

F.SRO/APSO0807/B.Ed/KL/2015-16/67068

Date: 10/06/2015
Speed Post

TO BE PUBLISHED IN GAZETTE OF INDIA PART III SECTION 4

ORDER

WHERRAS, Fathima Memorial Educational Trust, Calicut, Kerala had submitted an application for grant of recognition to Oriental College of Teacher Education, Poonath, Post, Naduvanoor(via), Calicut Dt., Pin-673614, Kerala for Secondary(B.Ed.) course of one year duration with an annual intake of 100 students. The institution was granted recognition on 23.10.2006 from the academic session 2006-07 with a condition to shift to its own premises since the institution is started in rented premises.

AND WHEREAS, on 10.5.2011, a complaint was received from Sri. Abdul Gafoor T.P., Thaniparambil House, Pembra, Kozhikode regarding the functioning of Oriental College of teacher education.

The complainant had alleged that

"though the college has started its functioning four years ago, the management has not started the construction of the new building yet. We know that our batch is the fourth batch of the college. The last 4 years, the college has not provide minimum facilities to the students. The college is now functioning on a rented building. NCTE has given them 3 years time to complete the building work. The construction work has not started yet. We understood that the management of the college has no intention to start the work. So affiliation for this batch from the University has not issued yet. Though the Management has collected huge amounts from the students they are not giving minimum facilities to us and so we complained to the Universities about this. So, we the students of the College requested the NCTE authorities to take necessary action against the management of the College otherwise they will continue the process of admission of next batch and the students of the coming batch will be cheated." Again, on 1.8.2011, a complaint is received from Sri. Asokan MC, Manager, KET College of Teacher Education, Kokkalloor P.O., Balussery via, Kozhikode, Kerala against the College. The complainant has alleged that "the College has been functioning in a temporary rented building since 2006 October. Though the College started five years ago, the management of the College has no intention to construct the permanent building yet and they are collecting huge amount from the students as fees. Now, the management of the college has given advertisement for admission to 2011-12 batch. NCTE has issued public notice to students informing that not to join such colleges. The College is affiliated to Calicut University. The syndicate meeting of the University held on 3.2.2010 decided to conduct inspection in various B.Ed. colleges for verification of the infrastructure and other facilities available in the B.Ed. Colleges. University has issued notice to them to shift to permanent site at the earliest. But after the verification and inspection the said College was working as usual on a rented building without providing minimum facilities to the students. All other colleges except the said college had got permission from NCTE after 2006 had constructed permanent building as per NCTE norms and reported to the NCTE for inspection.

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The above said college is violating the rules of NCTE and it is doubted that the University authorities has given them all possible help to run the College. So, we request the Hon'ble Regional Director to conduct an immediate enquiry about the functioning of the said college at the earliest and take necessary action for the violation of the NCTE rules".

AND WHEREAS on receipt of the complaint, this office has issued a letter to the complainant to submit an affidavit on Rs.100/- non-judicial stamp paper on 29.8.2011. On 5.9.2011, Sri. Ashokan M.C., Manager, KET College of Teacher Education has submitted the complaint on a original affidavit of Rs.100/- stamp paper.

AND WHEREAS further, again on a complaint is received on 27.10.2011 from Sri. Asokan MC, Manager, KET College of Teacher Education, Kokkalloor P.O., Balussery via, Kozhikode, Kerala against the college on an original affidavit of Rs.100/- stamp paper stating the following:-

"Oriental College of Teacher Education Poonath Po, Naduvannor via APSO No.00807 dated 23.10.2006 is now working on a temporary rented commercial building without providing necessary facilities directed by NCTE and violating the rules of Calicut University and State Government.

I have submitted a complaint (Affidavit) on 2.9.2011 regarding the illegal functioning of the said College, but no action was taken against the College. Now, I would like to submit more details about the College.

As I have filed a suit against the illegal functioning of Oriental College of Teacher education, in the High Court of Kerala on 30th August, 2011 the Court directed to the concerned authorities to take appropriate action against my complaint.

Calicut University Registrar directed the Management of the College to shift the College to the permanent building on 14.09.2011 and report to them within ten days.

But violating all these orders, the College is now working in the same temporary building and they have no intention to construct the permanent building. The Management has started admission for 2011-12 Batch (fifth batch). So I humbly request to take action against the illegal functioning of the College at the earliest to avoid cheating of the students."

