

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

F.No.NCTE/WRC/APW00816/123150/B.ED/375/MH/2022 221638 to 221645 Date: 3/1/2023

**Restoration Order**

**WHEREAS**, the institution, namely, AIREEN INSTITUTION OF EDUCATION, 3-LULLA ARCADE, OPP. BHANU SAGAR, KALYAN WEST, MAHARASHTRA was granted recognition by WRC NCTE for B.Ed. course of one year duration with an annual intake of 100 vide letter No.WRC/2-32/123150/67/2005/583 dated 14.02.2005.

2. **AND WHEREAS**, after promulgation of NCTE Regulations, 2014, the revised recognition order was issued to the institution vide order No.WRC/APW00816/123150/2015/143325 dated 31.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students (two basic units of 50 students each) from the academic session 2015-2016.

3. **AND WHEREAS**, the matter was considered by WRC in its 316<sup>th</sup> meeting held on August 27-28 & September 4, 2020 and the Committee has decided the following:-

*"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."*

Accordingly, Show Cause Notice was issued to the institution dated 29.09.2020.

4. **AND WHEREAS**, in response to the aforesaid show cause notice, reply not submitted by the institution.

5. **AND WHEREAS**, the matter was considered by WRC in its 322<sup>nd</sup> meeting held on November 23-24, 2020 and the Committee decided as under:-

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*"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 following observation was made that:-*

1. *Recognition was granted to institution on 14.02.2005 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 Notice 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. programmer of the institution be WITHDRAWN under Section 17(1) of the NCTE Act from the next academic session 2021-22"*

Accordingly, withdrawal Order was issued to the institution dated 10.12.2020.

6. **AND WHEREAS**, being aggrieved, the institution has filed W.P. (C) 3069/2022 & CM APPL.8880/2022 (stay) in the Hon'ble High Court of Delhi at New Delhi and the Hon'ble Court has passed an order dated 18.02.2022, which is as follows:-

*"1. Issue notice. Learned counsel for the respondents accepts notice. He prays for, and is granted, six weeks' time to file counter affidavit. Rejoinder thereto, if any, be filed within two weeks thereafter.*

*2. Learned counsel for the respondent fairly submits that in view of the proviso to Section 17 (1) of the National Council For Teacher Education Act, 1993 (NCTE Act), the impugned withdrawal order will be given effect to only from the end of the academic session 2021-22.*

*3. In light of the aforesaid stand taken by the respondent, no interim orders are called for in the application, which is accordingly disposed of. The respondents will remain bound by their statement and, therefore, regardless of the impugned order, the petitioner will be entitled to participate in the counselling for the session 2022-23.*

*4. The respondent is directed to ensure that this information is placed on its website and a communication in this regard is sent to the affiliating university within one week. "*

7. **AND WHEREAS**, the institution has filed W.P.(C) 3069/2022 & CM APPL.9492/2022 in the Hon'ble High Court of Delhi at New Delhi and the Hon'ble Court has passed an order dated 22.02.2022, which is as follows:-

*"1. This is an application filed by the respondents seeking correction of an inadvertent typographical error in paragraph 3 of the order dated 18.02.2022.*

*2. Issue notice. Learned counsel for the petitioner accepts notice and does not oppose the application.*

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3. Having perused the order, it is evident that an inadvertent typographical error has crept in para.3 of the said order. The same is, accordingly, corrected. Paragraph 3 of the order dated 18.02.2022 will now be read as:

*In light of the aforesaid stand taken by the respondent, no interim orders are called for in the application, which is accordingly disposed of. The respondents will remain bound by their statement and, therefore, regardless of the impugned order, the petitioner will be entitled to participate in the counselling for the session 2021-22."*

4. This application is, accordingly, disposed of.

5. This order will be read in conjunction with the order dated 18.02.2022."

8. **AND WHEREAS**, the matter was considered by WRC in its 354<sup>th</sup> meeting held on February 25, 2022 and the Committee decided as follows:-

*"The original file of the Institution along-with other related documents were carefully examined in the light of NCTE Act , 1993 Regulations and Guidelines issued by NCTE from time to time and the Committee observed as under:-*

*In compliance of the order dt. 22.02.2022 passed by the Hon'ble High Court of Delhi at New Delhi W.P (C) 3069/2022, Committee decided to permit the institution to participate in the counselling for the academic year 2021-2022."*

Accordingly, permission letter to participate in the counselling for the academic session 2021-2022 was issued to the institution dated 26.02.2022 by WRC, NCTE.

