

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

F. No. WRC/APW00629/223171/229th/2015/ 9443

Date: 28.7.15

ORDER

WHEREAS, recognition was granted to REVA B.Ed. COLLEGE RUN BY SAI POOJA EDUCATION SOCIETY, ADARSH VIDYA MANDIR CAMPUS, JAIPRAKASH NAGAR, ADHARTAL, JABALPUR- 482004, MADHYA PRADESH under section 14 of NCTE Act, 1993 for conducting B.Ed. course vide order dated 27.06.2005 with an annual intake of 100 students.

AND WHEREAS, Show Cause Notice U/S 17 OF THE NCTE ACT 1993 issued to the institution on 28.02.2009. The recognition of B.Ed. course of the said institution was refused by WRC vide letter dated 31.03.2009

AND WHEREAS, the institution had preferred an appeal before Council (NCTE) u/s 18 of NCTE Act, 1993, against the refusal order dated 31.03.2009 and the Council vide order dated 18.08.2009.

AND WHEREAS, the matter was placed WRC in its 131st meeting held on February 24-25, 2010 and the committee decided that "...In compliance of the appeal order dated 18.8.2009, VT be constituted for inspection of the new building of the institution."

AND WHEREAS, the inspection of the institution conducted on 26.08.2010.

AND WHEREAS, the matter was placed WRC in its 140th meeting held on September 14-15, 2010 and the committee decided that "...Show Cause Notice be issued to the institution to submit written representation within 30 days before passing the order rejecting the application for permission to shift the premises on the following points :

▪Building does not exist on the land described in the land documents submitted to WRC. "

AND WHEREAS, Show Cause Notice issued to the institution on 29.09.2010 and reply was received on 21.10.2010.

AND WHEREAS, the matter was placed WRC in its 142nd meeting held on November 22-24, 2010 and the committee decided that "...Show cause notice regarding shifting of premises not complied with. Therefore, Shifting not permitted. The withdrawal of the recognition stands as it is (NCTE /WRC/MP/ Legal/APW0629/223171/2009/R4104-4109 dated 31.3.2009)."

AND WHEREAS, the order issued on 21.12.2010 and the institution filed a Writ Petition No. 18869/2010 and the Hon'ble High court of Madhya Pradesh, Principal seat at Jabalpur vide order dated 06.08.2014 decided as follows:-

"...the Authority has dealt with the matter in a casual manner and withdrawn the recognition of the Institution- which is a drastic order to be passed - by referring to incorrect fact and disregarding the existing college building and the infrastructure provided by the petitioner- Institution. As a result, the impugned order (Annexure P-I) is quashed and set aside and instead, the Regional Director, NCTE is directed to re-examine the matter afresh and including by inspecting the building constructed by the petitioner where the college is functioning and is provided with complete infrastructure, as is asserted by the petitioner."

AND WHEREAS, the matter was placed before WRC in its 210th meeting held on September 30, 2014 and the Committee decided that "...Since Hon'ble High Court has directed that inspection be done of the institution, does not fall under the purview of the Regional Committee in the view of the Hon'ble Supreme Court order dated 10.09.2013, 07.03.2014 & 24.03.2014. Hence, the case be referred to NCTE hqrs. for inspection u/s 13 of the NCTE Act, 1993.."

AND WHEREAS, the original file sent to NCTE Hqrs, New Delhi on 09.10.2014 and Review Writ Petition No. 576/2014 (W.P.18869/2010) and the Hon'ble High court of Madhya Pradesh, Principal seat at Jabalpur vide order dated 29.09.2014 decided as follows:-

"...The only direction given in the order under review to the petitioner is to reconsider the case of the respondent - college afresh in the light of the observations made in the order. The direction as given in terms of the order under review intrinsically postulates that the petitioner after reconsideration of the case, the petitioner will have to record reason therefore and which can be subject matter of challenge if the respondent - College decides to question the correctness thereof. Nothing more is required to be observed in this petition.

Accordingly, review petition is dismissed."



Continued....

AND WHEREAS, again institution filed a Writ Petition No. 8008/2015 and the Hon'ble High court of Madhya Pradesh, Principal seat at Jabalpur vide order dated 16.06.2015 decided as follows:-

"...Accordingly, we direct the Regional Director, NCTE, in the first place, to re-examine the matter by inspecting the building and the infrastructure provided in the petitioner college within two weeks from today. The report be submitted by the Regional Director, NCTE not later than 1.7.2015 in this Court, which will be considered on 2.7.2015.

Respondents are also directed to ensure that if the petitioner college succeeds in the present petition, the respondents will be obliged to provide sufficient number of students for being admitted in the petitioner college for pursuing the B.Ed. course for the academic year 2015-16.

Counsel for the respondent/State is relying on the decision of the Supreme Court in the case of Maa Vaishno Devi Mahila Mahavidyalaya Vs. State of Uttar Pradesh and others reported in 2013 (2) SCC 617 to contend that if the appropriate Authority submits report in favour of the petitioner, the petitioner college can be treated as recognized only for the following academic year 2016-17.

This submission is completely ill-advised. Inasmuch as, by virtue of order dated 6.8.2014 passed in W.P. No. 18869/2010 in favour of the petitioner passed by this Court, the original recognition granted to the petitioner college stands revived – as the de-recognition order has been explicitly set aside. Thus, it will not be a case of fresh recognition but a case of revival of original recognition order."

AND WHEREAS, E-mail received by NCTE Hqrs, New Delhi on 24.06.2015 for conducting Inspection for the said institution and VT constitute on 28.06.2015.