AND WHEREAS the SRC in its 217th meeting held on 8-9 February, 2012 considered the request of the institution vide letter dated 18.1.2012 and all the relevant documentary evidences and decided to serve Show cause Notice under Section 17 of NCTE Act. Accordingly, Notice was issued to the institution on 14.03.2012. The institution has submitted its representation on 9.4.2012.

AND WHEREAS, the SRC in its 222nd meeting held on 09th -10th May 2012 considered the reply of the institution vide letter dt. 09.04.2012 and all other relevant documentary evidences and decided to cause shifting inspection at the new premises as per NCTE Act and as per request of the institution, on payment of Rs. 50000/- towards inspection fee and to examine whether the institution fulfils all the requirements as per the norms, subject to the condition that the deficiencies, if any, were duly rectified by the institution, as per the norms.

AND WHEREAS, accordingly, the inspection of the institution was carried out on 30.05.2012.

AND WHEREAS, the SRC in its 228th meeting held on 24th -25th July 2012 considered the VT report, FCD and all the relevant documentary evidences and it was decided to serve Show cause Notice under NCTE Act. Accordingly, a show cause notice was issued to the institution on 16.08/2012. The institution has submitted a written representation on 27/09/2012

AND WHEREAS, the reply of the institution to the show cause notice dt. 27.09.2012 was duly considered and the reply was unconvincing and not satisfactory, deficiencies still persisted as under:

1. Original Certified copy of land documents in the name of the institution is not submitted, as per regulations 2009.
2. Approved blue print of the building plan issued by competent civil authority is not submitted. In the copy of the building plan, the name of the college, site area and course name is not mentioned.
3. Building plan is in the name of Fathima Memorial Educational Trust and not in the name of the college.
4. From the copy of the building plan it is not known whether the building is offering only Teacher Education Programme or not.
5. Built up area mentioned in the building plan (3922.27 sq.mts) does not match with that of the Building Completion Certificate (16,166 sq.ft).
6. As per Non Encumbrance Certificate and Land Use Certificate submitted, land is in the name of Mr. Shoukathali, Secretary, Fathima Memorial Educational Trust. The land should be in **the name of the institution as per NCTE regulations 2009.**

AND WHEREAS, based on the above points the SRC in its 239th meeting held on 26th – 27th February 2013 decided to withdraw the recognition of the B.Ed course run by the Oriental College of Teacher Education, Calicut District, Kerala from the academic year 2013-14, in order to enable the ongoing batch of students in B.Ed. course, if any, to complete their course. It was made clear that the institution is debarred from making any further admission subsequent to the date of issue of this order. The Affiliating body / Examining board / body were informed accordingly. Further, decided to return Endowment fund and Reserve fund deposited with SRC NCTE, Bangalore, if any.

AND WHEREAS, as per the decision of SRC, a withdrawal order was issued to the institution vide order no. F.SRO.NCTE/APS00807/B.Ed/KL/ 2013-2014/50382 dated 05.04.2013.

AND WHEREAS, in the meantime, the institution had filed an appeal under Section 18 of NCTE Act, before the appellate Authority, NCTE, New Delhi against the Withdrawal order of SRC

AND WHEREAS, It was seen from the file that a Writ Petition No. 28660/2012 is filed by Abida. T and Others Vs Calicut University and others in the Hon,ble High Court of Kerala Praying to quash clause 5.2.1(iv) in Ext. P5 Prospectus published by the Director of Collegiate Education, Thiruvananthapuram wherein SRC, NCTE is the Second respondent. A letter was addressed to the advocate Shri. V.M. Kurian to defend the case in the interest of SRC, NCTE and NCTE, New Delhi vide this office No. F. KL/APS0 0807/SRO/NCTE/2012/47886/ dated 27.12.2012.

The appellate authorities Vide order No. F. No. 89-381-2013 appeal/14th meeting -2013 dated 30.10.2013 noted that

"the appellate has enclosed only copies of some documents which are both in the

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regional language and English and which do not meet the grounds cited in the order. He has not submitted certified copy of the land document and approved copy of building

plan showing the name of the college. In the copy the building plan there is over-writing. In these circumstances, the council concluded that the appeal deserved to be rejected and the order of the SRC confirmed.

