

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

No. WRC/APW000851/123185/B.Ed./M.H./2021/ ^{218521 to} ²¹⁸⁵²⁶ Date: 7/12/21

RESTORATION ORDER

WHEREAS, recognition was granted to the institution, namely to **JYOTIBA SHIKSHAN SANSTHA'S N.T.S. COLLEGE OF EDUCATION, PLOT NO. 28, SHIVRAM NAGAR, VASAMAT ROAD, PARBHANI, MAHARASHTRA** under section 14 (3)A of NCTE Act, 1993 for conducting B.Ed. course (100 Intake) vide order No. WRC/2-32/123185/74/2005/5099 dated 27.06.2005.

2. **AND WHEREAS**, Revised Recognition order was issued to **JYOTIBA SHIKSHAN SANSTHA'S N.T.S. COLLEGE OF EDUCATION, PLOT NO. 28, SHIVRAM NAGAR, VASAMAT ROAD, PARBHANI, MAHARASHTRA** vide order No. WRC/APW000851/123185/2015/145934,937,942,946,950,954,958,963 dated 31.05.2015 for B.Ed. of Two Years Duration with an annual intake of 100 students for two basic unit of (50 students) from the academic session 2015-2016.

3. **AND WHEREAS**, Compliance was not submitted as per regulations 2014.

4. **AND WHEREAS**, the matter was placed in 255th Meeting of WRC held on June 22-24, 2016 and the Committee decided that "...The agenda put up by the RD was examined by the Committee. The Committee agrees with the proposal to issue Show Cause Notices as proposed in the agenda item. In the agenda it was proposed to send SCN to all cases who have not complied NCTE Regulations, 2014."

5. **AND WHEREAS**, a Show Cause notice was issued to the institution on 09.12.2016 for not submitting the documents in compliance of Regulation 2014 mentioned in the revised order.

6. **AND WHEREAS**, the reply of show cause notice was not submitted by the institution.

7. **AND WHEREAS**, the matter was placed in 316th meeting of WRC held on 27th - 28th August and 4th September, 2020 of WRC and the Committee decided that." 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 WRC and the following observations were made: -

"...The WRC considered the entire issue in detail and noted that as per NCTE Regulations dated 13.11.2002. Initially institutions were permitted to start the course in a rented-premises with a condition to shift to their own premises within a period of three years from the date of such recognition.

From the Agenda note placed before WRC, it is observed that many institutions have not yet shifted to their own premises neither they have applied to WRC for shifting of premises of their institutions.

The WRC considered the entire issue in detail and decided that Show Cause Notice u/s 17 of the NCTE Act be issued to reply within 30 days to all such institutions which have been permitted or given recognition / permission to run the programme in rented premises and have not yet applied for shifting of their institution.

Further, the WRC also decided that the applications of the institutions who have applied for shifting of premises be examined by office at the earliest and placed before WRC for consideration and decision."

8. **AND WHEREAS**, a Show Cause Notice was issued to the institution on 29-09-2020 as per decision of WRC, and its reply received from the institution on 11.11.2020.

9. **AND WHEREAS**, the matter was placed in 321st Meeting held on November 09-11, 2020 of WRC and the Committee decided that.

"... The original file of the Institution along-with other related documents were carefully considered and examined by WRC in the light of NCTE Act, 1993, Regulations and

Guidelines issued by NCTE from time to time and the following observation was made that:

1. Recognition was granted to the institution on 27.06.2005 on rented premises with a condition that to shift the institution in its own premises within a period of three years from the date of issue of recognition order.
2. The institution has not shifted the institution in its own premises till date.
3. Accordingly, Show Cause Noted was issued to the institution on 29.09.2020.
4. The institution has not submitted the reply of the Show Cause Notice till date.

In view of above, the Committee decided that the recognition of B.Ed programme of the institution be WITHDRAWN under clause 7(15) from the next academic session 2021-22."

10. **AND WHEREAS**, the Withdrawal order was issued to the institution on 22.09.2018.

