



F.No.89-71/E-63055/2018 Appeal/3rd Mtg.-2018/22nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Chandrawati Gurukul Girls T.T. College, Vamanpura Ludhawai, Sear, Rajasthan dated 03/02/2018 is against the Order No. NRC/NCTE/RJ-1022/278th Meeting/2018/187766-71 dated 22/01/2018 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "NRC observed that the order of the Hon'ble High Court of Rajasthan at Jaipur dated 10.12.2015 reads as follows:- "Petitioner submits that the controversy of recognition is covered by decision of D.B. in Dau Babu TT College. Opportunity given to NCTE to verify the facts of the case and in case their application forms are complete and they are similar to those cases, as before the DB then the same order will be applied in these cases and also the petitioners are entitled for the same relief. In case the facts are different, the NCTE would be at liberty to defer the matter." The Committee further noted the judgement given in C.W.P. No. 10960/2016 vide order dated 26.04.2017 by the Hon'ble High Court of Rajasthan at Jaipur specifically mentioning that "according to the NCTE Regulations, 2014 which came into force after the judgment given by the Hon'ble Apex Court in the case of State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shahstra Mahavidyalaya, an applicant desirous of establishing a teacher training institute could move an application for recognition of its Teacher Training Course only subsequent to the grant of NOC. Applications pending when the Regulations, 2014 came into force were not to be resubmitted but considered only in terms of the Regulations, 2014. Thus to be valid and competent such pending applications were to be buttressed by the requisite NOC from the affiliating body with reference to Regulation 5(3) of the said regulations. NRC considered the case and observed that SCN was issued to the institution by the NRC. The reply of the SCN was considered by the NRC and the Committee decided that the recognition be refused primarily on the following grounds while other requirements under NCTE Regulations, 2014 (as amended from time to time) viz. Land, Building, CLU etc. have not been taken into consideration: - The Petitioner Society has not submitted the application online electronically along with processing

fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner Society alongwith the application. The institution has not submitted any proof / evidence of its being a composite institution as required under Clause 2(b) of NCTE Regulations, 2014."

AND WHEREAS the appellant aggrieved by the order of the N.R.C. dt. 22.01.2018 filed a S.B. Civil Writ Petition No. 3100/2018 before the Hon'ble High Court of Judicature for Rajasthan, Jaipur Bench, Jaipur. The Hon'ble High Court in their order dt. 07.02.2018, in the context of the facts of the case, directed that the appeal filed by the petitioner – Trust against the order of rejection dated 22.01.2018 for grant of recognition for B.Ed. course, be decided by the appellate authority within 10 days of receipt of a certified copy of their order in view of the urgency of the case in the context of the last date of recognition statutorily being 3rd March, 2018 prescribed for the academic year 2017-18 (The relevant academic year is 2018-19). The appellant submitted a certified copy of this order on 12.02.2018.

AND WHEREAS Sh. Santosh Kumar, Secretary, Chandrawati Gurukul Girls T.T. College, Vamanpura Ludhawai, Sear, Rajasthan presented the case of the appellant institution on 22/02/2018. In the appeal and during personal presentation it was submitted that the NRC has grossly erred by refusing the application of the appellant on the ground of non-submission of application online electronically since, this application was submitted on 11/01/2007 in accordance with the NCTE (Recognition, Norms & Procedure) Regulations 2006 (Notified on 13/01/2006 and in vogue till 09/12/2007). It is a matter of record that the provision of submission of application through online mode was not stipulated therein. 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 2008 has been revived consequent upon the directions of the Hon'ble High Court. The reasonability and judicious application of mind of the NRC can be ascertained by the Hon'ble Appellate Authority with the fact that it had pointed out the deficiency of submission of application through online mode after conduct of the inspection of the appellant institution on 28/04/2016 with a deliberate intent of causing delay. The

apathy of NRC can be ascertained with the fact that the application was submitted by the appellant in the year 2008 which has been rejected / refused by NRC time and again on flimsy grounds. Even after a lapse of 11 years the appellant is having the refusal order from NRC. The rejection ground of non-submission of N.O.C. issued by the concerned affiliating body is defunct, unjust and in contravention of principle of natural justice. As mentioned above since, the application was submitted in the year 2007, wherein the provision of obtaining NOC from the affiliating body was not stipulated therefore, the question of its submission does not arise. Rejection ground of non-submission of proof/evidence of being a composite institution is defunct, unjust and in contravention of principle of natural justice. The appellant's institution is already a composite institution, since its society is already running a degree college in the same campus since, 2007. The Hon'ble Appellate Authority shall appreciate that the action of NRC to refuse the application of the appellant on the grounds mentioned in the Refusal Order are unjust and unlawful. It is a sheer contravention of the NCTE Regulations and a clear violation of the powers vested to the Regional Committee under the NCTE Act. The Appellate Authority will further appreciate the fact that the appellant has already complied with all the requisite conditions stipulated in the NCTE Regulation, Norms & Standards and therefore, the inspection of the institution has been conducted by the NRC. Moreover, at the time of submission of application the Appellant had fulfilled the mandatory condition stipulated in the NCTE Regulations 2006 prevailing at that time. The supporting documents in respect of the same are also submitted for kind perusal of the Hon'ble Appellate Authority. The Appellate Authority is requested to consider the above submissions generously to provide them an opportunity to impart education to the poor people of their vicinity who come from economically and educationally backward masses. The appellant prays the Hon'ble Appellate Authority to quash/set-a-side the order of NRC and grant justice to the appellant by accepting this appeal and issuing directions to the NRC to issue Letter of Intent (LOI) under clause 7 (13) of NCTE Regulations, 2014 without any delay.

