

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

F.NO.WRC/APW01374/123222/374<sup>th</sup>/2022 221231

Date: 15/12/2022

**Restoration order**

WHEREAS, the institution, namely, **KASTURBA WOMENS MULTIPURPOSE SOCIETIES, COLLEGE OF EDUCATION, AT. POST. BORGAON (MEGHE), TAL. WARDHA, WARDHA MAHARASHTRA** was granted recognition by WRC NCTE for **B.ED.(CO-ED)** Course vide order No.WRC/2-32/123222/76/2005/6311 dated **09.08.2005**.

2. AND WHEREAS, after promulgation of NCTE Regulations, 2014, the revised recognition order was issued to the institution vide order No.WRC/APW01374/123222/2015/146470,497,499, 501,503,505,509 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 placed in the 255<sup>th</sup> WRC meeting held on June 22-24, 2016 and the Committee decided that show cause notice be issued to all such institutions which have not submitted compliance. Accordingly, show cause notice issued to the institution on **02.01.2017**.

4. AND WHEREAS, in response to the aforesaid show cause notice, reply submitted by the institution vide letter dated 03.02.2017 received in WRC on 14.02.2017.

5. AND WHEREAS, institution vide letter dated 30.06.2018 received in WRC on 10.07.2018 has requested for reduction of intake of one unit in B.Ed. course.

6. AND WHEREAS, The matter was placed in the WRC in its 297<sup>th</sup> meeting held on September 13-14, 2018 and the Committee has decided the following:-

*"The case file was seen. Consequent to the issue of Revised Recognition order, Show Cause Notice dated 02.01.2017 was issued.*

*The institution replied on 14.02.2017. The institution has submitted a staff profile of staff profile of eight faculty members, out of which only one at s. no. 1 is qualified (fulltime with NET). The rest are all part-time which is not permitted, as per NCTE Regulations, 2014. The institution has also not submitted additional FDRs for Rs. 4.00 lakhs.*

*Hence, Recognition is withdrawn from the end of the academic session."*

7. AND WHEREAS, Withdrawal order was issued to the institution vide order No.WRC/APW01374/123222/B.Ed./297<sup>th</sup>/2018/200354-200360 dated 28.09.2018.

8. AND WHEREAS, the institution has filed an appeal to NCTE Hqrs against withdrawal order dated 28.09.2018 and the Appellate Authority vide order dated **14.05.2019** decided that the WRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of the WRC is confirmed.

9. AND WHEREAS, the institution had approached the Hon'ble High Court of Judicature at Bombay, Nagpur Bench vide W.P. No.3768/2019 and W.P. No.3769/2019 and the Court had passed an order dated **20.06.2019** which is as follows:-

*"9. As a result withdrawal of recognition, the petitioner cannot admit the students during the academic session 2019-20. It is informed that the process of admission starts from today, issue notice for final disposal of the matter, returnable on 11.09.2019.*

*P. Mohu*

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10. By way of an interim order, we grant stay to the orders passed by the NCTE on 28.09.2018 and 14.05.2019 and direct the respondents to permit petitioner to provisionally admit the students in the next academic session. We also direct respondent NCTE and University to conduct investigation as to find out that as to whether the employees appointed are qualified or not. Petitioners to take necessary steps and University to cooperate in taking such steps. The entire exercise shall be completed within a period of 6 months, failing which the orders impugned in the petition shall start operating from next education session."

