



# F.No 89-653/E-89747/2018 Appeal/20<sup>th</sup> M<sub>TC</sub>.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12-2018

#### ORDER

WHEREAS this is an appeal of Dr. Radhakrishan T.T. College, Bansi, Nangal Road, Mundawar, Rajasthan dated 20/09/2018 regarding D.El.Ed. course. The appellant, in the appeal neither quoted the order nor enclosed a copy against which the appeal has been preferred. However, with their letter dt. 17/11/2018 the appellant enclosed a copy of the Letter F. No. New Appl./RF/Raj/NRCAPP-5436/2013-14/50779 dt. 21/06/2013 of the N.R.C. returning their application with the following observations: "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(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 the appellant filed a S.B. Civil Writs No. 20850/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 12/09/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Rajpal, Secretary, Dr. Radhakrishan T.T. College, Bansi, Nangal Road, Mundawar, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal it was submitted that "State Govt. is giving NOC for the session 2019-20. The appellant, in a letter dt. 17/11/2018 submitted that in response to a public notice dt. 27/11/2012, they applied for D.El.Ed. course online on 28/12/2012; their application was returned on 21/06/2013, without giving any Show Cause Notice; they filed a S.B. Civil Writ Petition No. 4948/2016 before the Hon'ble Rajasthan High Court; in compliance with the orders of the Hon'ble High Court dt. 23/04/2016, they submitted their application in NCTE alongwith processing fee on 28/04/2016; the NCTE returned their application on 15/03/2017; they are already running B.Ed. course; the Appellate Authority in their order dt. 27/11/2017 held that 'Once applications are invited, Regional Committee has no right to reject it on the ground of ban imposed subsequent by the State Government'; when N.R.C., after conducting inspection refused recognition in respect of some institutions, the NCTE on appeal, directed N.R.C. to take further action; and since the Government of Rajasthan

in their communication dt. 01.01.2018 decided to allow D.El.Ed. course from 2019-2020, they may be granted recognition for this session.

AND WHEREAS the Committee noted that the appellant, with their letter dt. 17/11/2018 only submitted copies of the order of the Hon'ble Rajasthan High Court dt. 23/04/2016 and their letter dt. 28/04/2016 with which they submitted their application to the N.R.C. in pursuance of the Hon'ble High Court's order. The appellant has not enclosed a copy of the Letter dt. 15/03/2017 with which their application is reported to have been returned.

AND WHEREAS the relevant file of the N.R.C. is not available. 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 6 above 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.

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

(Sanjay Awasthi) Member Secretary

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.

<sup>1.</sup> The Secretary, Dr. Radhakrishan T.T. College, Bansi, Nangal Road, Mundawar – 301401, Rajasthan.



# F.No.89-657/E-90481/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31 - 12 - 201 &

#### ORDER

WHEREAS this is an appeal of Dr. Radhakrishnan T.T. College, Nangalsantokda, Mundawar, Rajasthan dated 27/09/2018 regarding D.El.Ed. course. The appellant, in the appeal neither quoted the order nor enclosed a copy against which the appeal has been preferred.

AND WHEREAS the appellant filed a S.B. Civil Writs No. 21306/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 18/09/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Rajpal, President, Dr. Radhakrishnan T.T. College, Nangalsantokda, Mundawar, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and it was submitted that "Govt. made policy to issue NOC for the session 2019-20. The appellant in a letter dt. 17/11/2018 submitted that in response to a public notice dt. 27/11/2012, they applied for D.El.Ed. course online on 28/12/2012; their application was returned on 21/06/2013, without giving any show cause notice; they filed a S.B. Civil Writ Petition No. 4956/2016 before the Hon'ble Rajasthan High Court; in compliance with the orders of the Hon'ble High Court dt. 28/04/2016, they submitted the application alongwith the processing fee; the N.R.C. returned their application on 18/06/2013 (this date does not appear to be correct) on wrong and unconstitutional grounds; against this act of returning their application, they filed a S.B. Civil Writ Petition No. 21306/2018 before the Hon'ble Rajasthan High Court

and the Hon'ble High Court in their order dt. 18/09/2018 directed them to file an appeal under Section 18 of the NCTE Act, 1993; they are already running B.Ed. course; the Appellate Authority in their order dt. 27/11/2017 held that 'once applications are invited, Regional Committee has no right to reject it on the ground of ban imposed by the State Government's; when NRC, after conducting inspection, refused recognition in respect of some institutions, the NCTE on appeal, directed the N.R.C. to take further action; and since the Government of Rajasthan in their communication dt. 01/01/2018 decided to allow the D.El.Ed. course from 2019-20, they may be granted recognition for this session.

AND WHEREAS the Committee noted that the appellant, with their letter dt. 17/11/2018 submitted only copies of their online application of 2012, copy of the Hon'ble High Court's order dt. 23/04/2016 and a copy of their letter dt. 28/04/2016 resubmitting their application with processing fee to the N.R.C. Copy/copies of any other/letter of the N.R.C returning their application has not been enclosed.

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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the ora arguments advanced during the hearing and taking into account the position stated in para 6 above 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.

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

(Sanjay Awasthi) Member Secretary

1. The Secretary, Dr. Radhakrishnan T.T. College, Nangalsantokda, Mundawar – 301404, 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.Nc.89-662/E-90736/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12-18

### ORDER

WHEREAS the appeal of Shree S.R. Shikshak Prashikshan Mahavidyalaya, K. Renwal Phulera Rajasthan dated 27/C9/2018 is against the Order No. NRC/NCTE/RJ....../209<sup>th</sup> Meeting/2012/37094 dated 24/01/2013 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "The Government of Rajasthan has given negative recommendation for opening B.Ed. course in the State of Rajasthan. The institution did not reply till the date to the show cause notice issued by the NRC, NCTE."

AND WHEREAS the appellant, aggrieved by the order of the N.R.C. dt. 24/01/2013, filed a S.B. Civil Writs No. 5757/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 11/05/2018, disposed of the petition by grarting liberty to the petitioner institution to avail the remedy of appeal provided under Section 18 of the Act of 1993.

AND WHEREAS Sh. Harphool Sirgh, Secretary, Shree S.R. Shikshak Prashikshan Mahavidyalaya, K. Renwal Phulera Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that "The NRC has grossly erred by refusing the application of your appellant on this ground since this application has already been submitted through online mode on 31/12/2012 in accordance with the NCTE (Recognition Norms& Procedure) Regulations 2003 (Notified on 31/08/2009 and in vogue till 28/11/2014). It is a matter of grave concern that the NRC has returned this application to your appellant citing the negative recommendation of the State Govt. Your appellant is failed to understand the modus operandi of the NRC office in processing of application. Your appellant understands the procedure stipulated in the NCTE

Regulations 2009 is following: Under clause 7(2) of NCTE Regulations 2009, the Regional Committee shall send a communication to the State Government along with the copy of an application submitted by the institution within 30 days of its receipt. Under clause 7(3) of NCTE Regulations 2009 within 45 days of the issue of the communication of Regional Committee the State Govt. shall furnish views/recommendation the on application with detailed/comprehensive reasons/statistics to the Regional Committee. Under clause 7(4) of NCTE Regulations 2009 if the recommendation of the State Govt. is not received the matter shall be placed before the Regional Committee. The Regional Committee then take into account all the factors into consideration and shall decide to depute a visiting team to inspect the institution. It is to be noted that the recommendation of the State Govt. is not compelling over the Regional Committee. The Regional Committee has to consider the recommendation on its own merits. Ultimately the Regional Committee has to decide the matter in accordance to the NCTE Act. Rules and Regulations as per its own consciousness. Thereafter, your appellant was compelled to approach the Hon'ble High Court of Rajasthan vide S.B. Civil Writ Petition No. 7218/2016 Gyanjyoti Education Society v/s NRC, NCTE. The Hon'ble Mr. Justice Alok Sharma has disposed the petition while making strong observation/direction against the conduct of NRC as under:- It is directed that the Regulations of 2014 be strictly complied with not only in case of the petitioner but across the board as uneven application of the Regulations, 2014 for recognition sought by different applicants only entails unnecessary litigations before this Court. The Regional Director, NCTE shall be personally responsible for consideration of any application for grant of recognition in the academic year 2016-17 contrary to the specific provisions of the Regulations of 2014 particularly in relation to the time lines prescribed except in cases where variation may be directed by an order of the Apex Court in special circumstance of a case. It is pertinent to mention that a majority of institutions of Rajasthan have approached the Hon'ble High Court of Rajasthan judicature at Jaipur/jodhpur against the arbitrary negative recommendation of the State Govt. of Rajasthan relying whereupon the NRC has made mass refusal of applications arbitrarily. Therefore, this application submitted in 2012 has been received consequent upon the directions of the

Hon'ble High Court. It is undisputed fact the NRC-NCTE has considered the similar situated files and granted recognition vide office order dt. 26/8/2016 file no. NRC/NCTE/Recognition /Common /B.Ed./2016/156537-61. More so recently the Appellate Authority has also passed an order in St. Meera T.T. College Jhambutalab. Rajsamand. Hence, the similar treatment may also be afforded to appellant and the condition of clause 5 of Regulations 2014 may kindly be waived and process the file. Supporting documents are annexed. Order dated 26.08.2016. Online application. St. Meera T.T. College order dt. 16.10.2017. This reject on ground is defunct unjust and in contravention of principle of natural justice, As mentioned above since, the application was submitted in the year 2012 as per the prevailing NCTE Regulations 2009 wherein the provision of obtaining NOC from the affiliating body was not stipulated therefore the question of its submission does not arise. More so recently in the order dt. 27/11/2017 passed in JBM College of Education. Shadipur this condition was also waived. Even, the case of NCTE v/s Rambha College of Education supports the condition. Supporting documents are annexed— Order dt. 27/11/2017 of J.B.M. College of Education. Order in the case of NCTE v/s Rambha College of Education. This rejection ground is defunct unjust and in contravention of principle of natural Justice. Your appellant's institution is already running a B.A. B.Ed./ B.Sc. B.Ed. Course & covered as a composite institution Recognition & affiliation orders are annexed herewith. Recognition order. Affiliation order. Further the NCTE Regulations 2014 clearly says that the institution shall gradually turn in to a composite institution as per NCTE Regulations 2014."