After perusal of the documents, Memorandum of appeal, Affidavit, the documents available on record and considering the oral arguments advanced during the hearing, the Council concluded that the SRC was justified in refusing recognition and therefore the appeal deserved to be rejected and the order of SRC confirmed.

The Council hereby confirms the Order appealed against "

AND WHEREAS, the SRC in its 255th meeting held during 13th to 15th November, 2013 has noted the matter. In the mean time the institution has approached the Hon'ble High Court at Ernakulam in W.P.No. 27304 of 2013

AND WHEREAS, a court order dated 18th November, 2013 in W.P.(c) No.27304 of 2013 filed by the Oriental College of Teacher Education is received by this office from the advocate, Sri.V.M.Kurian on 6.1.2013 wherein NCTE, New Delhi is the 1st respondent and RD, SRC, NCTE is the 2nd respondent. The extract of the Court order dated 18.11.2013 reads as under:-

"6. Pursuant to order dated 11.11.2013 passed by this Court, the petitioner has filed I.A. No.15280/2013 producing all the relevant documents as Exts. P9 to P15. With reference to the said documents produced, the learned counsel for the petitioner submits that, all the defects have already been cured and the matter ought not to have been finalized by the 1st respondent by a cursory order in the form of Ext. P7, which is sought to be intercepted by this Court.

7. The learned Standing Counsel for the 1st and 2nd respondents submits that the version of the petitioner that all the relevant documents had been produced (to establish the case of the petitioner as to the complete transfer of the property stated as effected by the Trust in the name of the petitioner) is not fully correct, in so far as Ext. P10 transfer effected by the Trust in the name of the petitioner, is only with regard to the 'land' involved; Whereas nothing is mentioned with regard to the building in Ext. P10. However, the fact remains that, the entire land which was in absolute possession and enjoyment of the Trust stands already transferred to the institution, as borne by Ext.P10. The learned counsel for the petitioner points out that the only objection pointed out vide Ext.P5, at serial No.6, was that the land should be in the name of the institution as per the NCTE regulation, 2009. The learned standing counsel appearing for the respondents 1 and 2 submits that, copies of some documents served were in the vernacular, as a result of which, the correctness of the same could be ascertained earlier and that the English translation was submitted only subsequently. It is also open for the concerned parties to produce additional materials, if any, so as to establish the ownership of the building as well so as to be in conformity with the statutory requirements as per the NCTE norms. Having regard to the facts and figures, this Court finds that the matter requires to be reconsidered by the 2nd respondent in the light of the relevant documents already produced and the explanation submitted from the part of the petitioner.

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3. Accordingly, **there will be a direction to the 2nd respondent to reconsider the application preferred by the petitioner for shifting the college, in the light of the above documents produced and pass appropriate orders in accordance with law after giving an opportunity of hearing to the petitioner, at the earliest, at any rate, within 'one month' from the date of Receipt of a copy of this judgment. So as to enable the 2nd respondent to pursue such exercise, Exts. P5 and P7 are set aside. The petitioner shall produce a copy of the judgement along with a copy of the writ petition before the 2nd respondent for further steps. The writ petition is disposed of."**

AND WHEREAS, the Southern Regional Committee in its 259th Meeting held on 17th to 19th January 2014 considered the matter, Hon'ble High Court of Kerala order dated 18/11/2013 in W.P. (c) no. 27304 of 2013 and decided that our earlier decision of defending the case through our Lawyer is revised. Further, it is decided by the committee to issue notice to the said college (Petitioner) for a personal hearing in 260th meeting. Further course of action will be decided after the personal hearing.

AND WHEREAS, as per the decision of SRC, a notice for personal hearing was issued to the institution on 22.01.2014.

AND WHEREAS, the representative of the institution appeared before the Committee on 30th January, I.e during the 260th Meeting of SRC held on 20th and 30th January, 2014 and presented the case. As an introductory note the Chairperson, SRC has told to the representatives of the institutions that 'that we (the Regional Committees) do not have the practice of personal hearing as per Regulations. However, in compliance to the directions of the Honourable High Court of Karnataka, we have called you for personal hearing. You may say what all you want to say. It is entirely the discretion of the institution. But please submit in writing today after this hearing point wise what all submissions you wanted to make before SRC during the personal hearing session such that, later, there would not be scope either to the institution to say that SRC did not hear on these points or to the SRC that the institution has not submitted these points. You may also enclose what all documents you want to enclose to your written representation. Make a photocopy of your representation and take acknowledgement of SRO.'

