



TO BE PUBLISHED IN GAZETTE OF INDIA
(EXTRAORDINARY)
PART – III, SECTION 4

F.No.ER-306.7/NCTE/Application No...../B.Ed./BR/2022/66024

Dated: 27-07-2022

REFUSAL ORDER

WHEREAS, in terms of Section 15(1) of the NCTE Act, 1993, **Maharishi Valmiki Social Welfare Society, Village-Valmiki Nagar, Street/Road-Valmiki Nagar, Taluka/Mandal-Valmiki Nagar, Town/City-Valmiki Nagar District-Champaran West, State-Bihar, Pin Code-845107** had applied through online dated **31.05.2016** for grant of permission for B.Ed. course under the institution viz. **Baba Saheb Bhimrao Ambedkar Teacher's Training College, Village-Jharharwa, Street/Road-Jharharwa, Taluka/Mandal-Valmikinagar, Town/City-Jharnarwa, District-Champaran West, State-Bihar, Pin Code-845107** of two year duration Under Section 15 of the NCTE Act 1993 and hard copy of the application was received on **08.12.2017** by the ERC office.

2. **AND WHEREAS**, a copy of Order dated 24.01.2022 passed by Hon'ble High Court of Delhi at New Delhi in W.P. (C) 1371/2022 in the matter of **BABA SAHEB BHIMRAO AMBEDKAR TEACHERS TRAINING COLLEGE & ANR vs. NCTE & Anr.** was received in ERC NCTE bearing e-office Dairy Receipt No. 239003 dated 01.02.2022. The text of the order of the Hon'ble Court is as under:

CM APPL. 3989/2022 & CM APPL. 3990/2022

1. Exemptions allowed, subject to all just exceptions.
2. The original Vakalatnama be filed within two weeks of this Court resuming physical hearing.
3. The applications are disposed of.

W.P.(C) 1371/2022

4. The petitioners, who had submitted an application to respondent no.2 on 31.05.2016 seeking recognition for conducting B.Ed. course, have approached this Court with a grievance that the said application remains undecided till date.

5. Issue notice. Ms. Akanksha Kaul accepts notice on behalf of the respondents and submits that keeping in view the nature of the relief sought by the petitioner, she does not propose to file any counter affidavit. She also does not deny the fact that this Court has already disposed of similar petitions by directing the respondents to decide the petitioner's pending application in a time bound manner.

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6. In light of the aforesaid, the writ petition deserves to be allowed and is accordingly allowed by directing the respondent no.2 to decide the petitioner's pending application dated 31.05.2016 within 8 weeks from today by following the laid down procedure including the applicable Standard Operating Procedure (SOP) issued by the National Council for Teacher Education (NCTE).

7. In case, the respondent requires any further information or documents from the petitioners, the same will be duly communicated to the petitioners who will then furnish the necessary Information/documents as may be required.

8. Needless to state, this Court has not expressed any opinion on the merits of the petitioner's claim and in case, the petitioners are aggrieved by any order passed by the respondent, it will be open for the petitioners to seek legal recourse as permissible in law.

3. **AND WHEREAS**, the ERC in its 303rd (Virtual) meeting held on 24th March, 2022 considered the matter and other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, and the Committee made following observations:

"In compliance of the Order dated 24.01.2022 passed by Hon'ble High Court of Delhi at New Delhi in W.P.(C) No. 13471 and the other related documents, NCTE Act, 1993, Regulations, Guidelines issued by NCTE from time to time, representation/application from the institution were carefully considered by ERC-NCTE and the committee made following observations:-

1. *On search of ERC office database and records, the name of institution bearing ID No.10056, Application No. ERCAPP201646003 for B.Ed. course (as per copy attached with court order) has not been shown on the dashboard. Also, the hard copy of application was not received by ERC NCTE from the institution, hence in the absence of information, such application bearing ID No.10056, Application No. ERCAPP201646003 was not processed by ERC.*
2. *As per remarks of the Accounts and IT & e-Gov Sections of NCTE, New Delhi, processing fee of Rs.1.5 lakh through received through RTGS/PAYU PAYMENTS PRIVATE LTD.*
3. *As per Clause 7(2)(b) of NCTE Regulations, 2014, the application shall be summarily rejected for failure to submit print out of the application made online along with the land documents as required under sub-regulation (4) of Regulation 5 within 15 days of the submission of the online application. In this case, no information in this regard has been received from the institution earlier. In light of Clause 7(1) of NCTE Regulations, 2014, in case of an application is not complete, or requisite document are not attached with the application, the application shall be treated as incomplete and rejected, and the application fees paid shall be forfeited.*
4. *A typed version of application for B.Ed. course bearing ID No.10056, Application No. ERCAPP201646003 (which was not earlier shown on the NCTE dashboard and not received by ERC NCTE) was found attached along*

with the copy of Court Order dated 24.01.2022 now placed for consideration of ERC NCTE. No document/record related to submission of application is there available at ERC, NCTE.

Accordingly, the institution is deficient on the following points in the light of NCTE Regulation 2014.

- i. Affidavit on Rs. 100 stamp paper from the President / Secretary of the Management duly notarized giving the details of applications pending with NCTE and also the existing courses being run by the management on the same land where this application is proposed.*
- ii. To submit the proof of submission of initial application to ERC in original, self-attested.*
- iii. To submit the proof of rejection of initial application by ERC in original, duly self-attested if any.*
- iv. To submit the proof of payment of processing fee at the time of initial application, self-attested (photocopy of DD/ Bank Statement / Certificate from Bank etc).*
- v. To submit copy of the application submitted through on-line mode alongwith infrastructure facility.*
- vi. In view of the aforesaid, the institution shall submit an affidavit stating as to why a complaint may not be lodged against the institution.*

Hence, ERC decided that Show Cause Notice under Section U/s 14/15 (3) (b) of the NCTE Act, 1993 be issued to the institution to submit their reply alongwith supporting documents accompanied with notarized affidavit of Rs. 100/- on Non-judicial stamp paper by the authorized representative of the Management within 30 days from the date of issue of show cause notice.