AND WHEREAS the Committee noted that following the directions of the Hon'ble High Court of Rajasthan, the appellant who originally submitted an application in the year 2007 for grant of recognition for B.Ed. course submitted their offline application on 14.01.2016. The N.R.C. after processing that application

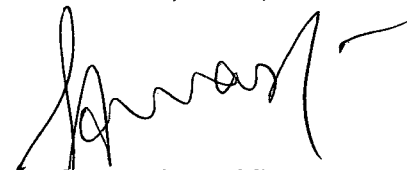
conducted an inspection of the institution on 29.04.2016. Thereafter, the N.R.C., after obtaining legal advice, issued a Show Cause Notice to the appellant institution on 11.04.2017 on three grounds, namely, (i) non-submission of application online; (ii) non-submission of NOC issued by the concerned affiliating body and ; (iii) non-submission of proof/evidence of being a composite institution.

AND WHEREAS the Committee noted that all the three grounds mentioned in the show cause notice are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are to be fulfilled when the applications are invited pursuant to these Regulations. The appellant originally submitted an application in the year 2007 and the then existing Regulations did not contain the requirements mentioned in the Show Cause Notice. The N.R.C. also processed the offline application submitted in January, 2016.

AND WHEREAS the Committee noted that the submissions of the appellant vis a vis the grounds of refusal deserve to be accepted and concluded 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 WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Chandrawati Gurukul Girls T.T. College, Vamanpura Ludhawai, Sewar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Chairman, Chandrawati Gurukul Girls T.T. College, Vamanpura Ludhawai, NH-11, Sewar – 321303, Rajasthan.
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 Rajasthan, Jaipur.



(2)

F.No.89-72/E-63052/2018 Appeal/3rd Mtg.-2018/22nd Feb., 2018
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 27/2/18

ORDER

WHEREAS the appeal of D.P.M. S.T.C. College, Village – Sarsena, Weir, Rajasthan dated 03/02/2018 is against the Order No. NRC/NCTE/RJ...../278th Meeting/2018/186882 dated 08/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "NRC observed that the order of the Hon'ble High Court of Rajasthan at Jaipur dated 07.04.2016 reads as follows:- "In view of the fact that till date no application is pending, no such direction is liable to be issued to the respondents. However, in case the petitioner moves an application before the respondent for any recognition, the same will be considered and decided in accordance with law, expeditiously, by passing a speaking order. The Committee further noted the judgement given in C.W.P. No. 10960/2016 vide order dated 26.04.2017 by the Hon'ble High Court of Rajasthan at Jaipur specifically mentioning that "according to the NCTE Regulations, 2014 which came into force after the judgment given by the Hon'ble Apex Court in the case of State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shahstra Mahavidyalaya, an applicant desirous of establishing a teacher training institute could move an application for recognition of its Teacher Training Course only subsequent to the grant of NOC. Applications pending when the Regulations, 2014 came into force were not to be resubmitted but considered only in terms of the Regulations, 2014. Thus to be valid and competent such pending applications were to be buttressed by the requisite NOC from the affiliating body with reference to Regulation 5(3) of the said Regulations. NRC considered the case and observed that SCN was issued to the institution by the NRC. The reply of the SCN was considered by the NRC and the Committee decided that the recognition be refused primarily on the following grounds while other requirements under NCTE Regulations, 2014 (as amended from time to time) viz. Land, Building, CLU etc. have not been taken into

consideration: - The Petitioner Society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner Society alongwith the application. The institution has not submitted any proof / evidence of its being a composite institution as required under Clause 2(b) of NCTE Regulations, 2014."

