



F.No.89-24/E-102060/2019 Appeal/19th Mtg.-2019/14th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 16/07/2019

ORDER

WHEREAS the appeal of Viklang Sarvangi Vikas Trust, Sahyog Nagar, Ambaji, Govind Nagar, Dahod, Gujarat dated 20/08/2018 is against the Order No. WRC/APW00189/323100/Guj./295th/2018/199531 dated 17.08.2018 of the Western Regional Committee, withdrawing recognition for B.Ed. Course on the grounds that "Consequent to the issue of Revised Recognition order dt. 31.05.2015 a Show Cause Notice dt. 09.08.2017 was issued. The institute replied vide letter dt. 04.08.2017. The WRC examined the file and found that the institution had requested for reducing the intake from two units to one. The institute has not submitted the staff profile (1+7) for session 2016-17 & 2017-18 for one unit of B.Ed. course duly approved by the affiliating body. It has not submitted FDRs of Rs. 12 lakhs as required under NCTE, Regulations, 2014. Hence, Recognition is withdrawn."

AND WHEREAS Sh. Harshad R. Patel, Member and Sh. Ramesh Chand R. Patel, Vice President, Viklang Sarvangi Vikas Trust, Sahyog Nagar, Ambaji, Govind Nagar, Dahod, Gujarat presented the case of the appellant institution on 14/06/2019.


AND WHEREAS Appeal Committee noted that appellant has submitted alongwith its appeal memoranda copies of list of faculty for the year 2016-17 and 2017-18 duly approved by the affiliating body. Appellant has also submitted (i) copy of a F.D.R. of Rs. 12 lakh valid upto 09/08/2023 in the combined names including Regional Director, W.R.C. and (ii) Building Completion Certificate.

AND WHEREAS Appeal Committee decided that appellant institution is required to submit to W.R.C. copies of faculty list and F.D.Rs within 15 days of the issue of Appeal order. Appeal Committee decided to remand back the case to WRC for

revisiting the matter after the appellant institution submits to them required faculty lists and F.D.R.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to WRC for revisiting the matter after the appellant institution submits to them required faculty lists and F.D.R.

NOW THEREFORE, the Council hereby remands back the case of Viklang Sarvangi Vikas Trust, Sahyog Nagar, Ambaji, Govind Nagar, Dahod, Gujarat to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Managing Trustee, Viklang Sarvangi Vikas Trust, 5, Sahyog Nagar, Ambaji, Govind Nagar, Dahod – 389151, Gujarat.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.



F.No.89-48/E-104092/2019 Appeal/19th Mtg.-2019/14th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 16/07/2019

ORDER

WHEREAS the appeal of Prince Mahila Mahavidhyalaya, Badhal, Kishangarh Renwal, Rajasthan dated 20/12/2018 is against the Order No. NCTE/NRC/NRCAPP201716773/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/SCN/RJ/2017-18/3; dated 15.02.2018 of the Northern Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that “reply of Show Cause Notice has not been submitted till date. 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.”

AND WHEREAS Prince Mahila Mahavidhyalaya, Badhal, Kishangarh Renwal, Rajasthan was asked to present the case of the appellant institution on 26/03/2019, but nobody from the institution appeared. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

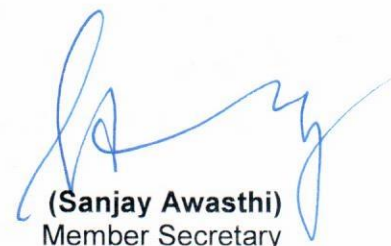
AND WHEREAS Appeal Committee noted that Sh. Shankar Pal, President of appellant society appeared before the Committee on 14/06/2019 and submitted that “they never received any Show Cause Notice and consequently submission of reply does not arise. Rejection of our application on the ground that institution did not submit reply to S.C.N. is not acceptable. The S.C.N. be issued by post and appellant institution should be given reasonable time to reply.”

AND WHEREAS Appeal Committee noted that appellant institution in its online application dated 31/05/2016 mentioned its email I.D. as ‘princebadhal4746@gmail.com’. Appeal Committee further noted that S.C.N. dated 15/06/2017 was issued online and as such there is no probability of appellant’s not

receiving it. Onus lies on the appellant institution to have checked its email. Committee also noted that impugned order dated 15/02/2018 was also issued on email and it was clearly mentioned in the said order that appellant may prefer online appeal within 60 days from the date of order. The appeal filed by appellant is also delayed by more than 8 months over and above the 60 day's time allowed for preferring appeal. Appellant has stated that they came to know the refusal order very late.