AND WHEREAS the Committee noted that the grounds of refusal as per the order dt. 24/01/2013 are (i) negative recommendation of the Government of Rajasthan for opening B.Ed. course in that State; and (ii) non-recept of a reply till date to the show cause notice issued by the N.R.C. The contents of the show cause notice reported to have been issued on 10/01/2012 are mentioned in the refusal order. This show cause notice stated that the State Government considered that No Objection Certificate should not be granted for B.Ed. course in the appellant institution. The appellant, in their submissions did not state anything about not replying to the show

cause notice. The appellant made submissions about the recommendations of the State Government. Besides the appellant made submissions about certain grounds, namely, online submission NOC from the affiliating body and proof/evidence of being a composite institution, which are not mentioned at all in the refusal order dt. 24/01/2013.

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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 6 above 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.

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

(Sanjay Awasthi) Member Secretary

- 1. The Secretary, Shree S.R. Shikshak Prashikshan Mahavidyalaya, 412, Master Ji Ki Dhani Bhainsawa, Kalwar Road, K. Renwal Phulera 303603, 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.89-663/E-90731/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31 . 12 . 2018

### ORDER

WHEREAS the appeal of Shree S.R. Shikshak Prashikshan Mahavidyalaya, Kalwar Road, K. Renwal, Phulera, Rajasthan dated 27/09/2018 is against the Order No. F.NRC/NCTE/RJ-----/209<sup>th</sup> Meeting/2012/36844 dated 23/01/2013 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The Government of Rajasthan has given negative recommendation for opening STC course in the State of Rajasthan. The institution did not reply till the date to the show cause notice issued 17.10.2011."

AND WHEREAS the appel ant filed a S.B. Civil Writs No. 5758/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 11/05/2018, disposed of the petition by granting liberty to the petitioner – institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993.

AND WHEREAS Sh. Harphool Singh, Secretary, Shree S.R. Shikshak Prashikshan Mahavidyalaya, Ka war Road, K. Renwal, Phulera, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that the NRC has grossly erred by refusing the application of your appellant on this ground since this application has already been submitted through online mode on 31/12/2012 in accordance with the NCTE (Recognition Norms& Procedure) Regulations 2003 (Notified on 31/08/2009 and in vogue till 28/11/2014). It is a matter of grave concern that the NRC has returned this application to your appellant citing the negative recommendation of the State Govt. Your appellant failed to understand the modus operandi of the NRC office in processing of application. Your appellant understands the procedure stipulated in the

NCTE Regulations 2009 is following: i) Under clause 7(2) of NCTE Regulations 2009 the Regional Committee shall send a communication to the State Government along with the copy of an application submitted by the institution within 30 days of its receipt. Under clause 7(3) of NCTE Regulations 2009 within 45 days of the issue of the communication of Regional Committee the State Govt. shall furnish views/recommendation on the application with detailed/comprehensive reasons/statistics to the Regional Committee. iii)Under clause 7(4) of NCTE Regulations 2009 if the recommendation of the State Govt. is not received the matter shall be placed before the Regional Committee. The Regional Committee then take into account all the factors into consideration and shall decide to depute a visiting team to inspect the institution. It is to be noted that the recommendation of the State Govt. is not compelling over the Regional Committee. The Regional Committee has to consider the recommendation on its own merits. Ultimately the Regional Committee has to decide the matter in accordance to the NCTE Act. Rules and Regulations as per its own consciousness. Thereafter, your appellant was compelled to approach the Hon'ble High Court of Rajasthan vide S.B. Civil Writ Petition No. 7218/2016 Gyanjyoti Education Society v/s NRC, NCTE. The Hon'ble Mr. Justice Alok Sharma has disposed the petition while making strong observation/direction against the conduct of NRC as under:- It is directed that the Regulations of 2014 be strictly complied with not only in case of the petitioner but across the board as uneven application of the Regulations, 2014 for recognition sought by different applicants only entails unnecessary litigations before this Court. The Regional Director, NCTE shall be personally responsible for consideration of any application for grant of recognition in the academic year 2016-17 contrary to the specific provisions of the Regulations of 2014 particularly in relation to the time lines prescribed except in cases where variation may be directed by an order of the Apex Court in special circumstance of a case. It is pertinent to mention that a majority of institutions of Rajasthan have approached the Hon'ble High Court of Rajasthan judicature at Jaipur/Jodhpur against the arbitrary negative recommendation of the State Govt. of Rajasthan relying whereupon the NRC has made mass refusal of applications arbitrarily. Therefore, this application submitted in 2012 has been received consequent upon the directions of the Hon'ble High Court. It is undisputed fact the

NRC-NCTE has considered the similar situated files and granted recognition vide 26/8/2016 file no. NRC/NCTE/Recognition /Common office order dt. /B.Ed./2016/156537—61. More so recently the Appellate Authority has also passed an order in St. Meera T.T. College Jhambutalab. Rajsamand. Hence, the similar treatment may also be afforded to appellant and the condition of clause 5 of Regulation 2014 may kindly be waived and process the file. Supporting documents are annexed. 1. Online application. 3. St. Meera T.T. College Order dated 26.08.2016. 2. order dt. 16.10.2017. This rejection ground is defunct unjust and in contravention of principle of natural justice, As mentioned above since, the application was submitted in the year 2012 as per the prevailing NCTE Regulations 2009 wherein the provision of obtaining NOC from the affiliating body was not stipulated therefore the question of its submissior does not arise. More so recently in the order ct. 27/11/2017 passed in JBM College of Education. Shadipur this condition was also waived. Even, the case of NCTE v/s Rambha College of Education supports the condition. documents are annexed— 1. Order dt. 27/11/2017 of J.B.M. College of Education. 2. Order in the case of NCTE v/s Rambha College of Education. This rejection ground is defunct unjust and in contravention of principle of natural Justice. Your appellant's institution is already running a B.A. B.Ed./ B.Sc. B.Ed. Course & covered as a composite institution Recognition & affiliation orders are annexed herewith. Supporting document are annexed-- 1. Recognition order. 2. Affiliation order. Further the NCTE Regulations 2014 clearly says that the institution shall gradually turn in to a composite institution as per NCTE Regulations 2014."

and whereas the Committee noted that the grounds of refusal as per the order dt. 23/01/2013 are (i) negative recommendation of the Government of Rajasthan for opening STC course; and (ii) non-receipt of a reply till date to the Show Cause notice issued on 17/10/2011. The contents of the Show Cause Notice reported to have been issued on 17/10/2011 are mentioned in the refusal order. This Show Cause Notice stated that the State Government considered that No Objection Certificate should not be granted for STC course in the appellant institution. Even though the appellant, in their submission, did not state anything about not replying to the Show

Cause Notice, enclosed a copy of their reply dt. 14/12/2011 to the Show Cause Notice dt. 17/10/2011. This copy bears a receipt stamp of N.R.C. The appellant made submissions about the recommendations of the State Government. Besides the appellant made submission about certain grounds, namely, online submission, NOC from the affiliating body and proof/evidence of being a composite institution, which are not mentioned at all in the refusal order dt. 23/01/2013.

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.

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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 6 above 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.

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

(Sanjay Awasthi) Member Secretary

1. The Secretary, Shree S.R. Shikshak Prashikshan Mahavidyalaya, 412, Master Ji Ki Dhani Bhainsawa, Kalwar Road, K. Renwal, Phulera – 303603, 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.89-674/E-91027/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12-18

#### ORDER

WHEREAS the appeal of Maa Sharda Shikshan Evam Prashikshan Sodh Sansthan, Deh, Jayal, Rajasthan dated 27/09/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-9516/2013-14/51406 dated 25/06/2013 of the Northern Regional Committee, returning their application for grant of 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 recognit on including the requirement of recommendation of the 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 the appellant filed a S.B. Civil Writs No. 20853/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 12/09/2018, disposed of the petition, reserving liberty to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Brijendra Singh Choudhary, President, Maa Sharda Shikshan Evam Prashikshan Sodh Sansthan, Deh, Jayal, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation and in a letter dt. 17/11/2018 it was submitted that "according to letter of the Government of Rajasthan dt. 01/01/2018, they have decided to give NOC/ make recommendation for starting two years D.El.Ed. Course in private teacher training institutions from 2019-2020. In view of this position, the appellant requested that recognition process may be started in respect of their application.