AND WHEREAS the appellant aggrieved by the order of the N.R.C. dt. 08.01.2018 filed a S.B. Civil Writ Petition No. 3101/2018 before the Hon'ble High Court of Judicature for Rajasthan, Jaipur Bench, Jaipur. The Hon'ble High Court in their order dt. 07.02.2018, in the context of the facts of the case, directed that the appeal filed by the petitioner – Trust against the order of rejection dated 08.01.2018 for grant of recognition for D.El.Ed. course, be decided by the appellate authority within 10 days of receipt of a certified copy of their order in view of the urgency of the case in the context of the last date of recognition statutorily being 3rd March, 2018 prescribed for the academic year 2017-18 (The relevant academic year is 2018-19). The appellant submitted a certified copy of this order on 13.02.2018

AND WHEREAS Sh. Santosh Kumar, Secretary, D.P.M. S.T.C. College, Village – Sarsena, Weir, Rajasthan presented the case of the appellant institution on 22/02/2018. In the appeal and during personal presentation it was submitted that "The NRC has grossly erred by refusing the application of the appellant on the ground of non-submission of application online electronically since, this application was submitted on 18/10/2008 in accordance with the NCTE (Recognition, Norms & Procedure) Regulations 2007 (Notified on 10/12/2007 and in vogue till 30/08/2009). It is a matter of record that the provision of submission of application through online mode was not stipulated therein. 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 2008 has been revived consequent upon the directions of the Hon'ble High Court. The reasonability and judicious application of mind of the NRC can be ascertained by the Hon'ble

Appellate Authority with the fact that it had pointed out the deficiency of submission of application through online mode after conduct of the inspection of your appellant institution on 28/04/2016 and after issuing Letter of Intent (LOI) under clause 7(13) of NCTE Regulations 2014 on 02/05/2016 with a deliberate intent of causing delay. The apathy of NRC can be ascertained with the fact that the application was submitted by the appellant in the year 2008 which has been rejected / refused by NRC time and again on flimsy grounds. Even after a lapse of 10 years the appellant is having the refusal order from NRC. The rejection ground of non-submission of N.O.C. issued by the concerned affiliating body is defunct, unjust and in contravention of principle of natural justice. As mentioned above since, the application was submitted in the year 2008, wherein the provision of obtaining NOC from the affiliating body was not stipulated therefore, the question of its submission does not arise. The rejection ground of non-submission of proof/evidence of being a composite institution is defunct, unjust and in contravention of principle of natural justice. The appellant's institution is already a composite institution, since it is conducting the B.Ed. course recognised by NRC, Jaipur since 2015 vide order No. APN7491 dated 03/03/2015 and B.A. / B.Sc. B.Ed. course Jaipur since 2017 vide order No. NRCAPP-201615500 dated 02/05/2017. The Hon'ble Appellate Authority shall appreciate that the action of NRC to refuse the application of the appellant on the grounds mentioned in the Refusal Order are arbitrary, unjust and unlawful. It is a sheer contravention of the NCTE Regulations and a clear violation of the powers vested to the Regional Committee under the NCTE Act. The Appellate Authority will further appreciate the fact that the appellant has already complied with all the requisite conditions stipulated in the NCTE Regulation, Norms & Standards therefore, the inspection of the institution has been conducted by the NRC. Moreover, at the time of submission of application the Appellant had fulfilled the mandatory conditions stipulated in the NCTE Regulations 2006 prevailing at that time. The supporting documents in respect of the same are also submitted for kind perusal of the Hon'ble Appellate Authority. The Appellate Authority is requested to consider the above submissions generously to provide them an opportunity to impart education to the poor people of their vicinity who come from economically and educationally backward masses. The appellant prays the Hon'ble Appellate Authority to quash/set-a-side the order of NRC and grant justice to the appellant by

accepting this appeal and issuing directions to the NRC to issue Recognition order under clause 7(16) of NCTE Regulations, 2014 without any delay.”

AND WHEREAS the Committee noted that following the directions of the Hon'ble High Court of Rajasthan, the appellant, who originally submitted an application in the year 2008 for grant of recognition for B.S.T.C. (D.El.Ed.) course submitted certain documents to the N.R.C. on 18.04.2016. The N.R.C. after processing that application conducted an inspection on 29.04.2016 and issued a Letter of Intent under Clause 7 (13) of the NCTE Regulations, 2014 for D.El.Ed. course on 13.05.2016. Thereafter, N.R.C. after obtaining Legal advice issued a Show Cause Notice to the appellant institution on 04.04.2017 on three grounds, namely, (i) non-submission of application online; (ii) non-submission of NOC issued by the concerned affiliating body and ; (iii) non-submission of proof/evidence of being a composite institution.

AND WHEREAS the Committee noted that all the three grounds mentioned in the show cause notice are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are to be fulfilled when applications are invited pursuant to these Regulations. The appellant originally submitted an application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the Show Cause Notice. The N.R.C. also processed the offline application submitted in April, 2016.

AND WHEREAS the Committee noted that the submission of the appellant vis a vis the grounds of refusal deserve to be accepted and concluded 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 WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of D.P.M. S.T.C. College, Village – Sarsena, Weir, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, D.P.M. S.T.C. College, Village – Sarsena, Halena Road, Weir – 321642, Rajasthan.
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 Rajasthan, Jaipur.



