

F.No. 89-30/2015 Appeal/3rd Meeting-2015**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

06/05/2015

ORDER

WHEREAS the appeal of Dasharath Sansthan, Ghazipur, Uttar Pradesh dated 15/03/2015 is against the Order No. NRC/NCTE/NRCAPP-4478/225th Meeting/77347-348 dated 03.07.2014 of the Northern Regional Committee, withdrawing recognition for conducting D.El.Ed. course on the grounds that "Application with regard to file No. NRCAPP-4478 for D.El.Ed. course is rejected."

AND WHEREAS Sh. Anil Kumar, Member & Sh. Deepak Rai, Member, Dasharath Sansthan, Ghazipur, Uttar Pradesh presented the case of the appellant institution on 27/04/2015. In the appeal and during personal presentation it was submitted that "NRCAPP-4478 D.El.Ed. course apply on Arazi No. 670 area is 2500 sqm. But Arazi No. 670 whole area is 37960 sqm. Another course apply another area of Arazi No. 670 and another Building."

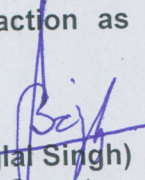
AND WHEREAS Committee noted that the refusal order dated 03.07.2014 does not mention the exact ground of refusal of recognition. The appellant stated that the institution even did not receive the rejection order dated 03.07.2014 on time and hence delay occurred in preferring appeal. Appeal Committee decided to condone the delay and take up the appeal matter on merits.

AND WHEREAS Appeal Committee noted that a Show Cause Notice dated 26.02.2014 was issued to the appellant institution on the grounds that more than one application submitted by the institution cannot be considered under clause 8(2) of NCTE Regulations, 2009. Committee further noted that as per directions issued by Supreme Court on 30.09.2013, all pending applications should be considered after new regulations come into force. NCTE Regulations, 2014 were notified in Nov, 2014 and as per provisions of the NCTE Regulations, 2014 an institution can apply for more than one course. The Clause 8 (2) of NCTE Regulations, 2009 has thus become redundant by virtue of the new Regulations.

AND WHEREAS Committee, therefore, decided to remand back the matter to N.R.C with a direction to reconsider the case keeping in view the directions of Supreme Court not to process fresh applications pending framing of new regulations and the extant provisions contained in NCTE Regulations, 2014.

AND WHEREAS After perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to reconsider the case keeping in view the directions of Supreme Court not to process fresh applications pending framing of new regulations and the extant provisions contained in NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Dasharath Sansthan, Ghazipur, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

1. The Secretary/Correspondent, Dasharath Sansthan, Vill – Hariharpur, Post – Saraygokul, Dist. – Ghazipur, Uttar Pradesh - 233301
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

06/05/2015

ORDER

WHEREAS the appeal of Classmate Institute of Elementary Education, Karimnagar, now Telangana dated 04/04/2015 is against the letter F.No. SRCAPP1728/DECED/AP/2012-13/39548 dated 27.03.2012 of the Southern Regional Committee, refusing recognition for conducting D.E.C.Ed. course on the grounds that and whereas, the SRC in its 217th meeting held on 08th-09th February, 2012 considered the request of the new applicant institution for change of course from the one mentioned in or-line application and decided to refuse/reject the institution application on the ground that "It is mandatory for the Teacher Educational Institution to apply online for recognition of a teacher education course. Therefore if the institution has mentioned a particular course in on-line application the same course should be considered for processing and not to consider offline application for change of the course." The institution may apply afresh for the next session.

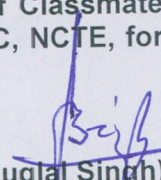
AND WHEREAS the submission of the appeal has been delayed by two years ten months and eight days beyond the prescribed time limit of 60 days. The Committee noted that aggrieved by the order of the SRC, the appellant filed a Writ Petition No. 34707 of 2014 before the Hon'ble High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh. The Hon'ble High Court in their order dt. 17.11.2014 disposed of the petition, permitting the petitioner to avail the alternative remedy of appeal under Section 18 of the NCTE Act. The appellant in his letter dt. 03.04.2015 submitted that after receiving the order of the Hon'ble Court the S.R.C. did not take any decision either accepting or rejecting the application and they directed to file appeal to NCTE Hqrs. The letter dt. 27.03.2012 of the N.R.C. did not mention the statutory provision for appeal. In these circumstance, the Committee decided to consider the appeal.