AND WHEREAS Appeal Committee observed that once e-mail address is provided by an applicant institution, onus lies on it to regularly check the communications posted on it. Applicant also must know that decision taken by Regional Committee are posted on the official website of NCTE. From the regulatory file, Appeal Committee noted that applicant society / institution had never made efforts to know the status of their application. Appeal Committee, therefore, does not find any justification for the appellant's not replying to the SCN dated 15/06/2017 and not preferring a timely appeal against impugned refusal order dated 15/02/2018. Appeal being delayed is not admitted and impugned order dated 15/02/2018 stays confirmed.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded not to admit the appeal being delayed and impugned order dated 15/02/2018 stays confirmed.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Prince Mahila Mahavidhyalaya, Badhal, Kishangarh Renwal – 303602, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-64/E-105409/2019 Appeal/19th Mtg.-2019/14th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 16/07/2019

ORDER

WHEREAS the appeal of B.R. Kabra Kuchaman Mahila Shikshan Prashikshan Mahavidyalaya, Station Road, Kuchaman City, Rajasthan dated 05/02/2019 is against the Order No. NCTE/NRC/NRCAPP201615286/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/SCN/RJ/2017-18/5; dated 03.12.2018 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds that “The applicant institution has not submitted the faculty duly approved by the affiliating university within the stipulated time period. 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.”

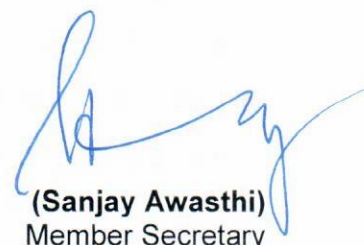
AND WHEREAS Sh. Omprakash Kabra, President, B.R. Kabra Kuchaman Mahila Shikshan Prashikshan Mahavidyalaya, Station Road, Kuchaman City, Rajasthan presented the case of the appellant institution on 27/03/2019. In its personal presentation appellant sought another opportunity by stating that absence of V.C. of affiliating university is causing delay in the approval of faculty, Appeal Committee in view of the extant appeal rules decided to grant another (second) opportunity to the appellant institution for presenting its case before Appeal Committee.

AND WHEREAS Sh. Om Parkash Kabra, President of appellant Institution appeared before Appeal Committee on 14/05/2019 and submitted a list of faculty approved by affiliating university on 01/05/2019. Appellant further submitted that delay in getting approval of university was due to State Assembly Elections 2018 and the joining of newly appointed Vice Chancellor. Appeal Committee decided that appellant institution is required to submit the list of faculty with all required documents to N.R.C. within 15 days of the issue of Appeal orders. Committee further decided to

remand back the case to N.R.C. for revisiting the matter after the appellant institution submits the list of faculty which is required to be done within 15 days of the issue of appeal orders.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that appellant institution is required to submit the list of faculty with all required documents to N.R.C. within 15 days of the issue of Appeal orders. Committee further decided to remand back the case to N.R.C. for revisiting the matter after the appellant institution submits the list of faculty which is required to be done within 15 days of the issue of appeal orders.

NOW THEREFORE, the Council hereby remands back the case of B.R. Kabra Kuchaman Mahila Shikshan Prashikshan Mahavidyalaya, Station Road, Kuchaman City, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Appellant, B.R. Kabra Kuchaman Mahila Shikshan Prashikshan Mahavidyalaya, Station Road, Kuchaman City – 341508, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-77/E-108060/2019 Appeal/19th Mtg.-2019/14th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 16/07/2019

ORDER

WHEREAS the appeal of Shri RNS Shiksha Mahavidyalaya, Sitholi, Opp. Sitholi Railway Station, Gwalior, M.P. dated 20/02/2019 is against the Order No. WRC/APW05236/223564/284th/2017/193558 dated 04.12.2017 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. (wrongly typed as B.A. B.Ed./B.Sc. B.Ed. in online appeal/ course on the grounds that "in Compliance of the Order dated 12.07.2018 passed by the Hon'ble High Court of Rajasthan at Jodhpur in W.P. (C) No. 10506/2017, the matter of the institution was considered by the NRC and the Committee noted that: In Compliance of the Court Order, the institution has not submitted the compliance of LOI and SCN 02.11.2017 till date. 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."