F.No.89-73/E-63058/2018 Appeal/3rd Mtg.-2018/22nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Vidyasthali B.Ed. (Shiksha Sastri) College, Nagla Madhopur Kathumar Road, Kathumar, Rajasthan dated 03/02/2018 is against the Order No. NRC/NCTE/RJ...../278th Meeting/2018/187039 dated 10/01/2018 of the Northern Regional Committee, refusing recognition for conducting Shiksha Shastri course on the grounds that "NRC observed that the order of the Hon'ble High Court of Rajasthan at Jaipur dated 27.04.2016 reads as follows:- "In view of above issue Show Cause Notice to the respondents making it returnable by three weeks. Notices NRC observed that the order of the Hon'ble High Court of Rajasthan at Jaipur dated 18.04.2016 reads as follows:- "It is further directed that Regional Director, NRC Jaipur only consider applications for grant of recognition under the NCTE (Regulations, Norms and Procedure) Regulations, 2014 (hereinafter the Regulation of 2014) for the academic year 2016-17 in a non-discriminatory manner strictly in accordance with the Regulations of 2014. The Regional Director, NRC Jaipur shall be personally liable for any deviation while dealing with the applications for grant of recognition in academic year 2016-17 under the Regulations of 2014. The Committee further noted the judgement given in C.W.P. No. 10960/2016 vide order dated 26.04.2017 by the Hon'ble High Court of Rajasthan at Jaipur specifically mentioning that "according to the NCTE Regulations, 2014 which came into force after the judgment given by the Hon'ble Apex Court in the case of State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shahstra Mahavidyalaya, an applicant desirous of establishing a teacher training institute could move an application for recognition of its Teacher Training Course only subsequent to the grant of NOC. Applications pending when the Regulations, 2014 came into force were not to be resubmitted but considered only in terms of the Regulations, 2014. Thus to be valid and competent such pending applications were to be buttressed by the requisite NOC from the affiliating body with reference to Regulation 5(3) of the said regulations. NRC considered the case and observed that SCN was issued to the institution by the NRC. The reply of the SCN

was considered by the NRC and the Committee decided that the recognition be refused primarily on the following grounds while other requirements under NCTE Regulations, 2014 (as amended from time to time) viz. Land, Building, CLU etc. have not been taken into consideration: - The Petitioner Society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner Society along with the application. The institution has not submitted any proof / evidence of its being a composite institution as required under Clause 2(b) of NCTE Regulations, 2014."

AND WHEREAS the appellant, aggrieved by the order of the N.R.C. dt. 10.01.2018 filed a S.B. Civil Writ Petition No. 3102/2018 before the Hon'ble High Court of Judicature for Rajasthan, Jaipur bench, Jaipur. The Hon'ble High Court in their order dt. 07.02.2018, in the context of the facts of the case, directed that the appeal filed by the petitioner – Trust against the order of rejection dated 10.01.2018 for grant of recognition for B.Ed. course, be decided by the appellate authority within 10 days of receipt of a certified copy of their order in view of the urgency of the case in the context of the last date of recognition statutorily being 3rd March, 2018 prescribed for the academic year 2017-18 (The relevant academic year is 2018-19). The appellant submitted a certified copy of this order on 13.02.2018.