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

B.Ed. institutions in 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 the r order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, tak ng 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the cral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

(Sanjay Awasthi) Member Secretary

- 1. The Chairman, Maa Sharda Shikshan Evam Prashikshan Sodh Sansthan, Deh, Jayal 341022, 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.39-675/E-91213/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12-18

#### ORDER

WHEREAS the appeal of Shri Krishna BSTC College, Akahaigarh, Nadbai, Rajasthan dated 02/10/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-9015/2013-14/49795 dated 18/06/2013 of the Northern Regional Committee, returning their application for grant of 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 the appellant filed a S.B. Civil Writs No. 21329/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 18/09/2018, disposed of the petition, reserving liberty to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Ramveer Singh Rathore, Director, Shri Krishna BSTC College, Akahaigarh, Nadbai, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that "the application of the institution was summarily returned and rejected without assigning and valid reason on 18.06.2013. The application of the institution was returned without giving any opportunity of hearing. No show cause notice was issued to the institution. Subsequently, the institution approached the Hon'ble Rajasthan High Court and the Hon'ble Court on 18/09/2018 directed to first approach to the Hon'ble Appeal Committee of the NCTE. The Rajasthan Government has already taken a decision and allows institutions to start D.El.Ed. course in the State from 2019-20. Thus, the key controversy does not exist at this point of time. The institution is also ready to furnish all the infrastructural and instructional facilities and ready for inspection if Northern Regional Committee directed to do so. The Hon'ble Appeal Committee of the NCTE has already taken a stand on such type of applications and directed the Northern Regional Committee of NCTE to process the applications further. The application of several institutions of similar nature are already being processed by the Northern Regional Committee of NCTE."

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 De hi 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above corcluded 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

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

(Sanjay Awasthi) Member Secretary

- 1. The Secretary, Shri Krishna BSTC College, Akahaigarh, 1, Nadbai 321614, 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.89-676/E-91214/2018 Appeal/20<sup>th</sup> M-g.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31 - 12 - 2018

### ORDER

WHEREAS the appeal of Shri Matsya BSTC College, Akahaigarh, Nadbai, Rajasthan dated 02/10/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-9072/2013-14/49862 dated 18/06/2013 of the Northern Regional Committee, returning their application for grant of 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. 17165-163/2009 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 the appellant filed a S.B. Civil Writs No. 21340/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 18/09/2018, disposed of the petition reserving liberty to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, as possible in accordance with law.

AND WHEREAS Sh. Mukesh Kumar, Director, Shri Matsya BSTC College, Akahaigarh, Nadbai, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that "the application of the institution was summarily returned and rejected without assigning and valid reason on dated 18.06.2013. The application of the institution was returned without giving any opportunity of hearing. No show cause notice was issued to the institution. Subsequently, the institution approached the Hon'ble Rajasthan High Court and the Hon'ble Court on 18/09/2018 directed to first approach to the Hon'ble Appeal Committee of the NCTE. The Rajasthan Government has already taken a decision and allows institutions to start D.El.Ed. course in the State from 2019-20. Thus, the key controversy does not exist at this point of time. The institution is also ready to furnish all the infrastructural and instructional facilities and ready for inspection if Northern Regional Committee directed to do so. The Hon'ble Appeal Committee of the NCTE has already taken a stand on such type of applications and directed the Northern Regional Committee of NCTE to process the applications further. The application of several institutions of similar nature are already being processed by the Northern Regional Committee of NCTE."

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 Harvana 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.

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AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

(Sanjay Awasthi) Member Secretary

- 1. The Secretary, Shri Matsya BSTC College, Akahaigarh, 2, Nadbai 321614, 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.39-677/E-91211/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12-2018

### ORDER

WHEREAS the appeal of Shri Minesh BSTC College, Akahaigarh, Nadbai, Rajasthan dated 02/10/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-9102/2013-14/61160 dated 23/09/2013 of the Northern Regional Committee, returning their application for grant of 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'b e 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 the appellant filed a S.B. Civil Writs No. 21302/2018 before the High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 18/09/2018, disposed of the petition reserving liberty to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible in accordance with law.

AND WHEREAS Sh. Dinesh. Director, Shri Minesh BSTC College, Akahaigarh, Nadbai, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that "the application of the institution was summarily returned and rejected without assigning and valid reason on dated 26.09.2013. The application of the institution was returned without No show cause notice was issued to the giving any opportunity of hearing. Subsequently, the institution approached the Hon'ble Rajasthan High Court and the Hon'ble Court on 18.09.2018 directed to first approach to the Hon'ble Appeal Committee of the NCTE. The Rajasthan Government has already taken a decision and allows institutions to start D.El.Ed. course in the State from 2019-20. Thus, the key controversy does not exist at this point of time. The institution is also ready to furnish all the infrastructural and instructional facilities and ready for inspection if Northern Regional Committee directed to do so. The Hon'ble Appeal Committee of the NCTE has already taken a stand on such type of applications and directed the Northern Regional Committee of NCTE to process the applications further. The applications of several institutions of similar nature are already being processed by the Northern Regional Committee of NCTE."

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 Faryana 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

(Sanjay Awasthi) Member Secretary

- 1. The Secretary, Shri Minesh BSTC College, Akahaigarh, 03, Nadbai 321614, 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.39-682/E-91542/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FCR TEACHER EDUCATION

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

Date: 31 - 12 - 2018

### ORDER

WHEREAS the appeal of Shrimati Manbhari Devi Elementary Teachers Training College, Chanana, Chirawa, Rajasthan dated 02/10/2018 is against the Letter No. New Appl./RF/Raj/NRCAPP-4875/2013-14/48822 dated 13/06/2013 of the Northern Regional Committee, returning their application for grant of 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. 17135-168/2009 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 udgment 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 the appellant filed a S.B. Civil Writs No. 21828/2018 before the High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 26/09/2018, disposed of the petition, reserving liberty to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Sumer Singh, Member and Dr. Vidyadhar, Member, Shrimati Manbhari Devi Elementary Teachers Training College, Chanana, Chirawa, Rajasthan presented the case of the appellant institution on 171/11/2018. In the appeal and during personal presentation it was submitted that "they applied for D.El.Ed. course on 31/12/2012 and their application was returned by the N.R.C. with their letter dt. 13/06/2013. The appellant drawing attention to an Appellate order dt. 27/11/2017 in respect of JBM College of Education and the order dt. 24/09/2018 in respect of Modern BSTC College, requested that their application may also be got processed by the N.R.C.

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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

(Sanjay Awasthi) Member Secretary

- 1. The Secretary, Shrimati Manbhari Devi Elementary Teachers Training College, Chanana, Chirawa Road, Chirawa – 333026, 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.39-683/E-91546/2018 Appeal/20<sup>th</sup> Mig.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12-2018

### ORDER

WHEREAS the appeal of S.M.D. STC College, Chanana, Chirawa, Rajasthan dated 02/10/2018 is against the Letter No. New Appl./RF/Raj/NRCAPP-4867/2013-14/48376 dated 11/06/2013 of the Northern Regional Committee, returning their application for grant of 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 decisior 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 the appellant filed a S.B. Civil Writs No. 21823/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hcn'ble High Court, in their order dt. 26/09/2018, disposed of the petition reserving liberty to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Sumer Singh, Member and Dr. Vidyadhar, Member, S.M.D. STC College, Chanana, Chirawa, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that "they applied for D.El.Ed. course on 31/12/2012 and their application was returned by the N.R.C with their letter dt. 11/06/2013. The appellant, drawing attention to the Appellate order dt. 27/11/2017 in respect of JBM College o Education and the order dt. 24/09/2018 in respect of S. Karan BSTC College, requested that their application may also be got processed by the N.R.C.

