

F.SRO/APS07418/B.Ed/TS/2016-17/192205

Date: 04/03/2017

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

WHEREAS, Kavitha Memorial Educational Society, Khammam, Telangana had submitted an application for B.Ed course of one year duration with an annual intake of 100 students at Kavitha Memorial College of Education, 19th Block, Thirumala Complex, Gandhi Nagar, Devarkonda Village & Mandal, Nalgonda District-508248, Telangana and was granted recognition on 20.08.2007.

AND WHEREAS, on 31.12.2014, a letter was issued to the institution regarding notification of new Regulations, 2014 and seeking consent on their willingness for fulfilling the revised norms and standards before 31.10.2015

AND WHEREAS, the institution submitted the affidavit for offering B.Ed course with an intake of 100 students on 27.01.2015.

AND WHEREAS, the SRC in its 276th meeting held on 7th-9th January, 2015 decided to issue provisional recognition orders to the existing institutions and the Committee also decided to maintain a check list of such cases for verification in October/November and for causing inspection.

AND WHEREAS, a revised order was issued to the institution on 12.05.2015 with an annual intake of two basic units of 50 students each with a condition that the institution is running in rented premises.

AND WHEREAS, the institution submitted a representation on 24.09.2015 requesting NCTE to advise the *Mahatma Gandhi University to issue provisional affiliation to Kavitha Memorial College of Education, Devarakonda, Nalgonda District for the academic year 2015-16.*

AND WHEREAS, the SRC in its 292nd meeting held on 29th - 30th September, 2015 considered the matter and decided as under:

1. The legal position is that so long as NCTE recognition exists, Universities shall give affiliation to the institutions. It is our responsibility to get conditions like 'shifting' implemented. We are taking appropriate action to enforce the conditionalities until action in such cases is completed, Universities may be requested to continue to affiliate the institutions.
2. In all conditional recognition cases, we should issue Show Cause Notice for de-recognition for non-observance of conditionalities. The concerned affiliating Universities may be informed that we are taking action to enforce the conditionalities.

AND WHEREAS, in the meantime, the institution submitted representation on 24.09.2015 regarding change of the society (Management) along with original DD of Rs. 1,50,000/-

bearing No.964296 dated 06.08.2015 and documents requesting for approval for change of management and shifting of premises.

AND WHEREAS, a letter was sent to the institution on 06.10.2015 conveying the decision of 292nd meeting.

AND WHEREAS, SRC in its 315th meeting held on 17th to 18th June, 2016 Committee considered the matter and decided as under:

- 1. They have to shift premises.**
- 2. But, before that they have changed the management. All the documents submitted now are in the name of the new management.**
- 3. The 'management' issue has, therefore, to be settled before the 'shifting' matter can be considered.**
- 4. Ask them to fulfill the formalities prescribed for change of management and apply separately for order thereon.**
- 5. Only, thereafter, can this shifting matter be taken up for further action.**

AND WHEREAS, as per the decision of SRC a letter was issued to the institution on 12.07.2016 asking them to fulfill the formalities for change of management by submitting an application along with

- a) Resolution of the society
- b) NOC from the Registrar of Societies or trust
- c) NOC from the affiliating bodies.

AND WHEREAS, the matter was placed before SRC in its 317th meeting held on 28th and 29th July, 2016 and the Committee considered the matter and decided as under:

- 1. The Court Order is noted.**
- 2. In the circumstances of the case, for us, this is an un-implementable order.**
- 3. Unless the formalities relating to change of management are completed, there can be no VT inspection because all documents are in favour of the new society.**
- 4.1. The 'peculiar circumstances' cited by the Counsel are of his own creation.**
- 4.2. If he can not approach the court again on this matter, he should held us to get it done by another Lawyer.**

AND WHEREAS, an e-mail was received from the institution on 01.08.2016.

AND WHEREAS, a court notice received from the Hon'ble High Court of Andhra Pradesh in W.P.No. 23473 of 2016 dated 04.08.2016 received on 12.08.2016.

AND WHEREAS, another letter was received from the institution on 16.08.2016 requesting for inspection of new premises at Block No. 20, H.No. 288/9/4, Dindi Road, Devarakonda, Nalgonda District of Uday Sai College of Education under Uday Sai Educational Society.

AND WHEREAS, the SRC in its 319th meeting held on 30th-31st August, 2016 considered the court order and institution's written representation dated 16.08.2016 and decided as under:

- 1. Let us cause inspection as directed by the High Court without conceding the applicant's request for change of management**

2. The applicant will have to fulfill all the legal requirements for allowing change of management, transfer of title to properties as well as adhere to norms and standards
3. Issue orders for VT inspection
4. Inform the lawyer accordingly

AND WHEREAS, VT assigned through online procedure. The Inspection of the institution was conducted on 13.09.2016 and VT report along with CD and Pen drive received on 16.09.2016.

AND WHEREAS, the documents were processed and placed before SRC in its 320th meeting held on 19th – 20th September 2016. The Committee considered the matter and decided as under:

1. Change of Management and shifting case B.Ed (1 unit)
2. Land document is in order
3. EC is in order
4. LUC is in order
5. BP is in order
6. BCC is in order. Built up area is adequate for one unit.
7. FDRs date expired and in the name of Kavitha Memorial College of Education,
8. Faculty list not given
9. Issue SCN for latest faculty list.
10. Regarding change in management they should give required documents
11. The institution has requested for only one unit of B.Ed .Withdraw recognition for the 2nd unit w.e.f 2016-17.

