

F.No/SRC/NCTE/APS00532/B.Ed/ KL/2015/65206

Date: 20/05/2015

**PREAMBLE:-**

**St. Joseph Training College, Pavaratty, Thrissur-680507, Kerala** was granted recognition on **23.2.2005** for **Secondary course** of one year duration with an annual intake of **100** students from the academic session 2004-05 with a condition to shift to its own premises within three years from the date of recognition (in case the course is started in temporary premises).

The society had submitted an application for M.Ed course vide letter dated 25.04.2008 in the office. While considering the reply of the institution dated 07.11.2008 to the deficiency letter issued for M.Ed course, It was found that the translated version of land document submitted is in the name of 'St.Thomas Monastery' and in the affidavit it is as 'Devamatha Educational Agency of CMI Schools, Thrissur. Whereas, the name of the applicant society is 'Devamatha Corporate Educational Agency' and the applicant institution is "St,Joseph's Training College". The land title is neither in the name of the applicant society not in the name of the institution. Hence, the SRC also decided to issue notice under section 17 for existing B.Ed course.

The institution was issued Show Cause Notice on 23.2.2009 as decided by the Southern Regional Committee in its 169<sup>th</sup> meeting of SRC held on 12<sup>th</sup> January, 2009. The institution submitted its reply to the Notice on 30.04.2009 and the matter was placed before 176<sup>th</sup> meeting of SRC held on 27-28 May, 2009. The SRC decided to cause inspection of the institution under Section 17 of NCTE Act for shifting of premises after the payment of Rs.40,000/- fees. Accordingly, a letter was addressed to the institution on 26.6.2009 requesting fees for inspection along with the questionnaire duly filled in. The institution submitted Questionnaire along with Rs.40,000/- fees for inspection. The matter was not placed before the Committee and inspection of the institution was not conducted.

In the meanwhile, a complaint was received on 8.8.2011 from the students of Natural science, Malayalam and Mathematics, St. Joseph Training College, Pavaratty, Kerala regarding the absence of teachers. Since there was no address of students, a letter was addressed to the Principal, St. Joseph Training College regarding the veracity of the complaint dt. 8.8.2011. The Principal of the institution submitted an affidavit on 10.10.2011 stating that he had not sent any complaint and had requested for a copy of the said complaint. He has also sent a reminder letter on 16.11.2011.

This office received a letter from the Principal of the College for sending original FDR's return from NCTE for renewal which were due on 15.4.2010 and 29.3.2011.

The SRC its 217<sup>th</sup> meeting held on 08<sup>th</sup> -9<sup>th</sup> February 2012 considered the complaint letter dt. 8.8.2011 from the students of the above college and also reply of the Principal of the same college vide letter dt. 10.10.2011 and decided to cause inspection. Inspection of the institution was conducted on 07.03.2012.

The SRC in its 223<sup>rd</sup> meeting held on 29<sup>th</sup> - 31<sup>st</sup> May 2012 considered the VT report, VCD and all the relevant documentary evidences and it was decided to serve Show Cause Notice under NCTE Act.

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Accordingly, a Show Cause Notice was issued to the institution on 25.06.2012 for the following deficiencies:-

1. Original certified copy of the land documents from Sub-Registrar is not submitted.
2. Approved blue print of the building plan issued by competent civil authority is not submitted. Total earmarked built up area for both D.Ed and B.Ed course is not given.
3. Latest original building completion certificate from competent Govt. engineer is not submitted.
4. Notarized land usage certificate from the Revenue divisional office stating that the agriculture land converted to non-agriculture for the purpose of educational institution only is not submitted. Proceedings of Revenue Divisional Officer not submitted for conversion of land from agricultural to educational purposes. LUC submitted is not approved by the competent authority.
5. Original FDRs of Rs. 5 & 3 lacs towards endowment and reserve fund from a Nationalized Bank in joint account in favour of Society/college/institution name if not given.
6. Bye-law of the Society (Certificate of Registration of Society) is not submitted.
7. Approved staff list from affiliating body is not given.
8. Scale of pay offered to staff is not as per Central/State Govt./UGC guidelines. Consolidated salary is being paid to be staff.

The institution has submitted two written representations on 13.07.2012 and 02.08.2012.

The SRC in its 237<sup>th</sup> meeting held on 05<sup>th</sup> – 06<sup>th</sup> January, 2013 considered the written representation from the institution vide letter dt. 13.07.2012 and 02.08.2012 and all the relevant documentary evidences and decided to serve Final Show cause Notice under NCTE Act.

Accordingly, a final show cause notice was issued on 06.03.2013. The institution submitted written representation on 08.04.2013.

