

F.SRO/APS04356/B.Ed /NCTE/2012-2013/53940

Date: 23/09/13

TO BE PUBLISHED IN GAZETTE OF INDIA PART III SECTION 4

ORDER

WHEREAS, an application was submitted by Alpha College of Education, Palleerla Narasimha Reddy Compound, Beside Court, Viswanathapuram, Podili, Prakasam District, Andhra Pradesh

AND WHEREAS, the application was processed as per the provisions contained in Rules and Regulation, Norms and Standards vogue at that point of time and the recognition was granted to the B.Ed. course vide order dt 10.02.2006 with stipulated conditions.

AND WHEREAS, the NCTE Hqrs forwarded letter dated.10.10.2008 and had drawn the attention of the SRC, Bangalore wherein a complaint has been made against six colleges in Podili village in Prakasam District, Andhra Pradesh. The matter was considered by SRC in its 167th meeting held on 17th-18th November 2008.

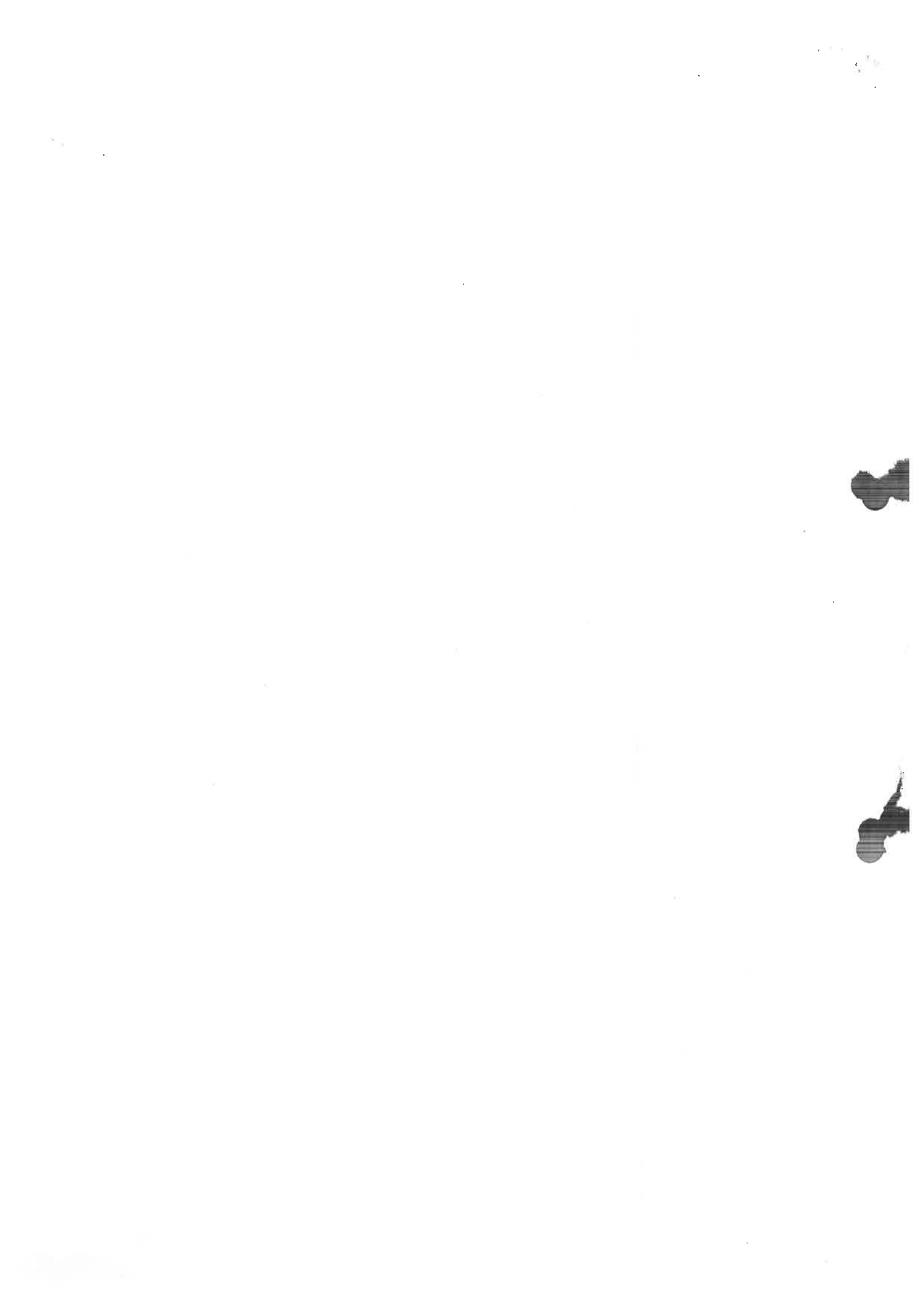
AND WHEREAS, the SRC after careful consideration of all aspects decided to conduct inspection under section 17 of NCTE Act 1993 for the Teacher Education Center institutions located at Podili village. The inspection of the institution under section 17 was conducted on 22.12.2008. The VTR was placed before SRC in its 170th meeting held on 16th -17th February 2009.