11. **AND WHEREAS**, the matter was placed in 339th Meeting held on July 28-30, 2021 of WRC and the Committee decided that.

"... This is the RPRO case and remanded back by the Appellate Authority.

The original file of the Institution, order of the Hon'ble Court along-with other related documents were carefully considered and examined by WRC in the light of NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time and the following observation were made:

1. *The recognition of the institution was withdrawn by WRC as per the decision of WRC in 322nd meeting on ground of non submission of reply to Show Cause Notice.*
2. *The show cause notice was issued to the institution for not shifting to its own premises within a period of three years of recognition.*

The WRC considered the order of the Appellate authority alongwith the original file of the institution and observed the following :-

Subsequent to the order of the Appellate Authority, the institution vide its representation dated 11th June 2021 has mentioned that it has taken the land on lease from private party for a period of 30 years, which is registered in 2015 till 2045.

The WRC noted that as per clause 8 4 (i) of NCTE Regulations 2014, it is mentioned "..... the land free from all encumbrances could be either on ownership basis or on lease from Government or Govt institutions"

The above lease deed registered in 2015 is not a valid land document as per the above provision of NCTE Regulations.

In view of the above, the Committee decided that the decision for withdrawal taken by WRC in its 322nd meeting and intimated to the institution vide dated 20th December 2020 stands."

12. **AND WHEREAS**, the Withdrawal order was issued to the institution on 28-08-2021.

13. **AND WHEREAS**, the institution had approach to the Hon'ble High Court of Delhi At New Delhi. W.P. (C) No. 13718/2021 dt. 03.12.2021 the operative part is produced here below:-

"...Despite this order, the same situation persists and the regional committees continue to pass orders which are directly in the teeth of the second proviso of Section 17(1) of the NCTE Act. In the present case, for example, the withdrawal order is of 28.08.2021. Even in this order, it is stated that the withdrawal is with effect from the "the next academic session i.e. 2021-2022 onwards". Whatever the controversy with regard to the current academic session, the order dated 28.08.2021 certainly cannot take effect from the academic session 2021-22 itself.

The writ petition is, therefore, allowed. The petitioner is permitted to participate and admit students in the counselling for the year 2021-22. The NCTE is directed to reflect the aforesaid position on its website and to communicate the same to the petitioner's

affiliating University [Swami Ramanand Teerth Marathwada University, Nanded, Maharashtra], and the concerned State Government within three days from today."

14. **NOW THEREFORE, recognition of the institution viz JYOTIBA SHIKSHAN SANSTHA'S N.T.S. COLLEGE OF EDUCATION, PLOT NO. 28, SHIVRAM NAGAR, VASAMAT ROAD, PARBHANI, MAHARASHTRA for B.Ed. course with an annual intake of 100 students (Two unit) is hereby restored for the session 2021-2022.**

15. The terms and conditions shall remain same mentioned in the revised recognition order issued vide order dt. 31.05.2015.

By Order

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06/12/2021

(Dr. Akhil Kumar Shrivastava)
Regional Director

The Manager to Govt of India Press
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Copy to:-

1. **THE PRINCIPAL**, JYOTIBA SHIKSHAN SANSTHA'S, N.T.S. COLLEGE OF EDUCATION, PLOT NO. 28, SHIVRAM NAGAR, VASAMAT ROAD, PARBHANI, MAHARASHTRA.
2. **THE SECRETARY**, JYOTIBA SHIKSHAN SANSTHA'S, PLOT NO. 28, SHIVRAM NAGAR, VASAMAT ROAD, PARBHANI, MAHARASHTRA.
3. **THE SECRETARY**, HIGHER EDUCATION, GOVT OF MAHARASHTRA, MANTRALAYA, MUMBAI, MAHARASHTRA.
4. **THE REGISTRAR**, SWAMI RAMANAND TEERTH MARATHEWADA UNIVERSITY, NANDED, MAHARASHTRA
5. **IT SECTION, FOR UPLOADING ON WEBSITE.**
6. OFFICE ORDER **FILE APW000851/123185/B.Ed.**

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06/12/2021

Regional Director