



F.No.89-139/E-67046/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Sorabh College of Teacher Training, 1682, Gudasi Road, Sawaimadhopur, Rajasthan dated 03/03/2018 is against the Order No. NRC/NCTE/RJ-----/278<sup>th</sup> Meeting/2018/187228 dated 12/01/2018 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "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 N.R.C. filed a S.B. Civil Writ Petition No. 1133/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 07.02.2018 remitted the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court in their order also 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 for grant of recognition to a teacher course in each academic year is 3<sup>rd</sup> of March as per the NCTE Regulations, 2014.

**AND WHEREAS** Sh. K.S. Meena, Chairman and Sh. Vishnu Sharma, Member, Sorabh College of Teacher Training, 1682, Gudasi Road, Sawaimadhopur, Rajasthan presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that the show cause notice dated 05.04.2017 as also the decision for refusal dated 12.01.2018 are bad, perverse and illegal and thus the

same cannot be sustained in the eyes of law. The grounds mentioned in the Show Cause Notice are not those covered under Section 14/15 of NCTE Act, 1993 as SCN u/s 14/15 can be issued to institution only if there is deficiency in infrastructure and facilities which is not at all the case of the appellant. Processing of the application of appellant made in terms of previous Regulations was lawful and authorized by law and it stood saved and protected. The appellant having applied in accordance with applicable Regulations in 2008, their application is/was valid and same was in accordance with applicable Regulations. Thus, there is /was no requirement to again apply online after coming into force of Regulations, 2014 online as valid application was already pending/active for being processed. Filing application online does not apply to appellant. The Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held *"Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations."* Thus, when the Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot treat such application as nullity and reject them by saying that same were not in on-line mode. The refusal order is clearly contrary to Supreme Court order mentioned above as once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application contrary to judgment of Supreme Court. The appellant is not required to make duplicate application/second application online when its initial application made in accordance with Regulation, 2007/2009 was still pending for consideration before NRC. The Hon'ble Rajasthan High Court, Jaipur has also directed the NRC in the case of Murli Singh Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L. Indoria in a non-discriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions

have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC and even L.O.I. was issued. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1<sup>st</sup> Mtg. 2018/1<sup>st</sup> & 2<sup>nd</sup> Feb., 2018 dated 27.2.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. By issuing Show cause notice dated 05.04.2017, NRC has attempted to revise and review its action which is not permissible under NCTE Act, 1993. It is settled law that power of review or recall can be exercised only if there is an express provision to review or recall. There is no such provision in NCTE Act, 1993 permitting review of decision by NRC. Thus, the refusal order dated 12.01.2018 is unauthorized and unlawful as it amounts to review of decision taken by NRC. The appellant has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which is clearly unwarranted and unlawful. Online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated/objected appellant to submit the same online during the stipulated period. The objection/ground of rejection that the appellant is not composite institution is not sustainable as same is contrary to the provisions of NCTE Act, 1993 as well as NCTE Regulations, 2014. It is stated that appellant had applied for recognition in 2008 when Regulations 2007 were applicable and there was no requirement to have composite institution. Further, various similarly placed institutions who applied with appellant in 2008 or subsequently, have already been granted recognition without requiring them proof of being composite institution. The appellant institution submitted application in the year 2008 for grant of recognition for the academic session 2008-09 and at the time the NCTE Regulations, 2007 were in force. The institution fulfilled all the requirements of the Regulations. Thus, the NRC cannot apply the Regulations retrospectively. There is no provision in NCTE Regulation, 2007 and also in 2009 to submit NOC from the affiliating body. It is humbly

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prayed and requested that that instant appeal be considered and decided on merits, delay (if any) be condoned and the show cause notice dated 05.04.2017 as well as the refusal order dated 12.01.2018 be quashed and set aside and it may be directed to NRC to immediately issue formal recognition order to appellant for running B.Ed. course. Any other order or direction be fit and proper in the facts and circumstance of the case be passed in favour of appellant.

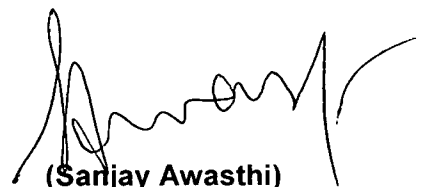
**AND WHEREAS** the Committee noted that the appellant submitted their application for Shiksha Shastri course in the year 2008. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 02.06.2016 in S.B. Civil Writ Petition No. 7211/2016, the appellant, in their letter dt. 11.06.2016 resubmitting their returned file, requested the N.R.C. to take further action. The N.R.C. conducted an inspection of the appellant institution on 12-13, November, 2016. Thereafter, the N.R.C. after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith Court orders through offline mode and processed, decided to issue show cause notice, before refusing recognition. Accordingly, a show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued on 05.04.2017. The appellant sent a reply on 16.08.2017 stating that (i) they submitted their application in the year 2008 as per the then prevailing Regulations and at that time there was no provision for online application and either manual application be considered or open the online application portal to file online application; (ii) the institution will seek N.O.C. from affiliating body after issue of L.O.I., and (iii) there was no condition of composite institution during 2008, but the institution is running B.A. Course from 2017 onwards. The N.R.C. after considering their reply refused recognition on the same grounds mentioned in their show cause notice.

**AND WHEREAS** the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution in November, 2016.

**AND WHEREAS** the Committee noted that in view of the position stated in para 5 above, the submissions of the appellant vis a vis the grounds of refusal deserved 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 memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to 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 Sorabh College of Teacher Training, 1682, Gudasi Road, Sawaimadhopur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**

  
(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Sorabh College of Teacher Training, 1682, Gudasi Road, Sawaimadhopur – 322201, 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.89-140/E-67022/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/4/18

**ORDER**

**WHEREAS** the appeal of Gaurav T.T. College, Bilwa, Tonk Road, Sanganer, Jaipur dated 03/03/2018 is against the Order No. NRC/NCTE/RJ-----/278<sup>th</sup> Meeting/2018/187246 dated 12/01/2018 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "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. filed a S.B. Civil Writ Petition No. 1121/2018 before the Hon'ble High Court of Judicature, Bench at Jaipur. The Hon'ble High Court in their order dt. 07/02/2018 remitted the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court in their order also 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 for grant of recognition to a teacher course in each academic year is 3<sup>rd</sup> of March as per the NCTE Regulations, 2014.

**AND WHEREAS** Sh. Mahesh Singh, Representative and Sh. Sorendra Sharma, Representative, Gaurav T.T. College, Bilwa, Tonk Road, Sanganer, Jaipur presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that the show cause notice dated 05.04.2017 as also the decision for refusal dated 12.01.2018 are bad, perverse and illegal and thus same

cannot be sustained in the eyes of law. The grounds mentioned in the Show Cause Notice are not covered under Section 14/15 of NCTE Act, 1993 as SCN u/s 14/15 can be issued to institution only if there is deficiency in infrastructure and facilities which is not at all the case of the appellant. The show cause notice dated 05.04.2017 as also the rejection/refusal order/decision dated 12.01.2018 is bad in the eyes of law. Processing of application of appellant made in terms of previous Regulations was lawful and authorized by law and it stood saved and protected. Processing done as per previous Regulations starting from filing of application in 2008 is valid. The appellant having applied in accordance with applicable Regulations in 2008, its application is/was valid and same was in accordance with applicable Regulations. Thus, there is/was no requirement to again apply online after coming into force of Regulations, 2014 as valid application was already pending/active for being processed. All the action taken by NRC under previous Regulations (including acceptance of application in 2008) is valid and protected and thus the requirement of filing application online does not apply to appellant. The Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtrasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held *"Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations."* Thus, when the Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot treat such application nullity and reject them by saying that same were not in on-line mode. The refusal order dated 12.01.2018 is bad and unsustainable and it is clearly contrary to Supreme Court order mentioned above as once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application contrary to judgment of Supreme Court. The appellant is not required to make duplicate application/second application online when its initial application made in accordance with Regulation, 2007/2009 was still pending for consideration before NRC. The Hon'ble Rajasthan High Court, Jaipur has also directed

the NRC in the case of Murli Singh Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L. Indoria in a non-discriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC and even L.O.I. was issued. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1<sup>st</sup> Mtg. 2018/1<sup>st</sup> & 2<sup>nd</sup> Feb., 2018 dated 27.2.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. By issuing show cause notice dated 05.04.2017, NRC has attempted to revise and review its action which is not permissible under NCTE Act, 1993. It is settled law that power of review or recall can be exercised only if there is an express provision to review or recall. There is no such provision in NCTE Act, 1993 permitting review of decision by NRC. Thus, refusal order dated 12.01.2018 is unauthorized and unlawful as it amounts to review of decision taken by NRC. The appellant has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which is clearly unwarranted and unlawful. Online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated/objected appellant to submit the same online during stipulated period. The objection/ground of rejection that the appellant is not composite institution is not sustainable as same is contrary to the provisions of NCTE Act, 1993 as well as NCTE Regulations, 2014. It is stated that appellant had applied for recognition in 2008 when Regulations 2007 were applicable and there was no requirement to have composite institution. Further, various similarly placed institutions who applied with appellant in 2008 or subsequently, have already been granted recognition without requiring them proof of being composite institution. The appellant



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institution submitted application in the year 2008 for grant of recognition for the academic session 2008-09 and at the time the NCTE Regulations, 2007 were in force. The institution fulfilled all the requirements of the Regulations. Thus, the NRC cannot apply the Regulations retrospectively. There is no provisions in NCTE Regulation, 2007 and also in 2009 to submit NOC from the affiliating body. It is humbly prayed and requested that that instant appeal be considered and decided on merits, delay (if any) be condoned and the show cause notice dated 05.04.2017 as well as the refusal order dated 12.01.2018 be quashed and set aside and it may be directed to NRC to immediately issue formal recognition order to appellant for running B.Ed. course. Any other order or direction be fit and proper in the facts and circumstance of the case be passed in favour of appellant."

**AND WHEREAS** the Committee noted that the appellant submitted their application for B.Ed. course in the year 2008. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 02.06.2016 in S.B. Civil Writ Petition no. 6983/2016, the appellant in their letter dt. 10.06.2016, resubmitting their returned file, requested the N.R.C. to take further action. The N.R.C. conducted an inspection of the appellant institution on 21.09.2016. Thereafter, the N.R.C. after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith Court orders through offline mode and processed, decided to issue show cause notice, before refusing recognition. Accordingly, a show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued on 05.04.2017. It is seen from the file that the show cause notice was returned undelivered. Thereafter N.R.C. issued the refusal order on the same grounds mentioned in the show cause notice.

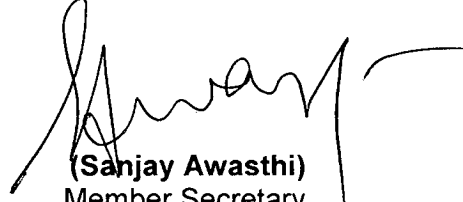
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time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution in September, 2016.

**AND WHEREAS** the Committee noted that in view of the position stated in para 5 above, the submissions of the appellant vis a vis the grounds of refusal deserved 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 memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to 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 Gaurav T.T. College, Bilwa, Tonk Road, Sanganer, Jaipur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**

  
(Sanjay Awasthi)  
Member Secretary

**1. The Secretary, Gaurav T.T. College, Bilwa, Tonk Road, Sanganer, Jaipur – 302002, 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.89-141/E-67024/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Gaurav T.T. College, Bilwa, Tonk Road, Sanganer, Jaipur dated 03/03/2018 is against the Order No. NRC/NCTE/RJ-----/278<sup>th</sup> Meeting/2018/187261 dated 12/01/2018 of the Northern Regional Committee, refusing recognition for conducting B.Ed. (Shiksha Shastri) course on the grounds that "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. filed a S.B. Civil Writ Petition No. 1129/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Nagpur. The Hon'ble High Court in their order dt. 07.02.2018 remitted the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court in their order also 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 for grant of recognition to a teacher course in each academic year is 3<sup>rd</sup> of March as per the NCTE Regulations, 2014.

