

File No. NRC/NCTE/HR-1739/279th Meeting /2018/ 188045-50 Dated:

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

ORDER

24 JAN 2018

WHEREAS, in terms of Section 14/15(1) of the NCTE Act, 1993, Shri Ram Education Society, Plot No.-Khawat No.-209,158, Khatoni No.-229/177, Village- Majra Khurd, District-Mahendergarh, State-Haryana, Pin code-123029 had submitted an application to the Northern Regional Committee of NCTE on 29.07.2008 for grant of recognition/permission to Mahendra College of Education, Majra Road, Village-Majra Khurd, Post Office-Mahendragarh, Distt. Mahendergarh, Haryana for B.Ed. Course of two years duration.

AND, WHEREAS, Deficiency letter was issued to the institution on 30.03.2009 and the reply submitted by the institution in response to the deficiency letter was considered by NRC in its 141st meeting held from May 22nd to 24th, 2009 and it was decided to close the file and return the FDRs if submitted. Accordingly, the application of the institution was closed vide NRC order dated 01.06.2009 on the following points:-

- The land is not in the name of the Institution.
- Building plan approved by competent authority indicating khasra number, total land area, and total constructed area is not submitted.

AND, WHEREAS, the institution preferred an appeal dated 19.06.2009 to the Council (NCTE), New Delhi against the aforesaid order. The Council vide order dated 07.08.2009 rejected the appeal and NRC's order dated 01.06.2009 was confirmed.

AND, WHEREAS, in compliance of the Court order dated 29.07.2010 in W.P.N. 16468/2009, the case of the institution was considered by NRC in its 172nd meeting held from November 12th to 13th, 2010 and it was noted that the order of the Hon'ble Court be implemented. Accordingly, letter was issued to the institution on 04.12.2010.

AND, WHEREAS, reply dated 01.01.2011 submitted by the institution received in the NRC office on 03.01.2011 in response to the aforesaid letter was placed before the NRC in its 177th meeting held from January 27th to 29th 2011 and it was decided to issue show cause notice to the institution. Accordingly, show cause notice was issued to the institution on 18.02.2011.

AND, WHEREAS, reply dated 01.04.2011 submitted by the institution in response to the show cause notice was considered by NRC in its 182nd meeting held from May 15th to 21st 2011 and it was decided that recognition for B.Ed. course be refused under section 15(3)(b) of the NCTE Act 1993. Accordingly, the recognition to the institution was refused vide NRC order dated 07.06.2011.

AND, WHEREAS, the institution again preferred an appeal dated 30.06.2011 to the Council (NCTE), New Delhi against the aforesaid order. The Council vide order dated 04.11.2011 accepted the appeal and order of NRC dated 07.06.2011 was reversed.

AND, WHEREAS, the matter was placed before the NRC in its 207th meeting held from 27th to 30th November, 2012 and the Committee decided as under: -

- Mahendra College of Education, Majra Road, Mahendragarh – 123029, Haryana has been granted recognition for running D.Ed. Course by NRC, Jaipur vide its letter dated 31.07.2012.
- The fresh application of the college for B.Ed. Course may be processed only after three academic sessions of D.Ed. Course 8(2) of NCTE Regulations, 2009 in the light of the observations of the Hon'ble High Court which are as mentioned below: -
“_____ that petitioner will make a fresh application for the second course, in accordance with law and policy framed by the respondents.”
- No action is required to the contents of the letter dated 06.11.2012 of the college.”



Accordingly, a letter was issued to the institution on 08.01.2013.

AND, WHEREAS, the institution filed W.P. No. 5593/2014 in the Hon'ble High Court of Delhi. The Hon'ble Court vide order dt. 29.09.2014 disposed the writ petition. The operative part of the order as under: -

"..Consequently, in view of the order dated 10th September, 2013 passed by the Supreme Court in SLP No. 4247-4248/2009 directing that all pending applications shall be decided in accordance with new Regulations, which the respondents-NCTE/NRC are yet to notify, present writ petition is disposed of with a direction that the application of the petitioner shall be accepted and considered by respondents-NCTE/NRC for academic year 2015-16 in accordance with new guidelines which shall be notified in compliance of the directions of the Supreme Court."

AND, WHEREAS, the matter was placed before the NRC in its 233rd meeting (Part-VII) held on 18 February, 2015. The Committee decided as under: -

"Compliance with Hon'ble Court's Order dated 29.09.2014, WP (C) 5593 / 2014. VT may be constituted to inspect the institution."

AND, WHEREAS, the matter was placed before the NRC in its 236th meeting held from 29th - 30th April and 1st -2nd May, 2015. The Committee decided as under: -

The committee decided that the decision taken in 233rd meeting for constitution of VT stands cancelled. The committee noted that the institution has not submitted any application in compliance of the orders of the Hon'ble High Court, hence no action can be taken. The committee decided that the institution be directed to submit the application along with requisite documents as per provisions of NCTE Regulations for consideration."

