

F.No.SRO/NCTE/APS02033/D.Ed/KA/2014-15/61411

Date: 30/01/2015
Speed Post

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

WHEREAS, Aristotle Teacher Training Institute, Andersonpet, K.G.F-563113, Kolar Dt., Karnataka was granted recognition on for elementary (D.Ed course) of two and half years duration on 29.11.2004.

AND WHEREAS, recognition of the College was withdrawn for offering D.Ed. course vide SRC's order No. APS02033/D.Ed/KA/2011-12/39210 dated 14.03.2012 for the following reasons: -

- A Certificate from the Affiliating University/body to the effect that no other programme is being run/shared by the institution in the same building / Campus, along with the existing D.Ed & B.Ed is not submitted.
- The management has admitted in its reply earmarking of 15,000 sq.ft. Of built up area in a separate wing of a building. Which is grossly inadequate against the requirement of 32,000 sq.ft, as per NCTE norms for both B.Ed & D.Ed courses
- The built up area is not mentioned in the building plan.
- The blue print is not submitted.
- The management is running other programmes in the same building/premises in which Teacher Education Programme are being conducted.
- Registered land documents of land in the institute or society name to be submitted to ensure building is on own land. The land is in the name of the individual.
- Documentary proof in respect of salary to staff through Bank by Cheque and as per pay scale prescribed by UGC/Central/State Govt. is not submitted.
- No documentary proof in respect of CPF/PPF facility to staff members is not submitted.
- Staff list for D.Ed & B.Ed submitted is not approved by competent authority
- Staff list for C.P.Ed is not submitted.

AND WHEREAS, aggrieved by the withdrawal order, the institution approached appellate authority and appellate authority vide order No.F.89-248/2012 Appeal/7th Meeting-2012 A56278 dated 17.8.2012 confirmed the orders of SRC.

AND WHEREAS, a letter was received on 3.1.2013 from Sri. Ashok Haranahalli Associates dated 14th December, 2012 stating that "the above writ petition came up before the Court today (i.e., on 14.12.2012) for preliminary hearing in 'B' group. The matter was heard at length. After hearing the matter, the court directed the respondent No.1 to conduct fresh inspection of the petitioner institution and the inspection fee has to be borne by the petitioner. With this direction the matter has been disposed off."

AND WHEREAS, on 8.1.2013, the institution had submitted a request for reconsideration of the grant of recognition as per the judgment of Hon'ble High Court of Karnataka, Bangalore vide W.P.No.48401/2012. The institution had enclosed a Demand Draft of Rs.10, 000/- vide No.405012 dated 2.1.2013. The institution had also enclosed the certified copy of the Court order dated 14.12.2013, wherein it is ordered as under:-"It is for the petitioner to pay the requisite fee within one month from the date of receipt of this order.

AND WHEREAS, thereafter, in another six weeks the respondent authority to inspect the infrastructure and etc. and with regard to the queries raised by the first respondent and pass appropriate order."

Contd.2

AND WHEREAS, the institution had paid Rs.10,000/- as inspection fee instead of Rs.50,000/-.

AND WHEREAS, the SRC in its 240th meeting held on 9th – 11th March 2013 considered the Hon'ble High Court of Karnataka order dt. 14.12.2013 and decided that, as per the Court order required the institution to pay the inspection fee within one month. But, even 3 months elapsed after the said order the institution has not paid the proper inspection fee of Rs. 50000/-. In the above circumstances, no further action is called for, and to return the part-payment of Rs. 10000/- paid by the institution instead of Rs. 50000/- and to close the case.

AND WHEREAS, as per the decision of SRC a letter was addressed to the institution vide letter No. F.SRO/APSO2033/D.Ed/KA/51469 dated 3/05/2013 returning of DD of Rs.10,000/- paid by the institution

AND WHEREAS, again, a letter dated 10/05/2013 received by this office on 14/05/2013 from the Secretary regarding the remittance of difference amount of fees of Rs.40,000/- towards inspection for verification for continuation of affiliation.