AND WHEREAS Sh. Rajesh Kumar, Secretary, Vidyasthali B.Ed. (Shiksha Sastri) College, Nagla Madhopur, Kathumar Road, Kathumar, Rajasthan presented the case of the appellant institution on 22/02/2018. In the appeal and during personal presentation it was submitted that "The NRC has grossly erred by refusing the application of the appellant on this ground of non-submission of application online electronically since, this application was submitted on 31/10/2008 in accordance with the NCTE (Recognition, Norms & Procedure) Regulations 2007 (Notified on 10/12/2007 and in vogue till 30/08/2009). It is a matter of record that the provision of submission of application through online mode was not stipulated therein. 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 2008 has been revived consequent upon the directions of the Hon'ble High Court. The reasonability and judicious application of mind of the NRC can be ascertained by the Hon'ble Appellate Authority with the fact that it had pointed out the deficiency of submission of application through online mode after conduct of the inspection of your appellant institution on 01/05/2016 and after issuing Letter of Intent (LOI) under clause 7(13) of NCTE Regulations 2014 in June, 2016 with a deliberate intent of causing delay. The apathy of NRC can be ascertained with the fact that the application was submitted by the appellant in the year 2008 which has been rejected / refused by NRC time and again on flimsy grounds. Even after a lapse of 10 years your appellant is having the refusal order from NRC. The rejection ground of non-submission of N.O.C. issued by the concerned affiliating body is defunct, unjust and in contravention of principle of natural justice. As mentioned above since, the application was submitted in the year 2008, wherein the provision of obtaining NOC from the affiliating body was not stipulated therefore, the question of its submission does not arise. The rejection ground of non-submission of proof/evidence of being a composite institution is defunct, unjust and in contravention of principle of natural justice. The appellant's institution is already a composite institution, since it is conducting the B.Ed. course recognised by NRC, Jaipur since 2015 vide order dt. 21.05.2015 and B.A. / B.Sc. B.Ed. course Jaipur since 2017 vide order No. RJ-1746/2015 dated 21/05/2017. The Hon'ble Appellate Authority shall appreciate that the action of NRC to refuse the application of the appellant on the grounds mentioned in the refusal order is arbitrary, unjust and unlawful. It is a sheer contravention of the NCTE Regulations and a clear violation of the powers vested to the Regional Committee under the NCTE Act. The Appellate Authority will further appreciate the fact that the appellant has already complied with all the requisite conditions stipulated in the NCTE Regulation, Norm & Standards and therefore, the inspection of the institution has been conducted by the NRC. Moreover, at the time of submission of application. The Appellant had fulfilled the mandatory condition stipulated in the NCTE Regulations 2007 prevailing at that time. The supporting documents in respect of the same are also submitted for kind perusal of the Hon'ble Appellate Authority. The Appellate Authority is requested to consider the above submissions generously to provide them an opportunity to impart education to the poor people of their vicinity who come from economically and educationally backward masses. The appellant prays the Hon'ble Appellate Authority to quash/set-a-side the order of NRC and grant

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justice to the appellant by accepting this appeal and issuing directions to the NRC to issue Recognition order under clause 7(16) of NCTE Regulations, 2014 without any delay.

AND WHEREAS the Committee noted that following the directions of the Hon'ble High Court of Rajasthan, the appellant, who originally submitted an application in the year 2008 for grant of recognition for Shiksha Shastri course submitted certain documents to the N.R.C. on 25.04.2016. The N.R.C., after processing the application, conducted an inspection 04.05.2016 and decided to issue a Letter of Intent in their 253rd meeting held on 10-14 June, 2016. Thereafter, N.R.C. after obtaining legal advice, issued a Show Cause Notice to the appellant institution on 10.04.2017 on three grounds, namely, (i) non-submission of application online; (ii) non-submission of NOC issued by the concerned affiliating body and ; (iii) non-submission of proof/evidence of being a composite institution.

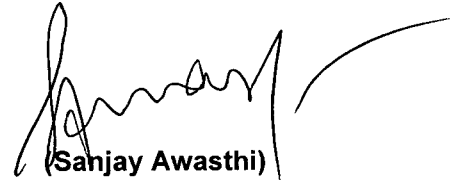
AND WHEREAS the Committee noted that all the three grounds mentioned in the show cause notice are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are to be fulfilled when applications are invited in pursuance of these Regulations. The appellant originally submitted an application in the year 2007 and the then existing Regulations did not contain the requirements mentioned in the Show Cause Notice. The N.R.C. also processed the application on the basis of the documents submitted by the appellant on 18.04.2016.

AND WHEREAS the Committee noted that the submissions of the appellant vis a vis the grounds of refusal deserve to be accepted and concluded 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 WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

- 5 -

NOW THEREFORE, the Council hereby remands back the case of Vidyasthali B.Ed. (Shiksha Sastri) College, Nagla Madhopur Kathumar Road, Kathumar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. **The Secretary, Vidyasthali B.Ed. (Shiksha Sastri) College, Nagla Madhopur, Kathumar Road, Kathumar – 321606, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, 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 Rajasthan, Jaipur.



(4)

F.No.89-74/E-63056/2018 Appeal/3rd Mtg.-2018/22nd Feb., 2018
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 27/2/18

ORDER

WHEREAS the appeal of Vidyasthali B.S.T.C. College, Nagla Madhopur, Kathumar Road, Kathumar, Rajasthan dated 03/02/2018 is against the Order No. NRC/NCTE/APN-6189/278th Meeting/2018/186801-06 dated 05/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "NRC observed that the order of the Hon'ble High Court of Rajasthan at Jaipur dated 18.04.2016 reads as follows:- "It is further directed that Regional Director, NRC Jaipur only consider applications for grant of recognition under the NCTE (Regulations, Norms and Procedure) Regulation, 2014 (hereinafter the Regulation of 2014) for the academic year 2016-17 in a non-discriminatory manner strictly in accordance with the Regulations of 2014. The Regional Director, NRC Jaipur shall be personally liable for any deviation while dealing with the applications for grant of recognition in academic year 2016-17 under the Regulations of 2014." The Committee further noted the judgement given in C.W.P. No. 10960/2016 vide order dated 26.04.2017 by the Hon'ble High Court of Rajasthan at Jaipur specifically mentioning that "according to the NCTE Regulations, 2014 which came into force after the judgment given by the Hon'ble Apex Court in the case of State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shahstra Mahavidyalaya, an applicant desirous of establishing a teacher training institute could move an application for recognition of its Teacher Training Course only subsequent to the grant of NOC. Applications pending when the Regulations, 2014 came into force were not to be resubmitted but considered only in terms of the Regulations, 2014. Thus to be valid and competent such pending applications were to be buttressed by the requisite NOC from the affiliating body with reference to Regulation 5(3) of the said regulations. NRC considered the case and observed that SCN was issued to the institution by the NRC. The reply of the SCN was considered by the NRC and the Committee decided that the recognition be refused primarily on the following grounds