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 cf 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

(Sanjay Awasthi) Member Secretary

- 1. The Secretary, S.M.D. STC College, Chanana, Chirawa Road, Chirawa 333026, Rajasthan.
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
- 3. Regional Director, Northern Regional Committee, Plct No. G-7, Sector 10, Dwarka, New Delhi -110075.
- 4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



# F.No.39-684/E-91499/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31 - 12 - 2018

### ORDER

WHEREAS the appeal of Om Sai Girls Teacher Training College, Dwarikapuri, Vardhman Nagar, Hindaun City, Rajasthan dated 04/10/2018 is against the Order No. New Appl./RF/Raj/NRCAPP-6316/2013-14/47374 dated 07/06/2013 of the Northern Regional Committee, refusing 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 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 the appellant filed a S.B. Civil Writs No. 22060/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 27/09/2018, disposed of the petition reserving liberty to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Ghan Shyam Chaturvedi, Secretary, Om Sai Girs Teacher Training College, Dwarikapuri, Vardhman Nagar, Hindaun City, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that NCTE, New Delhi had issued a public notice on 27.11.2012 through which applications for grant of recognition for various Teacher Education courses had been invited from all stake holders in which no ban for D.El.Ed. course was imposed. In the State of Rajasthan no ban was imposed. Copy of public notice is annexed. This institution has applied online for grant of recognition of D.El.Ed. course (02 units) to NCTE from 2013-14 on 29.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 31.12.2012. Copy of receipt letter and online application is annexed. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (02 units), NRC, NCTE had returned the application of this institution on 07.06.2013 on arbitrary, unjustified, illegal and unconstitutional basis. Copy of returning letter is annexed. Being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 22060/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon 'ble High Court has passed an order on 27.09.2018 and directed the petitioner to file an appeal u/s 18 of NCTE Act. 1993

and Appel ate Authority is directed to decide. The Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the Regional Committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." Copy of Appeal order is annexed. NRC, NCTE had conducted inspection of Royal Shikshak Prashikshan Center, Chomu, Jaipur (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 05.06.2018 that the rejection ground of non-submission of application online is nct applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 05.06.2018 is annexed. The NRC, NCTE had conducted inspection of Tak Shiksha Niketan Girls BSTC College, Lohagal, Ajmer (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 05.06.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 05.06.2018 is annexed. The NRC, NCTE had conducted inspection of SRN School of Education, Neem Ka Thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 24.07.2018 is annexed. The NRC, NCTE had conducted inspection of Swami Vivekanand T. T. College, Gothara, Bassi (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submissior of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 24.07.2018 is annexed. The NRC, NCTE had conducted inspection of Annpurana BSTC School, Neem ka thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution

4

NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 24.07.2018 is annexed. In the Appeal matter of Sardar Bhagat Singh Shikshan Sansthan, Khara Chak, Pilibangan, Goluwala, Rajasthan, Appellate Authority, NCTE had decided by its order dated 24.09.2018 that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and the Appellate orders were issued in similar cases. Copy of Appeal Order dated 24.09.2018 is annexed. It is pertinent to mention here that Deptt. of Elementary Education (Ayojana) Deptt., Govt. of Rajasthan had sent a letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020. Copy of letter is annexed. The NRC, NCTE had returned the application of this institution on totally arbitrary, unjustified, illegal and unconstitutional basis because this institution has submitted application for grant of recognition for D.El.Ed. course (02 units) through online electronically mode and required processing fees of Rs. 50100/- has been submitted to NRC, NCTE on 31.12.2012 vide D.D. No. 517222 dated 29.12.2012. Thus, NRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course (02 units) on illegal, unlawful, unjustified and unconstitutional basis. So, it is prayed that the rejection order issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course (02 units).

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 cf 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

6

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

(Sanjay Awasthi) Member Secretary

- 1. The Secretary, Om Sai Girls Teacher Training College, Dwarikapuri, Vardhman Nagar, Dwarikapuri Road, Hindaun City 322230, 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.89-686/E-91809/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12-2018

### ORDER

WHEREAS the appeal of Shreemati Madi Devi Memorial Shikshan Avum Shodh Sansthan, Dangawas, Merta City, Rajasthan dated 05/10/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-9525/2013-14/48038-039 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 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 the appellant filed a S.B. Civil Writ Petition No. 22058/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal dated 05/10/2018 preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 27/09/2018 directed the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner.

AND WHEREAS Dr. Mahendra, Director, Shreemati Madi Devi Memorial Shikshan Avum Shodh Sansthan, Dangawas, Merta City, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "NCTE had issued a public notice on 27.11.2012 through which applications for grant of recognition for various Teacher Education course were invited from all stake holders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. Copy of public notice is annexed. This institution applied online for grant of recognition of D.El.Ed. course (02 units) to NCTE from 2013-14 on 31.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 07.01.2013. Copy of receipt letter and online application is annexed. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (02 units), NRC, NCTE had returned the application of this institution for grant of recognition of D.El.Ed. course (02 units) on 21.06.2013 on arbitrary, unjustified, illegal and unconstitutional basis. Being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 22057/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 27.09.2018 and directed petitioner to file an appeal u/s 18 of NCTE Act. 1993 and Appellate Authority is directed to decide the same expeditiously. Copy of the order of Hon'ble High Court is annexed. Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the Regional Committee had no right to reject it on the

grounds of ban imposed subsequently by the State Govt." NRC, NCTE had conducted inspection of Royal Shikshak Prashikshan Center, Chomu, Jaipur (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 05.06.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 05.06.2018 is annexed and marked as Annexure-9. 7. That NRC, NCTE had conducted inspection of Tak Shiksha Niketan Girls BSTC College, Lohagal, Ajmer (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application Appellate Authority, NCTE had decided by its order dated 05.06.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. NRC, NCTE had conducted inspection of SRN School of Education, Neem Ka Thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 24.07.2018 is annexed. NRC, NCTE had conducted inspection of Swami Vivekanand T. T. College, Gothara, Bassi (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. That NRC, NCTE had conducted inspection of Annpurana BSTC School, Neem Ka Thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. In the Appeal matter of Sardar Bhagat Singh Shikshan Sansthan, Khara Chak,

Pilibangan, Goluwala, Rajasthan, Appellate Authority, NCTE had decided by its order dated 24.09.2018 that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and the Appellate orders issued in similar cases. It is pertinent to mention here that Deptt. of Elementary Education (Ayojana) Deptt., Govt. of Rajasthan had sent a letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020. Copy of letter is annexed. NRC, NCTE had returned the application of this institution on totally arbitrary, unjustified, illegal and unconstitutional basis because this institution has submitted application for grant of recognition for D.El.Ed. course (02 units) through online electronically mode and required processing fees of Rs. 50100/- has been submitted to NRC, NCTE on 07.01.2013 vide D.D. No. 321625 dated 28.12.2012. NRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course (02 units) on illegal, unlawful, unjustified and unconstitutional basis."

AND WHEREAS the relevant file of the N.R.C. is not available. 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 Harvana 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 ast 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 accourt 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

(Sanjay Awasthi) Member Secretary

1. The Secretary, Shreemati Madi Devi Memorial Shikshan Avum Shodh Sansthan, Dangawas, 840/1, Merta City – 341510, 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.39-688/E-91807/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12-2018

### ORDER

WHEREAS the appeal of M.D.M. Institute of Education, Dangawas, Merta City, Rajasthan dated 05/10/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-9542/2013-14/51086-087 dated 21/06/2013 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 the appellant filed a S.B. Civil Writ Petition No. 22057/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal dated 05/10/2018 preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 27/09/2018 directed the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner.

AND WHEREAS Dr. Mahendra, Director, M.D.M. Institute of Education, Dangawas, Merta City, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "NCTE, had issued a public notice on 27.11.2012 through which applications for grant of recognition for various Teacher Education course were invited from all stake holders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. This institution has applied online for grant of recognition of D.El.Ed. course (02 units) to NCTE from 2013-14 on 31.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 07.01.2013. Copy of receipt letter and online application is annexed.

Instead of processing the application of this institution for granting recognition for D.El.Ed. course (02 units), NRC, NCTE had returned the application of this institution for grant of recognition of D.El.Ed. course (02 units) on 10.06.2013 on arbitrary, unjustified, illegal and unconstitutional basis. Being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 22058/2018 in Hon 'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 27.09.2018 and directed to petitioner to file an appeal u/s 18 of NCTE Act. 1993 and Appellate Authority is directed to decide the same expeditiously. That Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the Regional Committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." NRC, NCTE had conducted

inspection of Royal Shikshak Prashikshan Center, Chomu, Jaipur (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 05.06.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. NRC, NCTE had conducted inspection of Tak Shiksha Niketan Girls BSTC College, Lohagal, Aimer (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 05.06.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. NRC, NCTE had conducted inspection of SRN School of Education, Neem ka thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. NRC, NCTE had conducted inspection of Swami Vivekanand T. T. College, Gothara, Bassi (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. NRC, NCTE had conducted inspection of Annpurana BSTC School, Neem ka thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. In the Appeal matter of Sardar Bhagat Singh Shikshan Sansthan, Khara Chak, Pilibangan, Goluwala, Rajasthan, Appellate Authority, NCTE had decided by its order dated 24.09.2018 that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014

and the Appellate orders issued in similar cases. It is pertinent to mention here that Deptt. of Elementary Education (Ayojana) Deptt., Govt. of Rajasthan had sent a letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020. NRC, NCTE had returned the application of this institution on totally arbitrary, unjustified, illegal and unconstitutional basis because this institution has submitted application for grant of recognition for D.El.Ed. course (02 units) through online electronically mode and required processing fees of Rs. 50100/has been submitted to NRC, NCTE on 07.01.2013 vide D.D. No. 321624 dated 28.12.2012. NRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course (02 units) on illegal, unlawful, unjustified and unconstitutional basis."

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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

(Sanjay Awasthi)

Member Secretary

<sup>1.</sup> The Secretary, M.D.M. Institute of Education, Dangawas, 840, 840/1, Merta City -341510, Rajasthan.

<sup>2.</sup> The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.

<sup>3.</sup> Regional Director, Northern Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi -110075.

