

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

F.No.NCTE/WRC/APW02373/123312/378<sup>th</sup>/MH/2023 222657 to 222664

Date: 2/2/2023

**Restoration Order**

**WHEREAS**, the institution, namely, YUVA RASHTRASANT BHAYYUJI MAHARAJ B.ED. COLLEGE, BIRSA MUNDA ADIWASI BAHU-UDDDESHIYA SHIKSHAN SANSTHAS, NAZUL SHEET NO. 11-B, PANDHARKAWADA, TQ, KELAPUR, DIST. YAVATMAL, MAHARASHTRA was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats vide order No.WRC/5-6/90/2006 dated 29.10.2006 by WRC, NCTE.

2. **AND WHEREAS**, after promulgation of NCTE Regulations, 2014, revised recognition order was issued to the institution vide order No.WRC/APW02373/123312/2015/140581-583, 587-588, 590-592 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 2015-16.

3. **AND WHEREAS**, the matter regarding compliance by the institutions of the conditions of the revised recognition order was considered by WRC in its 255<sup>th</sup> meeting held on June 22-24, 2016 wherein the Committee decided that show cause notice be issued to all such institutions which have not submitted compliance. Accordingly, show cause notice was issued to the institution dated 27.02.2017.

4. **AND WHEREAS**, the institution did not submit reply in response to the aforesaid show cause.

5. **AND WHEREAS**, the matter was considered by WRC in its 281<sup>st</sup> meeting held on September 19-20, 2017 and the Committee observed as follows:-

*"In order to systemetise the compilation of complete information of all TEPs in the country, the NCTE HQrs New Delhi had asked all institutions to submit the Mandatory Affidavit on the prescribed format. The first such Public Notice was issued on 05.10.2016. Further opportunity was given on 16.06.2017, and the last date for submission was 12.09.2017.*

*NCTE Delhi also issued Show Cause Notice through PUBLIC NOTICE to submit the Mandatory Affidavit within the specified date. Then, it compiled the list of institutions and identified TELs which had not complied with the submission of Mandatory Affidavit. The lists were sent to the WRO to reconcile the discrepancies with regard to the address as well as duplication of entries for placing the list to WRC for initiating the process of de-recognition of such institutions. These lists were tabled during the meeting.*

*The WRC perused the lists as provided by the HQrs as well as the details provided by the WRO.*

*Thereafter, the WRC decided to issue Show Cause Notice u/s 17 of the NCTE Act for non-compliance of the directions of the NCTE, and why the institution should not be de-recognized. Further directed by the Chairperson WRC, the reply of such notices should be sent on or before 6<sup>th</sup> November 2017 for the 2<sup>nd</sup> list received from NCTE HQ, after which further necessary action will be taken as per the Regulations."*

Accordingly, show cause notice u/s 17 was issued to the institution dated 05.10.2017.

*Prabhu*

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6. **AND WHEREAS**, the institution did not submit reply in response to the aforesaid show cause.

7. **AND WHEREAS**, the matter was considered by WRC in its 312<sup>th</sup> meeting held on January 27-29, 2020 and the Committee has decided the following:-

*"On careful perusal of the file of the institution and other related documents, the Committee observed as under:-*

- *Revised recognition order was issued to the institution on 31.05.2015 with certain conditions. The compliance to the Revised recognition order was not received.*
- *The Show Cause Notice dated 27.02.2017 was issued to the institution on account of non compliance to the revised recognition order.*
- *No reply / required documents have been received from the institution.*

***The Committee resolved to give last opportunity to the institution to submit compliance to the Revised Recognition Order as per NCTE Regulations 2014, as amended vide Notification dated 09<sup>th</sup> June 2017 within 30 days."***

Accordingly, final Show Cause Notice was issued to the institution dated 06.02.2020.

8. **AND WHEREAS**, the institution did not submit reply in response to the aforesaid show cause.