AND WHEREAS Shri RNS Shiksha Mahavidyalaya, Sitholi, Opp. Sitholi Railway Station, Gwalior, M.P. was asked to present the case of the appellant institution on 27/03/2019 but nobody appeared on behalf of the appellant institution. Appellant by its letter dated 26/03/2019 requested NCTE to postpone the hearing to be fixed after 01/04/2019. Appeal Committee decided to grant another (second) opportunity to the appellant to present its case before the Appellate Authority.

AND WHEREAS Sh. Sachchidanand Singh Kushwaha, Chairman, presented the case of appellant institution on 14/06/2019. Appellant in its written representation dated 14/06/2019 stated that "R.N.S. Shiksha Mahavidyalaya is recognised for conducting B.Ed. course with an intake of 100 seats. The institution is located at Survey no. 524/2 with total land area of 0.523 Hectare. The land was diverted on

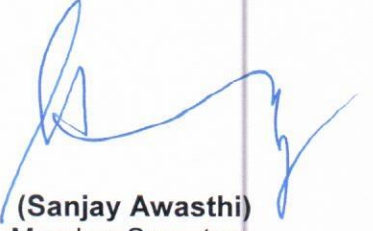
28/01/2004 by an order of Sub Divisional Officer. The institution has 16 faculty, 20 non educational staffs 10 other staff. The withdrawal order dated 04/12/2017 should be set aside.”

AND WHEREAS Appeal Committee noted that impugned order withdrawing recognition for B.Ed. course was issued on 04/12/2017. Last para of the impugned order clearly stated that if the institution is not satisfied by the order, they can prefer appeal to NCTE online within 60 days. From the relevant records in NCTE it is observed that Appeal Section in NCTE has suitably clarified on 06/03/2018 the points raised by appellant institution in its letter dated 20/02/2018 regarding appeal procedures. The appellant, however, failed to register online appeal and sought intervention of Hon'ble High Court of Madhya Pradesh. High Court of Madhya Pradesh by its order dated 04/12/2018 directed that 'in case appeal is filed within a period of 15 days from the date of communication of this order, Appellate Authority shall consider the same on merit.

AND WHEREAS appellant institution, as per direction on Hon'ble Court was allowed to prefer online appeal within 15 days of the Court order dated 04/12/2018. The appeal is delayed by 1 year and 10 months. Appellant has further failed to prefer appeal even within the extended date allowed by Hon'ble High Court. Appeal Committee noted that appellant in its appeal memoranda has not given any reason for the prolonged delay in preferring appeal and the B.Ed. course already stands withdrawn from the academic year 2018-19. It is also not correct on part of the appellant to say that he was not given any opportunity. The impugned order of withdrawal was issued after following due procedure and giving a Show Cause Notice dated 10/03/2017 allowing the appellant institution to submit a written representation.

AND WHEREAS Appeal Committee decided not to admit the appeal on grounds of delay.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee decided not to condone the delay. Hence appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

- 1. The Principal, Shri RNS Shiksha Mahavidyalaya, Sitholi, RNS Campus, Opp. Sitholi Railway Station, Gwalior – 474001, Madhya Pradesh.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-700/E-92419/2018 Appeal/19th Mtg.-2019/14th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 16/07/2019

ORDER

WHEREAS the appeal of Vinayak Vidyapeeth, Pawli Khas, Sardhana, Meerut, Uttar Pradesh dated 13/10/2018 is against the Order No. NRC/NCTE/NRCAPP-9445/287th Meeting/2018/196022 dated 03.08.2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "the institution was issued Show Cause Notice dated 13.06.2018. the institute has not submitted the reply to SCN."