AND WHEREAS, the Demand Draft of Rs.40,000/- and Rs.10,000/- submitted by the institution was returned to the institution vide letter No.F.SRO/NCTE /APSO2033/B.Ed/KA /2013/ 52162 dated 07/06/2013.

AND WHEREAS, a letter dated 25/06/2013 is received by this office on 27/06/2013 from M/S Haranahalli & Patil regarding the W.P.No.24390/2013 filed by the institution. The letter states that "the Hon'ble High Court directed the petitioner to submit a Demand Draft for Rs.50,000/- within 10 days from today and the SRC to conduct inspection of the petitioner institution within a period of 2 weeks and to reconsider the matter expeditiously".

AND WHEREAS, in the meanwhile, a letter is received by this office on 02/07/2013 from the institution along with a DD of Rs.50,000/- towards inspection fee.

AND WHEREAS, the institution has also submitted certified copy of the order dated 25/06/2013 in W.p.No.24390/2013 and W.P.No.27178-27225/2013 which is as under:-

"Under the peculiar facts and circumstances of this case, I have no hesitation in holding that the issue of withdrawal or continuation of recognition has not attained the finality. For the negligence of the first Petitioner College and the peremptoriness of the NCTE, the interest of the students (petitioner Nos. 2 to 49) cannot be made to suffer. The ends of justice would be meant by passing the following order:

- The impugned order/communication, dated 03/05/2013(Annexure-F) is quashed.
- The petitioner No.1 is directed to pay the inspection fee of Rs.50,000/- to the NCTE within ten days from today.
- The NCTE shall hold the inspection within two weeks from the date of the receipt of the inspection fee.
- If there are any deficiencies in the infrastructure of the petitioner, the NCTE shall call upon the petitioner to remove the same in a time – bound manner.
- On the petitioner removing the deficiencies or not removing the deficiencies within the prescribed time frame, the NCTE shall take a final decision of either continuing or withdrawing the recognition.
- The competent authority shall approve the admissions of the student's petitioner Nos.2 to 49 subject to their meeting the eligibility criteria in all other respects.
- The competent authority, on satisfying itself that the petitioning students meet the eligibility criteria in all other respects, shall permit them to appear for the forthcoming examination of D.Ed course.

- The petitioner is directed not to make admissions to D.Ed course for the academic year 2013-14 and the subsequent academic years without the NCTE's order of recognition. The memo filed by the first petitioner institution undertaking not to make admissions from the academic year 2013-14 without obtaining the NCTE's recognition, is placed on the record"

AND WHEREAS, further, a letter dated 26/06/2013 received by this office on 09/07/2013 from the Director, DSERT which is as under:-"With reference to the above cited subject Aristotle D.Ed College, Andersonpet requesting for the approval of admission for the academic year 2012-13.Institution approached to the Hon'ble High Court with respect to withdrawal of recognition W.P.No.48401/2012, where in Director, NCTE is the first respondent. Kindly, inform us about the action taken by NCTE with respect to the Hon'ble High Court order dated 14/12/2012 in W.P. No. 48401 immediately".

AND WHEREAS, the SRC in its 248th meeting considered the Hon'ble High Court Order and the letter from the D.S.E.R.T and decided to cause composite inspection and inform SCERT that, since the 'fee' has been paid only now, inspection (as directed by the Court on 14.12.2012) is being done now.

AND WHEREAS, the inspection of the institution was scheduled for 24th July, 2013 and the same was intimated to the institution vide this office letter F.No.APSO6127/2033/2031/2027/52831 dated 22.07.2013.

AND WHEREAS, accordingly, the inspection (composite inspection) of the institutions was carried out on 24.07.2013 and the VT reports were received by this office on 25.07.2013.

AND WHEREAS, a comparative statement of the VT reports of the four institution was placed before SRC in its 250th meeting held on 11th to 13th August 2013

AND WHEREAS, the Southern Regional Committee considered the VT report, VCD and all the relevant documentary evidences and it was decided to withdraw recognition for all courses w.e.f. 2013-14 for the following deficiencies:-

1. Institution has submitted Land documents and it is in individual name.
2. Building plan not approved by competent authority.
3. Building Completion Certificate is not issued by competent authority.
4. C.P.Ed. is not a stand alone programme.