Show Cause Notice u/Section 14/15 (3) (b) dated 05.04.2022 was issued to the institution.

4. AND WHEREAS, in terms of above decision of ERC, the institution submitted the reply vide letter no. MVS/22/03 dated 27.04.2022 and received in ERC on 05.05.2022, in response to Show Cause Notice dated 05.04.2022. The ERC in its 306th ERC (Virtual) Meeting held on 12th – 13th July, 2022 and considered the original file of the institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, were carefully considered by ERC and the Committee made following observations:

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“In compliance of the Order dated 24.01.2022 passed by Hon’ble High Court of Delhi in WP (C) N. 13471/2022, the original file alongwith other related documents, NCTE Act, 1993, Regulations, Guidelines issued by NCTE from time to time, representation / application from the institution were carefully considered by ERC-NCTE and the committee made the following observation:-

Show Cause Notice was issued to the institution on 05.04.2022. On examination of reply of Show Cause Notice dated 05.04.2022, the institution is deficient on the following grounds:-

- 1. Affidavit on Rs.100 non-judicial stamp paper is not submitted as required in the SCN.*
- 2. The institution has submitted incomplete self-attested hard copy of online application without requisite documents.*
- 3. The proof of rejection of initial application by ERC in original, duly self-attested, if any, not submitted.*
- 4. The online application was not displayed on the dashboard of NCTE and the hard copy of the same was not submitted to ERC-NCTE as per provisions laid down in NCTE Regulation, 2014 as amended from time to time.*
- 5. Most of the columns in the hard copy of application proforma submitted by the institution are not filled up viz. Mobile Number, details of programs/courses (other than teacher education courses), details of affiliating body for the programme(s) applied for, floor-wise built-up area--planned & constructed.*
- 6. In light of Clause 7(1) of NCTE Regulations, 2014, in case of an application is not complete or requisite document are not attached with the application, the application shall be treated as incomplete and rejected. The application fees paid shall be forfeited.*
- 7. The institution has submitted misleading information regarding hard copy of online application which has been self-created as stated above.*

Hence, the ERC decided that incomplete application /representation of institution for consideration of its application for B.Ed. course is rejected under clause 7(1) of NCTE Regulation 2014.”

5. NOW, THEREFORE, as per the decision of ERC, the application submitted by the applicant for grant of permission for **B.Ed. Course** to the institution viz. **Baba Saheb Bhimrao Ambedkar Teacher's Training College, Village-Jharharwa, Street/Road-Jharharwa, Taluka/Mandal-Valmikinagar, Town/City-Jharnarwa, District-Champaran West, State-Bihar, Pin Code-845107** is hereby **refused** in terms of section 15(3)(b) of NCTE Act, 1993.



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6. Further, if the institution is not satisfied by the order, they can prefer an appeal under Section 18 of the NCTE Act, 1993 in the "Online Mode" available on NCTE's website www.ncte.gov.in within 60 days from the date of the issue of this order.

By Order,

(Ravindra Singh)
Regional Director

To
The Manager,
The Controller of Publications,
Department of Publications, (Government of India),
Ministry of Urban Development,
Civil Lines, New Delhi-110054.

The Secretary/Correspondent,

Baba Saheb Bhimrao Ambedkar Teacher's Training College,
Village - Jharharwa, Street/Road - Jharharwa, Taluka/Mandal -
Valmikinagar, Town/City - Jharnarwa, District- Champaran West,
State - Bihar, Pin Code - 845107.

Copy to:

1. ✓ The Secretary, Maharishi Valmiki Social Welfare Society, Village- Valmiki Nagar, Street/Road - Valmiki Nagar, Taluka/Mandal - Valmiki Nagar, Town/City - Valmiki Nagar, District - Champaran West, State - Bihar - 845107.
2. The Commission-cum-Secretary, Primary, Secondary & Higher Education, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna, Bihar-800015.
3. The Registrar, Babasaheb Bhimrao Ambedkar, Bihar University, Muzaffarpur, Bihar - 842001.
4. The Director, Department of Secondary Education, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna, Bihar-800015.
5. The Secretary, Dept. of School Education and Literacy, Ministry of Education, Govt. of India, Shastri Bhawan, New Delhi - 110001.
6. The Under Secretary (IT), NCTE, G-7, Sector-10, Dwarka, Landmark-Near Metro Station, New Delhi-110075.
7. Office Order file/Institution file.

(Ravindra Singh)
Regional Director

66024

BNPL code - 901-624



O. I. G. S.
Speedpost / Registered Post / Courier

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The Secretary
Maharishi Valmiki Social Welfare Society
village - valmiki Nagar, street / Road -
valmiki Nagar, Taluka / Mandal - valmikinagar
Town / city - valmikinagar, district - Champaran
West, State - Bihar - 845 107

*Incorrect address
Rishi Sankar
Nigam*

To

If undelivered, please return to : (ERC)
Western Regional Committee
National Council for Teacher Education
(A Statutory Body of the Government of India)
G-7, Sector-10, (Near Sector-10 Metro Station) Dwarka, New Delhi-110075
Ph.: 011-20892151, 011-20892152 E-mail : wrc@ncte-india.org

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