

F.SRO/NCTE/APS08690/B.Ed/TN/2015-16/83526

Date: 27/04/2015

Speed Post

**TO BE PUBLISHED IN GAZETTE OF INDIA PART III SECTION 4
ORDER**

WHEREAS, Annai Veilankannis College of Education, No. 33, Nedungudran Village, Gandhi Road, Chengalpattu, Chennai-600048, Tamilnadu had submitted an application for B.Ed Course on 16.05.2007. The institution was granted recognition on 20.02.2008 with an annual intake of 100 students.

AND WHEREAS, the institution vide its letter dated 12.03.2012 has submitted DD bearing no. 514873 dtd. 05.03.2012 for Rs.40,000/- towards shifting of premises.

AND WHEREAS, the SRC in its 221st meeting held on 19th-20th April, 2012, considered the matter and all relevant documents and decided to cause shifting inspection to examine infrastructural and instructional facilities provided and 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. Accordingly, inspection of the institution was carried out on 23.05.2012.

AND WHEREAS, the SRC in its 224th meeting held on 14th-17th June 2012, considered the VT report, VCD and all the relevant documentary evidences and decided to serve Show Cause Notice under NCTE Act.

AND WHEREAS, accordingly, Show Cause Notice was issued to the institution on 04.07.2012. The institution submitted its reply on 23.07.2012.

AND WHEREAS, the SRC in its 229th meeting held on 30th-31st July, 2012 considered the reply of the institution vide letter dt. 23.07.2012 and all the relevant documentary evidences and decided to serve Final Show Cause Notice under NCTE Act.

AND WHEREAS, accordingly, by seeing the website the institution had submitted its written representation on 27.08.2012.

AND WHEREAS, the SRC in its 233rd meeting held on 26th-28th September, 2012 considered the reply of the institution vide letter dt. 27.08.2012 and all the relevant documentary evidences and decided to serve Final Show Cause Notice under NCTE Act.

AND WHEREAS, accordingly, a Final Show cause notice was issued to the institution on 29.10.2012. The institution had submitted its written representation on 05.11.2012.

AND WHEREAS, the SRC in its 235th meeting held on 21st -22nd November, 2012 considered the reply of the institution vide letter dt. 05.11.2012 and all the relevant

Cont...2

documentary evidences and decided to serve Final Show cause Notice under NCTE Act.

AND WHEREAS, In the meantime, the institution moved to the Hon'ble High Court of Judicature at Madras in W.P.no. 5526 of 2013 and interim order dtd.19.03.2013.

AND WHEREAS, the court order placed before SRC in its 241st meeting held on 30th-31st March & 1st April, 2013 and SRC decided to process and put up 242nd meeting. A letter was sent to the advocate on 09.04.2013 to vacate the stay.

AND WHEREAS, further, SRC NCTE has received interim order dt 19.03.2013 on 08.04.2013.

AND WHEREAS, the SRC in its 242nd meeting held on 14th-16th April, 2013 considered the Hon'ble High Court interim Injunction order and decided as under:

To move for vocation of 'interim stay' if stay continues, if final order is not received within 2 days. Check with lawyer.

1. If the final order allows the petition, file an appeal.
2. The institution was given/shown extraordinary consideration by giving 4 show cause notices to rectify the deficiencies. But, even then the deficiencies are persisting.

AND WHEREAS, further, the committee reiterates that the order of withdrawal of recognition of the institution is in order, as It is a case of strict application of norms and standards as directed by S.C, in their order dt. 31-01-2011 in case Civil Appeal No.1125-1128/2011 inSLP, 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 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, the SRC considered the matter and advised Southern Regional Office to further process and put up for necessary decision

AND WHEREAS, accordingly, a letter sent to the advocate on 19.04.2013.

ANDWHEREAS, The Hon'ble High Court of Judicature at Madras in W.P. No. 6626 of 2013 and MP No. 1 of 2013 and interim order dtd. 25.04.2013 which reads as under:-

"...this petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.B.RABU MANOHAR, Advocate for the petitioner the court made the following order:-



Cont...3

Post on 12.06.2013. Interim order already granted by this Court is extended till then".

AND WHEREAS, a letter sent to Shri Ramakrishna Reddy, Advocate on 27.05.2013.

AND WHEREAS, SRC, NCTE is in receipt of letter dtd. 20.09.2013 along with the Hon'ble High Court of Judicature at Madras in WP No. 6626 of 2013 and MP No.1 of 2013 interim order dtd. 05.09.2013 and reads as under:-

".... This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.B.RABU MANOHA, Advocate for the petitioner and of Mr.K.Ramakrishna Reddy, Advocate for RI the court made the following order:-

Post on 03.10.2013 for final disposal. Interim order to continue".

