

TO BE PUBLISHED IN GAZETTE ON INDIA PART III SECTION 4

F. No.SRC/NCTE/KA/APSO2199/B.Ed/2019/110693-0699

Date: 17 OCT 2019

ORDER

WHEREAS, Karnataka International Educational Trust, Bangalore, Karnataka had submitted an application to the Southern Regional Committee of NCTE for grant of recognition to K.I.E.T B.Ed College, #60/1, 7th cross, Bismilla Nagar, Bannerghatta Main Road, Bangalore-560029, Karnataka for Secondary (B.Ed) course of one year duration from the academic session 2005-06 with an annual intake of 100 students and was granted recognition on 04.01.2006 with a condition to shift to its own premises / building within three years from the date of recognition.(in case the course is stated in rented premises)

2. AND WHEREAS, the SRC in its 176th meeting held during 27th – 28th May, 2009 decided that the institution which have not shifted to the permanent premises even after the expiry of three years time limit is issued notice under section 17 of NCTE Act for further action. A notice was issued to the institution on 08.09.2009. The institution has submitted written representation on 09.10.2009.

3. AND WHEREAS, on 19.01.2015, the institution has submitted an affidavit for offering B.Ed course with an intake of 100 students. The revised order was issued to the institution on 18.05.2015 with an intake of 100 students (two basic units of 50 each). The institution has submitted revised order reply on 31.07.2015 and 02.11.2015. SRC in its 314th meeting held during 27th to 28th May, 2016 considered the matter of institutions which have been given recognition for offering with an intake of 100 students and decided as under:-

“For cases of B.Ed (2 units) in the existing institution, where RPRO had been issued, We have to cause inspection to check adherence to the 2014 Regulations. This action will have to be completed by July 2016 so that revised Formal Recognition can be issued w.e.f 2016-17 to enable them to make admissions in time.

Action to check the documents in these cases(about 1885 in number) will take time. Instead of waiting for that action to be completed for placing them before the SRC, to save time, VT

Inspections can straight away be ordered. VT inspection reports can be considered along with examination of the documents.

Regional Director is authorized to initiate action accordingly. The institutions concerned may be alerted about such action so that they will be prepared to receive the shifting teams. They may also be advised to keep in readiness latest approved faculty lists for submission to VTs.”

4. AND WHEREAS, the SRC in its 315th meeting held during 17th and 18th June, 2016 considered the reply of the institution and decided as under: -

1. They have contested the 'Shifting Condition'. The original sanction was w.e.t a land on lease for 30 years. The shifting condition was because of the building being on rent.
2. They could not have constructed their own building on a leased land. Requiring them to shift on that ground will go against the provision permitting 30 years lease of land.
3. The shifting condition is therefore, removed. They can be there until the lease period runs out.
4. EC is in order.
5. LUC and BCC are not given.
6. BP is in order. According to it the built up area is not adequate.
7. Original FDRs and latest Faculty List are not given. Inspection fee not paid.
8. Collect fee and cause inspection.
9. Ask VT to collect all relevant documents; and, check in particular adequacy of built up area to accommodate B.Ed (2 units) of the 2014 pattern i.e., total intake of (100+100)=200."

5. **AND WHEREAS**, as per the decision of SRC, a letter was issued to the institution on 12.07.2016. The institution has submitted inspection fees of Rs. 1,50,000/- vide DD No 780323 dated 14.11.2016. Inspection of the institution was conducted on 10.12.2016 and the VT report along with documents received on 19.12.2016.

6. **AND WHEREAS**, the SRC in its 241st meeting held on 30th March to 1st April 2013 considered the written reply of the institution and relevant documents of the institution and decided to withdraw recognition of the M.Ed course run by, KIET College of Education (Post Graduation Studies) Bannerghatta main Road, Bismillah Nagar, Bangalore – 560029, Karnataka from the academic year 2013-14, in order to enable the ongoing batch of students in M.Ed, course, if any, to complete their course.