Based on the above points the Southern Regional Committee decided to withdraw the recognition of the D.Ed (APS06127), D.Ed (APS02033), C.P.Ed (APS02031) and B.Ed (APS02027) courses run by Aristotle Education Trust from the academic year 2013-14, in order to enable the ongoing batch of students, if any, to complete their course.

AND WHEREAS, accordingly, as per the decision of SRC, a **withdrawal order** was issued to the institution on 30.09.2013

AND WHEREAS, aggrieved by the withdrawal order of SRC, the institution preferred an appeal to NCTE Hqrs and the NCTE Appellate Authority in its order dated 06.06.2014 remanded as follows:

"..... Sh. L. Syed. Shahzadha, Secretary, Aristotle Teachers Training Institute KGF, Kolar, Karnataka presented the case of the appellant Institution on 11/04/2014. In the appeal and during personal presentation it was submitted that "earlier the land was standing in the name of the Secretary of the Trust and the said land is the Trust property. In this regard the Secretary has executed Registered Sale Deed dated 25/11/2013 in favour of the Trust, hence the land and building belongs to the trust who is the absolute owner. Authority to give building completion certificate is the City

Municipality at K.G.F. Within whose local jurisdiction the building is situated. The CMC KGF has given the building completion certificate. Appellant is not continuing the C.P.Ed. Program due to lack of admissions.

The Council noted that the Southern Regional Committee (SRC), based on the observation and findings of the composite inspection carried out on 24/07/2013, decided to withdraw recognition for D.Ed. Committee further noted that the appellant Institution was not given reasonable opportunity for making a written representation under the proviso to section 17(1) of the NCTE Act. Committee, therefore, concluded to remand back the case to SRC with a direction to issue Show Cause Notice under section 17(1) before passing a reasoned order.

After perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Council concluded that the appeal deserves to be remanded to SRC with a direction to issue Show Cause Notice under section 17 (1) before passing a reasoned order.

The Council hereby remands back the case of Aristotle Teachers Training Institute, Kolar, Karnataka to the SRC, NCTE, for necessary action as indicated above.

AND WHEREAS, the SRC in its 269th meeting held on 1-2 July, 2014 considered the appellate authority order dated 21.05.2014 / 06.06.2014 and decided to process after notification of New Regulations.

AND WHEREAS, mean time, a court order in W.P.No.38510 of 2014 dated 27th August 2014 received from Hon'ble High Court of Karnataka, Bangalore by SRC on 02.09.2014 and the same court order copy also submitted by the institution on 02.09.2014 along with enclosed documents. The court order stating as follows:-

The petitioner is before this Court seeking for issue of mandamus to direct the second respondent to pass orders forthwith granting recognition to the petitioner-college to conduct the D.Ed. course in terms of the order of NCTE dated 21.05.2014 (06.06.2014) Annexure-J to the petition. The petitioner in that regard has made a representation dated 25.07.2014. it has not been considered and therefore the petitioner is before this court.

2. The details of the contentions which have been put forth in the petition need not be adverted to in detail considering the fact that the petitioner is only seeking disposal of the matter by the NCTE pursuant to the remand made by the Appellate authority through its order dated 21.05.2014 (06.06.2014). on remand, the SRC NCTE was required to reconsider the matter in view of the observations made therein.

3. Learned counsel for the second respondent at this juncture expressed certain difficulties on behalf of the second respondent in view of the observations made by the Hon'ble Supreme Court through its order dated 24.03.2014 in W.P. (Civil) No.148/2014. In the said writ petition, the Hon'ble Supreme Court has directed the NCTE to consider the matters with regard to the recognition with reference to the Regulations which is to be brought into force. In that view, the learned counsel points out that it is not clear to the second respondent as to whether in the instant case, reconsideration as ordered by the appellate authority is to be made by the NCTE at this juncture.