AND WHEREAS Sh. Ravi Prasad Madasa, President and Sh. Nandaian S., Member, Classmate Institute of Elementary Education, Karimnagar, now Telangana presented the case of the appellant institution on 27/04/2015. In the appeal and during personal presentation it was submitted that "Classmate Educational Society has applied online as D.E.C.Ed. instead of D.El.Ed. on 30/09/2011. The offline 'application' was submitted as correctly as D.El.Ed. A representation was also given to the Regional Director SRC on 02/02/2012 in this regard i.e. to consider the online application as D.El.Ed. course. But the SRC in its 217th meeting held during 8th-9th February, 2012 refused the request and the application was rejected vide SRC office letter 27/03/2012. They approached the Hon'ble High Court in W.P. No. 34707/2014 praying for a direction declaring the proceedings of SRC dated 27/03/2011 in F.No. SRCAPP1728/D.E.C.Ed. to D.El.Ed. as illegal. The Hon'ble High Court passed order in W.P. No. 34707/2014 on 17/11/2014. As order passed by the SRC NCTE Bangalore is appealable under Section 18 of the NCTE Act the Writ Petition was disposed of permitting to avail the aforesaid alternative remedy. After receiving the order of the Hon'ble High Court, SRC, in its 276th meeting did not take any sort of decision either rejecting the application or accepting the application. Several times they requested the concerned competent authorities to take a proper decision in this regard and they directed us to file appeal to the NCTE Headquarter. They have already prepared all the infrastructural facilities.

AND WHEREAS the Committee noted that the appellant in his letter dt. 1.02.2012 informed the S.R.C. that entering the name of the course as D.E.C. Ed. instead of D.El.Ed. was due to oversight and regretted their mistake. The S.R.C. before issuing the refusal/rejection letter did not issue any show cause notice to the appellant. The Committee, further noting that the NCTE Regulations, 2014 have since come into force, concluded that the matter deserved to be remanded to the S.R.C. with a direction to consider the application for D.El.Ed. in accordance with the provisions of new Regulations - 2014.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to SRC with a direction to consider the application for D.El.Ed. in accordance with the provisions of new Regulations - 2014.

NOW THEREFORE, the Council hereby remands back the case of Classmate Institute of Elementary Education, Karimnagar, now Telangana to the SRC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

1. The Secretary/Correspondent, Classmate Institute of Elementary of Education, 1-101, Classmate Educational Society, 1-101, Mustafa Pur, Karimnagar, Andhra Pradesh - 505471
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bangalore.

6

F.No. 89-35/2015 Appeal/3rd Meeting-2015
NATIONAL COUNCIL FOR TEACHER EDUCATION

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

06/05/2015

ORDER

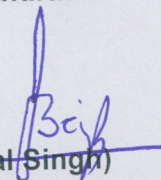
WHEREAS the appeal of D G M College of Education, CharkhiDadriBhiwani, Haryana dated 30/03/2015 is against the Order No. NRC/NCTE/HR-1229/231st Meeting/2013/86624 dated 09.02.2015 of the Northern Regional Committee, withdrawing recognition for conducting D.Ed. course on the grounds that 1. Inquiry Report dt. 25/07/2014 forwarded by the Dy. Commissioner, Bhiwani vide letter dt. 01/09/2014 indicating that school and D.Ed. course is being run in the same building and 2. Inquiry Report of Haryana School Education Board, Bhiwani dated 17/12/2013 pointing out certain deficiencies.

AND WHEREAS the appellant aggrieved by the order of the NRC filed a Writ Petition WP(C) 2643/2015 & CM No. 4736/2015 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court in their order dt. 18.03.2015 disposed of the petition by permitting the petitioner to avail the alternative remedy of appeal under Section 18 of the NCTE Act, 1993. The Hon'ble High Court further directed that in the event the petitioner files an appeal within a period of two weeks from 18.03.2015, the same would be considered by NCTE as expeditiously as possible and a final order would be passed no later than six weeks from the date of filing of the said appeal.

AND WHEREAS Sh. Manoj Kumar, President & Sh. Balwal Singh, Lecturer, D G M College of Education, Charkhi Dadri, Bhiwani, Haryana presented the case of the appellant institution on 27/04/2015. In the appeal and during personal presentation the appellant submitted in detail the various developments including the direction of the Hon'ble High Court concerning their institution. The submissions, inter-alia include that (i) the inspection got conducted by the N.R.C. through outside agencies, i.e. the State Government Authorities, are vitiated by jurisdictional error; (ii) the impugned order is based upon the reports dt. 17.12.2013 and 25.07.2014 submitted by outside agencies; (iii) all the deficiencies mentioned in the report of the state authorities dt. 17.12.2013 are countered by the findings recorded in the N.R.C. report dt. 07.11.2012; (iv) If the NRC lacked authority to conduct inspection, they could have requested the NCTE to do the same; (v) the allegations in the show cause notice dt. 20.10.2014 lack precision and clarity and are vague and unintelligible; (vi) the impugned order is cryptic and non-speaking and it does not deal with the reply submitted by the appellant; and (vii) while all pending applications were to be decided as per the new Regulations as directed by the Hon'ble Supreme Court in their order dt. 10.09.2013, NRC continued to process this matter in violation of the said order.

