

राष्ट्रीय अध्यापक शिक्षा परिषद्

(भारत सरकार का एक विधिक संस्थान)

पश्चिमी क्षेत्रीय समिति



National Council for Teacher Education

(A Statutory body of the Government of India)

Western Regional Committee

FINAL SHOW CAUSE NOTICE U/S 17 OF THE NCTE ACT, 1993

F. No. NCTE/WRC/APP3531/223/B.Ed./377th (PART-1)/M.P/2022

Dated: 14/1/2023

To

THE PRINCIPAL/CORRESPONDENT,
SALONI COLLEGE RUN BY HOME YOUTH
WELFARE SOCIETY, PLOT NO-70 MIN 2,
STREET-SEHULA, VILLAGE-SEHULA, POST OFFICE-
DHOBNI, TEHSIL-VIJAYPUR, CITY-VIJAYPUR, DISTRICT-SHEOPUR,
MADHYA PRADESH, PIN CODE-476337

Subject: Providing reasonable opportunity for making written representation before withdrawal of recognition under Section 17 of NCTE Act, 1993 - reg.

Sir/Madam,

In terms of Section 14(3) (a)/15(3)(a) of the NCTE Act, 1993, the Western Regional Committee of National Council for Teacher Education granted recognition to the institution viz. SALONI COLLEGE RUN BY HOME YOUTH WELFARE SOCIETY, PLOT NO-70 MIN 2, STREET-SEHULA, VILLAGE-SEHULA, POST OFFICE-DHOBNI, TEHSIL-VIJAYPUR, CITY-VIJAYPUR, DISTRICT-SHEOPUR, MADHYA PRADESH, PIN CODE-476337 for conducting B.Ed. Programme vide Recognition order dated.02.06.2017.

2. The matter was considered by WRC in its 373rd meeting held on 08th October, 2022 and the Committee inter-alia decided as under:-

"NCTE issued a Public Notice dated 22.09.2019 that required all institutions to submit Performance Appraisal Report (PAR) for academic year 2018-19. The intention of the PAR form was to allow NCTE to ensure that basic minimum checks are in place for teacher education institutions. Minimum checks include compliance of faculty, infrastructure, land requirements etc. This enables NCTE to effectively take policy decisions for existing and pilot courses. It is also apposite to allude to the fact that NCTE has the power to issue public notices under the NCTE Act, 1993 specifically under Section 12 of the NCTE Act, 1993, particularly clauses (c), (f), (j), (k) and (m). Pertinent reference should be drawn to Section 12 (k) which provides the power under Section 12 to evolve suitable performance appraisal system, norms and mechanism for enforcing accountability on recognized institutions. The deadline to submit the same was 31.12.2019 and the same was further extended to 20.01.2020.

The said Public Notice was challenged before the Hon'ble Delhi High Court in WP (C) No. 11304/2019 wherein the Hon'ble Court vide order dated 02.12.2019 granted interim relief and directed that NCTE will take no coercive steps for non-submission of PAR form. Subsequently, the Ld. Single Judge in WP (C) No. 11304/2019 and connected cases vide a common judgment dated 27.05.2021 dismissed all writ petitions challenging public notice dated 22.09.2019.

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In light of the said clarification, it is well within the power of the Regional Committees to take recourse against the institutions who have not filled with PAR in accordance with the NCTE Act, 1993.

Therefore, in view of the above, the Committee decided to issue a Show Cause Notice before withdrawal of recognition under Section 17 of NCTE Act, 1993 to the below mentioned Teacher Training Institutions which have failed to submit PAR for the academic session 2020-2021 and the reply to the same should be submitted by the institutions within a period of 30 days from the date of uploading of the minutes on the official website of NCTE."

3. After the lapse of stipulated time period from the date of uploading of Minutes on the NCTE web portal (14.10.2022) the institution has not submitted any reply or reply not satisfactory for which the institution has breached the condition of recognition as per the provision of Clause 8 (12) of NCTE Regulations, 2014 and also Clause 7 (14) of NCTE, Regulations, 2014 related to uploading of mandatory disclosure information on the institutional website, if the website of the institution is not working.