while other requirements under NCTE Regulations, 2014 (as amended from time to time) viz. Land, Building, CLU etc. have not been taken into consideration: - The Petitioner Society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner Society alongwith the application. The institution has not submitted any proof / evidence of its being a composite institution as required under Clause 2(b) of NCTE Regulations, 2014."

AND WHEREAS the appellant aggrieved by the order of the N.R.C. dt. 05.01.2018 filed S.B. Civil Writ Petition No. 3102/2018 before the Hon'ble High Court of Judicature for Rajasthan, Jaipur bench, Jaipur. The Hon'ble High Court in their order dt. 07.02.2018, in the context of the facts of the case, directed that the appeal filed by the petitioner – Trust against the order of rejection dated 05.01.2018 for grant of recognition for B.Ed. course, be decided by the appellate authority within 10 days of receipt of a certified copy of their order in view of the urgency of the case in the context of the last date of recognition statutorily being 3rd March, 2018 prescribed for the academic year 2017-18 (The relevant academic year is 2018-19). The appellant submitted a certified copy of this order on 13.02.2018.

AND WHEREAS Sh. Rajesh Kumar, Secretary, Vidyasthali B.S.T.C. College, Nagla Madhopur, Kathumar Road, Kathumar, Rajasthan presented the case of the appellant institution on 22/02/2018. In the appeal and during personal presentation it was submitted that "The NRC has grossly erred by refusing the application of the appellant on the ground of non-submission of application online electronically, since this application was submitted on 31/10/2008 in accordance with the NCTE (Recognition, Norms & Procedure) Regulations 2007 (Notified on 10/12/2007 and in vogue till 30/08/2009). It is a matter of record that the provision of submission of application through online mode was not stipulated therein. 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

2008 has been revived consequent upon the directions of the Hon'ble High Court. The reasonability and judicious application of mind of the NRC can be ascertained by the Hon'ble Appellate Authority with the fact that it had pointed out the deficiency of submission of application through online mode after conduct of the inspection of the appellant institution on 01/05/2016 and after issuing Letter of Intent (LOI) under clause 7(13) of NCTE Regulations 2014 in June, 2016 with a deliberate intent of causing delay. The apathy of NRC can be ascertained with the fact that the application was submitted by the appellant in the year 2008 which has been rejected / refused by NRC time and again on flimsy grounds. Even after a lapse of 10 years the appellant is having the refusal order from NRC. The rejection ground of non-submission of NOC by the concerned affiliating body is defunct, unjust and in contravention of principle of natural justice. As mentioned above since, the application was submitted in the year 2008, wherein the provision of obtaining NOC from the affiliating body was not stipulated therefore, the question of its submission does not arise. The rejection ground of non-submission of proof/evidence of being a composite institution is defunct, unjust and in contravention of principle of natural justice. The appellant's institution is already a composite institution, since it is conducting the B.Ed. course recognised by NRC, Jaipur since 2017 vide order No. 201616152 dated 02.05.2017 and B.A. / B.Sc. B.Ed. course Jaipur since 2015 vide order No. RJ-1746/2015 dated 21/05/2015. The Hon'ble Appellate Authority shall appreciate that the action of NRC to refuse the application of the appellant on the grounds mentioned in the refusal order are arbitrary, unjust and unlawful. It is a sheer contravention of the NCTE Regulations and a clear violation of the powers vested to the Regional Committee under the NCTE Act. The Appellate Authority will further appreciate the fact that the appellant has already complied with all the requisite conditions stipulated in the NCTE Regulation, Norm & Standards therefore, the inspection of the institution has been conducted by the NRC. Moreover, at the time of submission of application. The Appellant had fulfilled the mandatory condition stipulated in the NCTE Regulations 2007 prevailing at that time. The supporting documents in respect of the same are also submitted for kind perusal of the Hon'ble Appellate Authority. The Appellate Authority is requested to consider the above submissions generously to provide us an opportunity to impart education to the poor people of their vicinity who come from economically and educationally backward masses. The appellant prays the Hon'ble Appellate Authority to quash/set-a-side the

order of NRC and grant justice to the appellant by accepting this appeal and issuing directions to the NRC to issue Recognition order under clause 7(16) of NCTE Regulations, 2014 without any delay."