The oral presentations made by the institution was recorded which is as under

The institution was represented by

1. Secretary of the Institution &
2. Administrative Officer

The presentation was made by the Administrative Officer. He has said that

- a. the institution was not aware that certified copy meant that it should be certified by Sub registrar and hence have given
- b. the building plan and the permit are changed to the name of the manager of the society and approved by the Secretary of the Panchayat. It is clearly mentioned in the building plan that that it is for teaching course only and an affidavit is also being submitted
- c. regarding built up area we have only B.Ed course and the available built up area is 16160 Sq.ft. there is 2922 sq mts of built up area for D.Ed, B.Ed and M.Ed but have not started D.Ed and M.Ed.
- d. the land and EC is changed to the name of the society
- e. all the deficiencies are addressed before appearing before the Appeal Committee except the notarized version of the documents



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AND WHEREAS, the institution submitted the following documents on 30.01.2014 during the personal hearing.

- Certified copy of the land document with its English version was submitted. A copy of the gift deed executed by Fathima Memorial Educational Trust in favour of Oriental College of Teacher Education dated 27.01.2014
- A copy of the building permit dated 14.10.2011 issued to Shaukat Ali, Secretary, Fathima Memorial Educational Trust.
- Six photocopies of the building plans in the name of Fathima Memorial Educational Trust. An affidavit stating that the plan approved in the name of Fathima Educational Trust and transferred to the Manager, Oriental College is meant for Teacher Education Programmes
- 5. Possession and enjoyment certificate issued by Village Officer dated 17.05.2013 in favor of Oriental College of Teacher Education
- A photocopy of Non -Encumbrance Certificate dated 06.05.2013 for the period 01.01.1999 to 02.05.2013 reflecting to transactions.

AND WHEREAS, the Committee decided as under :

'Party appeared .Was given a personal hearing. Thereafter, they were advised to give a written submission of their presentation. Signed photocopy was returned as acknowledgement. Put up on file'

AND WHEREAS, accordingly, the institution has submitted its written representation on 03.02.2014. The SRC in its 261st Meeting considered the written representation and directed SRO to process and put up comparative statement of documents submitted earlier and not submitted at the personal hearing. Accordingly, the file was processed.

AND WHEREAS, the Committee in compliance to the Hon'ble High Court directions dated 10.12.2013; in its 257th meeting decided to give personal hearing. Accordingly, the said college was given a personal hearing in its 260th meeting held on 29-31st Jan, 2014 and advised to give a written representation. The institution submitted its written representation along with the documents on 03.02.2014.

AND WHEREAS, the reply submitted by the institution to the personal hearing was duly considered and the reply is unconvincing and not satisfactory, deficiencies still persisted as under:-

1. ***The Title deed submitted is dated 29.4.13. This is long after the application. According to NCTE Regulations, they should have had title at the time of application.***

AND WHEREAS, under the above grounds and with reference to the totality of information collected & based on a collective application of mind, the committee decided in its 264th meeting held on 1-3 march, 2014 as per NCTE Regulations, to reject the application and advised SRO to reissue earlier decision of withdrawal of recognition.

AND WHEREAS as per the decision of SRC, a withdrawal order was issued to the institution on 01.05.2014

AND WHEREAS aggrieved by the withdrawal order of SRC, the institution preferred an appeal to NCTE -tors and the appellate authority vide order No. F.No.89-268 /2014 Appeal/11th meeting -2014 dated 15.10.2014 stated that,

The Correspondent Oriental College of Teacher Education (hereinafter referred to as

the appellant), preferred an appeal dated 02/06/2014 to the National Council for Teacher Education, New Delhi (hereinafter referred to as the Council) under Section 18 of the NCTE Act, 1993 against the said Order.