AND, WHEREAS, the matter was placed before the NRC in its 238th meeting (Part-II) held on 20th -31st May, 2015. The Committee decided as under: -

In compliance of the orders of Hon'ble High Court, NRC considered the application and observed the following: -

1. Mahendra College of Education has been granted recognition for conducting D.El.Ed. course on 16.04.2008 to the run on a building constructed on land khewat no. 209-158, khatoni no. 229, 177, Majra Road, Mahendergarh, Haryana.
2. Mahendra College of Education has submitted an application for grant of recognition for B.Ed. course on 29.07.2008 to run in the building proposed to be constructed on the same land on which building for D.Ed. course has already been built.
3. The total area of the land in the possession of Mahendra College of Education is only 2541 Sq.mt., total land area required for two courses namely D.Ed. and B.Ed. 3000 Sq.mt.
4. The papers submitted by the College (attached with its letter dated 15.05.2015) reveal that no other Teacher Education course is being run by the college.
5. The College has submitted the same land documents with its applications for D.El.Ed. course and B.Ed. course. The total area in the possession of the college is only 2541 Sq.mt whereas it should have at least 3000 Sq.mt. of land for the two courses namely D.Ed. and B.Ed.
6. The college has misled the NRC, NCTE by mentioning, in the papers submitted alongwith its letter dated 15.05.2015, that no other teacher education course is being run by the college whereas the college is running D.El.Ed. course since 2008.

Hence, show cause notice under Section 14/15 (3)(b) of the NCTE Act, 1993 be issued to the institution to submit reply within 30 days from the date of issue of show cause notice."

AND, WHEREAS, the institution its reply on 05.06.2015.

AND, WHEREAS, the matter was placed before NRC in its 239th meeting of NRC and the Committee decided that as under: -

- As per NCTE Regulations, 2014, the institution applying for D.El.Ed. and B.Ed. programme must have 3000 sq.mt. land area, as per Hon'ble High Courts direction, the institution was to submit application for B.Ed. The



applicant had stated in its application (dated 18.05.2015) that the institution was on possession of total land area of 2541 sq.mt. The institution was issued the SCN about non- possession of required land area for running D.El.Ed. and B.Ed. programmes in its 238th meeting held on 20-31 May, 2015. The institution has submitted reply to SCN on 05.06.2015 that the institution possesses total land area of 3414 sq.mt. vide a copy of land sale deed dated 03.06.2015. The site plan and LUC of the land was not enclosed. Since the institution did not have total required land area for running two programmes i.e. 3000 sq.mt. (B.Ed. and D.El.Ed.) on the date of application as per NCTE Regulations, 2014 and without the required certification of land the application for B.Ed. is rejected.

Hence, the Committee decided that recognition/permission to the institution is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.

Accordingly, Refusal Order was issued to the institution on 19.07.2015

AND, WHEREAS, the institution preferred an appeal before NCTE (HQ) and the Appellate Authority passed an order dated 13.10.2015 as under: -

AND, WHEREAS, Committee noted that that appellant institution had submitted application for recognition for B.Ed. course to NRC on 29.07.2008 and since then the appellant institution has been issued a number of Show Cause Notices and refusal orders have also been issued. A lot of litigation also followed as a result of which the application of the appellant institution was reprocessed. The impugned order dated 19.07.2015 of the appellant institution was made under NCTE Regulations, 2007. The norms & standards relating to infrastructure for conducting B.Ed. & D.El.Ed. courses have undergone a change. Whereas in 2007 regulations, the land area of 2500 Sq. Meters was required, the NCTE Regulations, 2009 & 2014 lay down the land and built-up area to be 3000 Sq.m. Committee is of the opinion that appellant fulfilled the land related norms of 2007 regulations which were prevalent at the time of submitting application and the land related deficiency did not exist before the NCTE Regulation, 2009 and was brought to the notice of appellant institution only in May, 2015. The appellant rectified the deficiency by procuring extra land and intimated the facts to N.R.C. on 04.06.2015. Committee, therefore, concluded that refusal of recognition on the ground that appellant institution did not possess adequate land on the date of application which is stated to be 29.07.2008 in para 1 of the impugned order is not justified. The matter is remanded back to N.R.C. with a direction to reconsider the land documents for additional land keeping in view that the additional land is adjacent to the land already possessed by the appellant institution.

The matter was considered before NRC in its 246th meeting held from 09th to 12th December, 2015 and the Committee decided as under: -

In compliance of the order of the appellate authority, the NRC, NCTE, Jaipur decided to direct the institution to submit the following documents: -

- Registered land documents as per NCTE norms (old and newly purchased).
- Building plan approved by the competent authority. (showing minimum of 3000 sqm) including name of the course, khasra number etc.)
- A proof/evidence to the effect that it is a composite institution as per provisions of the NCTE Regulations, 2014.
- NOC from concerned affiliating body required under clause 5(3) of the NCTE regulations, 2014.