9. **AND WHEREAS**, the institution has filed W.P. (C) 3069/202 in the Hon'ble High Court of Delhi at New Delhi and the Hon'ble Court had passed an order dated 20.07.2022. The operative part of court order is as under:-

*"... 13. Further as regards the controversy regrading service of the show-cause notice dated 29th September, 2020, the Court would lean in favour of Petitioner-institute. Service of show-cause notice is a vital communication for an institute as it affords an opportunity to them to put forth their stand qua the alleged deficiencies, failing which adverse consequences are bound to follow. This opportunity is thus, crucial for the institutes whose recognition and operation are at stake. To prove the service, Respondents have relied upon a dispatch report, but failed to annex any proof of dispatch there with. The show-cause notice dated 29th September, 2020 mentions the mode of dispatch as "by Speed Post/ Regd. Post" but no speed post receipt or tracking report has been brought on record which can convince the Court that a show-notice was indeed served on Petitioner-institute.*

*14. In light of the above, the Court is inclined to allow the present petition and accordingly, the decision taken by WRC qua Petitioner-institute in the 322<sup>nd</sup> meeting held from 23<sup>rd</sup> to 24<sup>th</sup> November, 2020, and the withdrawal order, is set aside. The WRC shall now issue an order of restoration of recognition and reflect the status of Petitioner-*



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*institute as a recognised institution for B.Ed. course and send a written communication in this regard to the affiliating university of Petitioner-institute and to the Department of Higher Education, Government of Maharashtra with instructions that the Petitioner-institute is entitled to take part in counselling and admit students for all academic sessions within a period of two weeks from today.*

*15. It is clarified that this order shall not preclude Respondents from issuing a fresh show-cause notice to Petitioner-institute as per their discretion. It is further clarified that the Court has not expressed any opinion on the contentions advanced by the parties qua the issuance of a second show-cause notice as Petitioner-institute is entitled to succeed on other grounds. The Court has not delved into the merits of the case and views expressed herein are only for the purpose of deciding the present petition.*

*16. With the above directions the present petition is disposed of."*

10. **AND WHEREAS**, in compliance of directions of Hon'ble Court, permission letter to participate in the counselling for the academic session 2022-2023 was issued to the institution on 07.11.2022.

11. **AND WHEREAS**, the matter was considered by WRC in its 375<sup>th</sup> meeting held on 18<sup>th</sup> to 19<sup>th</sup> November, 2022 and the Committee has decided the following:-

*"The original file of the Institution along-with other related documents, Order dated 20.07.2022 in W.P.(C) 3069/2022 passed by Hon'ble High Court of Delhi at New Delhi were carefully examined in the light of NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time and the Committee decided that in compliance of direction of Hon'ble Court, recognition to B.Ed. course be restored until fresh withdrawal order is passed by WRC, NCTE. The institution has already been permitted to participate in the counselling for admission to B.Ed. course for the academic session 2022-23 vide order dated 07.11.2022, being conducted by the Affiliating Body/ concerned State Govt. The concerned State authorities be intimated accordingly. A copy of restoration order be also uploaded on the WRC web portal on NCTE website.*

*Further, the Committee decided that prior to withdrawal of recognition, show cause notice dated 29.09.2020 be re-issued to the institution citing the same deficiencies pointed out therein u/s 17 of the NCTE Act for B.Ed. programme to submit reply to SCN accompanied by an original affidavit within 30 days from the date of uploading of minutes on the website failing which the WRC will take decision as deemed fit as per the provisions contained in the NCTE Act and Regulations."*

12. **NOW THEREFORE**, recognition of AIREEN INSTITUTION OF EDUCATION, 3-LULLA ARCADE, OPP. BHANU SAGAR, KALYAN WEST, MAHARASHTRA for conducting B.Ed. programme of two years duration with an annual intake of 100 (two basic units of 50 students each) is hereby restored till a fresh withdrawal order is issued by WRC, NCTE.

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

  
(NAVEEN MALIK)  
REGIONAL DIRECTOR (I/c)

To

The Manager to Govt of India Press  
Department of Publications, (Gazette Section)  
Civil Lines,  
Delhi-110054

**Copy to:-**

1. **The Principal**, Aireen Institution of Education, 3-Lulla Arcade, Opp. Bhanu Sagar, Kalyan West, Maharashtra.
2. **The Secretary**, Universal Society of Quality Education and Research, Aireen Institute of Education, 3-Lulla Arcade, Opp. Bhanu Sagar, Kalyan West, Maharashtra.
3. **The Registrar**, University of Mumbai, University Road, Fort Mumbai, Maharashtra.
4. **The Education Secretary**, Department of Higher Education, Govt. of Maharashtra, Mantralaya, Mumbai, Maharashtra.
5. **The Secretary**, Department of School Education and Literacy, Ministry of Education, Government of India, Shastri Bhawan, New Delhi - 110001.
6. **The Under Secretary, IT & e-Governance**, National Council for Teacher Education, G-7, Sector - 10, Dwarka, New Delhi - 110075.
7. IT Section, WRC - for uploading order on website.
8. Office Order File/Institution File No.APW00816/123150/B.ED.

  
REGIONAL DIRECTOR (I/c)