 14th February 2015 considered the matter, Hon'ble High Court order, and other relevant documents of the institution, and decided as under:

"1. In compliance of the Court Order, restore recognition.

2. Ask them to conform to new norms & standards before 31.10.2015."

AND WHEREAS, as per the decision of SRC, recognition of the institution was restored vide this office order dated 25.02.2015.

AND WHEREAS, the institution and the students of the institution filed a W.P.No. 18063-18113 of 2015 in the Hon'ble High Court of Karnataka with a prayer for acceptance of examination fee of the 1st year B. Ed students .SRC, NCTE is the second respondent in the writ petition filed.

The Hon'ble Court vide order dated 27th April, 2015 made an order as under :-

"Learned AGA is directed to take notice for R1.

Issue Notice to other respondents.

The third respondent is directed to accept the examination fee from the petitioner No.s 2 and 51 so as to enable them to appear for the ensuing examination of I Year B.Ed course and allow them to appear for the said examination subject to the result of the writ petitions. The third respondent is directed not to declare the result of the said examination without the leave of the Court."

Post the cases again on 09.06.2015."

AND WHEREAS, a letter was addressed to the advocate, Shri. Pramod Kathavi on 15.05.2015 along with the brief of the case to defend the case on behalf of NCTE.

AND WHEREAS, on 10.06.2015, an e-mail was received from the advocate requesting for duly signed Vakalatnama and details regarding the writ petitions. A letter was addressed to the advocate on 16.06.2015.

AND WHEREAS, a letter was also addressed to the Principal, Nayala College of Education for submission of willingness affidavit on 11.08.2015.

AND WHEREAS, on 10.11.2015, a letter dated 10.04.2015 was received from the advocate Shri. Pramod Kathavi regarding W.P. No. 18063-18113 of 2015 filed by Nayala College of Education and sought relevant information for filing statement of objections.

AND WHEREAS, a letter was addressed to the advocate, Shri. Pramod Kathavi on 04.12.2015.

AND WHEREAS, on 31.12.2015, the institution submitted a willingness affidavit affirming adherence to Regulations 2014. A revised order was issued to the institution for offering **B.Ed. course** of two years duration from the academic session 2015-16 on **21.01.2016**.

AND WHEREAS, on 23.02.2016, a letter dated 18.02.2016 is received by the advocate, Shri. Pramod Kathavi enclosing the certified copy of the Court order in W.P. No. 18063 – 18113 of 2015.

AND WHEREAS, the writ petition is filed praying to quash the endorsement dated 26.02.2015 vide annexure –M as violative of article 14 of the constitution of India and to direct the respondents 1). The State of Karnataka 2) SRC, NCTE 3) Tumkur University to approve the admissions of the petitioners Nos.2 to 51 for B.Ed. course for the year 2014-15 as the admissions were well within the time i.e 20.02.2015.

AND WHEREAS, the Hon'ble Court made the following order on 03.02.2016 in W.P. No. 18114-18164 of 2015 which is as under: -

“Learned Counsel for the petitioners has filed a Memo dated 29.01.2016. In terms of the Memo, the petitions are disposed of as withdrawn.”

AND WHEREAS, SRC in its 307th Meeting of SRC held on 09th March 2016 the matter was place before the Committee and decided as under: -

“The Court order is noted. Process for inspection, along with other RPRO cases.”

AND WHEREAS, the status of issuance of SCN/FSCN was considered by the Sub-Committee constituted by the SRC in its meeting held on 22nd October 2019. The Sub-Committee noted that institutions have not submitted requisite documents or only part reply has been submitted. The Sub-Committee decided to issue SCN in all such cases seeking in compliance of RPRO matters.

AND WHEREAS, as per directed a Show Cause Notice was issued to the institution on dt. 30.10.2019.

AND WHEREAS, the institution has not submitted any documents as a result a Final Show Cause Notice was sent to the institution on 10.09.2020 as decided in 381st meeting held on 31st October & 01st November 2019 and 387th Meeting held on 24th & 25th August, 2020 by Sub-Committee.

AND WHEREAS, the institution vide letter dated 17.12.2020 informed the following: -

“With reference to the subject cited above I would like to bring to your kind notice that owing to heavy rain caused damage to college building and due to Covid-19 caused delay in completion of work. During this period for the betterment of college students and staff we were running classes at some other building near by to the old premises.

Now all repair work and painting work is over successfully. And entire college is working at the place where NCTE visited permitted the building place at Kalidasanagar, Tuda Layout, Sira Gate, Tumkur, at the time of recognition of the college.

This is for your kind information and we heartily thankful to you sir for your kind co-operation for which act of our co-operation we are highly grateful to you sir.”

AND WHEREAS, the SRC in its 393rd Meeting held on 05th & 06th January 2021 and considered the matter 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: -

1. **The institution has not responded to the Final Show Cause Notice issued on 10.09.2020.”**

NOW THEREFORE, the Committee decided to **withdraw the recognition** granted to **Nayala College of Education, Kalidasa Nagar, Sira Gate, Tumkur, Karnataka-572101** for conducting **B.Ed** course w.e.f. the next academic session under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above.

Further, the institution and affiliating body is hereby informed about the following provision of Section 17(4) of NCTE Act: -

“If an institution offers any course or training in teacher education after the coming into force of the order Withdrawing Recognition under sub-section (1) or where an institution offering a course or training in teacher education immediately before the appointed day fails or neglects to obtain recognition or permission under this Act, the qualification in teacher education obtained pursuant to such course or training or after undertaking a course or training in such institution, shall not be treated as a valid qualification for purposes of employment under the Central Government, any State Government or University, or in any School, College or other Educational Body aided by the Central Government or any State Government.”

-:11:-

Further, if the institution is not satisfied with the Order, it may prefer an Appeal u/s 18 of the NCTE Act, 1993, through "online mode" available on NCTE's website www.ncte-india.org, with 60 days from the date of issue of this order. The guidelines for filling appeal may be seen on NCTE's website.


(Dr. Anil Kumar Sharma)
Regional Director

To,

The Manager,
Government of Indian Press,
Department of Publications (Gazette Section)
Civil Lines, New Delhi

Copy to:

1. The Principal, Nayala College of Education, Tuda Layout, Kalidasanagar, Siragate, Tumakuru, Karnataka-572106.
2. The Secretary, Nayala Education & Charitable Trust, Tuda Layout Kalidasanagar, Siragate, Tumakuru, Karnataka-572106.
3. The Registrar, Tumkur University, B.H. Road, Tumkur, Karnataka-572103.
4. The Secretary (Education) Government of Karnataka, M.S. Building, Dr. Ambedkar Veedhi, Bangalore, Karnataka-560001.
5. The Secretary, Dept. of Elementary Education and Literacy, Ministry of Education, Govt. of India, Shastri Bhawan, New Delhi-110001.
6. US (EDP), NCTE HQ.
7. The Computer Programmer (IT Cell), SRC, NCTE, New Delhi-110075 (with the direction to make necessary changes as per the directions contained in the order in the website data of the SRC).
8. Institution File.
9. Guard File.


Regional Director