10. AND WHEREAS, the matter was placed in the WRC in its 309<sup>th</sup> meeting held on July 23-26, 2019 and the Committee has decided the following:-

*"The committee considered case in the light of the order dated 20/06/2019 passed by the Hon'ble High Court of Bombay at Nagpur in W.P. No. 3768/2019.*

*The staff profile submitted was for two basic units of B.Ed. course. the investigation shows that the qualification of the faculty is not as per NCTE Regulations and hence withdrawal was made.*

*However, even after considering the request of the applicant institution vide its letter dated 30/06/2018, the staff profile required under NCTE Regulations is not sufficient for one unit also. The institution is required to submit latest staff profile approved by the affiliating body in original along with the letter of approval for one unit of B.Ed. course.*

*Hence, the committee decided to confer last opportunity to the institution to submit the above within 30 days failing which recognition will be withdrawn under section 17 of NCTE Act, 1993."*

11. AND WHEREAS, letter issued to institution on 31.07.2019.

12. AND WHEREAS, in response to the aforesaid letter, the institution had submitted reply vide letter dated **21.08.2019** received in WRC on 26.08.2019

13. AND WHEREAS, the Institution filed W.P. No.3768/2019 & 3769/2019 in the Hon'ble High Court of Judicature at Bombay, Nagpur Bench and the Hon'ble Court had passed an order dated **17.07.2019**. The operative part of the order is as under:-

*"10. By way of an interim order, we grant stay to the orders passed by the NCTE on 28.09.2018 and 14.05.2019 and direct the respondents to permit petitioner to provisionally admit the students in the next academic session. We also direct respondent NCTE and University to conduct investigation as to find out that as to whether the employees appointed are qualified or not. Petitioners to take necessary steps and University to complete within a period of 6 months, failing which the orders impugned in the petition shall start operating from next education session."*

14. AND WHEREAS, the matter was placed in the WRC in its 315<sup>th</sup> meeting held on August 10-11 & 14, 2020 and the Committee has decided the following:-

*"The Committee considered the matter and observed that the SCN was issued by WRC in 31.07.2019 and reply received on 26.08.2020 and 10.02.2020. The Committee observed as under :-*

- *This is a RPRO case.*
- *The institution has requested for grant of permission for one unit.*
- *The institution has not appointed the regular teaching staff as per NCTE Regulations 2014, duly approved by the affiliating body, as amended vide notification dated 09.06.2017.*
- *The original FDRs towards Endowment and Reserve Fund not submitted in original.*

*P. Madhu*



Further, the WRC also considered the report of Enquiry Committee constituted by Nagpur University, on the basis of directions of the Hon'ble High Court in W.P. No. 3768/2019 and 3769/2019 to verify the status working in Kasturba College of Education and noted that the enquiry Committee has made the following observations:-

- The college has not appointed qualified and University approved Principal and teaching staff required for running one unit of B.Ed programme as per NCTE norms.
- For M.Ed course they have only one approved qualified teacher working in the college.
- The service book is not maintained properly and salaries are not paid as per UGC and State Government Rules. It is also not paid through bank account
- No income tax and provident fund is deducted from the salaries, this indicated that the college is not functioning properly as per rules.
- The college has submitted false information regarding working of teaching staff hence it is recommended that university should take appropriate legal action in this matter as per rules.
- it has been mentioned that the Committee had visited the college and submitted its report wherein teachers shown on the roll of the college is actually not working.

In view of the above, the Committee decided that last opportunity be given to the institution to reply within 30 days u/s 17 of the NCTE Act for B.Ed course.

Further, the WRC also decided that the SCN u/s 17 also be issued to the institution for M.Ed course on the basis of observations of the Enquiry Committee."

15. AND WHEREAS, show cause notice was issued to the institution on 02.09.2020.

16. AND WHEREAS, the matter was placed in the 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.

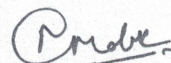
Further, the WRC also decided that the applications of the institutions who have applied for shifting of premises be examined by office at the earliest and placed before WRC for consideration and decision."

17. AND WHEREAS, show cause notice issued to the institution on 09.10.2020.

18. AND WHEREAS, the matter was placed in the WRC in its 321<sup>st</sup> meeting held on November 9-11, 2020 and 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 09.08.2005 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 09.10.2020.
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 2021-21."