AND WHEREAS Vinayak Vidyapeeth, Pawli Khas, Sardhana, Meerut, Uttar Pradesh in its appeal memoranda submitted that the "The appellant is a renowned no profit trust popularly known as Shri Vinayak Educational & Social Welfare Trust, Plot No. 1688, 1689, Street/Road NH-58, Village/Town Pawlikhas, Post office-Modipuram, Tehsil Sardhana, Meerut, Uttar Pradesh – 250100, and has an appreciable contribution in the promotion of general, professional education in the District. The trust is basically striving hard to start a new course in its area for the benefit of the students in and around the area and imparting quality Education for which a building with all the necessary infrastructure and facilities as required under the NCTE norms was constructed using all the Financial resources that were contributed by the society/trust members. That the Shri Vinayak Educational & Social Welfare Trust, Plot No. 1688, 1689, Street/Road, NH-58, Village/Town Pawlikhas, Post Office-Modipuram, Tehsil Sardhana, Meerut, Uttar Pradesh – 250100 had received the letter of Show Cause Notice from the Northern Regional Committee of the NCTE to which reply was duly submitted within the stipulated time frame through courier. That we have again submitted the reply to reply to SCN by hand again in the NRC office, Delhi.

AND WHEREAS Appeal Committee noted that appellant institution was issued three notices dated 10/01/2019, 01/03/2019 and 23/05/2019 granting opportunity to the appellant to appear before Appellate Authority for presentation of its case on

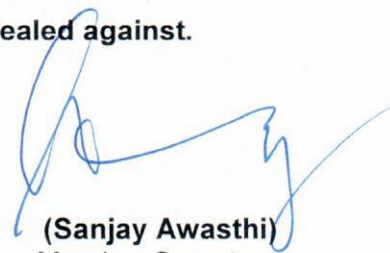
28/01/2019, 27/03/2019 and 14/06/2019. Appellant failed to appear before Appeal Committee, nor did it send any intimation. Appeal Committee, therefore, decided to consider the appeal matter on the basis of available records and submissions made by appellant in the appeal memoranda.

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 13/06/2018 was issued to appellant institution seeking clarification on certain points of deficiency. Appellant was required to submit written representation to NRC with 30 days of the issue of SCN. Impugned refusal order dated 03/08/2018 was issued as appellant failed to submit reply to S.C.N.

AND WHEREAS Appeal Committee noted from the relevant records that appellant had submitted a reply to the S.C.N. on 06/08/2018 which was three days after the issue of impugned refusal order. Obviously, the Regional Committee could not have considered this reply which was not available to them at the time of their 287th Meeting held on 18 – 20 July, 2019. Appeal Committee noted that appellant did not submit any evidence of having sent a reply to S.C.N. before the date of issue impugned refusal order. Appeal Committee, therefore, decided to confirm the impugned refusal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned refusal order dated 03/08/2018 of NRC.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

1. The Chairman, Vinayak Vidyapeeth, Pawli Khas, NH-58, Sardhana, Meerut – 250100, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.



F.No.89-742/E-93448/2018 Appeal/19th Mtg.-2019/14th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 16/07/2019

ORDER

WHEREAS the appeal of Abhinav Education Society C/o Marutirao Kote Abhinav Public School, Tal. Akola, Ahmednagar, Maharashtra dated 23/10/2018 is against the Order No. WRC/APW01778/123238/B.Ed./297th/2018/200348 dated 28.09.2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that "the institution replied on 30.12.2016. the institution has not submitted registered land documents. It has also not submitted additional FDRs for Rs. 4.00 lakhs. Staff profile is not approved by the competent authority. Hence, Recognition is withdrawn from the end of the academic session."

AND WHEREAS Prof. J. Deshmukh, Assistant Professor and Sh. Dilip Kumar Mandlik, Head Clerk, Abhinav Education Society C/o Marutirao Kote Abhinav Public School, Tal. Akola, Ahmednagar, Maharashtra presented the case of the appellant institution on 27/03/2019. In the appeal and during personal presentation it was submitted that "Institution has already submitted notarized registered land documents on 22/12/2016 by registered post. As per NCTE WRC letter dated 20/10/2015 Institution has sent original FDRs of Rs. 8.00 lakhs after renewal of worth RS. 10,92,481 on 28/11/2015 by registered post. Regarding additional FDRs of Rs. 4.00 lakhs nothing was mentioned in show case notice. So, we did not sent it. As per show cause notice Institution has already submitted Staff profile approved by competent authority on 05/04/2017.

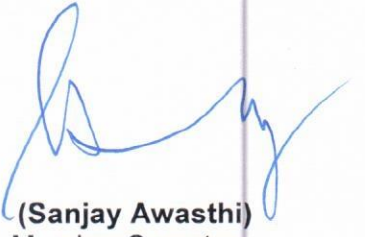
AND WHEREAS appellant during the course of appeal hearing on 27/03/2019 sought for another opportunity for bringing approved staff list. Appeal Committee decided to grant another (third and final) opportunity to the appellant.