<sup>4.</sup> The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



### F.No.39-698/E-92420/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12-2018

### ORDER

WHEREAS the appeal of Shri Maharaja Vinayak T.T. College, Paldi Meena, Dhyawana, Sanganer, Jaipur, Rajasthan dated 06/10/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-8296/2013-14/47277 dated 07/06/2013 of the Northern Regional Committee, returning the 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 recognit on 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 ccpy 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 has filed a S.B. Civil Writs No. 22534/2018 in the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur and Hon'ble High Court vide its order dated 03/10/2018 has directed the petitioner to first exhaust the statutory appeal. Appellate Authority is required to deal with the same expeditiously.

AND WHEREAS Sh. Ravi Shanker Meena, Secretary, Shri Maharaja Vinayak T.T. College, Paldi Meena, Dhyawana, Sanganer, Jaipur, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "The controversy was settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993. Appellate Authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

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. Nc. 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

(Sanjay Awasthi) Member Secretary

- 1. The Secretary, Shri Maharaja Vinayak T.T. College, Paldi Meena, Dhyawana, Sanganer, Jaipur 302003, 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.89-704/E-92598/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL CCUNCIL FOR TEACHER EDUCATION

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

Date: 31 - 12 - 2018

### ORDER

WHEREAS the appeal of Ravindra Academy B.S.T.C. College, Chirawa, Rajasthan dated 10/10/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-8539/2013-14/24845 dated 28/06/2013 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 Hcn'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. 22862 of 2018 in the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur and Hon'ble High Court vide order dated 06/10/2018 has granted liberty to the petitioner to avail remedy of appeal and Appellate Authority would deal with the same expeditiously.

AND WHEREAS Sh. Jai Narain, Secretary, Ravindra Academy B.S.T.C. College, Chirawa, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "The controversy was settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

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 mushroom ng 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

(Sanjay Awasthi) Member Secretary

- 1. The Secretary, Ravindra Academy B.S.T.C. College, Khasra No. 920, Ward No.18, Chirawa 333026, Rajasthan.
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delni.
- 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.89-705/E-92601/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12-2018

### ORDER

WHEREAS the appeal of Baba Shyam Teacher Training College, Shrimadhopur, Ajeetgrah, Rajasthan dated 10/10/2018 is against the letter No. Appl./RF/Raj./NRCAPP-6798/2013-14/50805 dated 21/06/2013 of the Northern Regional Committee, returning the 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 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. 22861/2018 in the Honble High Court of Judicature for Rajasthan Bench at Jaipur and Hon'ble High Court vide order dated 06/10/2018 has granted liberty to the petitioner to avail remedy of appeal and Appellate Authority would deal with the same expeditiously.

AND WHEREAS Sh. Om Prakash, Member, Baba Shyam Teacher Training College, Shrimadhopur, Ajeetgrah, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "The controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during

the hearing and taking into account the position stated in para 5 above 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.

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

(Sanjay Awasthi) Member Secretary

- 1. The Secretary, Baba Shyam Teacher Training College, Shrimadhopur, Ajeetgrah 332701, 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.89-707/E-92593/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12-2018

### ORDER

WHEREAS the appeal of Shri Krishna Teacher Training Center, Devthala, Chomu, Niwana, Rajasthan dated 10/10/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-7914/2013-14/47297 dated 07/06/2013 of the Northern Regional Committee, refusing 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. 22863 of 2018 in the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur and Hon'ble High Court vide order dated 06/10/2018 has granted I berty to the petitioner to avail remedy of appeal and Appellate Authority would deal with the same expeditiously.

AND WHEREAS Sh. Rakesh Yadav, Member, Shri Krishna Teacher Training Center, Devthala, Chomu, Niwana, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "The controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government." A copy of Appeal order dated 27.11.2017 is annexed herewith and marked as Annexure-4."

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 mushroom ng 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) 273 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 Ind a, 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

- 1. The Manager, Shri Krishna Teacher Training Center, Devthala, Chomu, Niwana 303804, 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.39-708/E-92608/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12 - 2018

#### ORDER

WHEREAS the appeal of Shri Krishna Shikshak Prashikshan Sansthan, Shiv Colony, Shapura, Manoharpur, Rajasthan dated 10/10/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-6238/2013-14/49920 dated 18/06/2013 of the Northern Regional Committee, returning the 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 recognit on 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 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 ccpy 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. 22864 of 2018 in the Hcn'ble High Court of Judicature for Rajasthan Bench at Jaipur and Hon'ble High Court vide order dated 06/10/2018 has granted liberty to the petitioner to avail remedy of appeal and Appellate Authority would deal with the same expeditiously.

AND WHEREAS Sh. Rajendra Kumar Yadav, Member, Shri Krishna Shikshak Prashikshan Sansthan, Shiv Colony, Shapura, Manoharpur, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "The controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "... Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government." A copy of Appeal order dated 27.11.2017 is annexed herewith and marked as Annexure-4."

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 Ind a, 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

- 1. The Secretary, Shri Krishna Shikshak Prashikshan Sansthan, Shiv Colony, Shapura, Manoharpur 303104, Rajasthan.
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delni.
- 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.89-711/E-92858/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12-2018

#### 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 Hcn'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 t II 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the posit on stated in para 5 above 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.

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

Sanjay Awasthi) Member Secretary

1. The Secretary, 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. Regiona 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.39-713/E-92848/2018 Appeal/20<sup>th</sup> Mlg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12-2018

#### ORDER

WHEREAS the appeal of Lord Krishna Teachers Training School, Maithana Road, Rajasthan dated 16/10/2018 is against the Letter No. Kathumar. Appl./RF/Raj./NRCAPP-5225/2013-14/50192 dated 19/06/2013 of the Northern Regional Committee, returning the 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 1933 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 Surreme 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. 23022 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 Dr. Ashok Kumar Rawat, General Secretary, Lord Krishna Teachers Training School, 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 "Appellant had submitted application for D.El.Ed. programme in the year 2012 which was returned by N.R.C. in 2013. N.R.C. decision to return the file of institution without processing vide letter dated 19/06/2013 cannot be sustained in the eyes of law. Hon'ble High Court of Rajasthan in the case of Murli Singh Yadav and other similar Writ Petitions has directed that similar treatment may be given to institutions which are on similar footing Application of appellant was processed and Visiting Team was constituted and the Team has submitted its report of N.R.C.

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 ast 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

- 1. The Secretary, Lord Krishna Teachers Training School, Maithana Road, Kathumar 321605, 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.89-719/E-93078/2018 Appeal/20<sup>th</sup> Mig.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31.12.2018

### ORDER

WHEREAS the appeal of Vivekanand BSTC School, Pilibangan, Jakhranwali, Rajasthan dated 11/10/2018 is against the Order No. New Appl/RF/Raj./NRCAPP-7021/2013-1450833 dated 21/06/2013 of the Northern Regional Committee, returning the application seeking recognition for conducting D.El.Ec. 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. 19024 of 2018 in the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur and Hon'ble High Court vide order dated 27/08/2018 has granted liberty to the petitioner to avail remedy of appeal and Appellate Authority would deal with the same expeditiously.

AND WHEREAS Sh. Rakesh Kumar, Representative, Vivekanand BSTC School, Pilibangan, Jakhranwali, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "The controversy was settled by the Appellate Authority, in the similar matter while disposing of the Appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order no.89 488 E 9740 2017 Appeal 17th Meeting 2017 dt. 27.11.2017 titled J.B.M. College of Education directed the NRC to process further the application on the ground that 'when the appellant applied in 2012 there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic years.' Once applications are invited, the Regional Committee has no right to reject it on grounds on ban imposed subsequently by the State The NCTE has already granted recognition to several institutions for D.El.Ed. Course in similar cases. Another copy of Appeal order titled Sadguru Education Institution, Order no. F.No.89-501/E-82628/2018 Appeal 16th Mtg./2018 23rd and 24th August, 2018 is referred herewith. Our Institution had also filed a S.B. Civil Writs no.19024/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 27.08.2018 disposed of the petition, granting the petitioner institution liberty to avail the remedy of statutory appeal provided

under Section 18 of the Act of 1993. The Hon'ble High Court observed if the petitioner institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same expeditiously."

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 Delni 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above corcluded 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.

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

- 1. The Manager, Vivekanand BSTC School, 1, Pilibangan, Jakhranwali 335803, 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.39-720/E-93074/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31 - 12 - 2018

#### ORDER

WHEREAS the appeal of Swami Vivekananda STC College Kelwara Danta, Shahbad, Kelwara, Rajasthan dated 13/10/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-3610/2013-14/47135 dated 05/06/2013 of the Northern Regional Committee, returning the 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 cated 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. 23357 of 2018 in the Hcn'ble High Court of Judicature for Rajasthan Bench at Jaipur and Hon'ble High Court vide order dated 12/10/2018 has granted liberty to the petitioner to avail remedy of appeal and Appellate Authority would deal with the same expeditiously.