AND WHEREAS, accordingly, a letter sent to the Shri K.Ramakrishna Reddy, Advocate on 30.09.2013.

AND WHEREAS, the Hon'ble High Court of Judicature at Madras in WP No.6626 of 2013 and MP No.1 of 2013 interim order dtd. 08.10.2013 and reads as under:-

"... The petitioner now wanted to issue a madamus to restrain the respondent from exercising its statutory function. There is no question of issuing a mandamus to restrain the statutory authority like NCTE. NCTE was Constituted by the ACT of Parliament. NCTE exercises certain functions and powers. The authority has got power to withdraw recognition. It is only when the recognition is withdrawn the cause of action would arise to challenge the order. The writ Petition is clearly misconceived.

In the result, the writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs".

AND WHEREAS, the SRC in its 260th meeting held on 29-31 January, 2014 considered the Hon'ble High Court Interim Order dated 08/10/2013, decided and advised Southern Regional Office to issue Withdrawal of recognition order as decided in its 240th Meeting held on 09th - 11th March, 2013.

AND WHEREAS, as per the decision of SRC, an order of withdrawal was issued to the Institution on 20.02.2014.

AND WHEREAS, TNTEU, Chennai had withdrawn the affiliation of the Institution and that is received on 12.05.2014.

AND WHEREAS, aggrieved by the withdrawal order of SRC, the institution preferred an appeal to NCTE Hqrs, the original file was sent to NCTE Hqrs. on 22.07.2014.

AND WHEREAS, court order in W.P. No. 25230 of 2014 and M.P No.1 and No.2 of 2014, order dated 17.09.2014, received by SRC on 24.09.2014. The Court Order stating as follows:

".....the short prayer of the petitioner is only to direct the first respondent to dispose of the petitioner's appeal dated 16.04.2014.

Cont...4

Heard Mr. R. Muthukumaraswamy, learned senior counsel appearing for the petitioner. Mr. R. Ramakrishna Reddy, learned standing counsel takes notice for respondents 1 and 2 and Mr.V. Venkatesan, learned standing counsel takes notice for the third respondent.

The appeal was already heard on 12.09.2014 and orders reserved. The last date for admission is 30.09.2014. Therefore, the writ petition is disposed of directing the first respondent to pass orders on the appeal on or before 26.09.2014. Consequently, the connected miscellaneous petition is closed. No costs.

AND WHEREAS, NCTE Hqrs. in its e-mail dtd.26.09.2014 has forwarded a copy of Appellate Authority Order dtd.24.09.2014 in respect of Annai Veilankannis College of Education, Chennai concluded that the appeal deserves to be remanded to SRC with a direction to communicate to the institution the final grounds on which recognition is proposed to be withdrawn and take further action as per the Regulation. While doing so the submission made by the appellant in the appeal about approval of staff list and updated encumbrance certificate may also be taken into consideration. In the meantime the order of withdrawal shall remain in abeyance.

AND WHEREAS, In the meantime the institution has submitted its written representation on 29.09.2014 along with documents enclosed as follows:

1. The Hon'ble High Court Order in W.P. No.25230 of 2014 and M.P. No. 1 of 2014.
2. Appeal Order No. APS08690/B.Ed/TN/2013-14/57009 dt. 20.02.2014.
3. TNTEU letter dt.11.04.2014, regarding Qualifications Approval for the post of Principal appointed by the College.
4. TNTEU letter dt.09.04.2014, regarding Qualifications Approval for the post of Assistant Professor appointed by the College.
5. TNTEU letter dt.11.04.2014, regarding Qualifications Approval for the post of Librarian appointed by the College.
6. Letter dt.16.04.2014, regarding Qualifications Approval for the post of Performing Arts appointed by the College.
7. Certificate of Encumbrance on Property dt.04.04.2014.

AND WHEREAS, the SRC in its 273rd meeting held on 30 September & 1 October 2014 considered the matter. Appellate authority order dated 24.09.2014, the institution's written representation dated 29.09.2014, decided that, this is an appeal - remand case. In terms of the NCTE circular, this has to be kept in abeyance until notification of the new Regulations.

AND WHEREAS, the SRC in its 278th meeting held on 25th January, 2015 considered the matter and decided to verify the documents, process and put up.

Note: The SRC in its 235th meeting held on 21st to 22nd November, 2012 decided to issue final show cause notice.

AND WHEREAS, before issuance of show cause notice, the institution has submitted its written representation on 17.12.2012, by seeing the decision of 235th meeting uploaded in the website.

AND WHEREAS, the same was placed before SRC in its 240th meeting held on 9-11 March, 2013, the committee decided to withdraw recognition for the following reasons:

- In the building plan submitted, total land area is not mentioned, Sy. No. "81" as given in building plan is not matching with other documents.
- Original building completion certificate from competent Govt. authorized engineer in proper format is not submitted.