AND WHEREAS the Committee noted that while the show cause notice dt. 20.10.2014 was issued solely on the basis of the reports of inspection conducted by the State Government authorities; the order of withdrawal cites a number of complaints against the institution received from private individuals. The withdrawal order does not deal with the replies to the show cause notice given by the appellant.

NOW THEREFORE, since there is a statutory provision in the form of Section 13 in the NCTE Act, 1993 for the Council to cause inspection to ascertain whether a recognised institution is functioning in accordance with the provisions of the Act, the Committee concluded that the Council may conduct an inspection of the appellant institution and take further necessary action. In the meantime, the order of withdrawal may be kept in abeyance.


(Jugta Singh)
Member Secretary

1. The Secretary/Correspondent, D G M College of Education, VPO Mankawas, Tehsil – Charkhi Dadri, Distt. Bhiwani, Mankawas, Bhiwani, Haryana - 127306
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

06/05/2015

ORDER

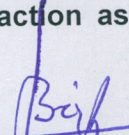
WHEREAS the appeal of Geetanjali Institute of Education, Rajkot, Gujarat dated 31/03/2015 is against the Order No. WRC/APP2026/219th/2015/133245-252 dated 24/03/2015 of the Western Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "LOI dated 22/02/2014 was issued to the Management. After the issue of LOI, the Management had submitted a list in which there were three shortcomings; hence Show Cause Notice dated 10/03/2014 was issued. In response to the Show Cause Notice, the Management has submitted another list. In both the lists, the percentage of marks in the subjects of the Post Graduate is not given for some of the appointees. The qualification of the Physical Education lecturer is also not mentioned. A letter dated 19/02/2015 to obtain clarification on the various points was issued. The applicant had been advised to refer to Appendix-4 of NCTE Regulations, 2014 so that a proper staff profile duly approved by the competent authority could be submitted by them. This has not been done even though two opportunities were given."

AND WHEREAS Sh. Shailesh M. Jani, Secretary & Sh. Gaurang Dave, Administrator, Geetanjali Institute of Education, Rajkot, Gujarat presented the case of the appellant institution on 27/04/2015. In the appeal and during personal presentation and in a letter dt. 27.04.2015 it was submitted that all the staff is recruited by the interview panel appointed by the Registrar of the Saurashtra University on the basis of required qualifications as per the norms of University and NCTE Staff is recruited by the University panel. Pre-approval and final academic approval is also issued by the Registrar of the University. That approval itself indicates the subject for which lecturer is recruited as well as percentage of marks and the pay scale as per University. Details of all recruited staff members are mentioned in the staff profile already submitted. The shortcomings are already complied in the form of staff profile which is signed and approved by the Registrar of Saurashtra University. Staff profile is the documentary evidence for all shortcomings i.e. percentage of marks in the subjects of the post graduation and qualification of physical education teacher.

AND WHEREAS the Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the W.R.C. with a direction to look into all the documents submitted by the appellant and consider the case afresh in the light of the NCTE Regulations, 2014.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to WRC with a direction to look into all the documents submitted by the appellant and consider the case afresh in the light of the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Geetanjali Institute of Education, Rajkot, Gujarat to the WRC, NCTE, for necessary action as indicated above.


(Juglal Singh)

Member Secretary

1. The Secretary/Correspondent, Geetanjali Institute of Education, 200 P/2, Rajkot Morbi Highway, P/2, Hadala, Rajkot, Gujarat - 363650
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra, Mumbai.

ORDER

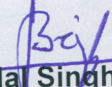
WHEREAS the appeal of Ganpat Parsekar College of Education, Harmal Panchakroshi Shikshan Mandal, North Goa, Goa dated 16/04/2015 is against the Order No. WRC/B.Sc./B.Ed./B.A./B.Ed./Goa/219th/2015/132946-954 dated 17.03.2015 of the Western Regional Committee, refusing recognition for conducting B.Sc./B.Ed./B.A./B.Ed. (Integrated) course on the grounds that "Show Cause Notice dated 19/02/2015 was issued to the institution on the basis of the VT report that there was no construction and that the Secretary of the Society had informed the VT that they do not have permission for construction. In response to the Show Cause Notice, the Management has informed that they proposed to start classes from different building. A building plan has also been submitted. As per NCTE Regulations, 2014, an applicant for conducting a course has to have the required land area and required built-up area. This applicant does not have any building. Show Cause Notice was given, and the response shows that the applicant does not have any building.