AND WHEREAS Appeal Committee noted that appellant institution is recognised for conducting B.Ed. course since 2005 and after issue of revised recognition order dated 31/05/2015 had also requested W.R.C. on 09/07/2018 to reduce the intake from two units to 1 unit.

AND WHEREAS Appeal Committee noted that appellant institution since its inception is located in the campus of Maurtirao Kote Abhinav Public School managed by Abhinav Education Society. Prof. J. Deshmukh, Assistant Professor and Sh. Dilip Kumar Mandlik, Head Clerk, during the course of appeal hearing on 14/06/2019 has submitted zerox copies of land documents in the name of society and the F.D.Rs. The appellant, however, could not submit a consolidated list of faculty approved by affiliating university for the current academic year and the preceding years ever since revised recognition order was issued. The letters dated 14/10/2010, 11/03/2014 and 31/05/2019 of the affiliating university convey approval of only 4 faculty and a Principal which is not adequate for conducting the course with an intake of 1 unit. Appeal Committee noted that impugned order of withdrawal dated 28/09/2018 was issued after seeking written representation from the appellant institution on all the deficiencies including inadequacy of faculty and appellant institution failed to rectify the faculty position. Appeal Committee, therefore, decided to confirm the impugned withdrawal order dated 28/09/2018.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned withdrawal order dated 28/09/2018 of WRC.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

- 1. The Principal, Abhinav Education Society C/o Marutirao Kote Abhinav Public School, Tal. Akola, Ahmednagar – 422601, Maharashtra.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra, Mumbai.



F.No.89-711/E-92858/2018 Appeal/19th Mtg.-2019/14th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 16/07/2019

ORDER

WHEREAS the appeal of Shree Balaji Teacher Training School, Kathumar, Kherli, Rajasthan dated 16/10/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-5059/2013-14/48036 dated 10/06/2013 of the Northern Regional Committee, returning application seeking recognition for conducting D.El.Ed. course on the grounds that "The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be

accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants.”

AND WHEREAS Appeal Committee noted that appellant institution filed a S/B Civil Writs No. 23023 of 2018 in the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur and Hon'ble High Court vide order dated 08/10/2018 has granted liberty to the petitioner to avail remedy of appeal and Appellate Authority would deal with the same expeditiously.

AND WHEREAS Sh. Ashok Kumar Sharma, Secretary, Shree Balaji Teacher Training School, Kathumar, Kherli, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that “Application seeking recognition for conducting D.El.Ed. programme was returned by N.R.C. N.R.C. in other similar cases has granted recognition and the Appellate Authority has also issued favourable orders in similar cases.”

AND WHEREAS the relevant file of the N.R.C. is not available. It has been brought to the notice of the Committee in their meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in their above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the

NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS arising out of the High Court order dated 12/03/2019 in S.B. Civil/Writ No. 1463/2019, the case of petitioner institution was placed before Appeal Committee in its 19th Meeting/2019 held on 14/06/2019. Hon'ble High Court in its order dated 12/03/2019 has invited reference to the petitioner's argument of discriminatory treatment while declining his appeal in view of bar of limitation in the impugned Appeal order dated 24/12/2018. Hon'ble High Court has set aside the impugned order dated 24th September, 2018 and restored the petitioner to its original number for deciding the appeal taking into consideration the factual matrix. Hon'ble Court has further stated that denial of claim of petitioner shall be furnished with reasons sustainable in law and communicated to the petitioner.

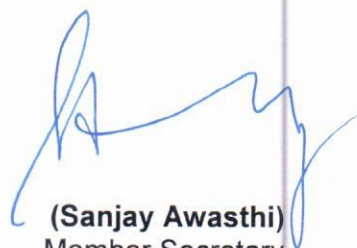
AND WHEREAS Appeal Committee observed that Hon'ble High Court in its above referred order had set aside the impugned order dated 24th September, 2018 whereas no order relating to the petitioner institution was issued on 24th September, 2018 by NCTE. Appeal Committee, however, treating the order dated of 12/03/2019 of Hon'ble

High Court in the context Appellate order dated 31/12/2018 considered the case and observed as follows:

- (i) Appeals filed by appellant institution should be self contained referring to correct dates and order numbers of impugned orders. The appellant in its appeal memoranda has mentioned the Appeal details which are not relevant to its case.
- (ii) Appellant in its appeal memoranda has not mentioned any reason, whatsoever, for the delay of more than 5 years in preferring appeal.
- (iii) The order dated 08/10/2018 in S.B. Civil Writs No. 23023/2018 was relevant so far as the entitlement of the petitioner to institute an appeal required to be entertained by Appellate Authority in accordance with law.
- (iv) Statutory provision under Section 18 of the NCTE Act stated that 'No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor and after the period prescribed, appeal may be admitted, if the appellant satisfies the council that he had sufficient cause for not preferring the appeal with the prescribed period. In the instant case appellant has neither preferred appeal within the prescribed period of 60 days nor has given any reason for the delay. Hon'ble High Court's order referring the appellant to prefer appeal which is to be decided as per law does not automatically absolve the appellant of its responsibility to state the reasons for delay in preferring appeal.
- (v) There is no doubt that the decision taken in the case appellant institution may be discriminatory to the interest of the institution, but it is a fact that application of the appellant institution was returned in June, 2013 alongwith application fee and other deposits. So virtually no application has existed for such a long period.
- (vi) Regional Committee at this stage of time does not have relevant records pertaining to the case.

- (vii) Appellate Authority in their meeting held on 18/12/2018 was apprised of certain orders of the Hon'ble High Court of Delhi and Hon'ble Supreme Court of India referred to in preceding paras 4 and 5 which resulted in reversal of the earlier stand where a few cases were remanded back to the Regional Committee for reconsideration.
- (viii) Appellate Authority is of the firm opinion that with the new facts coming into light and consideration, it is not necessary to maintain parity of decision and each individual case has to be decided on the basis of submissions made and the merits involved.
- (ix) Appeal Committee noted that appellant has submitted copy of a NOC dated 01/01/2018 issued by affiliating body in support of its appeal for consideration of its application returned with processing fee on 10/06/2013. The above N.O.C. was not available to the appellant at the time when its application was returned. Appeal Committee, decided that appellant institution is free to apply fresh as and when NCTE issues notification inviting applications for the course.

In the present case Appeal Committee, does not find any reason to remand back the case and decision communicated to appellant institution by Appellate order dated 31/12/2018 stands.



(Sanjay Awasthi)
Member Secretary

1. The Secretary/Correspondent, Shree Balaji Teacher Training School, Ward No. 4, Kathumar, Kherli – 321606, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-712/E-92850/2018 Appeal/19th Mtg.-2019/14th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 16/07/2019

ORDER

WHEREAS the appeal of Swami Prabodhanand College of Education, Maithana Road, Kathumar, Rajasthan dated 16/10/2018 is against the Letter No. 7-15/NRC/NCTE/Recognition of Application/S.No.-630/Raj./2009/71031 dated 09/03/2009 of the Northern Regional Committee, returning application seeking recognition for conducting B.Ed. course on the grounds that "The NCTE Hqrs. has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 23017/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur praying for a direction to the respondents to adjudicate upon the pending appeal instituted by the petition and filed on 16/10/2018. The Hon'ble High Court in their order dt. 09/10/2018 disposed of the petition directing the respondent to expedite the proceedings and adjudicate on the pending appeal as expeditiously as possible.

AND WHEREAS Sh. Ashok Kumar Rawat, General Secretary, Swami Prabodhanand College of Education, Maithana Road, Kathumar, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "The Hon'ble High Court Jaipur has directed N.R.C. in the case of Murli Singh Yadav and other similar Writ Petitions that similar treatment

may be given to institutions which are on similar footing. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Rajasthan vide order no. 89-598/E-16204/2017-Appeal I Mtg./2018 conclude that non submission of online application cannot be held against appellant at this stage as NCTE portal for submitting application online was closed." Application of the applicant has already been processed; Visiting Team was constituted; and the team has submitted its report to N.R.C."

AND WHEREAS the Committee noted that the submission of the appeal has been delayed by nine years beyond the prescribed period of 60 days. The Committee noted that according to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under Section 14, Section 15 or Section 17 may prefer an appeal to the Council within sixty days of issue of such orders. According to the proviso to Rule 10, an appeal may be admitted after the expiry of the said period of sixty days, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the period of limitation of sixty days.