AND WHEREAS the Committee noted that following the directions of the Hon'ble High Court of Rajasthan, the appellant who originally submitted an application in the year 2008 for grant of recognition for B.S.T.C. (D.El.Ed.) course submitted certain documents to the N.R.C. on 25.04.2016. The N.R.C. after processing the application, conducted an inspection on 04.05.2016 and decided in their 253rd meeting held from 10-14 June, 2016 to issue Letter of Intent. Thereafter, N.R.C., after seeking Legal advice issued a Show Cause Notice to the appellant institution on 31.03.2017 on three grounds namely, (i) non-submission of application online; (ii) non-submission of NOC issued by the concerned affiliating body and ; (iii) non-submission of proof/evidence of being a composite institution.

AND WHEREAS the Committee noted that all the three grounds mentioned in the show cause notice are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are to be fulfilled when applications are invited in pursuance of these Regulations. The appellant originally submitted an application in the year 2007 and the then existing Regulations did not contain the requirements mentioned in the Show Cause Notice. The N.R.C. also processed the application on the basis of the documents submitted by the appellant on 18.04.2016.

AND WHEREAS the Committee noted that the submissions of the appellant vis a vis the grounds of refusal deserve to be accepted and concluded 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 WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Vidyasthali B.S.T.C. College, Nagla Madhopur, Kathumar Road, Kathumar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Vidyasthali B.S.T.C. College, Nagla Madhopur, Kathumar Road, Kathumar – 321606, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, 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 Rajasthan, Jaipur.



(5)

F.No.89- 83/E-64874/2018 Appeal/3rd Mtg.-2018/22nd Feb., 2018
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

ORDER

Date: 27/2/18

WHEREAS the appeal of Ideal Teacher Training School, Rajgarh, Hisar Road, Rajgarh, Rajasthan dated 19/02/2018 is against the Order No. NRC/NCTE/RJ-1860/278th Meeting/2018/189451 dated 01/02/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "NRC observed that the order of the Hon'ble High Court of Rajasthan at Jaipur dated 18.04.2016 reads as follows:- "It is further directed that Regional Director, NRC Jaipur only consider applications for grant of recognition under the NCTE (Regulations, Norms and Procedure) Regulation, 2014 (hereinafter the Regulation of 2014) for the academic year 2016-17 in a non-discriminatory manner strictly in accordance with the Regulations of 2014. The Regional Director, NRC Jaipur shall be personally liable for any deviation while dealing with the applications for grant of recognition in academic year 2016-17 under the Regulations of 2014." The Committee further noted the judgement given in C.W.P. No. 10960/2016 vide order dated 26.04.2017 by the Hon'ble High Court of Rajasthan at Jaipur specifically mentioning that "according to the NCTE Regulations, 2014 which came into force after the judgment given by the Hon'ble Apex Court in the case of State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shahstra Mahavidyalaya, an applicant desirous of establishing a teacher training institute could move an application for recognition of its Teacher Training Course only subsequent to the grant of NOC. Applications pending when the Regulations, 2014 came into force were not to be resubmitted but considered only in terms of the Regulations, 2014. Thus to be valid and competent such pending applications were to be buttressed by the requisite NOC from the affiliating body with reference to Regulation 5(3) of the said regulations. NRC considered the case and observed that SCN was issued to the institution by the NRC. The reply of the SCN was considered by the NRC and the Committee decided that the recognition be refused primarily on the following grounds while other requirements under NCTE Regulations, 2014 (as amended from time to time) viz.

Land, Building, CLU etc. have not been taken into consideration: - The Petitioner Society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner Society alongwith the application. The institution has not submitted any proof / evidence of its being a composite institution as required under Clause 2(b) of NCTE Regulations, 2014."

AND WHEREAS the appellant aggrieved by the order of the N.R.C. dt. 01/02/2018 filed S.B. Civil Writ Petition No. 2908 of 2018 before the Hon'ble High Court of Judicature for Rajasthan at Jaipur Bench, Jaipur. The Hon'ble High Court in their order dt. 09/02/2018 remitted the petitioner to the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court in their order observed that in the event of the appeal being filed, it is expected that it will be disposed of expeditiously by the Appellate Authority keeping in mind that the last date of grant of recognition to a teacher training course in each academic year is the preceding 3rd of March as per the NCTE Regulations, 2014.