**AND WHEREAS** Sh. Mahesh Singh, Representative and Sh. Sorendra Sharma, Representative, Gaurav T.T. College, Bilwa, Tonk Road, Sanganer, Jaipur presented the case of the appellant institution on 07/04/2018. In the appeal and during personal

presentation it was submitted that "the show cause notice dated 05.04.2017 as also the decision for refusal dated 12.01.2018 are bad, perverse and illegal and thus same cannot be sustained in the eyes of law. The grounds mentioned in the Show Cause Notice are not those covered under Section 14/15 of NCTE Act, 1993 as SCN u/s 14/15 can be issued to institution only if there is deficiency in infrastructure and facilities which is not at all the case of the appellant. Thus, very show cause notice is bad and nullity making decision taken in pursuance to show cause notice to be bad and perverse. The show cause notice dated 05.04.2017 as also the rejection/refusal order/decision dated 12.01.2018 is bad in the eye of law as processing of application of appellant made in terms of previous regulations was lawful and authorized by law and it stood saved and protected. Processing done as per previous Regulations starting from filing of application in 2008 is valid. The appellant having applied in accordance with applicable Regulations in 2008, its application is/was valid and same was in accordance with applicable Regulations. Thus, there is /was no requirement to again apply online after coming into force of Regulations, 2014 in online as valid application was already pending/active for being processed. All the action taken by NRC under previous Regulations (including acceptance of application in 2008) is valid and protected and thus the requirement of filing application online does not apply to appellant. The Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtrasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held *"Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations."* Thus, when the Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot treat such application nullity and reject them by saying that same were not in on-line mode. The refusal order dated 12.01.2018 is bad and unsustainable and it is clearly contrary to Supreme Court order mentioned above as once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application

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contrary to judgment of Supreme Court. The appellant is not required to make duplicate application/second application online when its initial application made in accordance with Regulation, 2007/2009 was still pending for consideration before NRC. The Hon'ble Rajasthan High Court, Jaipur has also directed the NRC in the case of Murli Singh Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L. Indoria in a non-discriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC and even L.O.I. was issued without any objection by the respondent. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1<sup>st</sup> Mtg. 2018/1<sup>st</sup> & 2<sup>nd</sup> Feb., 2018 dated 27.2.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. The appellant is required to make duplicate application/second application online when its initial same was in fact further processed. By issuing show cause notice dated 05.04.2017, NRC has attempted to revise and review its action which is not permissible under NCTE Act, 1993. It is settled law that power of review or recall can be exercised only if there is an express provision to review or recall. There is no such provision in NCTE Act, 1993 permitting review of decision by NRC. Thus, refusal order dated 12.01.2018 is unauthorized and unlawful as it amounts to review of decision taken by NRC. The appellant has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which is clearly unwarranted and unlawful. Online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated/objected appellant to submit the same online during the stipulated period. The objection/ground of rejection that appellant is not

composite institution is not sustainable as same is contrary to the provisions of NCTE Act, 1993 as well as NCTE Regulations, 2014. It is stated that appellant had applied for recognition in 2008 when Regulations 2007 were applicable and there was no requirement to have composite institution. Further, various similarly placed institutions who applied with appellant in 2008 or subsequently, have already been granted recognition without requiring them proof of being composite institution. The appellant institution submitted application in the year 2008 for grant of recognition for the academic session 2008-09 and at the time the NCTE Regulations, 2007 were in force. The institution fulfilled all the requirements of the Regulations. Thus, the NRC cannot apply the Regulations retrospectively. There is no provisions in NCTE Regulation, 2007 and also in 2009 to submit NOC from the affiliating body. It is humbly prayed and requested that that instant appeal be considered and decided on merits, delay (if any) be condoned and the show cause notice dated 05.04.2017 as well as the refusal order dated 12.01.2018 be quashed and set aside and it may be directed to NRC to immediately issue formal recognition order to appellant for running B.Ed. course. Any other order or direction be fit and proper in the facts and circumstance of the case be passed in favour of appellant."

**AND WHEREAS** the Committee noted that the appellant submitted their application for B.Ed. (Shiksha Shastri) course in the year 2008. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 02.06.2016 in S.B. Civil Writ Petition No. 6984/2016, the appellant in their letter dt. 10.06.2016, resubmitting their returned file, requested the N.R.C. to take further action. The N.R.C. conducted an inspection of the appellant institution on 24.09.2016. Thereafter, N.R.C. after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith Court orders through offline mode and processed, decided to issue show cause notice, before refusing recognition. Accordingly, a show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required

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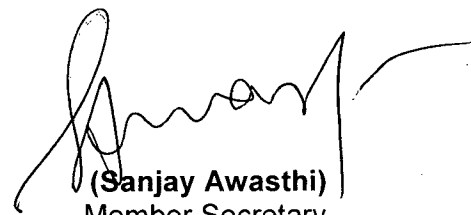
under Rule 2 (b) of the NCTE Regulations, 2014 was issued on 05.04.2017. The appellant sent a reply 14.08.2017 stating that (i) they submitted their application in the year 2008 as per the then prevailing Regulations and at that time there was no provision for online application and either manual application be considered or open the online application portal to file online application; (ii) the institution will seek N.O.C. from the affiliating body after issue of L.O.I., and (iii) there was no condition of composite institution during 2008 and however the institution will apply for B.Ed. courses from the year 2017 onwards. The N.R.C. after considering their reply refused recognition on the same grounds mentioned in their show cause notice.

**AND WHEREAS** the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution in September, 2016.

**AND WHEREAS** the Committee noted that in view of the position stated in para 5 above, the submissions of the appellant vis a vis the grounds of refusal deserved 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 memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to 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 Gaurav T.T. College, Bilwa, Tonk Road, Sanganer, Jaipur to the NRC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Secretary, Gaurav T.T. College, Bilwa, Tonk Road, Sanganer, Jaipur – 302002, 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.



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F.No.89-142/E-67026/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Gaurav T.T. College, Bilwa, Tonk Road, Sanganer, Jaipur, Rajasthan dated 03/03/2018 is against the Order No. NRC/NCTE/RJ-----/278<sup>th</sup> Meeting/2018/187234 dated 12/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "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** Sh. Mahesh Singh, Representative and Sh. Sorendra Sharma, Representative, Gaurav T.T. College, Bilwa, Tonk Road, Sanganer, Jaipur, Rajasthan presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that the show cause notice dated 05.04.2017 as also the decision for refusal dated 12.01.2018 are bad, perverse and illegal and thus same cannot be sustained in the eyes of law. The grounds mentioned in the Show Cause Notice are not those covered under Section 14/15 of NCTE Act, 1993 as SCN u/s 14/15 can be issued to institution only if there is deficiency in infrastructure and facilities which is not at all the case of the appellant. Thus, very show cause notice is bad and nullity making decision taken in pursuance to show cause notice to be bad and perverse. The show cause notice dated 05.04.2017 as also the rejection/refusal order/decision dated 12.01.2018 is bad in the eye of law as processing of application of appellant made in terms of previous regulations was lawful and authorized by law and it stood saved and protected. Processing done as per previous Regulations starting from

filing of application in 2008 is valid. Thus, appellant having applied in accordance with applicable Regulations in 2008, its application is/was valid and same was in accordance with applicable Regulations. Thus, there is /was no requirement to again apply online after coming into force of Regulations, 2014 in online as valid application was already pending/active for being processed. All the action taken by NRC under previous Regulations (including acceptance of application in 2008) is valid and protected and thus the requirement of filing application online does not apply to appellant. The Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held *"Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations."* Thus, when the Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot treat such application nullity and reject them by saying that same were not in on-line mode. The refusal order dated 12.01.2018 is bad and unsustainable and it is clearly contrary to Supreme Court order mentioned above as once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application contrary to judgment of Supreme Court. The appellant is not required to make duplicate application/second application online when its initial application made in accordance with Regulation, 2007/2009 was still pending for consideration before NRC. The Hon'ble Rajasthan High Court, Jaipur has also directed the NRC in the case of Murli Singh Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L. Indoria in a non-discriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The application of the applicant has already been processed, the

visiting team was constituted, and the team has submitted its report to the NRC and even L.O.I. was issued without any objection by the respondent. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1<sup>st</sup> Mtg. 2018/1<sup>st</sup> & 2<sup>nd</sup> Feb., 2018 dated 27.2.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. By issuing show cause notice dated 05.04.2017, NRC has attempted to revise and review its action which is not permissible under NCTE Act, 1993. It is settled law that power of review or recall can be exercised only if there is an express provision to review or recall. There is no such provision in NCTE Act, 1993 permitting review of decision by NRC. Thus, refusal order dated 12.01.2018 is unauthorized and unlawful as it amounts to review of decision taken by NRC. The appellant has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which clearly unwarranted and unlawful. Online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated/objected appellant to submit the same online during stipulated period. The objection/ground of rejection that appellant is not composite institution is not sustainable as same is contrary to the provisions of NCTE Act, 1993 as well as NCTE Regulations, 2014. It is stated that appellant had applied for recognition in 2008 when Regulations 2007 were applicable and there was no requirement to have composite institution. Further, various similarly placed institution who applied with appellant in 2008 or subsequently, have already been granted recognition without requiring them proof of being composite institution. The appellant institution submitted application in the year 2008 for grant of recognition for the academic session 2008-09 and at the time the NCTE Regulations, 2007 were in force. The institution fulfilled all the requirements of the Regulations. Thus, the NRC cannot apply the Regulations retrospectively. There is no provisions in NCTE Regulation, 2007 and also in 2009 to submit NOC from the affiliating body. It is humbly prayed and requested that that instant appeal be considered and decided on merits, delay (if any) be condoned and the show cause notice dated

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05.04.2017 as well as the refusal order dated 12.01.2018 be quashed and set aside and it may be directed to NRC to immediately issue formal recognition order to appellant for running B.Ed. course. Any other order or direction be fit and proper in the facts and circumstance of the case be passed in favour of appellant."

**AND WHEREAS** the Committee noted that the appellant submitted their application for D.El.Ed. course in the year 2008. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 31/05/2016 in S.B. Civil Writ Petition No. 6991/2016, the appellant in their letter dt. 10.06.2016 resubmitting their returned file, requested the N.R.C. to take further action. The N.R.C. conducted an inspection of the appellant institution on 19.09.2016. Thereafter the N.R.C. after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith Court orders through offline mode and processed, decided to issue show cause notice, before refusing recognition. Accordingly, a show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued.

**AND WHEREAS** the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution in September, 2016.

**AND WHEREAS** the Committee noted that in view of the position stated in para 5 above, the submissions of the appellant vis a vis the grounds of refusal deserved 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 memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to 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 Gaurav T.T. College, Bilwa, Tonk Road, Sanganer, Jaipur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Gaurav T.T. College, Bilwa, Tonk Road, Sanganer, Jaipur – 302022, 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.



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F.No.89-118/E-65223/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Deepak Diploma Elementary Teacher Training College, Paota, Kotputli, Jaipur, Rajasthan dated 21/02/2018 is against the Order No. NRC/NCTE/NRCAPP-7188/278<sup>th</sup> Meeting/2018/186997 dated 09/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "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. filed a S.B. Civil Writ Petition No. 3701/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 16.02.2018 remitted the petitioner-sansthan to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that in the event of the appeal being filed, it is expected that it will be disposed of expeditiously by the Appellate Authority.

**AND WHEREAS** Sh. Mahesh Kumar, Secretary, Deepak Diploma Elementary Teacher Training College, Paota, Kotputli, Jaipur, Rajasthan presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that "their institution has applied online for grant of recognition of D.El.Ed. course to NCTE from 2013-14 on 30.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 31.12.2012. Due to non-processing of the application of this

institution by NRC, NCTE, this institution has filed a S.B. Civil Writ No. 6992/2016 in the Hon'ble High Court of Rajasthan, Jaipur. Hon'ble Court had passed an order on 31.05.2016 in which the Court had directed the petitioner to move an application before NRC, NCTE for grant of recognition of D.El.Ed. course and also directed to NRC, NCTE to decide the recognition application in accordance with Regulations 2014 in a non-discriminatory manner. This institution has submitted the order of Hon'ble Court in the office of NRC, NCTE on 08.06.2016. After being satisfied from the documents and procedure of application, NRC, NCTE had constituted the visiting team for inspection of this college. The visit schedule was fixed from 13.09.2016 to 28.09.2016. Inspection was conducted on 26 and 27 November 2016. After inspection, NRC, NCTE had issued a Show Cause Notice vide letter No. OldApp/NRCAPP-7188/90/2017/169629 dated 24.03.2017. The institution has submitted reply of SCN to NRC, NCTE on 05.06.2017. Instead of granting recognition for D.El.Ed. course to this institution, NRC, NCTE had rejected the application of this institution for grant of recognition of D.El.Ed. course 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. 3701/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 16.02.2018 and directed to petitioner to file an appeal u/s 18 of NCTE Act. 1993 and Appellate Authority is directed to dispose of expeditiously the appeal filed by the petitioner. The institution is running B.A. and B.Sc. courses in the college campus. So, this institution fulfils the requirement of Composite Institution. Copy of affiliation order and N.O.C. is annexed. 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." Copy of Appeal Order is annexed. The institution has submitted application for grant of recognition for D.El.Ed. course 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. 035475 dated 29.12.2012. The NRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course 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.