AND WHEREAS Sh. Abhishek Singh, Secretary, Swami Vivekananda STC College Kelwara Danta, Shahbad, Kelwara, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "The controversy was settled by the Appellate Authority, in the similar matter while disposing of the Appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order no.89 488 E 9740 2017 Appeal 17th Meeting 2017 dt. 27.11.2017 titled J.B.M. College of Education directed the NRC to process further the application on the ground that 'when the appellant applied in 2012 there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic years. Once applications are invited, the Regional Committee has not right to reject it on grounds on ban imposed subsequently by the State Government. A copy of Appeal order dated 27.11.2017 is annexed herewith for your reference. The NCTE has already granted recognition to several institutions for D.El.Ed. Course in similar cases. Another copy of Appeal order titles Sadguru Education Institution, Order no. F.No.89-501/E-82628/2013 Appeal 16th Mtg. 2018 23rd and 24th August, 2018 is enclosed herewith. Our Institution had also filed a S.B. Civil Writs no. 23357, 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 12.10.2018 disposed of the petition, granting the petitioner institution liberty to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court observed if the petitioner institution files an appeal under Section 18 of the Act of 1993 the same shall be decided expeditiously."

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. Nc. 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 recogn tion 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

- 1. The Secretary, Swami Vivekananda STC College Kelwara Danta, Shahbad, Kelwara 325216, 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.39-721/E-93086/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018 NATIONAL CCUNCIL FOR TEACHER EDUCATION

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

Date: 31.12-2018

#### ORDER

WHEREAS the appeal of Vivek Shikshak Prashikshan Vidhyalaya, Kalwar, Jaipur. Rajasthan dated 08/09/2018 is against the Letter No. New Appl/RF/Raj./NRCAPP-8555/2013-14/51108 dated 21/06/2013 of the Northern Regional Committee, returning the 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 recommer dations 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 recognit on 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 spec fied 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. 22377 of 2018 in the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur and Hon'ble High Court vide order dated 01/10/2018 has granted liberty to the petitioner to avail remedy of appeal and Appellate Authority would deal with the same expeditiously.

AND WHEREAS Sh. Padam Singh Dhaka, Secretary and Sh. Kamal Jain, Staff, Vivek Shikshak Prashikshan Vidhyalaya, Kalwar, Jaipur, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "Since the rejection of our application, we approached to NCTE many times and also coordinated with State Government for recommendation. Having found no satisfactory results we ultimately went to the court and now we got the court order which we are enclosing for your kind consideration and favourable action. A copy of a letter dt. 01.01.2018 written by Department of Primary Education, Government of Rajasthan addressed to NCTE wherein State Government has taken a policy decision to allow D.El.Ed. programme in new institution for the academic session 2019-20 is also enclosed. Appellant in its letter dated 16/11/2018 submitted during the appeal presentation on 19/11/2018 stated that N.R.C. has granted recognition to so many institutions in similar cases and Appellate Authority has also decided that ban imposed by State Government, subsequent to NCTE's inviting applications, should not be made applicable to the pending applications."

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 E.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 ast 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above concluded that

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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.

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

- 1. The Secretary, Vivek Shikshak Prashikshan Vidhyalaya, Kalwar, Jaipur 303706, Rajasthan.
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New De hi.
- 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.39-723/E-93265/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12-2018

#### ORDER

WHEREAS the appeal of Aravali College of Education, RIICO Ind. Area, Phase-II, Neemkathana, Rajasthan dated 15/10/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-8079/2013-14/50801 dated 21/06/2013 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. 17165-138/2009, 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. 21834 of 2018 in the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur and Hon'ble High Court vide order dated 25/09/2018 has granted I berty to the petitioner to avail remedy of appeal and Appellate Authority would deal with the same expeditiously.

AND WHEREAS Sh. Kailash C., Secretary, Aravali College of Education, RIICO Ind. Area, Phase-II, Neemkathana, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "The controversy was settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993. Appellate Authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "... Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s) for which applications are invited Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government. Respondent have already granted recognition to several institutions ignoring the above said shortcomings. No Show Cause Notice was issued by respondents giving the petitioner opportunity to make written representation against the adverse decision."

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 De hi 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 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

- 1. The Secretary, Aravali College of Education, RIICO Ind. Area, Phase-II, Neemkathana 332713, 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.39-725/E-93268/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31.12.2018

### ORDER

WHEREAS the appeal of Dev Shikshak Prashikshan Mahavidyalaya, Tonk, Rajasthan dated 16/10/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-4746/2013-14/47080 dated 05/06/2013 of the Northern Regional Committee, returning the 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 the appellant filed a S.B. Civil Writ Petition No. 22507 praying for issue of in the High Court of Judicature for Rajasthan Bench at Jaipur directions to the Appellate Authority for processing the appeal preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 03/10/2018 granted liberty to the appellant to remedy of appeal and Appellate Authority to expeditiously decide the pending appeal filed by the petitioner.

AND WHEREAS Sh. Ramesh Mukul, Secretary, Dev Shikshak Prashikshan Mahavidyalaya, Tonk, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "The controversy was settled by the Appellate Authority. in a similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

AND WHEREAS in the appeal and during personal presentation on 19/11/2018 it was submitted that (i) they applied for D.El.Ed. course online on 27/12/2012 and the application was received in the office of N.R.C. on 02/01/2013; (ii) the N.R.C. returned their application with their letter dt. 05/06/2013 in the absence of recommendations of

State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 on the ground that 'Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government.

AND WHEREAS the relevant file of the N.R.C. is not available. 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 mushroom ng 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

- 1. The Secretary, Dev Shikshak Prashikshan Mahavidyalaya, Tonk 304001, 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.39-734/E-93646/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12-2018

### ORDER

WHEREAS the appeal of Shri Bhanwar Shikshan Prashikshan Mahavidyalaya, Barigha, Rupbas, Bharatpur, Rajasthan dated 23/10/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-6569/2013-14/47998-999 dated 10/06/2013 of the Northern Regional Committee, returning their application for grant of 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 recommer dations 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 recognit on including the requirement of recommendation of the 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'b e 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 with n 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 the appellant filed a S.B. Civil Writs No. 21836/2018 before the Hon'ble High Court of Jucicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 25/09/2018, disposed of the petition, reserving liberty to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Vedram Tiwari, U.D.C. and Sh. Narhari Sharma, Representative, Shri Bhanwar Shikshan Prashikshan Mahavidyalaya Rupbas, Bharatpur, Rajasthan presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation it was submitted that "the NCTE vide its Public Notice dated 26th Nov. 2012 had invited applications for all the courses except B.Ed., Shiksha Shastri and M.Ed. The NCTE in its Public Notice had clearly mentioned that applications have been invited on the basis of recommendations of the State Govt. / UTs. On the basis of the above Public Notice their institution had submitted an application for D.El.Ed. course with requisite fees and necessary documents after creating additional infrastructural and instructional facilities. The blanket ban imposed by the State Govt. can be taken into account by NCTE only before calling applications for the Teacher Education course (s) in a particular State for the prospective year. The decision of NRC to reject their application on the basis of subsequent recommendation of the State Govt. is not acceptable as their institution had invested huge money in creating infrastructural and instructional facilities for the D.El.Ed. course. The Hon'ble High Court of Rajasthan Bench at Jodhpur / Jaipur in various Writ Petition have set aside the subsequent negative recommendation of State Govt. of Rajasthan and directed to process the application as per NCTE Regulations. An annexure containing the details / list of some decision of NRC and Appeal Cases alongwith the list of institutions which have been granted recognition in the banned districts of Rajasthan are enclosed. The appellate authority may kindly set aside the decision of NRC and direct NRC to process their case as per NCTE Regulations."

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 cf 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 cate 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

- 1. The Secretary, Shri Bhanwar Shikshan Prashikshan Mahavidyalaya, Barigha, Rupbas, Bharatpur 321301, 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.89-735/E-93999/2018 Appeal/20<sup>th</sup> Mig.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL CCUNCIL FCR TEACHER EDUCATION

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

Date: 31-12-2018

### ORDER

WHEREAS the appeal of Ujas College of Education, Ganwar Brahmanan Shikarpura Road, Sanganer, Jaipur, Rajasthan dated 21/10/2018 is against the minutes of the N.R.C's 267<sup>th</sup> Meeting held from 5<sup>th</sup> to 7<sup>th</sup> April, 2017, wherein it was decided to reject their application for the following reasons:- "The State Government of Rajasthan vide letter dated 17/11/2008 and 19/11/2008 had decided to impose a ban on opening of B.Ed., STC, Shiksha Shastri courses. The NRC considered this ban imposed by the State as well, independently considered the matter and decided on dated 27.1.2009 to impose ban and decided to return all pending applications for the academic year 2008-09 and all the pending applications therefore were returned in original to the respective institutions. The application of the petitioner was also returned in view of the decision taken by the NRC in its 214th meeting held from 28th September to 30th September 2012. The applicant institution filed Writ Petition No. 4414/2015 before the Hon'ble High Court of Delhi at New Delhi and in compliance of the order of the Hon'ble court the institution was issued Show Cause notice dated 20/7/2015 on the following points:

- In compliance of the orders of the Hon'ble High Court of Delhi at New Delhi dated 19.05.2015, the matter was considered by NRC, NCTE, Rajasthan Government has informed the NRC that no institution should be granted recognition for D.El.Ed. for the session 2016-2017 in Jaipur and in 11 other districts.
- NRC decided that SCN be issued to the institution in view of the decision
  of the State Government of Rajasthan so that further processing be made
  in the case in accordance with law.