The SRC in its 244<sup>th</sup> meeting held on 9<sup>th</sup> – 11<sup>th</sup> May 2013, 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:-

- The Original copy of the building plan approved by the Government Engineer is not submitted.
- Latest staff list approved by the University is not submitted.
- Duplicate FDR's submitted are not in joint account.

As per Supreme Court direction norms/standards should be strictly applied. The Hon'ble Supreme Court order states:

Supreme Court vide their order in Civil Appeal NO. 1125-1128/2011 in SLP No. 17165-68/2009 filed by NCTE Vs ors, which reads as under:

"An institution is not entitled to recognition unless it fulfils 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". Based on the above points the committee decided to withdraw the recognition of the B.Ed (APS00532) course run by the St. Joseph Training College, Pavaratty, Thrissur-680 507, 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.

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But 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 be informed accordingly. Further decided to return Endowment funds and Reserve fund deposited with SRC NCTE, Bangalore, if any.

As per the decision of SRC, a withdrawal order was issued to the institution vide order no. F.No. /APS00532(B.Ed/KL/2013-14/52078 dated 03.06.2013.

On 15.07.2013, the Manager, St. Josephs Training College submitted a written representation along with copies of documents with a request for restoration of recognition.

A letter from the Deputy Registrar, University of Calicut requesting for verification of qualification of newly appointed teachers in St. Josephs Training College, Pavarotti was received by this office on 17.07.2013.

In the mean while, the institution had approached the Hon'ble High Court of Kerala at Ernakulum in W.P.(C).No. 17971 of 2013 seeking (1) stay of the withdrawal order of SRC,NCTE dated 03.06.2013 (2) direction to the respondents (SRC,NCTE and NCTE Hqrs ) to permit the petitioner institution to admit the students to the B.Ed course provisionally for the academic year 2013-14 with an intake of 100 students pending final disposal of the writ petition. The Hon'ble High Court vide order dated 18.07.2013 in W.P.(C)No. 17971 OF 2013 has dismissed the petition as under;

'If the petitioner is aggrieved of the Ext.P9(withdrawal order of SRC,NCTE) in any manner, the statute itself takes care of the situation, by providing a remedy by way of appeal under section 18 of the NCTE Act,1993.

In the circumstance, the petitioner is relegated to avail the statutory remedy. Without prejudice to the rights and liberties of the petitioner, as above, interference is declined and the writ petition is dismissed.'

The institution filed an appeal under Section 18 of NCTE Act, before the Appellate Authority, NCTE, New Delhi against the withdrawal order of SRC .(Appeal dated 24.07.2013)

The institution filed another Writ Petition in Hon'ble High Court of Kerala at Ernakulum in W.P.No 19183/2013 praying to direct the 1<sup>st</sup> respondent(NCTE, New Delhi) to consider the appeal filed by the petitioner and to direct the respondents (NCTE, New Delhi ,Member Secretary, NCTE, New Delhi),Regional Director ,SRC, New Delhi) to permit the petitioner institution to admit students to B.Ed course provisionally for the academic year 2013-14 pending disposal of Appeal No. 1435/2013 and to direct the first respondent (NCTE, New Delhi) to permit the petitioner institution to file an interim application for stay of withdrawal order of SRC.

The Hon'ble High Court vide order dated 1<sup>st</sup> August 2013 in W.P.No.19183 has disposed the petition with the following direction :-

" The 1<sup>st</sup> respondent (NCTE Hqrs represented by Member Secretary) is directed to consider and pass appropriate orders on Ext.P13 appeal in accordance with law, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of the judgment. Writ petition is disposed of.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the respondents for further steps."

The appellate authority vide order F.No.89-486/2013 Appeal/14<sup>th</sup> Meeting-2013 dated 30.10.2013 has made the following observations :

" The Council noted that in the file of the SRC there is a building plan which bears the original signatures of the Engineer and Secretary, Special Grade, Pavaratty Gram Panchayath and the appellant with his letter dated 13.07.2012 also sent another copy of the plan, the Council also noted that the Calicut University wrote to the SRC on 08.07.2013 verifying the staff profile of the appellant institution and the appellant has satisfied about the FDRs being in the Joint names with the Regional Director, NCTE, Bangalore.

In view of the position stated above the Council concluded that the matter deserved to be remanded to the SRC with the direction to examine the submissions made by the appellant and take a fresh decision. In the meanwhile the order of withdrawal should be kept in abeyance.

After perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Council concluded that the appeal deserved to be remanded to SRC with the direction to examine the submissions made by the appellant and take a fresh decision. In the meanwhile the order of withdrawal should be kept in abeyance.

The Council hereby remands back the case of St.Josephs Training College."

The SRC in its 255<sup>th</sup> meeting held on 13<sup>th</sup> – 15<sup>th</sup> November 2013 considered the Appellate authority order dated 30/10/2013, and decided to process the case of the said institution by examining the submissions made by the appellant and to take a fresh decision and necessary action.