AND WHEREAS the Committee noted that the letter of the N.R.C. dt. 09/03/2009 is not an order under any one of the Sections of the NCTE Act, 1993. Notwithstanding this position, the appellant inordinately delayed making the appeal. The reason given by the appellant that they could not make application online as NCTE portal was not available is irrelevant because impugned letter dated 09/03/2009 of N.R.C did not mention this as reason for returning application. Appellant could not provide any evidence of having submitted application. As processing fee of Rs. 40,000/- was returned to the applicant, the averment made by appellant that Visiting Team had conducted inspection and submitted report to N.R.C. cannot be true. Preferring of appeal is delayed by more than nine years. In these circumstances, the Committee decided not to admit the appeal.

AND WHEREAS arising out of the High Court order dated 15/04/2019 in S.B. Civil/Writ No. 3988/2019, the case of petitioner institution was placed before Appeal Committee in its 19th Meeting/2019 held on 14/06/2019. Hon'ble High Court in its order dated 15/04/2019 has invited reference to the petitioner's argument of discriminatory treatment while declining his appeal in view of bar of limitation in the impugned Appeal order dated 24/12/2018. Hon'ble High Court has set aside the impugned order dated 24th September, 2018 and restored the petitioner to its original number for deciding the appeal taking into consideration the factual matrix. Hon'ble Court has further stated that denial of claim of petitioner shall be furnished with reasons sustainable in law and communicated to the petitioner.

AND WHEREAS Appeal Committee observed that Hon'ble High Court in its above referred order had set aside the impugned order dated 24th September, 2018 whereas no order relating to the petitioner institution was issued on 24th September, 2018 by NCTE. Appeal Committee, however, treating the order dated of 12/03/2019 of Hon'ble High Court in the context of Appellate order dated 31/12/2018 considered the case and observed as follows:

- (i) The relevant file of the N.R.C. is not available. It has been brought to the notice of the Committee in their meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions

along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in their above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

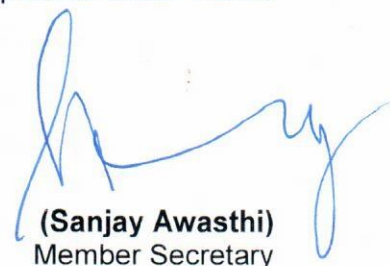
The Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

- (ii) Appellant in its appeal memoranda has not mentioned any reason, whatsoever, for the delay of more than 9 years in preferring appeal.
- (iii) The order dated 09/10/2018 in S.B. Civil Writs No. 23017/2018 was relevant so far as the entitlement of the petitioner to institute an appeal required to be entertained by Appellate Authority in accordance with law.
- (iv) Statutory provision under Section 18 of the NCTE Act stated that 'No appeal shall be admitted if it is preferred after the expiry of the period

prescribed therefor and after the period prescribed, appeal may be admitted, if the appellant satisfies the council that he had sufficient cause for not preferring the appeal with the prescribed period. In the instant case appellant has neither preferred appeal within the prescribed period of 60 days nor has given any reason for the delay of more than nine years. Hon'ble High Court's order referring the appellant to prefer appeal which is to be decided as per law does not automatically absolve the appellant of its responsibility to state the reasons for delay in preferring appeal.

- (v) The decision taken in the case appellant institution may be discriminatory to the interest of the institution, but it is a fact that application of the appellant institution was returned on 09/03/2009 alongwith application fee and other deposits. So virtually no application has existed for such a long period.
- (vi) Regional Committee at this stage of time does not have relevant records pertaining to the case.
- (vii) Appellate Authority in its meeting held on 18/12/2018 was apprised of certain orders of the Hon'ble High Court of Delhi and Hon'ble Supreme Court of India which resulted in reversal of the earlier stand where a few cases were remanded back to the Regional Committee for reconsideration. Appellant's claim that its application was processed and Visiting Team was constituted and the Team submitted its report to N.R.C. has not been substantiated by the appellant.
- (viii) Appellate Authority is of the firm opinion that with the new facts coming into light and consideration, it is not necessary to maintain parity of decision and each individual case has to be decided on the basis of submissions made and the merits involved.
- (ix) Appeal Committee decided that appellant institution is free to apply fresh as and when NCTE issues notification inviting applications for the course.

In the present case Appeal Committee, does not find any reason to remand back the case and decision communicated to appellant institution by Appellate order dated 31/12/2018 stands.



(Sanjay Awasthi)
Member Secretary

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