Sh. Shoukathali, Secretary, Oriental College of Teacher Education, Kozhikode, Kerala presented the case of the appellant institution on 12.09.2014. In the appeal and during personal presentation it was submitted that the NCTE granted recognition to the Oriental College of Teacher Education on the application submitted by the Fathima Memorial Educational Trust. The Title Deed had been in the name of the trust since then till the NCTE asked for changing the title Deed from the name of the Trust to that of the college. Following the NCTE direction, the trust transferred the land to the name of the College and the same was communicated to the NCTE with relevant documents. The appellant also submitted that the College started functioning in 2006 and in the NCTE Regulations, 2002, there was no requirement of the College being in ownership of the land. The application for shifting of the college was preferred on 14.03.2012 and on that date the land was under the possession and title of M/s Fathima Memorial Educational Trust and that fulfilled the requirement of NCTE Regulation of 2009 according to which the institution or society sponsoring the institution should be in possession of the land on the date of application.

The Council noted that the submissions of the appellant deserved to be accepted as the land in question which is reported to have been in the name of the sponsoring Trust has been transferred in the name of the College. the Council therefore concluded that the appeal deserved to be accepted and the order of the SRC reversed. "

The Council hereby reverses the Order appealed against. "

AND WHEREAS, the Southern Regional Committee in its 275th Meeting held during 1st – 2nd December, 2014 considered the matter, Appellate Authority's order dated 15/10/2014, decided and advised Southern Regional Office to process after notification of the new Regulations, as directed by NCTE (H'qrs).

AND WHEREAS, a letter seeking consent on the willingness of the institution for considering their application as per Regulations 2014 was sent to the institution on 19.12.2014.

AND WHEREAS, on 24.12.2014, a letter dated 20.12.2014 has been received from the advocate Shri.V.M.Kurian regarding the W.P.No. 34166 of 2014 filed by Shaoukathali against the State of Kerala wherein SRC,NCTE is the 4th respondent.

AND WHEREAS, the petition is filed praying to issue an interim order directing the respondents 1 to 3 (1. State of Kerala 2. Director of collegiate Education, 3. Director, LBS Centre) not to make any admission or allotments of students to the B.Ed course offered by the 6th respondent college (oriental college) under the Government quota and also to re-allot the students already admitted in the 6th respondent college before the commencement of the academic year 2014-15.

AND WHEREAS, the Hon'ble High Court order dated 17.12.2014 is as under :-

"Admit.Learned Government Pleader takes notice for respondents 1 and 2.Shri. K.P.Sujesh Kumar takes notice for 3rd respondent ,Shri.V.M.Kurian, Standing Counsel , takes notice for 4th respondent.Shri.Santosh Mathew, standing counsel, takes notice for 5th respondent.Issue notice to 6th respondent by speed post.

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Respondents 1 to 3(1. State of Kerala 2. Director of collegiate Education. 3. Director, LBS Centre) ensure that 6th respondent college is having recognition for allotment of B.ED course for the purpose of allotting students to the B.Ed programme."

AND WHEREAS, the advocate has requested for statement of facts in the matter. The appellate authority vide order dated 15.10.2014 has reversed the order of SRC. NCTE dated 01.05.2014.

AND WHEREAS, the Southern Regional Committee considered the matter. Court order dated 17.12.2014 and Appellate Authority order dated 15.02.2014, decided to

"1. Restore recognition and advised Southern Regional Office to issue revised provisional recognition order also."

NOW THEREFORE the recognition granted to **Oriental College of Teacher Education, Poonath Post, Naduvanoor(via), Calicut Dt., Pin-673614, Kerala** for offering B.Ed course **is restored**

Further, the institution has submitted an affidavit on 20.01.2015, as per Regulations 2014 and the revised recognition order of the institution is under:

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ORDER

WHEREAS, in exercise of the powers conferred by sub-section(2) of Section 32 of the National Council for Teacher Education Act, 1993(73 of 1993), and in supersession of the National Council for Teacher Education [Recognition Norms and Procedure] Regulations, 2009, the National Council for Teacher Education has notified the Regulations, 2014 on 1.12.2014.

2. **AND WHEREAS**, the institution, **Oriental College of Teacher Education, Poonath Post, Naduvanoor (via) Calicut District – 673 614, Kerala** has by affidavit consented to come under New Regulations and sought for two basic units in B.Ed., which require additional facilities.

3. **AND WHEREAS**, on scrutiny it is found the institution has not maintained/revalidate the Fixed Deposit Receipts towards Endowment and Reserve Funds.

