

F.SRO/NCTE/ APS09505/B.Ed-DE/TN/2015-16/ 84543

Date: 25/04/11

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

WHEREAS, Directorate of Distance and Continuing Education, Manonmaniam Sundaranar University, Abishekapatti, Tirunelveli District-627012, Tamilnadu had submitted an application for B.Ed (Distance Education) Course on 08.05.2008. The institution was granted recognition on 24.12.2008 with an annual intake of 500 students from the academic session 2009-10, with the condition to shift to own premises within 3 years.

AND WHEREAS, the request made by the University to NCTE Hqrs on 25.03.2009 seeking permission to admit students from the academic year 2008-2009 instead of 2009-2010 was forwarded by NCTE, Hqrs to take appropriate action by SRC.

AND WHEREAS, the SRC in its 175th meeting held on 13th-14th May, 2009 discussed the matter and decided to inform the University that no retrospective approval could be given. Accordingly, a letter was issued to the institution on 11.06.2009.

AND WHEREAS, the NCTE Hqrs vide letter dtd. 23.12.2011 forwarded a complaint received against the institution from Tirunelveli Urban District Congress Committee, SC/ST Department.

AND WHEREAS, the SRC in its 217th meeting held on 08th-09th February, 2012 considered NCTE (HQ) letter dt.23.12.2011 regarding the complaint received against the institution from Tirunelveli Urban District Congress Committee, SC/ST Department about the excess admissions to B.Ed Distance mode in the said institution for the session 2010-2011, even though NCTE ban was there for B.Ed course in 2010-2011. And it has decided to forward the complaint copy to University for their comments. Accordingly, a letter issued to the University on 14.03.2012. Reply from the University is awaited.

AND WHEREAS, in the meantime, the NCTE Hqrs vide its letter dtd. 31.01.2012 has stated that "The Ministry has taken the matter on priority and directed to examine the matter. Therefore, you are requested to take up the matter before SRC for action as deemed fit, under intimation to the NCTE, Hqrs., New Delhi so that a reply may be apprised to the Ministry within the stipulated time".

AND WHEREAS, the SRC in its 223rd meeting held on 29-31 May 2012, considered the matter and letter dt.31.01.2012 from NCTE .HQ. New Delhi and all the relevant documentary evidences and it was decided to serve Final Show cause Notice.

AND WHEREAS, show cause notice was issued to the institution on 25.06.2012. The University submitted its reply on 23.07.2012.

AND WHEREAS, the SRC in its 233rd meeting held on 26th-28th September 2012, considered the written reply of the institution on the above matter and also the relevant documents of the institution and decided to withdraw recognition for the following reasons:-

- To admit the student(s) beyond the intake granted is a clear-cut violation of NCTE Act, Rules and Regulations.

AND WHEREAS, the Directorate of Distance and continuing Education has submitted in its reply that due to heavy rush of application, the Syndicate of the University has enhanced admission intake, which is clear violation of NCTE Act/Norms.

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AND WHEREAS, the reply submitted by the University on 23.07.2012 for the above queries, has not given proper genuine reasons.

AND WHEREAS, based on the above points the committee decides to withdraw the recognition of the APS09505-B.Ed (DE) course run by The Directorate of Distance and Continuing Education, Manonmaniam Sundaranar University, Abishekapatti, Tirunelveli District-627012, Tamilnadu, from the academic year 2012-13, in order to enable the ongoing batch of students in B.Ed, course, if any, to complete their course.

AND WHEREAS, withdrawal order was issued to University on 30.10.2012.

AND WHEREAS, the University preferred an appeal to NCTE Hqrs against the withdrawal order. Original file was sent to NCTE Hqrs. on 05.12.2012.

AND WHEREAS, simultaneously they filed Court Case and obtained stay on 17.12.2012 in W.P.(MD) No.15752 of 2012.

AND WHEREAS, the University has submitted a copy of Court Order M.P.(MD) No.1 of 2012 in W.P.(MD) No.15752 of 2012 dated 07.12.2012.

AND WHEREAS, Court ordered that 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. AJMAL ASSOCIATES, Advocate for the petitioner and of Mr. A. SIVAJI, Advocate takes Notice on behalf of the 2nd Respondent.

AND WHEREAS, the SRC in its 249th meeting held on 24th-26th July, 2013 has considered the court order and advised Southern Regional Office to ask Lawyer to inform this office regarding the current status of the case.

AND WHEREAS, as per the decision of SRC a letter was sent to Advocate Sri. K. Ramakrishna Reddy on 29.08.2013 along with brief of the case. Reply from the advocate not received so far.

AND WHEREAS, the University has submitted its written representation on 06.08.2015 regarding requesting to continue recognition for conducting B.Ed programme under distance mode.

AND WHEREAS, in the meantime, the institution has submitted its written representation along with documents on 23.09.2015.

AND WHEREAS, The SRC in its 292nd meeting held on 29-30 September 2015 considered the court order and it has decided as under:-

1. The Institution has withdrawn the writ-petition.
2. Await appellate order.

AND WHEREAS, letters were sent to NCTE-Hqrs on 06.10.2015 and also intimates the decision through e-mail.

AND WHEREAS, The University has submitted its written representation addressed to NCTE Hqrs on 13.10.2015.

AND WHEREAS, The SRC in its 294th Meeting held on 14th-16th November, 2015 considered the matter, written representation from the University and decided as under:

1. Writ petition is withdrawn by the Institution.
2. The case is pending with appeal committee. Await its order.

AND WHEREAS, The appellate authority order along with original file received from the NCTE-Hqrs on 04.01.2016. The appellate authority vide order No. F.No.89-18/2015 Appeal/12th Meeting-2015 19182 dated 18.12.2015.

AND WHEREAS, The SRC in its 298th meeting held on 08th -10th January, 2016 considered the Appellate Authority order dated 18.12.2015 and it has decided as under:

- The SRC is not able to grasp the exact import of the appellate order. Is the SRC order unequivocally quashed; or, is the SRC open to revive the proceedings and decided afresh. Let us seek advice of the appellate authority.

AND WHEREAS, as per the decision of SRC, a letter was sent to the Member Secretary, National Council for Teacher Education, New Delhi on 13.01.2016 requesting for advice in this matter. NCTE-Hqrs letter dated 25.02.2016 received by this office on 26.02.2015.

AND WHEREAS, the SRC in its 305th meeting held on 25th-27th February, 2016 considered the matter and it has decided as to "**restore recognition**".

NOW THEREFORE, recognition accorded to Directorate of Distance and Continuing Education, Manonmaniam Sundaranar University, Abishekapatti, Tirunelveli District-627012, Tamilnadu for B.Ed-(Distance Education) course 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.

By order,

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 Registrar,
Directorate of Distance and Continuing Education,
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli District-627012,
Tamilnadu.

Copy To:

1. The Secretary, Dept. of Elementary Education and Literacy, Ministry of Human Resource Development, Govt. of India, Shastri Bhavan, 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, Directorate of Distance and Continuing Education, Manonmaniam Sundaranar University, Abishekapatti, Tirunelveli District-627012, Tamilnadu.
5. The Under Secretary (CS), National Council for Teacher Education, Hans Bhawan Wing-II, Bahadurshah Zafar Marg, New Delhi – 110 002.
6. Office Order file.

*Received a copy of order
Prasanna
29/4/16*