AND WHEREAS, before issuance of show cause notice, as per website information, the institution submitted its reply along with Faculty List on 26.09.2016.

AND WHEREAS, the SRC in its 321st meeting held on 28th & 29th September, 2016 considered the show cause notice reply and decided as under:

This case is needlessly getting complicated. Two issues are involved;

- (i) Change of management; and, (ii) permission to shift.

We have been insisting on completion of formalities relating to (i) because permission to shift can be issued only thereafter since the title to properties at the new site belongs to the new society.

Instructions issued by the NCTE(HQ) clearly stipulate that RCs should obtain the following documents before permitting change of management : (i) Resolutions of two societies involved (ii) NOC of the Registrar of Societies (of the State Govt. concerned); and,(iii) NOC from the affiliating body .Accordingly, we had issued notice to the applicant.

The applicant has now drawn our attention to the Court-order dated 04.08.2016 which specifically directs us not to insist on NOC from the State Government (i.e Registrar of Societies) and the affiliating body. In view of this specific direction from the Court, let us not insist on the instruction received from NCTE(HQ).

In the result, and for the reasons given above, permit change of management from Kavitha Memorial Educational Society to Udai Sai Educational Society.

Thereafter, for processing further the case for shifting issue a Notice to the new society (with a copy to the old society) for submission of original FDRs in joint account with R.D (SRO) and for the latest approved Faculty List.

Keep our lawyer informed for purposes of Court Case.

AND WHEREAS, as per decision of SRC, change of management order, show cause notice and letter to the Advocate were sent on 19.10.2016.

AND WHEREAS, Court Order was received from the Hon'ble High Court of Andhra Pradesh, SUO MOTU CC No. 1525 of 2016 and W.P.No. 23473 of 2016 dated 29.09.2016 received on 18.10.2016.

AND WHEREAS, the Udai Sai Education Society has submitted show cause notice reply along with FDR of Rs.5 lakhs and copy of letter dated 15.10.2016 from the Registrar, Mahatma Gandhi University, Nalgonda District, Telangana, renewing the faculty list of 1 + 9 for 2016-17, on 09.11.2016.

AND WHEREAS, the Society submitted another representation along with FDR of Rs. 7 lakhs.

AND WHEREAS, the SRC in its 325th meeting held on 19th & 20th December, 2016 considered the show cause notice reply and decided to issue show cause notice on the following grounds:

1. The Court had directed us to consider their case for recognition after they submit FDRs and the latest approved Faculty list.
2. They have given the FDRs.
3. The Faculty list submitted is not in format given in the NCTE Regulations.

AND WHEREAS, as per decision of SRC show cause notice was issued on 03.01.2017.

AND WHEREAS, the institution submitted 1 + 9 faculty list approved by Mahatma Gandhi University, Nalgonda on 26.12.2016 in NCTE format.

AND WHEREAS, an e-mail received from the institution on 30.01.2017, 06.02.2017 and 10.02.2017.

AND WHEREAS, the SRC in its 330th meeting held on 12th & 13th February, 2017 considered the matter and decided to issue show cause notice on the following grounds:

1. Change of management has already been approved on 19.10.2016.
2. All formalities for shifting have been completed satisfactorily. Only the Faculty List remains to be rectified.
3. Issue permission for shifting.
4. In the faculty list, there are 2 infirmities
 - (i) The Principal is over aged and should be changed.
 - (ii) One Asst. Prof. (MPA) is required
5. Issue SCN accordingly.
6. Issue the revised FR only after the Faculty List is rectified.

NOW THEREFORE, permission is hereby granted to Kavitha Memorial College of Education, 19th Block, Thirumala Complex, Gandhi Nagar, Devarkonda Village & Mandal, Nalgonda District-508248, Telangana for shifting of premises from Kavitha

Memorial College of Education, 19th Block, Thirumala Complex, Gandhi Nagar, Devarkonda Village & Mandal, Nalgonda District-508248, Telangana to Kavitha Memorial College of Education, Block No. 20, H.No. 288/9/4, Dindi Road, Devarakonda Village & Mandal, Nalgonda District, Telangana.

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,
Angelina
3/3/17
(P.Angelin Golda)
Regional Director (I/c)

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

Copy to:

1. The Principal, **Kavitha Memorial College of Education, Block No. 20, H.No. 288/9/4, Dindi Road, Devarakonda Village & Mandal, Nalgonda District, Telangana.**
2. The Secretary/Correspondent, **Uday Sai Educational Society, 20-288/914, Sai Nagar Colony, Deverkonda, Nalgonda District – 508248, Telangana.**
3. The Registrar, Mahatma Gandhi University, Nalgonda District, Telangana.
4. The Education Secretary, Incharge of Higher Education, Govt. of Telangana, 'J' Block, 3rd Floor, Secretariat Building Hyderabad-500022, Telangana.
5. The Secretary, Dept. of School Education and Literacy, Ministry of Human Resource Development, Govt. of India, Shastri Bhavan, New Delhi – 110 001.
6. The Under Secretary (EDP), National Council for Teacher Education, Hans Bhawan Wing-II, Bahadurshah Zafar Marg, New Delhi – 110 002.
7. Office Order file/institution file.

Angelina
3/3/17
Regional Director (I/c)