AND WHEREAS Sh. Christopher Parakh, Representative, Ganpat Parsekar College of Education, Harmal Panchakroshi Shikshan Mandal, North Goa, Goa presented the case of the appellant institution on 27/04/2015. In the appeal and during personal presentation it was submitted that the visiting team was shown two buildings. One occupied by the Higher Secondary School and the other for proposed college. Initially, the Higher Secondary School was proposed to accommodate the college because it had all the science laboratories. However, since this is on a separate plot, these facilities are now made available in the college building itself. In the course of Presentation, the appellant submitted that on plot under Survey No. 221/10 there is a spacious building with a built up area of 3116 sq. mts. and first and second floors of this building have been earmarked to accommodate first batch of B.Sc. B.Ed. and B.A. B.Ed. and a total built up area of 2500 sq. mts. will be provided. He also submitted that this building has required instructional facilities as per NCTE norms. In support of the claim, the appellant submitted documents and photographs of the building.

AND WHEREAS the Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the W.R.C. with a direction to conduct a fresh inspection of the appellant's institution and take further action as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to WRC with a direction to conduct a fresh inspection of the appellant's institution and take further action as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Ganpat Parsekar College of Education, Harmal Panchakroshi Shikshan Mandal, North Goa, Goa to the WRC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

1. The Chairman, Ganpat Parsekar College of Education (Harmal Panchakroshi Shikshan Mandal), Bhom Arambol, Survey No. 221/10, MDR 18, Arambol, Taluka Pernem - 403 524, Dist. - North Goa, Goa
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra, Mumbai.

(9)

F.No.89-39/2015 Appeal/3rd Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

06/05/2015

ORDER

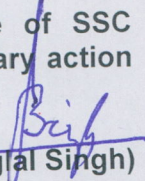
WHEREAS the appeal of SSC Education College, Seoni, Madhya Pradesh dated 04/04/2015 is against the Order No. WRC/WRCAPP131/216th /(M.P.)2015/131460 dated 20.02.2015 of the Western Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "the application is for D.El.Ed. received on 31/12/2012. Deficiency letter issued on 30/10/2013. The reply received was considered in the 197th meeting (3-4, January, 2014). A discrepancy was found in the khasra no. of the building plan and the khasra no. in the CLU. Hence, Show Cause Notice dated 09/01/2014 was issued. In the reply received on 17-18 January, 2014, it was seen that though the khasra no. is corrected in the CLU to 22/8, the diverted land was only 0.14 hectares, which is less than as required under the NCTE Norms. Hence, a letter dated 21/02/2014 was issued to obtain clarification. The applicant has again submitted photocopies of the old building completion certificate and the photocopy of the same CLU, which shows diverted area as 0.14 hectares. In his letter dated 22/02/2014, the applicant has claimed that the diversion of 0.14 hectares is sufficient since, the first floor has also been built by him. It seems, that the applicant is missing up built up area with the requirement of diverted area. Since, Show Cause Notice, and letter for Clarification on these same issues have already been issued, no further opportunity can be given."

AND WHEREAS Sh. R.K. Chaturvedi, Administrator, SSC Education College, Seoni, Madhya Pradesh presented the case of the appellant institution on 27/04/2015. In the appeal and during personal presentation and in a letter dt. 09.04.2015 it was submitted that on 0.14 hectares out of the total land of 0.26 hectares, ground and first floors of a building have been constructed. Approval for conversion of 0.12 hectares also has been obtained. Due to clerical error this was not clarified. In fact a total land of 0.26 hectares has been diverted and this is adequate as per NCTE norms. In the course of presentation the appellant gave a copy of diversion order dt.12.11.2013 for 0.14 hectares of land. With the appeal he enclosed a copy of diversion order dt.11.12.2013 for 0.12 hectares of land.

AND WHEREAS the Committee, noting the submissions of the appellant and the two land diversion orders, concluded that the matter deserved to be remanded to the W.R.C. with a direction to consider the application further as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to WRC with a direction to consider the application further as per the NCTE Regulations.

NOW THEREFORE, the Council hereby remands back the case of SSC Education College, Seoni, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

1. The Secretary/Correspondent, SSC Education College, Dorli Chhatarpur Seoni, Sahid Ward Katangi Road Seoni, Madhya Pradesh – 4806601
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra, Mumbai.