**AND WHEREAS** the Committee noted that the appellant submitted their online application for D.El.Ed. course on 30.12.2012. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 31.05.2016 in S.B. Civil Writ Petition No. 6992/2016, the appellant in their letter dt. 08.06.2016, resubmitting their returned file, requested the N.R.C to take further action. The N.R.C. conducted an inspection of the appellant institution on 26-27 September, 2016. Thereafter, the N.R.C. after obtaining legal advice and considering the matter wherein applications were resubmitted along with Court orders and processed, decided to issue Show Cause Notice before refusing recognition. Accordingly a show cause notice on three points namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued to the appellant institution on 24.03.2017. The appellant sent a reply on 05.06.2017 stating that (i) they had submitted their application 30.12.2012 online along with the processing fee; (ii) when they submitted their application in December, 2012, there was no rule about N.O.C. and even at the time of inspection on 27.09.2016 there was no provision about N.O.C.; and (ii) even though there was no requirement of being a composite institution under the NCTE Regulations, 2009, the society has a college named Deepak Girls College which meets the requirement of 2014 Regulations. The N.R.C. after considering the reply refused recognition on the same grounds mentioned in the Show Cause Notice.

**AND WHEREAS** the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted



their application in the year 2012 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution in September, 2016.

**AND WHEREAS** the Committee noted that in view of the position stated in para 5 above, the submissions of the appellant vis a vis the grounds of refusal deserved 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 memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to 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 Deepak Diploma Elementary Teacher Training College, Paota, Kotputli, Jaipur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Deepak Diploma Elementary Teacher Training College, Paota, Kotputli, Jaipur, Rajasthan - 303106.
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.

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F.No.89-119/E-65217/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/4/18

**ORDER**

**WHEREAS** the appeal of Regional Girls College, Bagora, Udaipurwati, Rajasthan dated 21/02/2018 is against the Order No. NRC/NCTE/NRCAPP-9509/278<sup>th</sup> Meeting/2018/186919-24 dated 08/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "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. filed a S.B. Civil Writ Petition No. 3696/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 16.02.2018 remitted the petitioner-samiti to the remedy of the appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that in the event of the appeal being filed, it is expected that it will be disposed of expeditiously by the Appellate Authority.

**AND WHEREAS** Dr. J.P. Saini, Secretary, Regional Girls College, Bagora, Udaipurwati, Rajasthan presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that "the institution has applied for grant of recognition of D.El.Ed. course to NCTE from 2009-10 on 29.04.2008 with required processing fees of Rs. 40000/- and other relevant documents. Being aggrieved from the action of NRC, NCTE, this institution has filed a S.B. Civil Writ No.

11768/2015 in the Hon'ble High Court of Rajasthan, Jaipur. Hon'ble Court had passed an order on 10.09.2015 in which the Court had directed the petitioner to file an application before NRC, NCTE for grant of recognition of D.El.Ed. course and also directed NRC, NCTE to process the application of recognition in consonance with the provisions of law and regulations governing the respondent. The institution has submitted the required documents and processing fees to NRC, NCTE in compliance to the order of Hon'ble Court on 05.10.2015. After being satisfied from the documents and procedure of application, NRC, NCTE had constituted the visiting team for inspection of this college in their 250<sup>th</sup> Meeting (Part-10) held on 29.02.2016. The institution had again submitted the required documents in the compliance of decision taken in 250<sup>th</sup> (Part-III) of NRC, NCTE on 31.03.2016. NRC, NCTE had sent a letter to Principal Secretary, Department of Higher Education, Govt. of Rajasthan on 17.05.2016 for State Recommendation. Inspection of the institution was conducted by the visiting team for grant of recognition of D.El.Ed. course to this college. On the basis of scrutiny of the documents submitted by the institution, input received from the visiting team report and videography, NRC found that this institution have adequate financial resources, accommodation, library, laboratory, land and building as prescribed in the norms and standards for D.El.Ed. course and this institution fulfils such other conditions relating to infrastructural and instructional facilities as required for proper functioning of the institution for D.El.Ed. programme and issued Letter Of Intent (L.O.I.) on 13.05.2016 to this institution. Institution has submitted reply of L.O.I. to NRC, NCTE on 27.04.2017 along with required documents. Instead of granting recognition for D.El.Ed. course to this institution, NRC, NCTE had issued a Show Cause Notice to this institution on 24.03.2017. The institution had submitted a detailed reply along with required documents to NRC, NCTE on 27.04.2017. Instead of granting recognition for D.El.Ed. course to this institution, NRC, NCTE had rejected the application of this institution for grant of recognition of D.El.Ed. course on 08.01.2018 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. 3696/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 16.02.2018 and directed the petitioner to file an appeal u/s 18 of NCTE Act, 1993 and Appellate Authority is directed

to dispose of expeditiously the appeal filed by the petitioner. This institution is running B.A. course in the college campus. So, this institution full-fills the requirement of Composite Institution. Copy of affiliation order and N.O.C. 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 on the grounds of ban imposed subsequently by the State Govt." Copy of Appeal Order is annexed. The Appellate Authority, NCTE had already decided by its order dated 16.10.2017 that "The ground of non-submission of application online cannot be held against the appellant at this stage and therefore, the matter deserved to be remanded to the NRC for taking further action as per the NCTE Regulations 2014" Copy of Appeal Order is annexed. While disposing the S.B. Civil Writ Petition No. 12712/2017 Hon'ble High Court of Rajasthan, Jodhpur has passed an order on 17.02.2018 and directed to NRC, NCTE to re-consider the application of the petitioner dated 17.10.2008 in the meeting of 20-21.02.2018 of the Committee which is stated to have already constituted for the purpose. Copy of order of Hon'ble High Court is annexed. The NRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course 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. The appellant enclosed to the appeal copies of the documents mentioned therein.

**AND WHEREAS** the Committee noted that the appellant submitted their application for D.El.Ed. course in the year 2008. Following the directions of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 10/09/2015 in S.B. Civil Writ Petition No. 11768 of 2015, the appellant submitted certain documents to the N.R.C. on 05.10.2015 and 31.03.2016. The N.R.C. conducted an inspection of the appellant institution on 22.04.2016. The N.R.C. also issued a Letter of Intent under Clause 7(13) of the NCTE Regulations on 13.05.2016. The appellant also sent a response to the L.O.I. on 27.04.2017. However, the N.R.C. after obtaining Legal advice and considering the matter wherein applications submitted through offline mode were processed as per

the Court orders, decided to issue Show Cause Notice before refusing recognition. Accordingly a show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued to the appellant institution on 24.03.2017. The appellant sent a reply on 27.04.2017 stating that (i) when they applied there was no system of online and therefore they submitted their application offline as per system at that time; (ii) it is not just to ask for NOC of affiliating body after reaching this stage; and (iii) they are running a degree college named Regional Girls College. The N.R.C. after considering this reply refused recognition on the same grounds mentioned in the show cause notice.

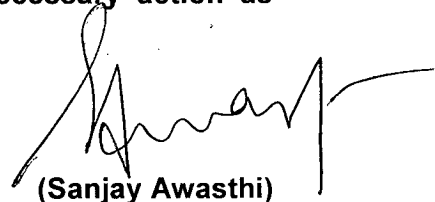
**AND WHEREAS** the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution in April, 2016 and issued Letter of Intent in May, 2016.

**AND WHEREAS** the Committee noted that in view of the position stated in para 5 above, the submissions of the appellant vis a vis the grounds of refusal deserved 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 memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing,

the Committee concluded that the matter deserved to be remanded to 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 Regional Girls College, Bagora, Udaipurwati, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

1. **The Secretary, Regional Girls College, Bagora, 335, Near Shitala Mata Mandir, Udaipurwati – 333307, 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.

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F.No.89-126/E-64978/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Tak Shiksha Niketan Girls BSTC College, Lohagal, Ajmer, Rajasthan dated 16/02/2018 is against the Order No. NRC/NCTE/NRCAPP-6051/278<sup>th</sup> Meeting/2018/187171 dated 11/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "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 NRC filed a S.B. Civil Writ Petition no. 4666/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dated 28.2.2018 disposed of the petition with their observation that since the petitioner has already filed an appeal before the Appellate Authority under Section 18 of the NCTE Act, 1993, it is expected from the Appellate Authority that the appeal filed by the petitioner will be decided expeditiously keeping in mind that the last date of recognition to a teacher training course in each academic year is the preceding 3<sup>rd</sup> of March as per NCTE Regulations, 2014.

**AND WHEREAS** Dr. Rakesh Kumar, Exc. Member, Tak Shiksha Niketan Girls BSTC College, Lohagal, Ajmer, Rajasthan presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation and in a letter dt. 07/04/2018 it was submitted that "the NRC erred in deciding the matter and did not make any effort to even look at the application of their institution which surely is an online

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application bearing application ID NRCAPP6051 which was submitted online on 29.12.2012. This fact was also submitted in their written representation dt. 27.04.2017 against Show Cause Notice which was not considered. The appellant in their letter dt. 07/04/2018 also submitted that their application was once returned by N.R.C. on 19/06/2013 and on the orders of the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur dt. 10/08/2016 in S.B. (C) W.P. No. 10731/2016, they submitted the application with same I.D. to N.R.C. on 28/09/2016. If the institution were provided opportunity to file afresh application as per the directions of Hon'ble Court, it would have been done but due to the virtual impossibility, afresh submission of the application online was totally impossible. The opportunity to file afresh was not provided at all and the same application bearing ID No. NRCAPP6051 was considered by the NRC and proceeded for inspection after accepting it. On the ground discussed and narrated above, the ground of rejection of their application is solely baseless. Further, in similar matters while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E8922/2017 Appeal/15<sup>th</sup> Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application on-line within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a *Virtual impossibility* due to closure of NCTE portal." A copy of Order dated 16.10.2017 is annexed. The NRC totally ignored the letter dt. 12.08.2016 issued by the State Government of Rajasthan inter-alia communicating the policy decision taken by it and communicated to NCTE. The NRC unquestionably ignored the recommendations of the State Government / affiliating body wherein the Ajmer District has been opened for grant of recognition of D.El.Ed. course by the Government and affiliating body also. A copy of Order dated 12.08.2016 is annexed. This fact was also submitted in our their representation dt. 27.04.2017 against Show Cause Notice which was not considered. On the two grounds discussed and narrated above, the ground of rejection of their application does not have any foundation. The NRC totally mistreated the matter as the institution is already running the following courses namely, B.Ed. course vide NRC's recognition order dt. 20.04.2008 and Revised Recognition order dt. 01.05.2015 with an annual intake of two basic units and D.El.Ed.



course vide NRC's Recognition Order dt. 27.08.2008. The Photocopies of the Recognition orders of B.Ed. and D.El.Ed. are annexed. It is further added that clause 2(b) of NCTE Regulations, 2014 provides that "Composite institution" means a duly recognized higher education institution offering undergraduate or postgraduate programmes of study in the field of liberal arts or humanities or social sciences or sciences or commerce or mathematics, as the case may be, at the time of applying for recognition of teacher education programmes, or an institution offering multiple teacher education programmes;" meaning thereby that the definition of composite institution includes the application of additional intake in itself. The NRC beyond doubt erred in deciding the matter. This fact was also submitted in their written representation dt. 27.04.2017 against Show Cause Notice which was not considered. On the grounds discussed and narrated above, the ground of rejection of their application does not have any foundation."