The SRC in its 261<sup>st</sup> meeting held on 09<sup>th</sup>-10<sup>th</sup> February 2014 considered the Appellate authority order dated 30/10/2013 and all the relevant documentary evidences and it was decided to serve Show cause Notice under NCTE Act for the following:

- In the photo copy of the building plan submitted, Survey Numbers and extent of land area are not mentioned.
- Duly approved staff list from the University is not submitted, in the staff list submitted, Principal is not mentioned.
- FDRs for Rs.5 lacs expired on 15/04/2010, the institution has not submitted for re-validation.

Accordingly, a Show Cause Notice was issued to the institution on 26.02.2014. The institution had submitted its written representation on 21.03.2014.

The Southern Regional Committee in its 267<sup>th</sup> Meeting held on 12<sup>th</sup> – 13<sup>th</sup> May, 2014, considered the matter with reference to the reply of the institution vide letter dated 21.03.2014, and decided that:

'The Staff list given by the institution was not adequate, the institution should be asked to submit a fresh staff list in the approved format and according to the NCTE norms.'

As per the decision of SRC , a letter was sent to the institution on 24.06.2014 with a request to submit a fresh staff list in the approved format and according to NCTE norms.

On 14.07.2014, the Principal, St. Joseph's Training College has submitted a written representation stating as under :

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'I am submitting staff list in the prescribed format and according to the NCTE norms and affidavits of Manager, Principal and teachers of this institution.'

I request you Madam, to restore the recognition of our college for B.Ed course with an annual intake of 100 students.'

The institution has submitted the following documents :

1. A notarized copy of the staff list dated 01.12.2004 approved by the Deputy Registrar, In charge of Registrar, University of Calicut is submitted.
2. A notarized copy of the newly appointed staff list dated 08.07.2013, approved by Deputy Registrar, University of Calicut is submitted.
3. Staff profile in the prescribed format, approved by the Registrar, University of Calicut comprising of a Principal and 9 lectures is submitted.

The Southern Regional Committee in its 271<sup>st</sup> meeting held during 1<sup>st</sup> August, 2014 considered the matter, advised Southern Regional Office to process after notification of new Regulations, as directed by NCTE (H'qrs).

On 11.08.2014, this office has received a letter from the Deputy Registrar, University of Calicut granting affiliation to the institution for the academic year 2013-14 with an intake of 100 students vide order 01.08.2014( copy enclosed).The letter states as under :-

" Affiliation granted is strictly provisional and only for the academic year 2013-14.The college has to apply for Continuation of Provisional Affiliation for ensuing years, remitting the fee fixed by the University. Continuation of provisional affiliation for the next academic year will be granted only after obtaining extension of approval order from the National Council for Teacher Education.

Admission to the next academic year shall be made only after obtaining prior permission from the University.

Orders are issued accordingly."

The SRC in its 273<sup>rd</sup> meeting held during 30<sup>th</sup> September & 1<sup>st</sup> October, 2014 considered the matter and decided to took note of the matter.

On 03.02.2015, a letter dated 28.01.2015 along with affidavits and FDRs is received by this office from the Manager, St.Joseph's Training College, Pavaratty-Thrissur.

The Southern Regional Committee in its 281<sup>st</sup> meeting held during 19<sup>th</sup> February, 2015 considered the matter, letter dated 28.01.2015 from the institution, decided as under:

- 1. Restore Recognition. 2. Obtain Latest Encumbrance Certificate 3. Staff list is deficient: -Asst. Prof (Fine Arts) & Asst. Prof (Physical Education) are not there. 4. Ask them to ensure conformity with the new 2014 Regulations before 31.10.2015.**

#### TO BE PUBLISHED IN GAZETTE OF INDIA PART III SECTION 4

#### 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.

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2. **AND WHEREAS**, the institution **St. Joseph Training College, Pavaratty, P.O Thrissur-680507, 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 that the institution has not maintained/revalidated the Fixed Deposited 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,

- (i). 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.
- (ii). 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.
- (iii). The applicant-institution for additional unit will be required to submit the required documents such as land 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.
- (iv). 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 **St. Joseph Training College, Pavaratty, P.O Thrissur-680507, Kerala** for conducting **B.Ed** programme of **two** years duration with an annual intake of **100** for 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 fulfillment 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,  
St. Joseph Training College,  
Pavaratty,P.O  
Thrissur-680507,  
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, Kerala
3. The Registrar, **University, of Calicut, Calicut, Kerala.**
4. The Secretary, **Devamatha Corporate Educational Agency of CMI Schools, Devamatha Provincial House, Thrissur -680001, 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.