4. **AND WHEREAS**, it has been decided to permit the institution to have two basic units of 50 students each subject to the institution fulfilling following conditions namely,

The institution shall submit revalidated FDRs of the enhanced values, in joint account with the SRC before 30 June, 2015 failing which the recognition will be withdrawn.

The institution shall create additional facilities that include (a) additional built-up area, (b) additional infrastructure, (c) additional staff as per Regulations, 2014 and inform Regional Committees with required documents by October 31, 2015.

The applicant-institution for additional unit will be required to submit the required documents such as and documents, Encumbrance Certificate(EC), Land Use Certificate(LUC) and the Building Plan (BP) and the Approved Staff List in the specified proforma available on the website to the Regional Committee in proof of having provided additional facilities before October 31, 2015. Building Completion Certificate (BCC) may be given along with other documents if available, otherwise it can also be given to the Visiting team at the time of inspection.

The Regional Committees shall arrange for verification of documents, inspection of these premises and check adherence to these conditions by 20 Feb, 2016. If it is found by the Regional Committee that the institution fails to comply with these requirements, the institutions shall not be permitted to admit students for the academic year 2016-2017.

5. NOW THEREFORE, in the light of the above and in terms of Section 14(3) (a) of NCTE Act and in accordance with the Regulations, 2014, the Southern Regional Committee, NCTE hereby grants recognition to **Oriental College of Teacher Education, Poonath Post , Naduvanoor (via) Calicut District – 673 614, Kerala** for conducting **B.Ed** programme of **two** years duration with an annual intake of **100** with two basic units of 50 students each from the academic session **2015-16** subject to submission of revalidated FDRs of the enhanced value in joint account with the SRC before 30 June, 2015 and fulfilment of the conditions mentioned at II & III herein before 31.10.2015.

6. Further, the recognition is subject to fulfilment of other requirements as may be prescribed by other regulatory bodies like UGC, affiliating University/Body, the State Government etc. as applicable

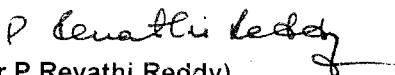
7. The institution shall submit to the Regional Committee a Self- Appraisal Report at the end of each academic year along with the statement of annual accounts duly audited by a Chartered Accountant.

8. The institution shall maintain & update its web-site as per provisions of NCTE Regulations and always display following as mandatory disclosure:-

- a) Sanctioned programmes along with annual intake in the institution;
- b) Name of faculty and staff in full as mentioned in school certificate along with their qualifications, scale of pay and photograph.
- c) Name of faculty members who left or joined during the last, quarter;
- d) Names of Students admitted during the current session along with qualification. Percentage of marks in the qualifying examination and in the entrance test, if any, date of admission, etc.;
- e) Fee charged from students;
- f) Available infrastructural facilities;
- g) Facilities added during the last quarter;
- h) Number of books in the library, journals subscribed to and additions, if any, in the last quarter;
- i) The affidavit with enclosure submitted along with application.
- j) The institution shall be free to post additional relevant information. if it so desires.
- k) Any false or incomplete information on website shall render the institution liable for withdrawal of recognition

If the institution Contravenes any of the above conditions or the provision of the NCTE Act, Rules, Regulations and Orders made and issued there under, the institution will render itself liable to adverse action including withdrawal of recognition by the Regional Committee under the provisions of Section 17(1) of the NCTE Act.

By Order,


(Dr.P.Revathi Reddy)
Regional Director.

The Manager

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

To:

The Principal,

Oriental College of Teacher Education,
Poonath Post , Naduvanoor (via)
Calicut District – 673 614,
Kerala

Copy to:

1. The Secretary, Dept. of School Education and Literacy, Ministry of Human Resource Development, Govt. of India, Shastri Bhavan, New Delhi – 110 001.
2. The Principal Secretary (Higher Education), Government of Kerala, Thiruvananthapuram, Kerala
3. The Registrar, University of Calicut, Calicut Post Office , – 673 635 ,Kerala
4. The Secretary, Fathima Memorial Education Trust , Kozhikode P.O- 673632, Kerala
5. The Under Secretary (CS), National Council for Teacher Education, Hans Bhawan, Wing-II. 1. Bahadurshah Zafar Marg, New Delhi – 110 002.
6. Office Order file/institution file.