4. The matter was again considered by WRC in its 377th (Part-1) meeting held on 10th December, 2022 and the Committee *inter-alia* decided as under:-

"NCTE issued a Public Notice dated 22.09.2019 that required all institutions to submit Performance Appraisal Report (PAR) for academic year 2018-19. The intention of the PAR form was to allow NCTE to ensure that basic minimum checks are in place for teacher education institutions. Minimum checks include compliance of faculty, infrastructure, land requirements etc. This enables NCTE to effectively take policy decisions for existing and pilot courses. It is also apposite to allude to the fact that NCTE has the power to issue public notices under the NCTE Act, 1993 specifically under Section 12 of the NCTE Act, 1993, particularly clauses (c), (f), (j), (k) and (m). Pertinent reference should be drawn to Section 12 (k) which provides the power under Section 12 to evolve suitable performance appraisal system, norms and mechanism for enforcing accountability on recognized institutions. The deadline to submit the same was 31.12.2019 and the same was further extended to 20.01.2020.

The said Public Notice was challenged before the Hon'ble Delhi High Court in WP (C) No. 11304/2019 wherein the Hon'ble Court vide order dated 02.12.2019 granted interim relief and directed that NCTE will take no coercive steps for non-submission of PAR form. Subsequently, the Ld. Single Judge in WP (C) No. 11304/2019 and connected cases vide a common judgment dated 27.05.2021 dismissed all writ petitions challenging public notice dated 22.09.2019.

Thereafter, NCTE again issued a public notice dated 29.09.2021 requiring all institutions to submit PAR form by 29.01.2022 and the said deadline to submit PAR form was further extended by NCTE till 15.03.2022. This was the first extension provided to all institutions.

In the meantime, the judgment dated 27.05.2021 was challenged before the Hon'ble Delhi High Court in LPA No. 190/2021 and connected cases but the Hon'ble Division Bench declined to grant interim relief through a detailed interim order dated 25.02.2022 and extended the timeline for submission of PAR form to 31.03.2022. The LPAs are next listed for hearing on 28.10.2022. This was the second extension provided to all institutions. Aggrieved by the said order, the Petitioner Institutions preferred a Special Leave Petition (Civil) No. 5372/2022 against the interim order dated 25.02.2022 which came to be dismissed on 01.04.2022.

Thereafter, NCTE again issued a public notice dated 29.09.2021 requiring all institutions to submit PAR form by 29.01.2022 and the said deadline to submit PAR form was further extended by NCTE till 15.03.2022. This was the first extension provided to all institutions.

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It is also pertinent to mention that the institutions have also attempted to canvass a case that the PAR forms could not be submitted due to technical difficulties on an overburdened PAR portal before the Hon'ble Supreme Court and quietus has been given to the matter through a speaking order by the Apex Court. Pertinent reference should be made to MA No. 701/2022 in Special Leave Petition (Civil) No. 5479/2022 titled as "Ashaskiya Mahavidyalaya Sangh v. NCTE" wherein the institutions had prayed for a further extension of time to submit PAR form but the same was rejected by the Hon'ble Supreme Court vide order dated 25.04.2022 on the ground that institutions should have complied earlier and alleged grounds of technical difficulties cannot come to the benefit of the petitioner to extend the already extended deadline on 02.04.2022. The relevant extract of the said order is culled out below:

"While dismissing the petition challenging the impugned interim order dated 25.02.2022, we had taken note of the fact that the High Court had provided for compliance by 31.03.2022; and only because the petitions before us came up for consideration on 01.04.2022, we extended time for compliance by the next day, i.e., 02.04.2022. That additional and excessive indulgence cannot be allowed to be utilized for further enlargement of time on any specious ground like slowing down of server. In fact, compliance ought to have been made much earlier."

In view of the above and only upon multiple grant of extensions and a categorical refusal to offer any further relaxations by the Hon'ble Supreme Court on 25.04.2022, the NCTE conducted its 54th General Body Meeting on 27.04.2022 wherein it was decided to declare academic year 2022-2023 as a zero-academic year for fresh intake for institutions who had failed to submit PAR form on or before 02.04.2022 and in pursuance of the said decision, Public Notice dated 3.05.2022 was issued.