**AND WHEREAS** the appellant, in their letter dt. 07.04.2018 submitted that the N.R.C. considered the same application I.D. No. NRCAPP6051 and conducted an inspection on 01.01.2017 and issued the show cause notice dt. 05.04.2017. The N.R.C. without considering their reply dt. 27.04.2017 refused recognition.

**AND WHEREAS** the Committee noted that the appellant submitted their application for D.El.Ed. course online on 29.12.2012. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 10/08/2016 in S.B. Civil Writ Petition No. 10731/2016, the appellant, in their letter dt. Nil and received in N.R.C on 19/08/2016, resubmitting their returned file, requested the N.R.C. to take further action. The N.R.C. conducted an inspection of the appellant institution on 01/01/2017. Thereafter, the N.R.C after obtaining legal advice and considering the matter wherein applications were re-submitted along with Court orders and processed, decided to issue a show cause notice before refusing recognition. Accordingly a show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the

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concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued to the appellant institution on 05/04/2017. The appellant sent a reply on 27/04/2017 stating that (i) the application was submitted online in 2012 and if they were advised to file an application and the online portal was opened, they were ready to do the needful; (ii) according to the State Govt's order the district of Ajmer is exempt from the ban; and (iii) they are running B.Ed. and D.El.Ed. courses. The NRC after considering their reply refused recognition on the same grounds mentioned in the show Cause Notice.

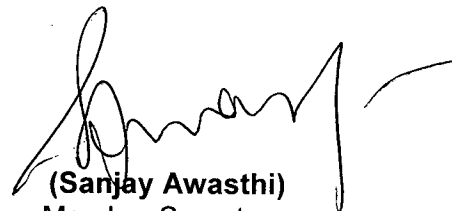
**AND WHEREAS** the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution on 1.1.2017.

**AND WHEREAS** the Committee noted that in view of the position stated in para 6 above, the submissions of the appellant vis a vis the grounds of refusal deserved 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 memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

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NOW THEREFORE, the Council hereby remands back the case of Tak Shiksha Niketan Girls BSTC College, Lohagal, Ajmer, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Tak Shiksha Niketan Girls BSTC College, Lohagal, 1406, Ajmer – 305001, 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.

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F.No.89-127/E-64975/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Tak Shiksha Niketan T.T. College, Lohagal, Police Line Road, Ajmer, Rajasthan dated 16/02/2018 is against the Order No. NRC/NCTE/RJ-----/278<sup>th</sup> Meeting/2018/187309 dated 12/01/2018 of the Northern Regional Committee, refusing recognition for conducting B.Ed. (Shiksha Shastri) course on the grounds that "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. filed a S.B. Civil Writ Petition No. 4665/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 28.02.2018 disposed of the petition with the observation that since the petitioner has already filed an appeal before the Appellate Authority under Section 18 of the NCTE Act 1993, it is expected from the Appellate Authority that the appeal filed by the petitioner will be decided expeditiously keeping in mind that the last date of recognition to a teacher training course in each Academic year is the preceding 3<sup>rd</sup> of March as per NCTE Regulations, 2014.

**AND WHEREAS** Dr. Rakesh Kumar, Exc. Member, Tak Shiksha Niketan T.T. College, Lohagal, Police Line Road, Ajmer, Rajasthan presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation and in a letter dt. 07/04/2018 it was submitted that "the NRC erred in deciding the matter and

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did not make any effort to even look on the application in consonance of NCTE's Regulation under which the application was submitted offline. Further, it is also reiterated here that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court the application was submitted offline. This fact was also submitted in their written representation dt. 27.04.2017 against Show Cause Notice which was not considered. If the institution were provided opportunity to file afresh as per the directions of Hon'ble Court, it would have been done but due to the virtual impossibility, afresh submission the application online was totally impossible. On the ground discussed and narrated above, the ground of rejection of their application is solely baseless. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534 E- 8922/2017 Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St, Meera T.T. College" directed the NRC to process further the application on the ground that " ...the Committee noted that the appellant could not have submitted the application on-line within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a *Virtual impossibility* due to closure of NCTE portal." A copy of Order dated 16.10.2017 is annexed. The NRC totally ignored the letter dt. 12.03.2016 issued by the State Government of Rajasthan inter-alia communicating the policy decision taken by it and communicated to NCTE. The aforesaid letter of State Government of Rajasthan says that "NOC to all other teachers training programmes i.e. B.P.Ed., M.P.Ed., Four-year integrated BA-B.Ed., B.Sc. -B.Ed., 3 years integrated B.Ed.M.Ed., Shiksha Shastri and Shiksha Acharya programme will be granted throughout the State only in existing colleges. This fact was also submitted in their written representation dt. 27.04.2017 against Show Cause Notice which was not considered. On the grounds discussed and narrated above, the ground of rejection of their application does not have any foundation. The NRC totally mistreated the matter as the institution is already running the following courses namely, B.Ed. course vide NRC's recognition order dt. 20.04.2008 and Revised Recognition order dt. 01.05.2015 with an annual intake of two basic units and D.El.Ed. course vide NRCs Recognition Order dt. 27.08.2008. The Photocopies of the Recognition orders of B.Ed. and D.El.Ed. are annexed. It is further added that clause 2(b) of NCTE Regulations, 2014 provides that "Composite institution" means a

duly recognized higher education institution offering undergraduate or postgraduate programmes of study in the field of liberal arts or humanities or social sciences or sciences or commerce or mathematics, as the case may be, at the time of applying for recognition of teacher education programmes, or an institution offering multiple teacher education programmes;" meaning thereby that the definition of composite institution includes the application of additional intake in itself. The NRC beyond doubt erred in deciding the matter. This fact was also submitted in their written representation dt. 27.04.2017 against Show Cause Notice which was not considered. On the grounds discussed and narrated above, the ground of rejection of their application does not have any foundation."

**AND WHEREAS** the appellant, in their letter dt. 07.04.2018 submitted that the N.R.C. accepted their resubmitted application and conducted an inspection on 10.05.2016. The N.R.C. also issued a Letter of Intent (L.O.I.) under Clause 7 (13) of the NCTE Regulations on 13/10/2016. The appellant submitted their response to the L.O.I. on 09.12.2016. Thereafter N.R.C. issued a show cause notice on 31.03.2017 which was replied to on 27.04.2017. The N.R.C. without considering their reply refused recognition.

**AND WHEREAS** the Committee noted that the appellant submitted their application for Shiksha Shastri Course on 31.10.2008. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 23.04.2016 in S.B. Civil Writ Petition No. 565/2016, the appellant in their letter dt. Nil and received in N.R.C. office on 28.04.2016, resubmitting their returned file, requested the N.R.C. to take further action. The N.R.C. conducted an inspection of the appellant institution on 10.05.2016 and issued a Letter of Intent (L.O.I.) under Clause 7 (13) of the NCTE Regulations, 2014 on 13/10/2016. The appellant sent a response to the L.O.I. on 09/12/2016. Thereafter, the NRC, after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith court orders through offline mode and processed, decided to issue a show cause notice before refusing recognition. Accordingly, a Show cause notice on three points, namely, (i) non-submission of

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application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued to the appellant institution on 31.03.2017. The appellant sent a reply on 27/04/2017 stating that (i) in 2008 it was not possible to file applications online and if they were advised to file online application and the online portal was opened, they were ready to do the needful; (ii) it was the responsibility of the N.R.C. itself to write to the affiliating body as per Clause 7 (4) of NCTE Regulation; and (iii) they are running B.Ed. and D.El.Ed. courses. The N.R.C. after considering their reply refused recognition on the same grounds mentioned in the show cause notice.

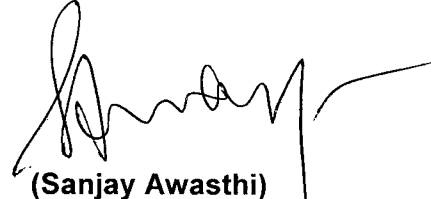
**AND WHEREAS** the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution on 10.5.2017 and issued LOI on 13.10.2016.

**AND WHEREAS** the Committee noted that in view of the position stated in para 6 above, the submissions of the appellant vis a vis the grounds of refusal deserved 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 memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

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**NOW THEREFORE, the Council hereby remands back the case of Tak Shiksha Niketan T.T. College, Lohagal, Police Line Road, Ajmer, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Secretary, Tak Shiksha Niketan T.T. College, Lohagal, Police Line Road, Ajmer – 305001, 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.89-143/E-67030/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/4/18

**ORDER**

**WHEREAS** the appeal of Siddharth College of Education, Bilwa Saligrampura Scheme Road, Sanganer, Jaipur, Rajasthan dated 03/03/2018 is against the Order No. NRC/NCTE/RJ/278<sup>th</sup> Meeting/2018/187266-71 dated 12/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "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. In view of the above facts, the Committee decided that the application is rejected and recognition / permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993 primarily on the above grounds, by the institution in letter and spirit."

**AND WHEREAS** the appellant, aggrieved by the order of the N.R.C. filed a S.B. Civil Writ Petition No. 1136/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 07.02.2018 remitted the petitioner to the remedy of the statutory appeal provided under Section 18 of the NCTE Act 1993. The Hon'ble High Court also 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 for grant of recognition to a teacher course in each academic year is 3<sup>rd</sup> of March as per the NCTE Regulations, 2014.

**AND WHEREAS** Sh. Vishnu Sharma, Representative, Siddharth College of Education, Bilwa Saligrampura Scheme Road, Sanganer, Jaipur, Rajasthan presented

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the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that "the show cause notice dated 05.04.2017 as also the decision for refusal order/minutes of 278<sup>th</sup> Meeting held from 19<sup>th</sup> to 20<sup>th</sup> December 2017 are perverse and illegal and thus same cannot be sustained in the eyes of law. The show cause notice dated 05.04.2017 and decision for rejection are liable to be quashed/set aside. The grounds mentioned in Show Cause Notice are not those covered under Section 14/15 of NCTE Act, 1993 as SCN u/s 14/15 can be issued to institution only if there is deficiency in infrastructure and facilities which is not at all the case of the appellant. Processing of application of appellant made in terms of previous Regulations was lawful and authorized by law and it stood saved and protected. The appellant having applied in accordance with applicable Regulations in 2008, their application is/was valid and same was in accordance with applicable Regulations. Thus, there is /was no requirement to again apply online after coming into force of Regulations, 2014 in online as valid application was already pending/active for being processed. Filing application online does not apply to appellant. The Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtrasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held *"Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations."* Thus, when the Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot treat such application nullity and reject them by saying that same were not in on-line mode. The refusal order is clearly contrary to Supreme Court order mentioned above as once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application contrary to judgment of Supreme Court. The appellant is not required to make duplicate application/second application online when its initial application made in accordance with Regulation, 2007/2009 was still pending for consideration before NRC. The Hon'ble Rajasthan High Court, Jaipur has also directed the NRC in the Murli Singh

Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered per the case of B.L. Indoria in a non-discriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only case of the applicant as so many institutions have been granted recognition are not composite institutions and submitted the applications after the application the applicant institution. The application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate' Authority in the case of Shri Shakti Saraswati Prashikshan Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1 2018/1<sup>st</sup> & 2<sup>nd</sup> Feb., 2018 dated 27.2.2018 concluded that non-submission application cannot be held against the appellant at this stage as NCTE portal submitting application online was closed. By issuing show cause notice dated 05.04.2017 NRC has attempted to revise and review its action which is not permissible under NCTE Act, 1993. It is settled law that power of review or recall can be exercised only if there is an provision to review or recall. There is no such provision in NCTE permitting review of decision by NRC. Thus, refusal order is unauthorized and unlawful as it amounts to review of decision taken by NRC. The appellant has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education but respondent is illegally blocking it from running the course which is unwarranted and unlawful. Online applications can be filled only for a limited duration when web portal link is made available-NRC had never ever indicated to the appellant to submit online application during the stipulated period. The respondents have failed to carry out the compliance of Adarsh Shikshan Prashikshan Case decided by Hon'ble High Court on 26.09.2013 and the law laid down therein. The objection/ground of rejection that the appellant is not a composite institution is not sustainable as the same is contrary to the NCTE Regulations, 2014. It is stated that when the appellant applied in 2008. 2007 Regulations were applicable and there was no requirement of composite institution. The appellant applied in 2008 and at that time 2007 Regulations were in force. The appellant fulfilled all requirements of those Regulations and he cannot be

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asked to submit N.O.C. from the affiliating body applying 2014 Regulations retrospectively.