The Institution submitted the reply dated 13/08/2015 to the above said notice, the reply of the institution was not found satisfactory as it is observed by the

Committee that State Govt. of Rajasthan has not allowed opening of new D.El.Ed institutions in the State of Rajasthan except for in 16 Districts."

AND WHEREAS the appellant filed a S.B. Writ Review No. 54/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 12/10/2018, disposed of the petition, with liberty to the petitioner to exhaust remedy of appeal before the NCTE.

AND WHEREAS Sh. Pawan Kumar Gupta, Director, Ujas College of Education, Ganwar Brahmanan Shikarpura Road, Sanganer, Jaipur, Rajasthan presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation it was submitted that "The NCTE vide its Public Notice dated 26th Nov 2012 had invited applications for all the courses except B.Ed. Shiksha Shastri and M.Ed. The NCTE in its Public Notice had clearly mentioned that applications have been invited on the basis of recommendations of the State Govt. UTs. On the basis of the above Public notice their institution had submitted an application for additional intake in the existing D.El.Ed. course with requisite fees and necessary documents after creating additional infrastructural and instructional facilities. The decision of NRC to reject their application of on the basis of subsequent recommendation of the State Govt. is not acceptable as their institution had invested huge money in creating additional facilities for the additional intake in the D.El.Ed. course. The Hon'ble High Court of Rajasthan Bench at Jodnpur, Jaipur in various Writ Petitions have set aside the subsequent negative recommendation of State Govt of Rajasthan and directed to process the application as per NCTE Regulations. An annexure containing the detail / list of some court cases vis a vis the decision of NRC and also the list of institutions which have been granted recognition in the banned districts of Rajasthan are enclosed: NRCAPP11283, NRCAPP10417 Siddarth College Jaipur. The appellate authority may kindly set aside the decision of NRC and direct NRC to process their case as per NCTE Regulations."

AND WHEREAS the appellant, in a letter dt. 20/11/2018 further submitted that they submitted their application on 31/12/2012; their application was returned by the N.R.C. with their letter dt. 21/06/2013 (copy enclosed); on the basis of an order dt. 19/05/2015 by the Hon'ble High Court of Delhi, They resubmitted their application to N.R.C. on 28/05/2015; the N.R.C. issued a Show Cause Notice on 20/07/2015; they submitted their reply on 13/08/2015; the N.R.C. in their 237<sup>th</sup> meeting held from 5<sup>th</sup> to 7<sup>th</sup> April, 2017 after considering the reply to the Show Cause Notice decided to reject the application on the grounds mentioned in the minutes (copy of minutes enclosed); thereafter they filed Writ Petitions before the Hon'ble High Court of Delhi at New Delhi and the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur and in accordance with the order of the Hon'ble High Court of Rajasthan they have filed the present appeal. The appellant has not enclosed copy of any order issued by the N.R.C. in pursuance of the decision taken in their 267<sup>th</sup> Meeting.

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 Singe 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

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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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above corcluded 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.

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

(Sanjay Awasthi) Member Secretary

1. The President, Ujas College of Education, Ganwar Brahmanan Shikarpura Road, Dadia Road, Sanganer, Jaipur – 303905, 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.89-736/E-93994/2018 Appeal/20<sup>th</sup> Mig.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL CCUNCIL FCR TEACHER EDUCATION

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

Date: 31-12-2018

### ORDER

WHEREAS the appeal of Times STC School, Amarpura Thedi, Hanumangarh, Rajasthan dated 22/10/2018 is against the Letter No. New Appl/RF/Raj./NRCAPP-5867 dated 07/06/2013 of the Northern Reg onal Committee, returning their application for grant of 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 the appellant filed a S.B. Civil Writs No. 23106/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 09/10/2018, disposed of the petition, reserving liberty to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Sagarmal, Chairman, Times STC School, Amarpura Thedi, Hanumangarh, Rajasthan presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation it was submitted that "NRC did not issue any Show Cause Notice prior to returning their application, as per the provisions of the NCTE Act, providing a reasonable opportunity for making a written representation. They received the letter returning application after considerable period of time and there was no time period mentioned in that letter regarding appeal. When they found that the NCTE has already granted recognition to several institutions for D.El.Ed. course ignoring the shortcomings mentioned in their returning letter, they decided to go in for appeal and also filed a Writ Petition.

AND WHEREAS the appellant further submitted that the controversy was settled by the Appellate Authority, in the similar matter while disposing of the Appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order no.89 488 E 9740 2017 Appeal 17th Meeting 2017 dt. 27.11.2017 titled J.B.M. College of Education directed the NRC to process further the application on the ground that .... Appeal Committee noted that when the appellant applied in 2012 there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before

issuing any notification inviting applications for teacher education course in a particular State for the prospective academic years. Once applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government. A copy of Appeal order dated 27.11.2017 is annexed. The NCTE has already granted recognition to several institutions for D.El.Ed. Course in similar cases. Another copy of Appeal order titled Sadguru Education Institution, Order no.F.No.89 501 E 82628 2018 Appeal 16th Mtg 2018 23rd and 24th August, 2018 is enclosed. The Institution had a so filed a S. B. Civil Writs no.23106, 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 09.10.2018 disposed of the petition, granting the petitioner institution liberty to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court observed that if the petitioner institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same expeditiously."

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 after perusal of the memorandum of appeal affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 6 above 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.

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

(Sanjay Awasthi) Member Secretary

1. The Secretary/Appellant, Times STC School, Amarpura Thedi, Hanumangarh – 335513, 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.89-737/E-93991/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1. Bahadurs ah Zafar Marg, New Delhi - 110 002

Date: 31 - 12 - 2018

### ORDER

WHEREAS the appeal of Khoj Shikshak Prashikshan Mahavidyalaya, Vidhani, Sanganer, Jaipur, Rajasthan dated 26/10/2018 is against the Letter No. New Appl/RF/Raj./NRCAPP-5826/2013-14/48018 dated 10/06/2013 of the Northern Regional Committee, returning their application for grant of 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 SLF No. 17135-168/2009, 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 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 the appellant filed a S.B. Civil Writs No. 23740/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 23/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Radheyshyam Sharma, Secretary, Khoj Shikshak Prashikshan Mahavidyalaya, Vidhani, Sanganer, Jaipur, Rajasthan presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation it was submitted that the NCTE, New Delhi had issued a public notice on 27.11.2012 through which applications for grant of recognition for various Teacher Education courses had been invited from all stake holders in which no ban for D.El.Ed. course was imposed. In the State of Rajasthan there was no ban. Copy of public notice is annexed. This institution has applied online for grant of recognition of D.El.Ed. course (02 units) to NCTE from 2013-14 on 29.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 03.01.2013. Copy of receipt letter and online application is annexed. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (02 units), NRC, NCTE had returned the application of this institution on 10.06.2013 on arbitrary, unjustified, illegal and unconstitutional basis. Copy of returning letter is annexed. Being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 23740/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 23.10.2018 and directed to petitioner to file an appeal u/s 18 of NCTE 93 and Appellate Authority is directed to decide the same expeditiously as possible, in accordance with law. Copy of the order of Hon'ble High Court is annexed. 
The Appellate Authority,

NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the Regional Committee had no right to reject it or the grounds of ban imposed subsequently by the State Govt." Copy of Appeal Order is annexed. The NRC, NCTE had conducted inspection of Royal Shikshak Prashikshan Center, Chomu, Jaipur (Raj.) who had applied for D.El.Ed. ccurse in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 05.03.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 05.06.2018 is annexed. The NRC, NCTE had conducted inspection of Tak Shiksha Niketan Girls BSTC College, Lohagal, Ajmer (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 05.06.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 05.06.2018 is annexed. The NRC, NCTE had conducted inspection of SRN School of Education, Neem Ka Thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has appied before the enactment of Regulations 2014. Copy of Appeal Order dated 24.07.2018 is annexed. The NRC, NCTE had conducted inspection of Swami Vivekananc T. T. College, Gothara, Bassi (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of ron-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 24.07.2018 is annexed. The NRC, NCTE had conducted inspection of Annpurana BSTC School, Neem Ka Thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its

order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 24.07.2018 is annexed. In the Appeal matter of Sardar Bhagat Singh Shikshan Sansthan, Khara Chak, Pilibangan, Goluwala, Rajasthan, Appellate Authority, NCTE had decided by its order dated 24.09.2018 that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and the Appellate orders are issued in similar cases. Copy of Appeal Order dated 24.09.2018 is annexed. It is pertinent to mention here that Deptt. of Elementary Education (Ayojana) Deptt., Govt. of Rajasthan had sent a letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020. Copy of letter is annexed. The NRC, NCTE had returned the application of this institution on totally arbitrary, unjustified, illegal and unconstitutional basis because this institution has submitted application for grant of recognition for D.El.Ed. course (02 units) through online electronically mode and required processing fees of Rs. 50100/- has been submitted to NRC, NCTE on 03.01.2013 vide Challan No.M3170307 dated 31.12.2012. Thus, NRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course (02 units) on illegal, unlawful, unjustified and unconstitutional basis. So, it is prayed that the rejection order issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing application of this institution for grant of recognition for D.El.Ed. course (02 units).