7. **AND WHEREAS**, in the meanwhile, a copy of the Interim order of High Court of Karnataka in W.P.No. 17161 – 17162 filed by Pali Education Society, Prashanthnagar and Karnataka International Education Trust, Bannerghatta Road, Bangalore is received by this office on 29.04.2013 from the Principal, St. Paul's College of Education, where in NCTE, New Delhi is the first respondent and SRC, NCTE is the second respondent.

8. **AND WHEREAS**, the grievance of the petitioners in the writ petitions is that without considering the reply and without providing an opportunity of being heard to the petitioner-institutions, the impugned orders withdrawing the recognition have been passed.

The interim order dated 19.04.2013 in W.P.No. 17161 – 17162 reads as under:-

"On perusal of the impugned order, I find that without assigning reasons, the respondent has proceeded to withdraw the recommendation. Prima facie it is clear that there is non-application of mind to the reply submitted and there is no opportunity of hearing given to petitioners. The impugned orders, therefore, prima facie appear to be in clear violation of principles of natural justice.

Hence, I am inclined to issue Emergent notice to the respondents , returnable within two weeks.

Till the next date of hearing, there shall be an interim order of stay on the impugned orders. Petitioners shall serve the standing Counsel for the respondent University and file acknowledgements for effecting such service mentioned in their names, office to list the matter by showing the names of the Counsel for the University."

9. **AND WHEREAS**, the advocate is requested to vacate the interim stay granted to the institution vide order dated 19.04.2013 and defend the case in the interest of SRC, NCTE, Bangalore and NCTE, New Delhi and intimate further developments to this office at the earliest vide this office letter dated 09.05.2013. It was also brought to the Notice of the advocate that the petitioner has not preferred an appeal before the appellate authority, NCTE, New Delhi under section 18 of the NCTE Act. This office has not yet issued the Withdrawal order to the institution. The SRC in its 245th meeting held during 19-21 May, 2013 considered the matter and noted the Hon'ble High Court of Karnataka's direction dt.19.04.2013.

1. The Hon'ble High Court has pointed out in their order dt.19.04.2013 that enough opportunity is being not heard nor given to the petitioner. Enough opportunity was given to the institution by SRC by way of 1) Deficiency letter issued, 2) VT inspection was done, 3) Show cause notices were issued to the institution to explain & rectify the deficiencies pointed out in the notices. The lawyer is to be informed that there is no provision for personal hearing by SRC as suggested by the Hon'ble High Court.

2. The Lawyer is to be informed to highlight the strict enforcement of norms/standards as per Supreme Court order.

Keeping in view, Supreme Court vide their order in Civil Appeal No. 1125-1128/2011 in SLP No. 17165-68/2009 filed by NCTE Vs ors, which reads as under:

"An institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. The Council is directed to ensure that in future no institution is granted recognition unless it fulfils the conditions laid down in the Act and the Regulations and the time schedule fixed for processing the application by the Regional Committee and communication of the decision on the issue of recognition it strictly adhered to".

Further,

3. The committee confirmed the action taken to get the 'stay' vacated informed to the advocate through our letter dt.09.05.2013.

As per the decision of SRC, letters were addressed to the advocate on 14.6.2013, 3.7.2013 and 27.9.2013.

In the meantime, the institution has submitted its written representation on 30.12.2013 along with submission of Hon'ble High Court order in W.P.No.17161-17162/2013 dated 10.12.2013. The court order stated as follows:-

".....in respect of W.P.Nos.17161-17162/2013, it is needless to mention that the recognition conferred earlier, continues."

10. **AND WHEREAS**, the SRC in its 258th meeting held on 3-5 January 2014 considered the Hon'ble High Court order dated 10.12.2013 and the committee has decided as follows:-

"Enough opportunities were give to these institutions to explain their cases. We should file an appeal. Ask lawyer to file and obtain 'stay'. Report action taken in the 260th meeting".

11. **AND WHEREAS**, a letter was sent to advocate on 13.01.2014. An e-mail has been sent to advocate on 29.01.2014. The institution has submitted its written representation on 19.01.2015 along with willingness affidavit as per regulations 2014. Another reminder letter was sent to advocate on 04.02.2015. Revised recognition order was sent to institution on 31.05.2015.