**AND WHEREAS** the Committee noted that the appellant submitted their application for D.El.Ed. course on 29.10.2008. Following the orders of the Hon'ble High Court of Judicature for Rajasthan dt. 02.06.2016 in S.B. Civil Writ Petition 6987/2016, the appellant in their letter dt. 10.06.2016 re-submitting their returned file, requested the N.R.C. to take further action. The N.R.C. conducted an inspection of the appellant institution on 06.10.2016. Thereafter, the NRC, after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith court orders through offline mode and processed, decided to issue a show cause notice before refusing recognition. Accordingly, a Show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued to the appellant institution on 05.09.2017. The appellant sent a reply on 14/08/2017 stating that (i) they submitted their application in 2008 as per the then prevailing Regulations and at that time there was no provision for online application and either manual application be considered or open the online application portal to file online application; (ii) N.O.C. may be asked and considered after issue of L.O.I. and (iii) there was no condition of composite institution during 2008, however the institute is running B.Ed. course from 2017 onward. The N.R.C. after considering their reply refused recognition on the same grounds mentioned in the show cause notice.

**AND WHEREAS** the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted

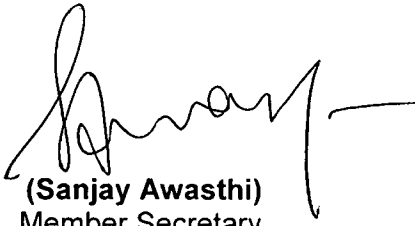
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their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution on 06.10.2017.

**AND WHEREAS** the Committee noted that in view of the position stated in para 6 above, the submissions of the appellant vis a vis the grounds of refusal deserved 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 memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to 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 Siddharth College of Education, Bilwa Saligrampura Scheme Road, Sanganer, Jaipur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Siddharth College of Education, Bilwa 665, Saligrampura Scheme Road, Sanganer, Jaipur – 302022, 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.89-144/E-67032/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Siddharth College of Education, Bilwa, Saligrampura Scheme Road, Sanganer, Jaipur, Rajasthan dated 03/03/2018 is against the Order No. NRC/NCTE/RJ/278<sup>th</sup> Meeting/2018/187221-26 dated 12/01/2018 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "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. In view of the above facts, the Committee decided that the application is rejected and recognition / permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993 primarily on the above grounds, by the institution in letter and spirit.

**AND WHEREAS** the appellant, aggrieved by the order of the N.R.C. filed a S.B. Civil Writ Petition No. 1138/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 07.02.2018 remitted the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also 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 for grant of recognition to a teacher course in each academic year is 3<sup>rd</sup> of March as per the NCTE Regulations, 2014.

**AND WHEREAS** Sh. Vishnu Sharma, Representative, Siddharth College of Education, Bilwa, Saligrampura Scheme Road, Sanganer, Jaipur, Rajasthan presented

the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that "the show cause notice dated 05.04.2017 as also the decision for refusal order/minutes of 278<sup>th</sup> Meeting held from 19<sup>th</sup> to 20<sup>th</sup> December 2017 are perverse and illegal and thus same cannot be sustained in the eyes of law. The show cause notice dated 05.04.2017 and decision for rejection are liable to be quashed/set aside. The ground mentioned in Show Cause Notice are not those covered under Section 14/15 of NCTE Act, 1993 as SCN u/s 14/15 can be issued to institution only if there is deficiency in infrastructure and facilities which is not at all the case of the appellant. Processing of application of appellant made in terms of previous Regulations was lawful and authorized by law and it stood saved and protected. The appellant having applied in accordance with applicable Regulations in 2008, their application is/was valid and same was in accordance with applicable Regulations. Thus, there is /was no requirement to again apply online after coming into force of Regulations, 2014 in online as valid application was already pending/active for being processed. Filing application online does not apply to appellant. The Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtrasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held *"Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations."* Thus, when the Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot treat such application nullity and reject them by saying that same were not in on-line mode. The refusal order is clearly contrary to Supreme Court order mentioned above as once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application contrary to judgment of Supreme Court. The appellant is not required to make duplicate application/second application online when its initial application made in accordance with Regulation, 2007/2009 was still pending for consideration before NRC. The Hon'ble Rajasthan High Court, Jaipur has also directed the NRC in the Murli Singh

Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered per the case of B.L. Indoria in a non-discriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only case of the applicant as so many institutions have been granted recognition are not composite institutions and submitted the applications after the application of the applicant institution. The application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate' Authority in the case of Shri Shakti Saraswati Prashikshan Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1 2018/1<sup>st</sup> & 2<sup>nd</sup> Feb., 2018 dated 27.2.2018 concluded that non-submission application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. By issuing show cause notice dated 05.04.2017 NRC has attempted to revise and review its action which is not permissible under NCTE Act, 1993. It is settled law that power of review or recall can be exercised only if there is an provision to review or recall. There is no such provision in NCTE permitting review of decision by NRC. Thus, refusal order is unauthorized and unlawful as it amounts to review of decision taken by NRC. The appellant has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education but respondent is illegally blocking it from running the course which is unwarranted and unlawful. Online applications can be filled only for a limited duration when web portal link is made available-NRC had never ever indicated to the appellant to submit online application during the stipulated period. The respondents have failed to carry out the compliance of Adarsh Shikshan Prashikshan Case decided by Hon'ble High Court on 26.09.2013 and the law laid down therein. The objection/ground of rejection that the appellant is not a composite institution is not sustainable as the same is contrary to NCTE Regulations, 2014. It is stated that when the appellant applied in 2008 Regulations 2007 were applicable and there was no requirement of composite institution. The appellant applied in 2008 and at that time 2007 Regulations were in force. The appellant fulfilled all the requirements



of those Regulations and he cannot be asked to submit NOC from the affiliating body, applying 2014 Regulations retrospectively.

**AND WHEREAS** the Committee noted that the appellant submitted their application for B.Ed. course on 29.10.2008. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 02.06.2016, the appellant in their letter dt. 10.06.2016 resubmitted their returned file, requested the N.R.C. to take further action. The N.R.C conducted an inspection of the appellant institution on 18.09.2016. Thereafter, the NRC, after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith court orders through offline mode and processed, decided to issue a show cause notice before refusing recognition. Accordingly, a Show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued to the appellant institution on 05.09.2017. The appellant sent a reply on 14/08/2017 stating that (i) they submitted their application in 2008 as per the then prevailing Regulations and at that time there was no provision for online application and either manual application be considered or open the online application portal to file online application; (ii) N.O.C. may be asked and considered after issue of L.O.I. and (iii) there was no condition of composite institution during 2008, however the institute is running B.Ed. course from 2017 onward. The N.R.C. after considering their reply refused recognition on the same grounds mentioned in the show cause notice.

**AND WHEREAS** the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the


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requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution in September, 2016.

**AND WHEREAS** the Committee noted that in view of the position stated in para 5 above, the submissions of the appellant vis a vis the grounds of refusal deserved 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 memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to 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 Siddharth College of Education, Bilwa, Saligrampura Scheme Road, Sanganer, Jaipur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Siddharth College of Education, Bilwa 655, Saligrampura Scheme Road, Sanganer, Jaipur – 302022, 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.89-145/E-67037/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Sorabh College of Teacher Training, Sawai Madhopur, Rajasthan dated 03/03/2018 is against the Order No. NRC/NCTE/RJ---/278<sup>th</sup> Meeting/2018/187216 dated 12/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "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 NRC filed a S.B. Civil Writ Petition No. 1132/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dated 7.2.2018 remitted the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also 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 for grant of recognition to a teacher training course in each academic year is 3<sup>rd</sup> of March as per the NCTE Regulations, 2014.

**AND WHEREAS** Sh. K.S. Meena, Chairman and Sh. Vishnu Sharma, Member, Sorabh College of Teacher Training, Sawai Madhopur, Rajasthan presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that the show cause notice dated 05.04.2017 as also the decision for refusal dated 12.01.2018 are bad, perverse and illegal and thus same

cannot be sustained in the eyes of law. The show cause notice dated 05.04.2017 and decision for rejection are liable to be quashed and set aside. The grounds mentioned in Show Cause Notice are not the ones covered under Section 14/15 of NCTE Act, 1993 as SCN u/s 14/15 can be issued to institution only if there is deficiency in infrastructure and facilities which is not at all the case of the appellant. Processing of application of appellant made in terms of previous Regulations was lawful and authorized by law and it stood saved and protected. The appellant having applied in accordance with applicable Regulations in 2008, its application is/was valid and same was in accordance with applicable Regulations. Thus, there is /was no requirement to again apply online after coming into force of Regulations, 2014 in online as valid application was already pending/active for being processed. The requirement of filing application online does not apply to appellant. The Hon'ble Supreme Court in SLP No. 4247-4248/2009 *Rashtrasant TMS and SBVMCA.VID and others* had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held *"Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations."* Thus, when the Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot treat such application nullity and reject them by saying that same were not in on-line mode. The refusal order it is clearly contrary to the Supreme Court order mentioned above as once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application contrary to judgment of Supreme Court. The appellant is not required to make duplicate application/second application online when its initial application made in accordance with Regulation, 2007/2009 was still pending for consideration before NRC. The Hon'ble Rajasthan High Court, Jaipur has also directed the NRC in the case of *Murli Singh Yadav* and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of *B.L. Indoria* in a nondiscriminatory manner. NRC is a statutory body and cannot

discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC and L.O.I. was issued without any objection by the respondent N.R.C. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1<sup>st</sup> Mtg. 2018/1<sup>st</sup> & 2<sup>nd</sup> Feb., 2018 dated 27.2.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. By issuing show cause notice dated 05.04.2017, NRC has attempted to revise and review its action which is not permissible under NCTE Act, 1993. It is settled law that power of review or recall can be exercised only if there is an express provision to review or recall. There is no such provision in NCTE Act, 1993 permitting review of decision by NRC. Thus, refusal order dated 12.01.2018 is unauthorized and unlawful as it amounts to review of decision taken by NRC. The appellant has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which is clearly unwarranted and unlawful. Online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated/objected appellant to submit the same online during the stipulated period. The respondents have failed to carry out the compliance of Adarsh Shikshan Prashikshan Case decided by Hon'ble High Court on 26.09.2013 and the law laid down therein. The objection/ground of rejection that appellant is not composite institution is not sustainable as same is contrary to the provisions of NCTE Act, 1993 as well as NCTE Regulations, 2014. It is stated that appellant had applied for recognition in 2008 when Regulations 2007 were applicable and there was no requirement to have composite institution. Further, various similarly placed institution who applied with appellant in 2008 or subsequently, have already been granted recognition without requiring them proof of being composite institution. The institution fulfilled all the requirements of Regulations. The NRC cannot

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apply the Regulations retrospectively. There is no provisions in NCTE Regulation, 2007 and also in 2009 to submit NOC from the affiliating body. It is humbly prayed and requested that that instant appeal be considered and decided on merits, delay (if any) be condoned and the show cause notice dated 05.04.2017 as well as the refusal order dated 12.01.2018 be quashed and set aside and it may be directed to NRC to immediately issue formal recognition order to appellant for running B.Ed. course. Any other order or direction be fit and proper in the facts and circumstance of the case be passed in favour of appellant."