19. AND WHEREAS, Withdrawal order was issued to the institution on 20.12.2020.

20. AND WHEREAS, institution filed an appeal before the Appellate Authority at NCTE, New Delhi against the aforesaid withdrawal order and the Appellate Authority vide order dated **02.09.2021** decided to set aside the impugned order of withdrawal dated 20/12/2020 and remanded back the case to WRC.

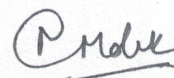
21. AND WHEREAS, the Institution filed W.P. No.13869/2020 CM APPL. No.42388/2022 in the Hon'ble High Court of Delhi at New Delhi and the Hon'ble Court had passed an order dated **26.09.2022**. The operative part of the order is as under:-

"IV. DECISION: NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order of withdrawal dated 20/12/2020 and remand back the case of Kasturba College of Education, Wardha, 95/01, Borgaon Meghe, Hinganghat Road, Wardha, Maharashtra to the WRC, NCTE, for necessary action as indicated above."

4. In order to give effect to above directions, restoration order ought to have been issued by Respondents within a period of 15 days from the date of remand order (i.e., 3rd June, 2019), in terms of directions issued by a Co-ordinate Bench of this Court in *Arihant College & Anr. v. National Council for Teacher Education & Anr.1*, which is admittedly not done.
5. For the foregoing reason, the petition is allowed. Respondents are directed to issue a restoration order in terms of directions of the Appellate Authority within a period of two weeks from today. Respondents are also directed to display the name of Petitioner-college in the list/ category of 1 W.P. (C) 7260/2021 dated 30th July, 2021. recognised institutions for conducting B.Ed. course on their website. The same shall also be communicated to the affiliating university as well as the Department of Higher Education, Government of Maharashtra to enable the Petitioner-college to participate in counselling and admission process for academic year 2022-23 and for subsequent years, unless a withdrawal order is passed subsequent to this order.
6. The petition is disposed of, along with all other pending application(s)."

22. AND WHEREAS, the matter was placed in the WRC in its 374<sup>th</sup> meeting (PART-1) held on October 18-19, 2022 and the Committee decided as under:-

"The original file of the Institution along-with other related documents, Order dated 26.09.2022 in W.P.(C) 13869/2022 passed by Hon'ble High Court of 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 a fresh withdrawal order is passed by WRC. The institution is permitted to participate in the counselling for admission to B.Ed. course for the academic session 2022-23 and subsequent academic sessions until a fresh withdrawal order is passed by WRC, 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 made following observations:

- Recognition for B.Ed. course was withdrawn vide order dated 20.12.2020 on the ground that the institution has not shifted to its own premises but still running on rented premises.
- Against the said withdrawal order, the institution filed an appeal and the Appellate Authority vide order dated 02.09.2021 quashed the withdrawal order passed by WRC and remanded the matter back to WRC with direction to the Regional Committee to re-visit the case, if necessary by causing an inspection for verifying the land and built up area details as per the NCTE Regulations.

In view of the above, the Committee decided that Visiting Team for conducting inspection be constituted for verification of infrastructural and instructional facilities available in the institution."

23. **NOW THEREFORE,** Recognition of the **KASTURBA WOMENS MULTIPURPOSE SOCIETIES, COLLEGE OF EDUCATION, AT. POST. BORGAON (MEGHE), TAL. WARDHA, WARDHA 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. The institution is permitted to participate in the counselling for admission to B.Ed. course for the academic session 2022-23 and subsequent academic sessions until a fresh withdrawal order is passed by WRC.

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

By Order



(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,** Kasturba Womens Multipurpose Society's, College of Education, At. Post. Borgaon(Meghe), Tal. Wardha, Maharashtra.
2. **The Secretary,** Kasturba Womens Multipurpose Society's, College of Education, At. Post. Borgaon(Meghe), Tal. Wardha, Maharashtra
3. **The Registrar,** Rashtrasant Tukdoji Maharaj Nagpur University, Nagpur, 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.APW01374/123222.



REGIONAL DIRECTOR I/C