12. **AND WHEREAS**, on 02.07.2015, An advocate Sri.Pramod.N.Kathavi has sent a letter along with court order in W.P.No.37892 of 2014 dated 18.06.2015 filed by KIET College of PG & Research in Education. The court order stated as follows:-

"1. Learned Counsel for the petitioner submits that the writ petition may be disposed of by giving liberty to the petitioner to apply afresh to respondent No.1-University for grant of affiliation to M.Ed course for the academic year 2014-2015 by producing all relevant documents sought for by the university.

*2. Leave granted. If the petitioner makes an application, it shall be considered by respondent No.1-university expeditiously and in accordance with law.
Petitions disposed of."*

13. **AND WHEREAS**, the Southern Regional Committee in its 290th meeting held during 10th and 11th July, 2015 considered the matter, Court order dated 18.06.2015 and decided as under:

"1.The Court order is to the affiliating body. It is noted.

2.Remind the lawyer to apply to the Court for early hearing on our petition for vacation of 'stay' and dismissal of the case."

14. **AND WHEREAS**, as per the decision of SRC a letter was addressed to the advocate on 28.10.2015. On 02.11.2015, a court notice dated 28.10.2015 in W.A.no. 3479 of 2015 is received by this office from the Hon'ble High Court of Karnataka at Bengaluru. The writ appeal was filed by KIET College of PG and Research in Education (M.Ed) Bengaluru with a prayer to set aside the order dated 18.06.2015 rendered in W.P.No. 37892/2014 (EDN-REG-P) and allow this appeal by granting the reliefs prayed for in the said writ petition. On 17.11.2015, this office has received a letter from the advocate Shri.Pramod Kathavi regarding filing of appeal against the order dated 10.12.2013 which is as under :-

"With reference to the above subject , it is brought to your kind notice that we have not received any papers in respect of Writ petitions mentioned in the subject of your letter dated 28.10.2015.The said writ petitions were disposed off by an order dated 10.12.2013 wherein the Hon'ble High Court of Karnataka quashed the resolution passed by the Southern Regional Committee in its 241st Meeting .at the time of passing the order , no representation was made by the Council or its advocate to defend NCTE/SRC. Therefore, as per order dated 10.12.2013 , KIET College continued to be recognized by NCTE..

In relation to W.P.No. 37892 of 2014, the institution sought to be recognized by the University and NCTE was a formal party .It is brought to your notice that all the writ petitions that have been referred to above have been disposed and no application can be made for early hearing or vacation of stay in a case that has been disposed ."

15. **AND WHEREAS**, a letter was addressed to the advocate on Shri.Pramod N..Kathavi on 19.11.2015. On 29.03.2016, Court order dated 17.03.2016 in W.A.No. 3479 of 2015 which is as under :-

The writ appeal is barred by limitation

2. As the affiliation of the Teacher's Training College is involved, at the request of Mr. Shantakumar K.C, learned advocate appearing for the appellant, we take up the writ appeal for preliminary hearing.
3. This is an appeal against the judgment and order dated June,18, 2015, passed by the Hon'ble Single Judge in Writ Petition No. 37892 of 2014
4. The appellant – College had recognition from the National Council for Teacher Education ('NCTE' in short) , upto the academic year 2011-12 .From the academic year 2012-13 onwards , this institution had no recognition .However , on May 31, 2015 ,NCTE granted fresh recognition to this institution from the academic year 2015-16..
5. Therefore, the Hon'ble Single Judge was right in directing the institution to apply afresh for affiliation, and, also directed the University to consider it.
6. If such an application for fresh affiliation is made within two weeks, the University is directed to consider and dispose of such application by four weeks from the date of submission of such application.
7. The application for condonation of delay and the writ appeal stand disposed of, accordingly.

We make no order as to costs.