AND WHEREAS, due to interim order the withdrawal order was not issued to the institution.

AND WHEREAS, a court order in W.P. No. 6626 of 2013 dated 18.10.2013 was placed before SRC in its 260th meeting held on 29-31 January, 2014 and the committee advised SRO to issue withdrawal of recognition order as decided in 240th meeting.

AND WHEREAS, the institution preferred an appeal to NCTE Hqrs. and the Appellate authority order dated 24.09.2014 remanded to SRC with a direction to communicate to the institution the final grounds on which recognition is proposed to be withdrawn and take further action as per the Regulation. While doing so the submission made by the appellant in the appeal about approval of staff list and updated encumbrance certificate may also be taken into consideration.

AND WHEREAS, the SRC in its 279th meeting held on 1 February 2015 considered the matter, Appellate authority order dated 24.09.2014 and all the relevant documentary evidence and decided to serve Show cause Notice under NCTE act for the following deficiencies. and the committee advised Southern Regional Office to Check on affidavit.

- The institution has not submitted duly approved staff list from affiliating body/University.
- Up-to-date encumbrance certificate issued by sub-registrar is not submitted.
- The Institution has submitted copy of the registered land document and it was executed on 30.12.2002. Whereas non-encumbrance certificate dated 29.10.2012 is not reflecting land documents details and institution/Society name. It need clarification.
- In the building plan submitted, total land area is not mentioned, Survey Number "81" as given in building plan is not matching with other documents.
- Original building completion certificate from competent Govt. authorised engineer in proper format is not submitted.

AND WHEREAS, the institution has submitted original affidavit for willingness dated 13.01.2015.

AND WHEREAS, accordingly, show cause notice was issued to the institution on 25.02.2015. The institution has submitted its written representation on 27.02.2015.

AND WHEREAS, the SRC in its 283rd meeting held on 2-3 March 2015 considered the institution letter dated 26.02.2015 and it has decided as follows:-

- Request for permission to shift is rejected because of BP and BCC not being approved by competent authority.
- Check whether existing place fulfils the prescribed norms and standards. *PH*

AND WHEREAS, before issuance of intimation, the institution has submitted its written representation on 25.03.2015.

AND WHEREAS, the SRC in its 284th meeting held on 09th-10th April, 2015 considered the written representation of the institution dated 24.03.2015 and it has decided to restore recognition, permit shifting, ask them to ensure full adherence to the new norms & standards before 30.10.2015.

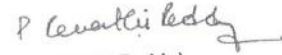
NOW THEREFORE, recognition accorded to Annai Veilankannis College of Education, No. 33, Nedungudran Village, Gandhi Road, Chengalpattu, Chennai-600048, Tamilnadu for B.Ed course is hereby restored/continued till further orders and permitted to shift its premises to the new location/Building at 81/33, V.G.P. Salai, Saidapet, Chennai-600 015, Tamilnadu

Further, in view of the fact that NCTE Regulations (Recognition, Norms and Standards) 2014 are notified, the institution is required to conform to the new requirements as prescribed in NCTE Regulations (Regulation, Norms and Standards), 2014 and submit compliance before 30.10.2015.

If the institution contravenes any of the conditions or the provisions of the NCTE Act, Rules, Regulations and Orders made or issued there under, the Regional Committee shall withdraw the recognition as under the provisions of Section 17(1) of the NCTE Act.

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

By order,



(P. Revathi Reddy)
Regional Director

The Manager
Government of India Press
Department of Publications (Gazette Section)
Civil Lines, New Delhi-110054.

To
The Principal,
Annai Veilankannis College of Education,
81/33, V.G.P. Salai, Saidapet,
Chennai-600 015,
Tamilnadu

Copy To

1. The Secretary, Dept. of Elementary Education and Literacy, Ministry of Human Resource Development, Govt. of India, ShastriBhavan, New Delhi - 110 001.
2. The Education Secretary, Incharge of Higher Education, Government of Tamilnadu, Chennai, TN.
3. The Director, (Collegiate Education) Department of Government Exams, DPI Campus, College Road, Chennai, Tamilnadu.
4. The Registrar, Tamilnadu Teacher Education University, Chennai, Tamilnadu
5. The Correspondent, Annai Veilankannis Educational & Cultural Society, 81/33, V.G.P. Salai, Saidapet, Chennai-600 015, Tamilnadu.
6. The Under Secretary (CS), National Council for Teacher Education, Hans Bhawan Wing-II, Bahadurshah Zafar Marg, New Delhi - 110 002.
7. Office Order file.