AND WHEREAS, the SRC considered the VTR's and observed that some complaints have been received regarding inspections and the VTR's are also lacking clarity. Hence SRC decided to examine the whole matter by deputing an expert team consisting of SRC members.

AND WHEREAS, an expert committee visited the institution situated near and around Podili, Prakasam District during 09 -10 March, 2009 and the report of the Committee was considered by SRC in its 171st meeting held on 16th -17th March 2009 and the committee decided to issue notice under Section 17. Accordingly a show cause notice was issued to the institution on 04.04.2009 for the following reasons:-

1. The Management has taken lease land 1866 sq.yards and RCC building 360 sq.yards for establishment of B.Ed. College for 5 years on temporary basis and 5 acres own land to construct permanent building. The institution was accorded recognition on 10.2.2006 and the College has to shift its own permanent premises within three years time limit i.e., before 10.2.2009, as per NCTE Act. The institution has not made any effort to shift the College to the permanent building after lapse of three years time limit.
2. The rented shed roofed with asbestos sheet is not suitable to run the B.Ed. course.
3. No multipurpose hall is available for B.Ed. course.
4. No teaching faculty; conduct of classes is irregular as per reports.
5. The institution has to submit approved faculty list approved by the affiliating body for all existing Teacher Education Center courses with details of each faculty member in the format prescribed.

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6. The Management was requested to explain why it has not constructed permanent building after lapse of 3 years and not fulfilled the conditions of recognition order and Rules and Regulations of NCTE. Further, the Management was asked to explain why the Recognition shall not be withdrawn for non-fulfillment of conditions including not having shifted the college to new permanent premises within three years time limit from the date of recognition. 315

AND WHEREAS, the institution has submitted written representations on 27.04.2009 & 04.05.2009. The written representations along with other documents were placed before SRC and the Committee observed the following:-

1. The institution was accorded recognition on 10.2.2006 in the five year leased land of 1866 sq. yards and RCC building 360 sq. yards, on temporary basis; the institution submitted 5 acres own land to construct the permanent building. The recognition was granted with the condition to shift the B.Ed. course to its own premises/building within three years from the date of recognition,; whereas the institution has not constructed own/permanent building within three years time limit on the five acres land as per the conditions of recognition order. Hence, the institution is not eligible to continue in the rented premises as per rules and Regulations, Norms and Standards of NCTE.
2. At present the B.Ed. course is running in rented shed, roofed with asbestos sheet, with 360 sq. yards, built-up space, which is not suitable and not adequate to run the B.Ed. course as per para 8(10) of NCTE Regulations, 2007.
3. The institution has not provided multipurpose hall as per Norms and standards of B.Ed. course. The Management in its reply for the show cause notice stated that the permanent building will be constructed with all facilities by the end of April,2010; whereas, the institution has breached the conditions laid down in the recognition order and not made any efforts to fulfill the conditions stipulated in the recognition order and violated the rules and Regulations, Norms and standards of NCTE.

AND WHEREAS, in view of non-adherence of conditions, Rules, Regulations, Norms & Standards of NCTE, the Committee decided to withdraw the recognition for B.Ed. course of the institution from the academic session 2009-10. However, the ongoing batch of students be permitted to complete their course (the students admitted in 2008-09 be allowed to continue in order to complete the course). The institution shall not make any fresh admissions subsequent to the withdrawal order. The affiliating University and the State Government be informed accordingly.