The Public Notice was challenged before the Ld. Single Judge of Hon'ble Delhi High Court in WP (C) No. 7284/2022 and connected cases. The Ld. Single Judge vide order dated 27.05.2022 stayed the notice dated 3.05.2022 till the next date of hearing with a clear clarification that "the purpose of introducing the mechanism for filing PAR is to monitor and quality-control TEIs. However, non-compliance has to be dealt-with only as per the scheme of the Act. NCTE, as a regulator, must take steps to achieve holistic development of the teacher education system. It must take steps to develop and enhance accountability of its recognized institutions. Thus, it is clarified that for the non-compliance of filing PAR, the NCTE shall be free to take any recourse or any such measures as are provided under the Act." The judgment in the said batch matters has been reserved on 2.09.2022.

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"While dismissing the petition challenging the impugned interim order dated 25.02.2022, we had taken note of the fact that the High Court had provided for compliance by 31.03.2022; and only because the petitions before us came up for consideration on 01.04.2022, we extended time for compliance by the next day, i.e., 02.04.2022. That additional and excessive indulgence cannot be allowed to be utilized for further enlargement of time on any specious ground like slowing down of server. In fact, compliance ought to have been made much earlier."

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Accordingly, the above matters were duly considered by WRC in its following meetings held time to time specifically the case of recognized institutions which have not filled the Performance Appraisal Report for the academic session 2020-2021:

- (i) 371st Meeting of WRC held on 21st & 22nd September, 2022 (Approved Minutes uploaded in NCTE web portal on 27.09.2022)

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- (ii) 372nd Meeting (Part-2) of WRC held on September 30, 2022 (Approved Minutes uploaded in NCTE web portal on 09.10.2022)
- (iii) 373rd Meeting of WRC held on October 8, 2022 (Approved Minutes uploaded in NCTE web portal on 14.10.2022)
- (iv) 374th Meeting (Part-2) of WRC held on 18-19 October, 2022 (Approved Minutes uploaded in NCTE web portal on 01.11.2022)

In the aforesaid meetings, the Committee decided that Show Cause Notice under Section 17 of NCTE Act, 1993 be issued directing the institutions giving an opportunity to submit a representation as recorded in the respective Minutes of the said meetings giving 30 days time from the date of uploading minutes of the respective meetings in the NCTE web portal. Even after the lapse of stipulated time period of 30 days from the date of uploading of the Minutes in the NCTE web portal, the following institutions have either failed to furnish representation justifying reason of non-filing of Performance Appraisal Report for the academic session 2020-2021 or replies submitted were not found satisfactory.

In view of the above, the Committee decided to issue Final Show Cause Notice before withdrawal of recognition under Section 17 of NCTE Act, 1993 to all such defaulting Teacher Training Institutions giving the last opportunity to furnish a representation supported with documents accompanied by an original affidavit within a period of 7 days from the date of issuance of show cause notice failing which the WRC will take appropriate decision as deemed fit in light of the provisions contained in the NCTE Act and extant Regulations (amended time to time)."

5. It is observed by the WRC that the institution has not submitted the reply to Show Cause Notice or Reply not satisfactory after lapse of stipulated time period.

Hence, the Committee decided that Final Show Cause Notice be issued before withdrawal of recognition under Section 17 of the NCTE Act, 1993 and the reply to the same shall be submitted within 7 days from the date of issue of Final Show Cause Notice.

6. You are hereby required to show cause as to why recognition granted to your institution for conducting B.Ed. Programme vide above referred Recognition Order should not be withdrawn under Section 17 of NCTE Act, 1993.

7. In terms of decision taken by WRC, you are requested to submit your written representation within 7 days from the date of issue of this final Show Cause Notice. No further opportunity shall be provided in this regard.

Yours faithfully,


(Naveen Malik)

Regional Director (I/c)

Copy to:

1. THE REGISTRAR, JIWAJI UNIVERSITY, GWALIOR, MADHYA PRADESH.


Regional Director (I/c)