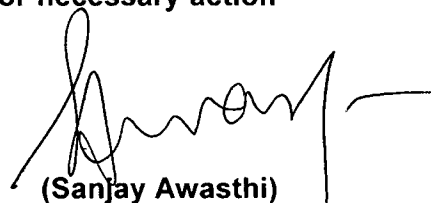
**AND WHEREAS** the Committee noted that the appellant submitted their application for D.El.Ed. course on 27.10.2008. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 02.06.2016 in S.B. Civil Writ Petition No. 7205/2016, the appellant, in their letter dt. 11.06.2016, re-submitting their returned file, requested the N.R.C. to take further action. The N.R.C. conducted an inspection of the appellant institution on 12-13 November, 2016. Thereafter, the NRC, after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith court orders through offline mode and processed, decided to issue a show cause notice before refusing recognition. Accordingly, a Show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued to the appellant institution on 05.09.2017. The appellant sent a reply on 14/08/2017 stating that (i) they submitted their application in 2008 as per the then prevailing Regulations and at that time there was no provision for online application and either manual application be considered or open the online application portal to file online application; (ii) N.O.C. may be asked and considered after issue of L.O.I. and (iii) there was no condition of composite institution during 2008, however the institute is running B.Ed. course from 2017 onward. The N.R.C. after considering their reply refused recognition on the same grounds mentioned in the show cause notice.

**AND WHEREAS** the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution in November, 2016.

**AND WHEREAS** the Committee noted that in view of the position stated in para 5 above, the submissions of the appellant vis a vis the grounds of refusal deserved 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 memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to 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 Sorabh College of Teacher Training, Sawai Madhopur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

1. **The Secretary, Sorabh College of Teacher Training, 1682, Gudasi Road, Sawai Madhopur – 322201, 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.

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F.No.89-51/E-61519/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

**ORDER**

Date: 5/6/18

**WHEREAS** the appeal of Devchand Dalsingar Bhartiya Vidyapeeth Mahavidyalaya, Arya Nagar, Muhammadpur, Uttar Pradesh dated 30/01/2018 is against the Order No. NRC/NCTE/NRCAPP-4857/261<sup>st</sup> Meeting/2017/186970-75 dated 08/01/2018 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that "the institution was given recognition under clause 7(16) vide order dt. 31.05.2015. After recognition, NRC received letter from Registrar, Veer Bahadur Singh Purvanchal University, Jaunpur. In the letter, Registrar mentioned that the institution has been granted recognition on fake faculty list. Hence, institution was given show cause notice and reply submitted by the institution is not acceptable. The institution has tried to mislead NRC by submission of fake list. The institution has misled the VT members and the NRC."

**AND WHEREAS** Sh. Bhullam Yadav, Member and Sh. Satyendra Kumar, Manager, Devchand Dalsingar Bhartiya Vidyapeeth Mahavidyalaya, Arya Nagar, Muhammadpur, Uttar Pradesh presented the case of the appellant institution on 07/04/2018. In the appeal, the appellant has not submitted any explanation. In the course of presentation, the appellant submitted copies of Letters issued by Veer Bahadur Singh Purvanchal University, Jaunpur dt. 26.05.2015 and 09/05/2017 approving faculty for B.Ed. course in the appellant institution and copy of a letter dt. 24/12/2016 addressed to the Regional Director N.R.C. confirming the university's approval for the faculty conveyed in their letter dt. 25.05.2015.

**AND WHEREAS** the Committee noted that the N.R.C. issued a Letter of Intent (L.O.I.) under Clause 7 (13) of the NCTE Regulations, 2014 to the appellant institution on 22.01.2015. The appellant sent a reply dt. Nil received in N.R.C. on 29.05.2015



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with which they enclosed a number of documents including a copy of the letter dt. 25.05.2015 from the Registrar, VBS Purvanchal University, Jaunpur in which a faculty of seven members for the appellant institution was approved. Thereafter N.R.C. granted recognition to the appellant institution on 03.05.2015. The N.R.C. on the basis a letter dt. 28.07.2016 received from the Registrar, VBS Purvanchal University, Jaunpur, in their 256<sup>th</sup> meeting held from 22<sup>nd</sup> to 25<sup>th</sup> August, 2016 decided to issue a show cause notice to the appellant on the ground that the list of faculty duly approved by the affiliating body and submitted by the institution for getting recognition was fake. The appellant, on the basis of the minutes of the said meeting submitted a reply dt. 26.09.2016, stating that the faculty list approved by the university and submitted is correct and true.

**AND WHEREAS** the Committee also noted that the appellant sent a letter dt. 28.10.2016 to the N.R.C. stating that the previously appointed faculty have not assumed charge, new faculty approved by the university have been appointed. With this letter the appellant enclosed a copy of the letter dt. 19.09.2015 from Registrar, VBSP University approving a faculty members. The appellant in the course of presentation submitted a copy of the letter dt. 09/05/2017 from the Registrar, VBSP University approving a faculty of seven members for their B.Ed. course.

**AND WHEREAS** the Committee noted that the letter of the Registrar, VBSP University dt. 28/07/2016 on the basis of which N.R.C. decided to issue a show cause notice is not available in the file. On the other hand the appellant submitted copies of three letters dt. 25.05.2015, 19.09.2015 and 09/05/2017 issued by the university approving faculty for the appellant institution. While the university confirmed their letter dt. 25.05.2015, the authenticity of the other two letters dt. 19.09.2015 and 09/05/2017 needs to be confirmed.

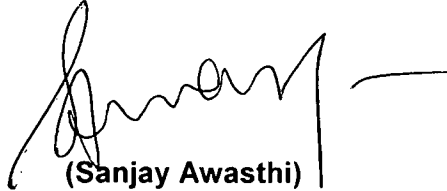
**AND WHEREAS** in these circumstances, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to verify the authenticity and correctness of the approval letters from the affiliating university and take further action

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as per the NCTE Regulations, 2014. The appellant is also directed to intimate the N.R.C the circumstances under which they obtained the approval of the university for their faculty on three occasions, within 15 days of receipt of the orders on the appeal. In the meanwhile, the order of withdrawal shall be kept in abeyance.

**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 deserved to be remanded to the N.R.C. with a direction to verify the authenticity and correctness of the approval letters from the affiliating university and take further action as per the NCTE Regulations, 2014. The appellant is also directed to intimate the N.R.C the circumstances under which they obtained the approval of the university for their faculty on three occasion, within 15 days of receipt of the orders on the appeal. In the meanwhile, the order of withdrawal shall be kept in abeyance.

**NOW THEREFORE**, the Council hereby remands back the case of Devchand Dalsingar Bhartiya Vidyapeeth Mahavidyalaya, Arya Nagar, Muhammadpur, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Manager, Devchand Dalsingar Bhartiya Vidyapeeth Mahavidyalaya, Arya Nagar, Muhammadpur – 233230, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.



F.No.89-52/E-61454/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Mahaveer Jain Vidhyalaya Sansthan, Badgaon, Keer Ki Chowki, Bhinder Road, Vallabhnagar, Rajasthan dated 24/01/2018 is against the Order No. NRC/NCTE/RJ-2056/278<sup>th</sup> Meeting/2018/187126 dated 11/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "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** Sh. Ashish Vaya, Director, Mahaveer Jain Vidhyalaya Sansthan, Badgaon, Keer Ki Chowki, Bhinder Road, Vallabhnagar, Rajasthan presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that "the show cause notice dated 31.03.2017 as also the order dated 11.01.2018 are bad, perverse and illegal and thus same cannot be sustained in the eyes of law. The show cause notice dated 31.03.2017 and refusal order dated 11.01.2018 are liable to be quashed and set aside. Under section 14 of NCTE Act, 1993, a show cause notice can be issued only while refusing the application for recognition when the Regional Committee is satisfied that the applicant institution does not fulfil requirements with regard to financial resources, accommodation, library, qualified staff, laboratory etc. or such other condition required for proper functioning of institution as may be determined by the regulations. Thus, the show cause notice itself

is bad and contrary to the provisions of NCTE Regulations, 2014. Processing of the application of appellant-institution made in terms of previous Regulations was lawful and authorized by law, i.e. under Regulations, 2007 and Regulations, 2009. As per the NCTE Regulations, 2014, Clause 13, the action done by Regional Committee upon the application of appellant stood saved and protected by virtue of Repeal and saving clause. The respondent NRC-NCTE while issuing the show cause notice as also the decision for refusal acted in most arbitrary and unlawful manner by insisting applicant-appellant for online application, it has virtually applied the NCTE Regulations, 2014 retrospectively which is wholly illegal, unjust and untenable. Even otherwise the NCTE never sought any explanation nor did it ever ask the appellant to submit the application online. On the contrary, the NCTE further processed the application of appellant after the advent of NCTE Regulations, 2014 and it had also caused inspection of appellant. Thus, promissory estoppel would operate in favour of appellant and the view taken by NCTE while issuing show cause notice as well as refusal order is contrary to the legitimate expectation and rights of appellant. By issuing show cause notice dated 31.03.2017 and order dated 11.01.2018, NRC-NCTE has attempted to revise and review its action and has attempted to undo what it has already been done which is not permissible. Therefore, the show cause notice 31.03.2017 and rejection order dated 11.01.2018 are bad in the eyes of law and same cannot be sustained. The appellant has available with it all the infrastructure and facilities for running D.El.Ed. Course as per applicable norms but it has been unlawfully deprived from running the course. Online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated appellant to submit the same online during stipulated period. The objections/observations of NRC are very technical in nature and same do not relate to norms and standards which are of substantial nature. Because the decision has been taken by NRC-NCTE without application of mind and without appreciating the reply dated 26.04.2017 submitted by institution wherein appellant had given categorical justification response with regard to observations which had been made by NRC in its show cause notice. The NRC has passed the impugned refusal order dated 11.01.2018 in a very careless, mechanical and unmindful manner because the appellant had duly submitted its response but no mind has been applied by NRC

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and there is not even a discussion or mention about the same in refusal order. Thus, the impugned has been passed in a very arbitrary manner and same is clearly contrary to record. The Hon'ble High Court in the case of Adarsh Shikshak Prashikshan Mahavidyalaya had clearly laid down in its order dated 26.09.2013 that once an application has reached a particular stage in processing, it needs to be further processed from the stage which it had already reached meaning thereby that respondents authorities cannot move the clock back. The action of respondents is thus contrary to the pronouncements dated 26.09.2013 of Hon'ble Court. The appellate authority in similar cases has already taken a view that an institution cannot be expected to submit online application at a belated stage as the online application process is open for only limited duration. The action of NRC is clearly violative of directions passed by Hon'ble Supreme Court vide order dated 10.09.2013. It is humbly prayed and requested that instant appeal be considered and allowed and the refusal order dated 11.01.2018 whereby application of appellant for grant of recognition of D.El.Ed. Course has been rejected be quashed and set aside as also the show cause notice dated. 31.03.2017. Further, NRC may be directed to process application of appellant for grant recognition D.El.Ed. course expeditiously and needful exercise be done for grant of recognition for session 2018-19 keeping in view the cut off dated i.e. 03.03.2018. Any other appropriate order or direction, deemed fit and proper in the facts in the circumstances of the case be passed in favour of humble appellant.

**AND WHEREAS** the Committee noted that the appellant submitted their application for D.El.Ed. course in the year 2008. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 07.04.2016, in S.B. Civil Writ Petition No. 3824/2016 and other, the appellant in their letter dt. 16.04.2016 requested the N.R.C. to grant recognition to their institution. The N.R.C. thereafter conducted an inspection of the appellant institution on 02.05.2016. The appellant enclosing a copy of the Inspection Report and other papers, in their letter dt. 11.01.2014 requested the N.R.C. to grant recognition. Thereafter, the NRC, after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith court orders through offline mode and processed, decided to issue a show cause notice before

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refusing recognition. Accordingly, a Show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued to the appellant institution on 31.03.2017. The appellant sent a reply in their letter dt. 26.04.2017 stating that they sent their application in 2008 offline as there was no online and they are willing to pay processing fee as per 2014 Regulations. The appellant enclosed to that letter a copy of the N.O.C. dt. 26.02.2017 for D.El.Ed. course and copies of recognition orders for B.Ed. and B.A. B.Ed./B.Sc. B.Ed. courses.

**AND WHEREAS** the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution on 02.05.2016. The Committee also noted that the replies given by the appellant to the Show Cause Notice have not been given any consideration.