AND WHEREAS, as per direction of SRC in its 176th meeting of SRC, withdrawal order was issued to the applicant institution on 25.06.2009.

AND WHEREAS, the institution submitted inspection fee of Rs. 40,000/- vide dated 26/02/2011 which is returned to the applicant institution on 08.03.2011.

AND WHEREAS, the institution has submitted inspection fee along with Memorandum of Association of Society which is established on 12/01/2010 namely Sasi & Swatika Reddy Educational & Development Society, Plot no. F.f-4, Temple Towers, Near Sai Baba Temple, Lawer Pet, Ongole-523001, Prakasham Distt, Andhra Pradesh whereas earlier the society name was Alpha's Educational Academy, Vishwanthapuram, Podili, Prakasham Distt, Andhra Pradesh.

AND WHEREAS, the institution has approached to Hon'ble High Court of Andhra Pradesh in WP NO. 13352/2011 wherein the Hon'ble High Court has passed an order dated 03.06.2011 as under:-

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“ After hearing the counsel for the parties, interim direction is issued direction respondent no. 1 and 2 to inspect the new building constructed by the petitioners forthwith i.e within a period of one month from the date of receipt of a certified copy of this order. After inspection the college premises, the respondents shall inform the court with regard to the inspection carried out by them.” 1314

AND WHEREAS, a letter also received from NCTE HQtrs vide f. 64-155/2011/NCTE/Legal dated 27th July, 2011 wherein it is clearly mentioned that the matter has not been defended properly before the Hon'ble High court. NCTE Hqtrs has also directed that no provisions to make inspection after the closure of the case.

AND WHEREAS, the Apex court in the judgement in Civil Appeal NO. 1125-1128/ 2011 in the matter of Bhanwar Kanwar Singh Shiksha Mahavidalaya and ors before Hon'ble Supreme Court of India as under:-

“An institution is not entitled to recognition unless it fulfills 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.”

AND WHEREAS, Hon'ble High court has also passed an order in writ petition no. 128/2011 in the matter Shree Sitheshwar Education Trust Wherein the Hon'ble High Court has passed an order as under:-

“The Counsel for the petitioner has with reference to the inspection report of 12th March, 2009, sought to argue that the order are erroneous. However, the petitioner having chosen to allow the order to attain finality and being content with agitating the matter only after raising fresh construction, cannot long laps of time be heard to make fresh such arguments”.

AND WHEREAS, in this regard a letter was also issued to Shri P. Vinayaka Swamy, legal Counsel SRC, NCTE, Hyderabad to vacate the order. Till date no communication has been received from our legal counsel. Correspondent of the college visit in the office of SRC on 04.02.2012 and submit the court order. Hence the inspection may be constituted as per direction of Hon'ble High court and avoid the contempt petition.