AND WHEREAS, the matter was placed before WRC in its 229th meeting held on July 21-22 2015 and the Committee decided that "...The case file was seen. As per record, the institution was granted Recognition for B.Ed. course on 27.06.2005. The Recognition of the institution was withdrawn vide order dated 31.03.2009, as the institute did not possess requisite land and built up area. The institution went in appeal against the withdrawal order. The appeal was accepted and VT was constituted following the order of the Appellate Authority.

After considering the VT report, Show Cause Notice was issued to the institution, as the building did not exist on the land described in the land documents submitted. The Committee after considering the reply did not permit the shifting of the premises and decided that the withdrawal of Recognition will stand. The institution submitted the petition before the Hon'ble High Court of Madhya Pradesh (Principal seat at Jabalpur) and the court vide its order dated 06.08.2014 quashed the withdrawal order and directed to reexamine the matter after inspecting the building constructed by the petitioner. Meanwhile, another writ petition (No.8008/2015) was filed by the institution before the Hon'ble High Court of Madhya Pradesh. Considering the matter, the Hon'ble High Court issued the following directions vide order dated 16.06.2015.

"...Accordingly, we direct the Regional Director, NCTE, in the first place, to re-examine the matter by inspecting the building and the infrastructure provided in the petitioner college within two weeks from today. The report be submitted by the Regional Director, NCTE not later than 1.7.2015 in this Court, which will be considered on 2.7.15"

Following the Hon'ble High Court directions, VT was constituted. The team conducted the inspection on 28.06.2015 and submitted the report to WRO on 29.06.2015. In compliance of the order of the Hon'ble High Court, the VT report was submitted before Hon'ble High Court for consideration. After considering the report, the Hon'ble High Court passed the following order:-

"...Inspection has been conducted by the inspecting authorities and the report Annexure R-2/1 has been brought on record which indicates that inspection was conducted on 28.06.2015 and a detailed inspection report with regard to the overall assessment of the institute goes to show that the institute is entitled for recognition. The final recommendation of the committee is that the institute in question should be given recognition of Bachelor of Education subject to fulfilment of NCTE norms 2014 and as per the directions of High Court. It is also seen that the management has started construction within three months and it is observed that the current building satisfies basic requirement.

3. Keeping in view the aforesaid, we direct the respondents to issue recognition to the petitioner institute in accordance with the assessment report for the current academic session i.e. 2015-2016, subject to the rider imposed by the committee and permit the institute to admit students for the current academic session."

Continue...

Keeping the order of the Hon'ble High Court in view, the Committee took the following decision:-

1. Since the Recognition of the institution continued, as the withdrawal order of Recognition was quashed by the Hon'ble High Court vide dated 06.08.2014. Hence, the institution continued to be a recognised institution for the current academic session 2015-2016. The case before the Committee is to grant permission of shifting from existing premises - Adhartal, Jabalpur to Khasara No.5/1, P.H. No.57, Village Poorva, Tehsil Jabalpur. On perusal of report, it was found that the Society has submitted a sale deed in the name of Smt. Ritu Yadav for the land bearing Khasara No.5/1, P.H. No.57, Gram Poorva, Tehsil Jabalpur, admeasuring 0.6 hectares. The Society has submitted originally certified sale deed dated 01.07.2008. As per NCTE Regulations, the land should be in the name of the Society not in the name of individual person. The photocopy of the building plan has also been submitted, which is also not originally notarized. As per the VT report, the management has shown readiness to complete the construction on the site within 3 months. Hence, the permission of shifting be issued after getting the following documents:-
 - (i) The land (Khasara No.5/1, P.H. No.57, Gram Poorva, Tehsil Jabalpur) purchased in the name of the individual Smt. Ritu Yadav is transferred in the name of the Society, as has been agreed by Smt. Yadav also.
 - (ii) The building completion certificate issued by the Engineer of Rural Engineering Service is submitted.
 - (iii) Originally notarized copy of the building plan is submitted.
 - (iv) Videography of the newly constructed building is submitted
 - (v) FDRs be submitted as per NCTE Regulations, 2014."

Now therefore, Hence, the institution continued to be a recognized institution for the current academic session 2015-2016.


(Sunil Shrivastava)
Regional Director

To,

The Manager to Govt. of India Press
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Copy to :-

1. **THE PRINCIPAL, REVA B.Ed. COLLEGE, ADARSH VIDYA MANDIR CAMPUS, JAIPRAKASH NAGAR, ADHARTAL, JABALPUR- 482004, MADHYA PRADESH.**
2. **THE SECRETARY, SAI POOJA EDUCATION SOCIETY, JAI PRAKASH NAGAR, ADHARTAL, TEHSIL & DIST.- JABALPUR, MADHYA PRADESH.**
3. The Secretary, Higher Education, Government of Madhya Pradesh, Mantralaya, Bhopal- 462011, Madhya Pradesh.
4. The Registrar, **RANI DURGAVATI UNIVERSITY, JABALPUR, MADHYA PRADESH.**
5. The Secretary, Department of School Education & Literacy, Ministry of Human Resource Development, Government of India, Shastri Bhawan, New Delhi- 110001.
6. The Under Secretary (Computer Section), National Council for Teacher Education, Hans Bhawan, Wing- II, Bahadurshah Zafar Marg, New Delhi- 110002.
7. The Computer Programmer, Computer Section, WRC, NCTE, Bhopal
8. Office order file/Institution file **APW00629/223171.**


Regional Director