16. **AND WHEREAS**, the SRC in its 309th meeting held during 12th -14th April 2016, considered the Court order in W.A.No.3479 of 2015 and noted the matter. An email was received by the Advocate Shri Basavaraj Sabarad on 20.02.2017 with a request of signed Vakalathnama. On 23.02.2017, a letter along with Vakalathnama was sent to the Advocate. The SRC in its 351st meeting held during 28th& 29th December, 2017, considered the matter and decided as under: -

"Lately we have been taking up many RPRO cases for issue of new FR under the 2014 Regulations.

Bearing in mind that other new/pipeline cases that have to face the Supreme Court prescribed time-limit of 3 March 18 for getting FR w.e.f. 2018-19, it is decided that all new-pipeline cases should be put up on priority consideration. The RPRO cases that have no such threat of the 3rd March 18 dateline, can be taken up later.

R.D is advised to put up cases accordingly."

17. **AND WHEREAS**, the SRC in its 362nd meeting held during 21st -22nd, August, 2018 considered the request of the institution and decided as under: -

1. This is a RPRO case of B.Ed. + M.Ed.
- 2.1 In 2005 it started on a land privately leased for 30 years. In 2009 it reported to have constructed a permanent structure on the same (leased) land and 'shifted' into that.
- 2.2 How could it construct its own building on a leased land? How can that be called a permanent arrangement?
- 3.1 Examination of the records shows that the land was bought by Smt. Jamadar in 1993. She was Vice Chairman of KIET and her husband its General Secretary. In 2005, the land was leased to KIET. In 2009, KIET constructed a permanent structure thereon. The 30 year lease continued.
- 3.2 The purpose of such a complicated arrangement is not clear. Ask them to clarify.
4. LUC is not given.
5. Latest EC is required in original for both serial numbers.
6. Building Plan is only a photocopy. Entries are not legible.
- 7.1 BCC is not in original. It is not clear who has signed as competent authority.
- 7.2 BCC shows the land to be in the name of H.A.Jamadar.

- 7.3 BCC shows only sy. no. 73/3 and not sy. No. 10/8. Why?
- 7.4 Built up area shown is 21600 Sq.ft. (2006 Sq.Mtrs.) which is just adequate for B.Ed. (2 Units). V.T. shows it as 10222 Sq.ft. (949 Sq.Mt.).
8. FDRs are in single account. Their validity has also expired.
9. Faculty List is not in format.
10. The institution is avoiding a straightforward reply to our queries and surviving on a 'stay' granted by the Hon'ble High Court.
11. Issue SCN to the applicant.
12. Ask our Lawyer to get the 'stay' vacated quickly.

18. **AND WHEREAS**, as per the decision of SRC, a Show Cause Notice & letter to Advocate was issued to on 30.08.2018. The institution not submitted reply till date. The SRC in its 377th meeting held on 03rd & 04th July, 2019 considered the matter and decided to issue SCN. As per the decision of SRC a final show cause notice was issued to the institution on 12.07.2019. The institution vide letter dated 12.09.2019 reply to show cause notice.

19. **AND WHEREAS**, the matter was finally considered by the SRC in its 380th meeting held from 18th – 19th September, 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 the perusal of the original documents and records made available in the file. The Committee decided that the **continuation order be issued to K.I.E.T B.Ed College, Karnataka for B.Ed programme for 2 units (50 students each unit).**

NOW THEREFORE, this order is issued permitting the institution to **K.I.E.T B.Ed. College, Survey No.73/3, 7thCross, Bsimillanagar, Ward No. 171, BBMP, Gurappanapalya, Bangalore South, Karnataka** run by **Karnataka International Educational Trust, Bangalore, Karnataka** for continuation of conducting B.Ed course of two years duration with an intake of 100 students (2 basic units) subject to fulfillment of the following conditions:

- I. 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.
- II. The institution shall comply with the various other norms and standards prescribed in the NCTE Regulations, 2014 as amended from time to time.
- III. The institution shall make admissions only after it obtains affiliation form the examining body in terms of clause 8(10) of the NCTE (Recognition Norms & Procedure) Regulations, 2014.
- IV. 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.

20. 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.

21. 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.

22. 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.

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

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

25. 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 provisional 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,


(Dr. Anil Kumar Sharma)
Regional Director

110699)
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8. **Guard file.**

11/11/15
Regional Director