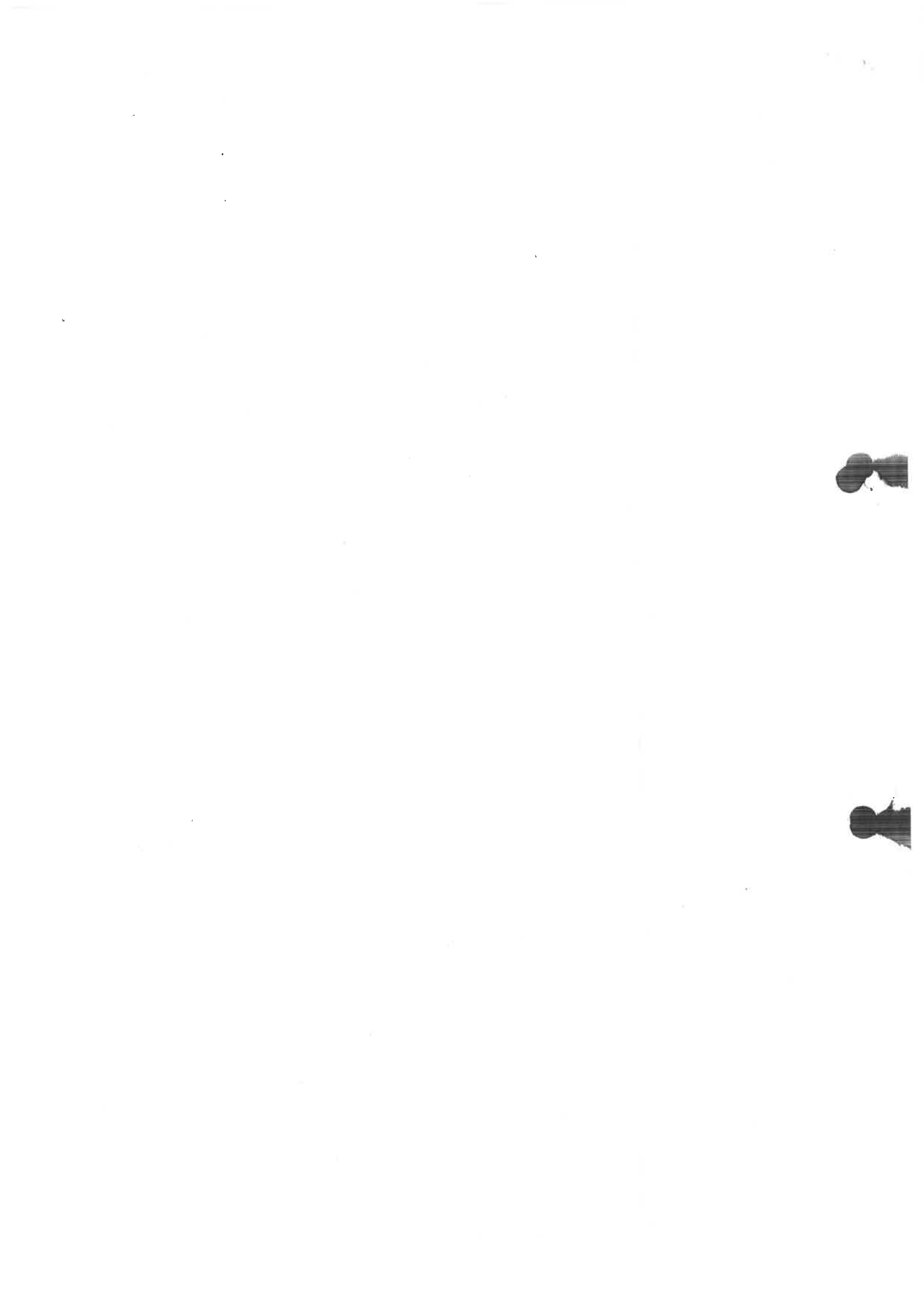
AND WHEREAS, it may be noted that the institution at the time of initial recognition was established by people Educational Academy. However at present they are managed by Sasi and Swatika Reddy Educational and Development Society registered on 12.10.2010

AND WHEREAS, the SRC in its 217th meeting held on 08-09 February, 2012 considered the Hon'ble court orders and all the relevant documents by the institution and decided to cause inspection at the premises to verify the facts, under Section 17 of NCTE Act.

AND WHEREAS, the SRC also advised Office to inform the Counsel to file an affidavit and to explain the delay to the court and seek more time to avoid the contempt petition.

AND WHEREAS, the inspection of the institution was fixed between 25-29 February, 2012. The same was intimated to the institution on 17.02.2012. The inspection of the institution was conducted on 29.02.2012.

AND WHEREAS, the SRC in its 221st meeting held on 19th-20th April 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.



AND WHEREAS, a show cause notice was issued to the institution on 16.05.2012. The institution has submitted its written representation on 08.06.2012.

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AND WHEREAS, the institution has submitted reply for Show Cause Notice after expiry of the stipulated time of 21 days period (i.e. two days late)

AND WHEREAS, 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 fulfills 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 fulfills 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".

AND WHEREAS, the SRC in its 230th Meeting held on 16th – 17th August 2012, considered the reply of the institution, which is received on 08-06-2012, i.e., after 23 (Twenty Three) days from the date of issue of show cause notice dt. 16/05/2012 and with reference to the totality of information collected & based on a collective application of mind, the committee decided as per NCTE Regulations 2009, to refuse and reject the application of the institution for recognition of B.Ed course.

AND WHEREAS, a rejection order was issued to the institution on 05.09.2012.

AND WHEREAS, aggrieved by the rejection order of SRC, the institution had approached to Hon'ble High Court in W.P.No.31122/2012.