**AND WHEREAS** the Committee noted that in view that position stated in para 4 above, the submission of the appellant vis a vis the grounds of refusal deserved 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 memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing,

the Committee concluded that the appeal deserved to be remanded 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 Mahaveer Jain Vidhyalaya Sansthan, Badgaon, Keer Ki Chowki, Bhinder Road, Vallabh Nagar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Manager, Mahaveer Jain Vidhyalaya Sansthan, 554/1, Badgaon, Keer Ki Chowki, Bhinder Road, Vallabh Nagar – 313603, 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.89-53/E-61917/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of The ICFAI University, Kamalghat, Agartala Simna Road, Fatikcherra, Tripura dated 19/01/2018 is against the Order No. ERC/247.6.6/ERCAPP3653/D.P.Ed./2016/55508 dated 01/01/2018 of the Eastern Regional Committee, refusing recognition for conducting D.P.Ed. course on the grounds that "a. Show Cause Notice was issued on 18.10.2017 on the following grounds: (i) Fresh faculty list duly signed & sealed by the concerned affiliating body not submitted. b. In reply dated 09.10.2017, the institution has submitted the same faculty list in which the lecturers at sl. No. 2 to 7 are not qualified as they do not have eight years of teaching experience in teacher training institutions / school as per Regulation, 2014. In view of the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP3653 of the institution regarding permission of applied D.P.Ed. Programme is refused under section 15(3)(b) of NCTE Act, 1993."

**AND WHEREAS** Sh. Biplab Halder, Pro Vice Chancellor, The ICFAI University, Kamalghat, Agartala Simna Road, Fatikcherra, Tripura presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that "In their compliance against proceedings of the 243<sup>rd</sup> meeting of the E.R.C, they sent a reply letter no. IUT/D.P.Ed/NCTE/2017-18/D-853 dated October 09, 2017 with which they sent seven numbers (7) of selected faculty list duly signed by Registrar of the University. University has selected the faculty members for its constituent unit "Faculty of Physical Education". University is the only authorized body for selecting employees for its constituent units. All the selected Asst. Professors are having M.P.Ed. degree with more than 60% marks which suits the qualifications framed by NCTE in 2014 through Gazette Notification Part-III, Section-4, Appendix-6,



Page No. 127, point No. B(i) for D.P.Ed. Programme. Eight years of experience is applicable only for those, having B.P.Ed. degree with 55% marks as per point No. B. The University has selected the faculty members as per the NCTE Guideline Point No. B(i) of page 127 and the recommendation of the Selection Committee.

**AND WHEREAS** the Committee noted that the explanation furnished by the appellant about the qualification of the Assistant Professors at S. Nos. 2 to 7 in the submitted approved faculty list meets the requirements of the Norms and Standards for D.P.Ed. Programme appended to the NCTE Regulations, 2014. In these circumstances, the Committee concluded that the matter deserved to be remanded to the E.R.C. with a direction to 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 deserved to be remanded to the E.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 The ICFAI University, Kamalghat, Agartala Simna Road, Fatikcherra, Tripura to the ERC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

1. The Pro-Vice Chancellor, The ICFAI University, Kamalghat, Agartala Simna Road, Fatikcherra – 799210, Tripura.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of Tripura, Agartala.



F.No.89-54/E-61722/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Shree Bayad Kelavani Mandal Sanchalit Shree K.K. Shah College of Education, Bayad Gam Road, Bayad, Gujarat dated 05/10/2017 is against the Order No. WRC/323236/Guj./279<sup>th</sup>/2017/188562-568 dated 18/08/2017 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that "The case file was seen. Show Cause Notice was issued to the institution on 02.09.2016. The institute has not replied till date. Hence, Recognition is withdrawn from the session 2018-19. FDRs, if any, be returned."


**AND WHEREAS** Sh. Dineshbhai Haribhai Patel, Director and Sh. Shaileshbhai B. Patel, Principal, Shree Bayad Kelavani Mandal Sanchalit Shree K.K. Shah College of Education, Bayad Gam Road, Bayad, Gujarat presented the case of the appellant institution on 07/04/2018. The appellant alongwith their letter dt. 25.01.2018 forwarded copies of two F.D.Rs for Rs. 7 lakhs and Rs. 5 lakhs, a copy of building completion certificate, a copy of Land Use Certificate, a copy of Assets Encumbrance Certificate, a faculty list of seven members approved by the Registrar, Hemchandracharya, North Gujarat University, Patan and a copy of the building plan.

**AND WHEREAS** the Committee noted that the W.R.C. issued a show cause notice to the appellant institution on 02/09/2016 for submitting the documents mentioned therein in compliance to the grant of recognition for two units (100 intake) of B.Ed. course under the provisions of NCTE Regulations, 2014. The appellant submitted a reply on 17/09/2016, which has been received in the W.R.C. on 26/09/2016. In this reply, which is available in the file, the appellant stated that they have not submitted compliance as their management has resolved not to start two units of 50 students each as they have only one basic unit of Rs. 50 students from the academic session 2015-16.

**AND WHEREAS** in view of the above position, the Committee concluded that the matter deserved to be remanded to the W.R.C. with a direction to consider the reply to the show cause notice available in their file and the various documents given in the appeal, to be submitted to them by the appellant and take further action as per the NCTE, Regulations, 2014. The appellant is directed to forward to the W.R.C. all the documents submitted with their letter dt. 25.01.2018, within 15 days of receipt of the orders on the appeal. In the meanwhile, the order of withdrawal shall be kept in abeyance.

**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 deserved to be remanded to the W.R.C. with a direction to consider the reply to the show cause notice available in their file and the various documents given in the appeal, to be submitted to them by the appellant and take further action as per the NCTE, Regulations, 2014. The appellant is directed to forward to the W.R.C. all the documents submitted with their letter dt. 25.01.2018, within 15 days of receipt of the orders on the appeal. In the meanwhile, the order of withdrawal shall be kept in abeyance.

**NOW THEREFORE**, the Council hereby remands back the case of Shree Bayad Kelavani Mandal Sanchalit Shree K.K. Shah College of Education, Bayad Gam Road, Bayad, Gujarat to the WRC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Chairman, Shree Bayad Kelavani Mandal Sanchalit Shree K.K. Shah College of Education, Bayad, Bayad Gam Road, Bayad – 383325, Gujarat.
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 Gujarat, Gandhinagar.

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F.No.89-55/E-61770/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

**ORDER**

Date: 5/6/18

**WHEREAS** the appeal of Siddartha Teachers Training College, Court Area, Jehanabad, Bihar dated 05/10/2017 is against the Order No. ERC/234.7.4/APP3876/B.Ed./2017/52304 dated 13/04/2017 of the Eastern Regional Committee, refusing recognition for additional intake in B.Ed. course on the grounds that "a. Show Cause Notice was decided in 211<sup>th</sup> meeting on the following grounds:- (i) As per land document, the total land area is 26 decimal in favour of the institution. The Secretary of the institution has also submitted an affidavit mentioning the total land area 2630 sq. mts. (ii) As per metric converter 01 Decimal = 40.46. i.e. 26 Decimal = 1061.84 sq. mts. which is less than the requirement for B.Ed. (existing) + B.Ed. – Addl. Intake (Proposed). b. A letter to the District Sub-Registrar, office of the District Sub-Registrar, Jehanabad was sent on 20.09.2016 for authentication of actual land area of the deed. In reply, addressed to the Secretary of the institution with a copy to the RD, ERC, NCTE vide letter No. 729 dated 19.10.2016 it is mentioned that to have the authentic documents, the institution are to deposit Rs. 1775256/- within 3 days. c. The Committee observed that the institution is still deficient on the above ground. In view the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP3876 of the institution regarding recognition of B.Ed. (Addl. Intake) Programme is hereby refused under section 15(3(b) of NCTE Act, 1993."

**AND WHEREAS** the submission of the appeal has been delayed by three months and 22 days beyond the prescribed time limit of 60 days. The appellant in their letter dt. 06.04.2018 submitted that the delay occurred due to serious illness of the Secretary of the College, who was hospitalised and was undergoing treatment till his discharge

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from hospital on 10.10.2017. In view of this submission, the Committee decided to condone the delay and consider the appeal.

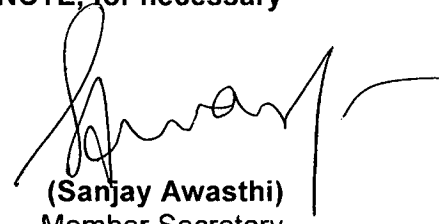
**AND WHEREAS** Dr. Ajay Kumar, Secretary and Dr. S. Kumar, Trusty, Siddhartha Teachers Training College, Court Area, Jehanabad, Bihar presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that "in the land deed executed on 25/10/2008 (Deed No. 7157) the land area was indifferently typed as 26 decimal. When the deed was registered in year 2008 the Sub Register did not point out the deficit in stamp duty at the time of execution of deed itself. But after lapse of more than 8 years the Sub Registrar has given a demand notice of deficit stamp duty of Rupees 1775256 which has been calculated treating the execution of deed in respect of 2630 Sqm. of land and this itself proves that deed was in respect of 2630 sq. meters of land. However, the applicant has challenged through Writ Petition in Patna High Court by CWJC No 11730/2017 on the ground of being belated i.e. after expiry of two year of the statutory period. In the letter dt. 06/04/2018 the appellant submitted that insufficiency of payment of stamp duty is a different issue which does not affect the infrastructure of the College, particularly the area of the land, which is in the possession of the college. The appellant has claimed that the college has sufficient land.

**AND WHEREAS** the Committee noted that the area of the land in the registered land document submitted is mentioned as 2630 sq. mts. However, in the item relating to 'Details of the lands' 26 (Twenty Six) decimals is mentioned. The appellant has stated that this figure has been mistakenly typed. Without entering into the dispute relating to insufficiency of stamp duty, the land area mentioned in the deed is 2630 sq. mts. According to the Norms and Standards for B.Ed. course contained in Appendix-4 to the NCTE Regulations, 2014, for institutions established prior to these Regulations, for an additional intake of 100 students, which the built up area is to be increased by 500 Sq.Mtrs., the requirement of additional land may not apply to them. The appellant institution has been granted recognition for an intake of one unit of B.Ed. in the year 2009 as mentioned in their application for the additional intake. Hence, the

appellant, being an institution established prior to 2014 Regulations, there is no requirement of additional land. The available land has been mentioned in the registered land document as 2630 Sq. Mtrs. In these circumstances, the Committee concluded that the matter deserved to be remanded to the ERC with a direction to take further action as per the 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 deserved to be remanded to the ERC with a direction to take further action as per the Regulations, 2014.

**NOW THEREFORE, the Council hereby remands back the case of Siddhartha Teachers Training College, Court Area, Jehanabad, Bihar to the ERC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

1. The Secretary, Siddhartha Teachers Training College, Court Area, Jehanabad – 804408, Bihar.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.

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F.No.89-56/E-62176/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Texas Education College, Kedarpur, Piproli Road, Gwalior, M.P. dated 29/01/2018 is against the Order No. WRC/APP16/223/285<sup>th</sup>/2017/10490 dated 08/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that "the matter was placed in 285<sup>th</sup> Meeting held on December 19-21, 2017 of WRC and the Committee decided that "In response to the Show Cause Notice dated 03.02.2017, the institution has not submitted approved staff profile and Building Completion Certificate. FDRs of Rs. 4.00 lakhs (in joint name) not submitted in original. Hence, Recognition is withdrawn from the academic session 2018-19. FDRs if any, be returned." Now, therefore, in exercise of the powers conferred u/s 17 of the NCTE Act, 1993, the recognition granted to the institution for conducting B.Ed. course, is hereby withdrawn from the end of the academic session next following the date of order of withdrawal."

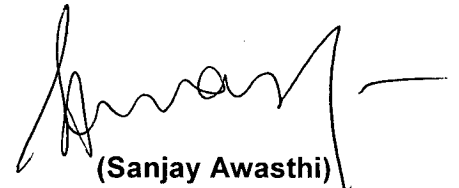
**AND WHEREAS** Sh. Gurdev, Representative and Sh. Anil Jain, Member, Texas Education College, Kedarpur, Piproli Road, Gwalior, M.P. presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that "the Institution has been granted affiliation regularly after Inspecting the staff with adequate qualification and the Institution has already submitted staff profile regularly and also submitted the list of staff on 20 Feb., 2017 in respect to show cause notice dated 03 Feb. 2017. The Building completion Certificate has already been submitted from time to time and Building is complete in all respects as per NCTE norms. The University and other Government Authorities have inspected the college building from time to time. Regarding additional FDR of Rupees 4 Lacs in Joint name it is submitted that the same is in the custody of NCTE The value of the FDR as on date is more than Rs. 12 Lacs. The Institute has already filed a W.P. 10256 2017 order dated 20 Nov. 2017 and 05 Dec. 2017 before Hon'ble High Court of Delhi and Hon'ble High Court has stayed to take any coercive action till disposal of the case. The appellant with

their letter dt. 06.04.2018 enclosed a copy of the approved staff list, a copy of the building completion certificate and copies of F.D.Rs for Rs. 5 lakhs and Rs. 3 lakhs, which have already been deposited with NCTE and copies bank certificates. The appellant further submitted that the F.D.Rs will be made fresh for Rs. 12 lakhs after the existing F.D.Rs which are in the custody of W.R.C. are returned.