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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

(Sanjay Awasthi) Member Secretary

- 1. The Secretary, Khoj Shikshak Prashikshan Mahavidyalaya, Vidhani, Sanganer, Jaipur 303905, 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.39-738/E-93986/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31.12.18

### ORDER

WHEREAS the appeal of Satguru Teacher Training College, Lamba-Kotra, Nawa, Kukanwali, Rajasthan dated 25/10/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-8152/2013-14/50811 dated 11/06/2013 the Northern Regional Committee, returning their application for grant of 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 SLP No. 17165-163/2009, 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 recommer dation 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 Hor'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 the appellant filed a S.B. Civil Writs No. 23657/2018 before the Hon'ble High Court of Jucicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 23/10/2018, disposed of the petition reserving liberty to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Puran Singh, Secretary, Satguru Teacher Training College, Lamba-Kotra, Nawa, Kukanwali, Rajasthan presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation it was submitted that "the NCTE, New Delhi had issued a public notice on 27.11 2012 through which applications for grant of recognition for various Teacher Education courses had been invited from all stake holders in which no ban for D.El.Ed. course was imposed. In the State of Rajasthan, there was no ban. Copy of public notice is annexed. This institution has applied online for grant of recognition of D.El.Ed. course (02 units) to NCTE from 2013-14 on 31.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 04.01.2013. Copy of receipt letter and online application is annexed. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (02 units), NRC, NCTE had returned the application of this institution on 11.06.2013 on arbitrary, unjustified, illegal and unconstitutional basis. Copy of returning letter is annexed. Being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 23657/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 23.10.2018 and directed the petitioner to file an appeal u/s 18 of NCTE Act. 1993 and Appellate Authority is directed to decide the same expeditiously as possible, in accordance with law. Copy of the order of Hon'ble High Court is annexed. 
The Appellate Authority,

NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the Regional Committee had no right to reject it or the grounds of ban imposed subsequently by the State Govt." Copy of Appeal Order is annexed. The NRC, NCTE had conducted inspection of Royal Shikshak Prashikshan Center, Chomu, Jaipur (Raj.) who had applied for D.El.Ed. ccurse in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 05.06.2018 that the rejection grounc of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 05.06.2018 is annexed. The NRC, NCTE had conducted inspection of Tak Shiksha Niketan Girls BSTC College, Lohagal, Ajmer (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 05.06.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 05.06.2018 is annexed. The NRC, NCTE had conducted inspection of SRN School of Education, Neem ka thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the reject on ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 24.07.2018 is annexed. The NRC, NCTE had conducted inspection of Swami Vivekanand T. T. College, Gothara, Bassi (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2() 14. Copy of Appeal Order dated 24.07.2018 is annexed. The NRC, NCTE had conducted inspection of Annpurana BSTC School, Neem ka thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its

order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 24.07.2018 is annexed. In the Appeal matter of Sardar Bhagat Singh Shikshan Sansthan, Khara Chak, Pilibangan, Goluwala, Rajasthan, Appellate Authority, NCTE had decided by its order dated 24.09.2018 that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and the Appellate orders were issued in similar cases. Copy of Appeal Order dated 24.09.2018 is annexed. It is pertinent to mention here that Deptt. of Elementary Education (Ayojana) Deptt., Govt. of Rajasthan had sent a letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020. Copy of letter is annexed. The NRC, NCTE had returned the application of this institution on totally arbitrary, unjustified, illegal and unconstitutional basis because this institution has submitted application for grant of recognition for D.El.Ed. course (02 units) through online electronically mode and required processing fees of Rs. 50100/- has been submitted to NRC, NCTE on 04.01.2013 vide Challan No. M-3317970 dated 31.12.2012. Thus, NRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course (02 units) on illegal, unlawful, unjustified and unconstitutional basis. So, it is prayed that the rejection order issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course (02 units)."

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 recogn tion 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 ast 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the ora arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

(Sanjay Awasthi) Member Secretary

- 1. The Secretary, Satguru Teacher Training College, Lamba-Kotra, MDR-46, Nawa, Kukanwali 341519, 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.89-740/E-93983/2018 Appeal/20<sup>th</sup> Mrg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31-12-2018

### ORDER

WHEREAS the appeal of Girdhar Teacher Training College, Pali, Rajasthan dated 15/10/2018 is against the Letter No. New Appl/RF/Raj./NRCAPP-7412/2013-14/48213 dated 11/06/2013 of the Northern Regional Committee, refusing 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 the appellant filed a S.B. Civil Writs No. 23105/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 09/10/2018, disposed of the petition reserving liberty to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. R. Kumar, Director, Girdhar Teacher Training College, Pali, Rajasthan presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation it was submitted that "The controversy was settled by the Appellate Authority, in similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that when the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education courses in a particular State for the prospective academic years. Once applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government." A copy of Appeal order dated 27.11.2017 is annexed herewith for your reference. The NCTE has already granted recognition to several institutions for D.El.Ed. course in similar cases. Another copy of appeal order titled Sadguru Education institution, order No. F.No. 89-501/E-82628/2018 Appeal 16th Mtg., 2018 23rd and 24th August, 2018 is enclosed herewith. Their institution had also filed a S.B. Civil Writs No. 23105, 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 09.10.2018 disposed of the petition, granting the petitioner institution liberty to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court observed that if the petitioner institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decided the same expeditiously. The appellant further submitted they applied for D.El.Ed. course on 31/12/2012; the respondent returned their application with their letter dt. 21/06/2013 (the correct date should be 11/06/2013); the Respondent did not issue a Show Cause Notice before passing an adverse order as per Section 14 (3) (b) of the NCTE Act, 1993 providing a reasonable opportunity to the institution for making a written representation; the Respondent had already granted recognition for D.El.Ed. course to several institutions ignoring the above said shortcomings vide order dt. 26/08/2016, copy enclosed; the act of respondent giving recognition to various institutions and rejecting their application is faulty and discriminatory in nature; the appellant made necessary arrangements with regard to physical infrastructure and other facilities; and the rejection order is bad in the eye of law and liable to be quashed and set aside."

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 a so 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 5 above 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.

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

(Sanjay Awasthi) Member Secretary

1. The Secretary, Girdhar Teacher Training College, Pali – 306401, 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.89-525/E-83606/2018 Appeal/20<sup>th</sup> Mtg.-2018/17<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> November, 2018 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/12/2018

#### ORDER

WHEREAS the appeal of Shiv Teacher Training College Sarolimod, Deoli, Rajasthan dated 24/07/2018 is against the Letter No. New Appl./RF/RAJ/NRCAPP-4668/2013-14/48830-831 dated 13/06/2013 of the Northern Regional Committee, returning the application seeking recognition for conducting D.El.Ed. course on the grounds that "In this regard it is to inform you that the matter regarding processing of application in the State of Rajasthan was considered by the N.R.C, NCTE in the light of the recommendation received from the Government of Rajasthan. The matter was considered in the 214<sup>th</sup> meeting of the N.R.C. whereby the N.R.C. decided the following:-

"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(2) 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."

In term of the above decision of the N.R.C., your above application i.e. NRC APP No. 4668 is returned herewith in original alongwith all attached documents.

AND WHEREAS the appellant filed a S.B. Civil Writs No. 18884/2018 before the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur. Hon'ble High Court vide order dated 24/08/2018 directed the Appellate Authority to decide the pending appeal dated 24/07/2018 expeditiously.

AND WHEREAS Sh. Shivji Lal Choudhary, Director and Sh. Hari Parkash, Clerk, Shiv Teacher Training College Sarolimod, Deoli, Rajasthan presented the case of the appellant institution on 29/09/2018. In the appeal and during personal presentation and in a letter dt. 29/09/2018 it was submitted that (i) they applied for D.El.Ed. course online on 27/12/2012 and the application was received in the N.R.C. on 28/12/2012 (ii) after a long time when the appellant approached the Regional office they were told that the application was returned in the absence of the recommendations of the State Government of Rajasthan but they have not received any returning till date; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-

Appeal/17th Meeting of 2017 dt. 27/11/2017 on the ground that 'Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year (s). Once application are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.' Appeal order is annexed.; (iv) the respondent had already granted recognition to several institutions ignoring the above said shortcomings vide recognition order 26/08/2016 for D.El.Ed., copy enclosed; (v) the respondent, before returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; (vi) the appellant had made all necessary arrangements with regard to physical and other facilities; and (vii) the State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20. Copy of the letter is enclosed.

AND WHEREAS the appellant did not enclose copy of the N.R.C's order/Letter returning their application against which they preferred this appeal. In the circumstances, the Appeal Committee decided that appellant may be called again for clarifying the position in this regard in the next meeting. Sh. Shivji Lal Choudhary, Secretary, Shiv Teacher Training College Sarolimod, Deoli, Rajasthan presented the case of the appellant institution on 20/11/2018 and submitted copy of the impugned letter dated 13/07/2013.

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 Harvana 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 after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in para 6 above 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.

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

(Sanjay Awasthi) Member Secretary

- 1. The Secretary, Shiv Teacher Training College Sarolimod, Saroli 1, Deoli 304802, Rajasthan.
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Celhi.
- 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.