AND WHEREAS, the Hon'ble High Court has passed an order dated 05.10.2012 vide W.P.No. 31122 of 2012 reads as hereunder:

"Directed to forthwith reconsider the petitioners' application on its own merits in the light of the explanation submitted by them. If respondent no. 2 (NCTE – SRC) is satisfied that the petitioners' application conforms to the NCTE Regulations, they shall be permitted to conduct the B.Ed course in terms of their application from the academic year 2012-13 itself.

Subject to the above direction, the writ petition is allowed to the extent indicated above.

As a sequel, WPMP no. 39676 of 2012, filed by the petitioners for interim relief, is disposed of as infructuous."

AND WHEREAS, the SRC in its 235th meeting held on 21-22nd November 2012, considered the Hon'ble High Court order dt. 05.10.2012 and all the relevant documentary evidences and it was decided to serve Show cause Notice under NCTE Act for the following:

1. Original certified copy of the land documents from sub-registrar in favour of Society is not submitted.
2. Notarised English version of the land documents is not submitted.
3. Up-to-date encumbrance certificate issued by sub-registrar is not submitted.
4. Original FDRs of Rs. 5 & 3 lacs towards endowment and reserve fund from a Nationalised Bank in joint account and in favour of Society/college/institution name is not given.
5. The institution has submitted only the documents related to the SSRED Society and it is not resolved the problem of different societies at the time of initial recognition and the society at present.

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6. No documentary proof is submitted regarding extension of multipurpose hall size as per NCTE norms.
7. No proof is submitted regarding payment of salary to staff through Bank Cheque.
8. From the photograph, it cannot be ascertained whether the permanent name board has been fixed. 1312

AND WHEREAS, a show cause notice was issued to the institution on 19.12.2012 and the institution has submitted its representation dated 02.01.2013 received in the office of SRC on 03.01.2013.

AND WHEREAS, a the SRC in its 241st Meeting held on 29th – 30th March and 1st April 2013 considered the reply of the institution vide letter dt. 03.01.2012 and all the relevant documentary evidences and it was decided to serve Show cause Notice under NCTE Act, for the following:

1. Original FDRs of Rs. 5 & 3 lacs towards endowment and reserve fund from a Nationalised Bank in joint account is not given. The institution has submitted only Photocopy of FDRs.
2. The institution has not submitted approved staff list as per NCTE norms.
3. No proof is submitted regarding payment of salary to staff through Bank Cheque.

AND WHEREAS, a show cause notice was issued to the institution on 10.05.2013. The institution has submitted its written representation on 29.05.2013.

AND WHEREAS, the SRC in its 248th Meeting held on 13th-15th July, 2013 considered the reply of the institution vide letter dt. 29.05.2013 and other related documents along with the original file of the institution for shifting to new/permanent and decided to permit shifting to new premises under intimation to the University.

NOW THEREFORE, the institution is permitted to shift to new permanent premises at Alpha College of Education, Markapur Road, Viswanatdha Puram, Podili – 523 240, Prakasam District, Andhra Pradesh for conducting B.Ed course.

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

By Order,



(P.Sriraman)

Regional Director (I/C)

The Manager to Govt. of India
Department of publications, (Gazette Section)
Civil Lines, Delhi-110054

To:

The Correspondent/Secretary
Alpha College of Education
Viswanatdha Puram,
Podili – 523 240
Prakasam District
Andhra Pradesh.

Copy to:

1. The Secretary, Dept. of Elementary Education and Literacy, Ministry of Human Resource Development, Govt. of India, Shastri Bhawan, New Delhi – 110001.
2. The Education Secretary, in-charge of Higher Education, Government of Andhra Pradesh, Hyderabad, Andhra Pradesh.
3. The Registrar, Andhra University, Visakhapatnam District-530003, Andhra Pradesh.
4. The Secretary/Correspondent, Sasi & Swathika Reddy Educational & Development Society, Plot No. F.F-4, Temple Towers, Near Sai Baba Temple Lawerpet, Ongole – 523001, Prakasam District, Andhra Pradesh.
5. The under secretary (CS), National Council for Teacher Education, Hans Bhawan, Wing –II, Bahadurshah Zafar Marg, New Delhi-110002.
6. Office order file / institution file.