AND WHEREAS Sh. Anil Kumar, Secretary and Sh. Sanjay Sharma, President, Ideal Teacher Training School, Rajgarh, Hisar Road, Rajgarh, Rajasthan presented the case of the appellant institution on 22/02/2018. In the appeal and during personal presentation it was submitted that the NRC has grossly erred by refusing the application of the appellant on this ground of non-submission of application online electronically since, this application was submitted on 09/01/2008 in accordance with the NCTE (Recognition, Norms & Procedure) Regulations 2007 (Notified on 10/12/2007 and in vogue till 30/08/2009). The uniform application processing fee of Rs. 41,000/- has been submitted a/w the application in the form of Demand Draft bearing no. 014076 dated 09/01/2008 in f/o NRC, NCTE, Jaipur. It is a matter of record that the provision of submission of application through online mode was not stipulated therein. A copy of application and demand draft is enclosed as Annexure-A1 & A2). 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 2008 has been revived consequent upon the directions of the Hon'ble High Court. The reasonability and judicious application of mind of the NRC can be ascertained by the Hon'ble Appellant Authority with the fact that it had pointed out the deficiency of submission of application through online mode after conduct of the inspection of the appellant institution on 23/04/2016 and after issuing letter of Intent (LOI) under clause 7(13) of NCTE Regulations, 2014 on 13/05/2016 with a deliberate intent of causing delay. The apathy of NRC can be ascertained with the fact that the application was submitted by the appellant in the year 2008 which has been rejected / refused by NRC time and again on flimsy grounds. Even after a lapse of 10 years the appellant is having the refusal order from NRC. The rejection ground of non-submission of NOC issued by the concerned affiliating body is defunct, unjust and in contravention of principle of natural justice. As mentioned above since, the application was submitted in the year 2008, wherein the provision of obtaining NOC from the affiliating body was not stipulated, therefore, the question of its submission does not arise. It is also a matter of fact that the appellant has already submitted the duly approved list of teaching staff of the NRC on 02/05/2017. However, instead of granting recognition under clause 7(16) of the NCTE Regulations, 2014 the NRC kept sitting on the file for 7 months and refused recognition arbitrarily on frivolous grounds. A copy of duly approved teaching staff is enclosed. The rejection ground of non-submission of proof/evidence of being a composite institution is defunct, unjust and in contravention of principle of natural justice. The appellant's institution is already a composite institution, since it is continuously conducting the B.Ed. course recognised by NRC, Jaipur vide order No. NRC/NCTE/RJ-1802/62487 dated 17/09/2008 from the academic session 2008-09 with the annual sanctioned intake of 100 seats. A copy of Recognition order of B.Ed. course is enclosed. The Hon'ble Appellate Authority shall appreciate that the action of NRC to refuse the application of your appellant on the grounds mentioned in the Refusal Order is arbitrary, unjust and unlawful. It is sheer contravention of the NCTE Regulations and a clear violation of the powers vested to the Regional Committee under the NCTE Act. The Appellant Authority will further appreciate the fact that the appellant has already complied with all the requisite conditions stipulated in the NCTE Regulations, Norms & Standards therefore, the inspection of the institution has been conducted by the NRC. Moreover, at the time of submission of application

the Appellant had fulfilled the mandatory conditions stipulated in the NCTE Regulations 2007 prevailing at that time. The supporting documents in respect of the same are also submitted for kind perusal of the Hon'ble Appellate Authority. The Appellate Authority is requested to consider the above submissions generously to provide them an opportunity to impart education to the poor people of their vicinity who come from economically and educationally backward masses. The appellant prays the Hon'ble Appellate Authority to quash / set-a-side the order of NRC and grant justice to the appellant by accepting this appeal and issuing directions to the NRC to issue Recognition order under clause 7(16) of NCTE Regulations, 2014 without any delay.

AND WHEREAS the Committee noted that following the directions of the Hon'ble High Court of Rajasthan, the appellant who originally submitted their application in the year 2008 for grant of recognition for D.El.Ed. course, submitted certain documents required by the N.R.C. on 02.03.2016. The N.R.C. after processing the application, conducted an inspection on 23.04.2016 and issued a Letter of Intent on 13.05.2016. Thereafter, N.R.C. issued a Show Cause Notice on three grounds, namely, (i) non-submission of application online; (ii) non-submission of NOC issued by the concerned affiliating body and ; (iii) non-submission of proof/evidence of being a composite institution.

AND WHEREAS the Committee noted that all the three grounds mentioned in the show cause notice are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are to be fulfilled when applications are invited in pursuance of these Regulations. The appellant originally submitted an application in the year 2007 and the then existing Regulations did not contain the requirements mentioned in the Show Cause Notice. The N.R.C. also processed the application on the basis of the documents submitted by the appellant on 02.03.2016.

AND WHEREAS the Committee noted that the submissions of the appellant vis a vis the grounds of refusal deserve to be accepted and concluded that the matter

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deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Ideal Teacher Training School, Rajgarh, Hisar Road, Rajgarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Ideal Teacher Training School, Rajgarh, Hisar Road, Rajgarh, Rajasthan - 331023.
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 Rajasthan, Jaipur.