4. It is no doubt true that the Hon'ble Supreme Court in the said case has directed consideration of all applications for recognition after the new Regulations are framed. In the instant case, the mandamus as sought is for the NCTE to dispose of the matter pursuant to the remand made by the Appellate Authority. The order which was in challenge before the Appellate authority passed by the NCTE is dated 26.11.2013. In such circumstance, when the Appellate Authority would have to be kept in view and thereafter a decision would have to be taken by the NCTE.

5. Hence, a direction is issued to the second respondent to conclude the proceedings in the next sitting or on such other date to which the meeting may be adjourned in an expeditious manner, but in any event not later than three weeks from the date on which a copy of this order is furnished.

The petition stands disposed of accordingly."

AND WHEREAS, the SRC in its 272nd meeting held on 01st – 02nd September, 2014 considered Court order dated 27-08-2014, and it has decided that:

1. In this case, the freeze-order issued by NCTE (Hqrs) for appeal-remand cases stands over-ruled by the High Court orders.
2. As observed by the Appellate Authority, issue a Show Cause Notice to the Institution for the deficiencies cited.

The Committee also considered the Appellate authority order dated 06/06/2014 and all the relevant documentary evidences and it was decided to serve Show cause Notice under NCTE Act for the following:

- The Institution has submitted land documents and it is in individual name, which is not permissible as per NCTE Regulations 2009.
- The building plan submitted by the institution is not approved by competent authority.
- The building completion certificate is not issued by the competent authority.
- C.P.Ed is not a standalone programme.

AND WHEREAS, accordingly, show cause notice was issued to the institution on 10.10.2014. The institution has submitted its written representation on 29.10.2014.

AND WHEREAS, the matter was placed before SRC in its 274th Meeting on 30th & 31st October, 2014 and the committee considered and decided that:

1. Show Cause Notice (covering all three courses) for original, approved Building Plan and Building Completion Certificate certified by competent authority along with Sy.nos.
2. We have to pass an order for de-recognition of the C.P.Ed course. Process separately for that.

AND WHEREAS, before issuance of notice, the institution has submitted its written representation on 21.11.2014 (with reference to 274th decision uploaded in NCTE website) along with photocopy of Building Completion Certificate and Original Building Plan.

AND WHEREAS, the SRC in its 275th meeting held on 1-2 December 2014 considered the reply of the institution vide letter dated 21.11.2014, and all the relevant documentary evidences and it was decided to serve show cause notice under NCTE Act for the following:-

As per the Building Completion Certificate submitted by the institution, the total built up area is inadequate as per the norms and standards of 2009 regulations.

AND WHEREAS, before issuance of show cause notice, the institution has submitted its written representation on 19.12.2014 and 24.12.2014.

AND WHEREAS, the SRC in its 276th meeting held on 7-9 January 2015 considered the reply of the institution and other related documents along with the original file of the institution and decided to **restore recognition** to all the three programmes.

NOW THEREFORE, recognition accorded to **Aristotle Teacher Training Institute, Andersonpet, K.G.F-563113, Kolar District, Karnataka** for **D.Ed** course (APS02033) is hereby **restored/continued** till further orders.

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.

Yours faithfully,

P Revathi Reddy
(P.Revathi Reddy)
Regional Director

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

To,

The Principal,
Aristotle Teacher Training Institute,
Andersonpet, K.G.F-563113,
Kolar Dt.,
Karnataka

Copy to:

1. The Secretary, Dept. of Elementary Education and literacy, Ministry of Human Resource Development, Government of India, Shastri Bhawan, New Delhi-110001.
2. The Education Secretary, Primary & Secondary Education, Government of Karnataka, M.S building Dr, Ambedkar Veedhi, Bangalore-560001, Karnataka.
3. The Director, KSEE Board, Malleshwaram, Bangalore, Karnataka.
4. The Director, DSERT, No.4,100 ft. Ring Road, Banashankari III Stage, Bangalore, Karnataka.
5. The Correspondent, **Aristotle Educational Trust, Kolar District, Karnataka**
6. The Under Secretary (CS), National Council for Teacher Education, Hans Bhawan, Wing – II, Zafar Marg, New Delhi – 110002.
7. Office order file.