9. **AND WHEREAS**, the matter was considered by WRC in its 316<sup>th</sup> WRC 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 u/s 17 was issued to the institution dated 29.09.2020.

10. **AND WHEREAS**, the institution did not submit reply in response to the aforesaid show cause.

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*Prabir*



11. **AND WHEREAS**, the matter was considered by WRC in its 321<sup>st</sup> meeting held on November 9-11, 2020 and 322<sup>nd</sup> meeting held on November 23-24, 2020 wherein the Committee has decided the following:-

*"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 27.09.2006 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 programme 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 20.12.2020.

12. **AND WHEREAS**, being aggrieved, the institution filed an appeal before the Appellant Authority at NCTE, New Delhi and the Appellant Authority vide order dt. 12.07.2022 decided that the instant appeal deserved to be rejected and the impugned withdrawal order is confirmed.

13. **AND WHEREAS**, the institution had filed W.P. (C) 16576/2022 & CM APPL.52117/2022 (for stay) in the Hon'ble High Court of Delhi at New Delhi against the withdrawal order dated 20.12.2020 and the Court had passed an order dated 19.12.2022, which is as follows:-

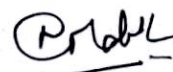
*"... 9. I also do not find any merit in the submission of the learned counsel for the respondents that presumption of service of show-cause notice is to be drawn. Once the record reveals that the show-cause notice came back undelivered, no presumption could be drawn with regard to the service of the same.*

*10. In the circumstances, the present writ petition is allowed with the following directions:*

*(i) The decision taken by the WRC qua petitioner in 322<sup>nd</sup> meeting held from 23<sup>rd</sup> to 24<sup>th</sup> November, 2022 and the consequent withdrawal order dated 20<sup>th</sup> December, 2020, as well as order dated 12<sup>th</sup> July, 2022 dismissing the appeal, are set aside.*

*(ii) Resultantly, the WRC shall issue an order of restoration of recognition and reflect the status of petitioner/institute as recognized 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 specific instructions that the petitioner/institute is entitled to take part in counseling and admit students for all academic sessions within a period of two days from today.*

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11. It is also clarified that this order shall not preclude respondent from issuing fresh show-cause notice to the petitioner/institute in terms of the provisions of the Act.

12. The present writ petition along with application for stay, is disposed of in the above terms.

13. It is also made clear that the Court has not delved into the merits of the case and the question with regard to the shifting of petitioner/institute to its own premises, is also left open to be decided by the WRC, NCTE.

14. The copy of printouts of pages from the official website of NCTE, be brought on record." Accordingly, in compliance of aforesaid court order, the institution was permitted to participate in the counselling for the academic session 2022-2023 vide order dated 21.12.2022.

14. **AND WHEREAS**, the matter was considered by WRC in its 378<sup>th</sup> meeting held on December 21-22, 2022 and the Committee has decided the following:-

*"The original file of the Institution along with other related documents, Order dated 19.12.2022 in W.P.(C) 16576/2022 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 counseling for admission to B.Ed. course for the academic session 2022-23 vide order dated 21.12.2022, being conducted by the Affiliating Body/ concerned State Govt. The concerned State authorities be intimated accordingly. A copy of the restoration order be also uploaded on the WRC web portal of NCTE website.*

Further, the Committee observed as under:

- Recognition was granted for B.Ed. course vide order dated 28.10.2006 on rented premises with a condition to shift the institution to its own premises within a period of three years from the date of issue of recognition order.
- Revised order was issued dated 31.05.2015 in pursuance of NCTE Regulations, 2014, which was returned back undelivered and received in WRC, NCTE on 17.06.2015.
- Show cause notice dated 27.02.2017 was issued for non-compliance with the conditions of the revised recognition order, which was returned undelivered and received in WRC, NCTE on 10.03.2017. No reply was submitted by the institution.
- Show cause notice dated 05.10.2017 was issued to submit a mandatory affidavit, which was returned undelivered and received in WRC, NCTE on 20.10.2017. No reply was submitted by the institution.
- Final show cause notice dated 06.02.2020 was issued to the institution. No reply was submitted by the institution.
- Another show cause notice was issued dated 29.09.2020 to furnish information and status regarding the running of the institution in rented premises and not yet applied for shifting to its own premises. No reply was submitted by the institution.
- The institution has not shifted to its own premises till date.
- Recognition for B.Ed. course was withdrawn from the academic session 2021-2022 vide order dated 20.12.2020 on the grounds mentioned therein.
- Appeal preferred by the Appellant Institute against the withdrawal order was rejected by Appellate Authority vide order dated 12.07.2022 confirming the withdrawal order of WRC.

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- *Vide order dated 19.12.2022, the Hon'ble High Court of Delhi at New Delhi has allowed the petition W.P.(C) 16576/2022 & CM APPL.52117/2022 (for stay) by setting aside the withdrawal order dated 20.12.2020 and dismissing the order dated 12.07.2022 passed by Appellate Authority with direction to WRC to issue an order of restoration of recognition and reflect the status of petitioner/institute as a recognized institution for B.Ed. course, with specific instructions that the petitioner/institute is entitled to take part in counseling, and admit students for all academic sessions within a period of two days from the date of order. Further, it is clarified that this order shall not preclude the respondent from issuing a fresh show-cause notice to the petitioner/institute in terms of the provisions of the Act. The Court has not delved into the merits of the case and the question about shifting of petitioner/institute to its own premises is also left open to be decided by the WRC, NCTE.*
- *The institution is still deficient considering relevant provisions of NCTE Regulations, and guidelines, as amended from time to time on the grounds mentioned in Show Cause Notices issued as mentioned above.*

*In view of the above, the Committee decided that a Show Cause Notice prior to the withdrawal of recognition be issued to the institution u/s 17 of the NCTE Act to submit a reply accompanied by an original affidavit within 30 days from the date of uploading of minutes on the website failing which the WRC will take a decision as deemed fit as per the provisions contained in the NCTE Act and Regulations."*

15. **NOW THEREFORE**, recognition of the YUVA RASHTRASANT BHAYYUJI MAHARAJ B.ED. COLLEGE, BIRSA MUNDA ADIWASI BAHU-UDDDESHIYA, SHIKSHAN SANSTHAS, NAZUL SHEET NO. 11-B, PANDHARKAWADA, TQ, KELAPUR, DIST. YAVATMAL, MAHARASHTRA for conducting B.Ed. programme of two years duration with an annual intake of 100 students (two basic units of 50 students each) is hereby restored till a fresh withdrawal order is issued by WRC, NCTE.

16. The terms and conditions shall remain same as 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

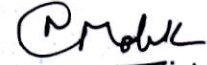
**Copy to:-**

1. **The Principal**, Yuva Rashtrasant Bhayyuji Maharaj B.Ed. College, Birsa Munda Adiwasi Bahu-Uddeshiya, Shikshan Sansthas, Nazul Sheet No. 11-B, Pandharkawada, Tq, Kelapur, Dist. Yavatmal, Maharashtra.

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2. **The Secretary**, Birsa Munda Adiwasi Bahuuddeshiya Shikshan Sansthas, Vijay Nagar, Botha Road, Sunderkhed, Tq. & Dist. Buldhana, Maharashtra.
3. **The Registrar**, Shreemati Nathibai Damodar Thackersey Women's University, 1, Nathibai Thackersey Road, Mumbai-400020 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 and e-Governance**, National Council for Teacher Education, G-7, Sector - 10, Dwarka, New Delhi - 110075.
7. IT Section, WRC - for uploading on website.
8. Office Order File/Institution File No.APW02373/123312/B.Ed.



**REGIONAL DIRECTOR (I/c)**