Accordingly, a letter was issued to the institution on 30.12.2015.

AND, WHEREAS, the institution submitted its reply on 27.01.2016.

AND, WHEREAS, the matter was considered by NRC in its 250th (Part-11) meeting held from 19th February, to 3rd March, 2016 and the NRC decided to constitute the VT. The VTR was received in NRC office on 22.04.2016.



AND, WHEREAS, the matter was placed before NRC in its 252nd (Part-2) held from 19th April to 02nd May, 2016 and the Committee decided as under: -

- The Building Completion Certificate submitted by the institution is not in the proper format. It does not mention the Plot No., total area of the land, total built-up area. It has not been signed by the Competent Govt. Authority.
- The CD has been found to be broken and could not be used for evaluation purposes. The institution is directed to submit and the un-edited CD.

Hence, show cause notice under Section 14/15 (3)(b) of the NCTE Act, 1993 be issued to the institution to submit reply within 30 days from the date of issue of show cause notice.

AND, WHEREAS, the matter was placed before NRC in its 252nd (Part-4) held from 19th April to 02nd May, 2016 and the Committee decided as under: -

- Government of Haryana vide its letter dt. 12.04.2016 has requested the NRC, NCTE not to entertain the applications of Societies / Trusts seeking recognition for 4 year integrated course BA B.Ed. / B.Sc. B.Ed. and opening of new B.Ed. colleges in the State henceforth and during the years 2016-17 and 2017-18".

Hence, show cause notice under Section 14/15 (3)(b) of the NCTE Act, 1993 be issued to the institution to submit reply within 30 days from the date of issue of show cause notice.

AND, WHEREAS, the institution submitted reply dated 27.04.2016 received in NRC office on 29.04.2016.

AND, WHEREAS, the matter was considered by NRC in its 253rd meeting held from 30th May, 2016 to 03rd June, 2016 and the Committee decided as under: -

- Government of Haryana vide its letter dt. 12.04.2016 has requested the NRC, NCTE not to entertain the applications of Societies / Trusts seeking recognition for 4 year integrated course BA B.Ed. / B.Sc. B.Ed. and opening of new B.Ed. colleges in the State henceforth and during the years 2016-17 and 2017-18".

Hence, the Committee decided that the application is rejected and recognition/ permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.

Accordingly, Refusal Order was issued to the institution on 11th July, 2016.

AND, WHEREAS, the institution filed an appeal before NCTE Hqrs. and the Appeal Committee passed an Order dated 01.01.2018 as under: -

"AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral argument advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to issue a speaking order.

The Council hereby remands back the case of Mahendra College of Education, Majra Road, Village-Majra Khurd, Post Office-Mahendragarh, Distt. Mahendragarh, Haryana, to NRC, NCTE, for necessary action as indicated above.


AND, WHEREAS, the matter was considered by NRC in its 279th meeting held from 16th to 17th January, 2018 and the Committee decided as under: -

- In compliance of the Order of the Appeal Committee, NRC decided that a speaking and reasoned Order be issued to the institution.

Hence, this Order is issued to the institution as per directions of the Appeal Committee.



Further, if the institution is not satisfied with the Order, it may prefer an Appeal under Section 18 of the NCTE Act, 1993 through "online mode" available on NCTE's website www.ncte-india.org within 60 days from the date of issue of this order. The guidelines for filing appeal may be seen on NCTE's website.

By Order,

(Satish Gupta)
Regional Director(I/C)

The Manager
Govt. of India Press
Department of Publications, (Gazette Section)
Civil Lines, Delhi-110 054.

Copy to:

1. **The Principal,**
Mahendra College of Education,
Majra Road, Village-Majra Khurd,
Post Office-Mahendragarh, District-Mahendragarh,
State-Haryana
2. **The Manager/ Secretary,**
Shri Ram Education Society,
Plot No.-Khawat No.-209,158,
Khatoni No.-229/177, Village-Majra Khurd,
District-Mahendragarh, State-Haryana,
Pin code-123029.
3. **The Principal Secretary,**
Department of Higher Education,
New Haryana Civil Secretariat,
Sector-17-C, 5th Floor, Room No.-528,
Chandigarh-160017.
4. **The Registrar,**
Maharish Dayanand University,
Rohtak, Haryana.
5. **The Secretary,**
Department of School Education and Literacy,
Ministry of Human Resource Development,
Govt. of India, Shastri Bhawan, New Delhi- 110001
6. **The US (EDP),**
National Council for Teacher Education,
Hans Bhawan Wing-II, I, Bahadur Shah Zafar Marg,
New Delhi- 110002.
7. **Computer Section, NRC, for uploading on website.**
8. **Institution file.**
9. **Guard file.**


Regional Director (I/C)