**AND WHEREAS** the Committee, noting the submissions of the appellant and the documents enclosed to their letter dt. 06.04.2018, concluded that the matter deserved to be remanded to the W.R.C. with a direction to consider the documents given in appeal to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the W.R.C. all the documents submitted in the appeal within 15 days of receipt of the orders on the appeal. In the meanwhile, the order of withdrawal shall be kept in abeyance.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to be remanded to the W.R.C. with a direction to consider the documents given in appeal to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the W.R.C. all the documents submitted in the appeal within 15 days of receipt of the orders on the appeal. In the meanwhile, the order of withdrawal shall be kept in abeyance.

**NOW THEREFORE**, the Council hereby remands back the case of Texas Education College, Kedarpur, Piproli Road, Gwalior, M.P. to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Principal, Texas Education College, Kedarpur, Piproli Road, Gwalior – 474001, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.





F.No.89-57/E-62118/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of National Education College, Kedarpur, Piproli Road, Gwalior, M.P. dated 29/01/2018 is against the Order No. WRC / APW0611 / 223153 / 285<sup>th</sup> / 2017 / 10432-438 dated 08/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that "the matter was placed in 285<sup>th</sup> Meeting of WRC held on December 19-21, 2017 and the Committee decided that "In response to the Show Cause Notice dated 10.08.2016, the institution has not submitted approved staff profile. Building Completion Certificate not submitted. FDRs of Rs. 12.00 lakhs (in joint name) not submitted in original. Hence, Recognition is withdrawn from the academic session 2018-19." Now, therefore, in exercise of the powers conferred u/s 17 of the NCTE Act, 1993, the recognition granted to the institution for conducting B.Ed. course, is hereby withdrawn from the end of the academic session next following the date of order of withdrawal."

**AND WHEREAS** Sh. Gurdev, Representative and Sh. Anil Jain, Member, National Education College, Kedarpur, Piproli Road, Gwalior, M.P. presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that "that the Institution has been granted affiliation regularly after Inspecting the staff with adequate qualification and the Institution has already submitted staff profile regularly and also submitted the list of staff on 29 Sep. 2016 in respect to show cause notice dated 30 Aug. 2016. The Building Completion Certificate has already been submitted from time to time and Building is completed in all respects as per NCTE norms. The University and other Government Authorities have inspected the college building from time to time. Regarding additional FDR of Rupees 4 lacs in Joint name, the same is in the custody of NCTE. The value of the FDR as on date is more than 12 lacs in Joint Account. Institution has been granted NAAC Accreditation. The appellant, with their letter dt. 06/04/2018 enclosed a copy of the approved staff list, a copy of the

building completion certificate and copies of F.D.Rs for Rs. 5 lakhs and Rs. 3 lakhs, which have already been deposited with the NCTE and copies of bank certificates. The appellant further submitted that the F.D.Rs will be made fresh for Rs. 12 lakhs after the existing F.D.Rs, which are in the custody of W.R.C. are returned.

**AND WHEREAS** the Committee, noting the submissions of the appellant and the documents enclosed to their letter dt. 06.04.2018, concluded that the matter deserved to be remanded to the W.R.C. with a direction to consider the documents given in appeal to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the W.R.C. all the documents submitted in the appeal within 15 days of receipt of the orders on the appeal. In the meanwhile, the order of withdrawal shall be kept in abeyance.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to be remanded to the W.R.C. with a direction to consider the documents given in appeal to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the W.R.C. all the documents submitted in the appeal within 15 days of receipt of the orders on the appeal. In the meanwhile, the order of withdrawal shall be kept in abeyance.

**NOW THEREFORE**, the Council hereby remands back the case of National Education College, Kedarpur, Piproli Road, Gwalior, M.P. to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Principal, National Education College, Plot No. 266/2/2, Kedarpur, Piproli Road, Gwalior – 464001, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-58/E-62289/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Ramchandra Mangal College, PO - Bhatkhera,, Jeeran, M.P. dated 02/02/2018 is against the Order No. WRC/APP1420/222/285<sup>th</sup>/(M.P.)/2017/10138 dated 02/01/2018 of the Western Regional Committee, withdrawing recognition for conducting D.El.Ed. course on the grounds that "Show Cause Notice was issued in this case on 06.09.2017. reply received from the institution on 04.10.2017. There has not been any substantive reply from the institution. Therefore, Recognition is withdrawn from the academic session 2018-19."

**AND WHEREAS** Sh. Sanjay Mangal, Secretary and Sh. Kushagra Mangal, Member, Ramchandra Mangal College, PO - Bhatkhera,, Jeeran, M.P. presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that "the recognition for the course of D.El.Ed. has been erroneously and wrongly withdrawn despite the fact that the institution is complying with all the Rules and Regulations. The institution has filed its reply against the Show Cause Notice, describing therein correct facts along with supporting documents. However, the reply given by the institution and documents attached were not considered and the impugned order was passed arbitrarily without any fault of the institution. Hence withdrawal of recognition is unwarranted and the recognition of the course may be continued."

**AND WHEREAS** the appellant in a letter dt. 07/04/2018 further submitted that according to the provisions of the NCTE Act, before withdrawing recognition, the Regional Committee, in their Show Cause Notice, is required to specify clearly that the institution has contravened which provision of the NCTE Act, Rules and Regulations or conditions under which recognition was granted. In the Show Cause Notice dt.

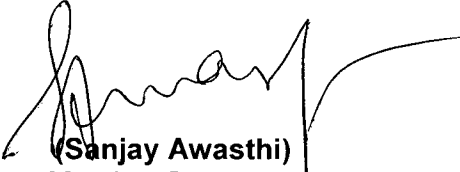
06/09/2017, it is only mentioned that Madhyamik Shiksha Mandal has forwarded with their letter dt. 07/07/2017 an inquiry report of investigation regarding complaint against the Institute. Neither the contents of the complaint were mentioned nor the copy of the complaint was served on the appellant. In the absence of allegations for violation of the provisions of the Act, Rules, Regulations, Conditions etc. it was practically an impossible task for the appellant to submit a reply to the show cause notice. Despite several requests the Regional Director, W.R.C. did not furnish a copy of the letter dt. 07/07/2017 of Madhyamik Shiksha Mandal. Even after making a request under the RTI Act this letter was not provided. Despite the deficient show cause notice, the appellant sent a reply on 29/09/2017 on the basis of their own assumptions. The W.R.C, without mentioning contravention of any statutory provisions and without providing copies of the relevant material relied upon and merely on the ground that 'there has not been substantive reply from the institute' withdrew recognition, which is violative of statutory provisions, principles of natural justice etc.

**AND WHEREAS** the Committee, in view of the submissions of the appellant mentioned above, concluded that the matter deserved to be remanded to the W.R.C. with a direction to re-issue a show cause notice, enclosing a copy of the report of Madhyamik Shiksha Mandal, Bhopal and drawing attention to the specific points mentioned therein and take further action as per the NCTE Regulations, 2014. In the meanwhile, the order of withdrawal shall be kept in abeyance.

**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 deserved to be remanded to the W.R.C. with a direction to re-issue a show cause notice, enclosing a copy of the report of Madhyamik Shiksha Mandal, Bhopal and drawing attention to the specific points mentioned therein and take further action as per the NCTE Regulations, 2014. In the meanwhile, the order of withdrawal shall be kept in abeyance.

- 3 -

NOW THEREFORE, the Council hereby remands back the case of Ramchandra Mangal College, PO - Bhatkhera, Jeeran, M.P. to the WRC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Ramchandra Mangal College, Plot No.498, 499, 500, PO - Bhatkhera,, Jeeran – 458441, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-59/E-62286/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Education B.Ed. College, C/o Arts & Commerce College, ODE Anand, Gujarat dated 02/02/2018 is against the Order No. WRC/APW01504/323225/Guj./285<sup>th</sup>/2017/10218 dated 02/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that "the Committee decided to issue show cause notice dt. 24/08/2017 and reply to the show cause notice was not submitted by the institution. The case file was seen. Show Cause Notice was issued to the institution on 05.08.2016. The institution replied on 20.08.2016. The institution has submitted a staff profile of 15 faculty members for 2015-2016, which is not approved. Principal has not been appointed. The institution has not maintained any FDRs. Building Completion Certificate in the prescribed format and counter signed by a Govt. Engineer not submitted. Therefore, Recognition is withdrawn from the academic session 2018-19."

**AND WHEREAS** Sh. Jayeshbhai M. Saniya, Principal, Education B.Ed. College, C/o Arts & Commerce College, ODE Anand, Gujarat presented the case of the appellant institution on 07/04/2018. The appellant in a letter dt. 06/04/2018 stated that in 2016 they wrote a letter to NCTE to revise their recognition order from two units to one unit but there was no response. The appellant also stated that they have not received the show cause notice dt. 05/08/2016 mentioned in the withdrawal order. The appellant also stated in this letter that they have already submitted (i) B.C.C. from Government Competent Authority; (ii) Joint F.D.Rs for Rs. 12 lakhs; and (iii) staff profile with the signature of the Registrar. The appellant enclosed a copy each of C.L.U. and N.E.C. issued by Nagarpalika, Ta & Distt. Anand a Copy of building plan, a copy of the Building Completion Certificate signed by Chief Officer, ODE Barough Nagarpalika Ta Distt. Anand, Copies of three FDRs for Rs. 5 lakhs, Rs. 3 lakhs and Rs. 4 lakhs, Jointly

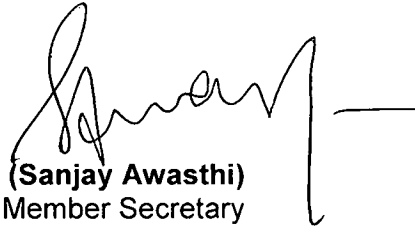
held with the Regional Director, W.R.C., copy of a letter dt. 01.04.2016 regarding appointment of Incharge Principal and a copy of the letter dt. 04.04.2018 from Sardar Patel University, Vallabh Vidyanagar informing the appellant that the approval of Nine teachers (list enclosed to that letter) is in process as the meeting of the Syndicate will be held in the third week of April, 2018.

**AND WHEREAS** the Committee noted from the file that the W.R.C. in pursuance of their decision to permit the appellant institution to have two units of B.Ed. in terms of the NCTE Regulations, 2014, issued a Show Cause Notice on 24.08.2016 for submission of staff profile, C.L.U. N.E.C., Building Plan and Building Completion Certificate. The appellant submitted a reply on 25.10.2016. The W.R.C. considering the reply decided to withdraw recognition on the grounds that staff profile is not approved by Competent Authority, principal has not been appointed, additional FDR for Rs. 4 lakhs has not been submitted and Building Completion Certificate in the prescribed format countersigned by Government Engineer has not been submitted. However in the withdrawal order dt. 02/01/2018 it is mentioned that show cause notices were issued on 05/08/2016 and 24/08/2017. The appellant had mentioned that show cause notice dt. 05/08/2016 has not been received by them. The file also does not contain a show cause notice of that date. Further there is no show cause notice dt. 24/08/2017 also in the file.

**AND WHEREAS** in view of the position stated in the appellant's letter dt. 06/04/2018 and the documents submitted therewith, the Committee concluded that the matter deserved to be remanded to the W.R.C. with a direction to consider the letter dt. 06/04/2018 and the documents enclosed to that letter, all to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant's directed to forward to the W.R.C. their letter dt. 06/04/2018 and all the documents enclosed to that letter within 15 days of receipt of the orders on the appeal. The appellant should also inform the W.R.C. the latest position regarding approval of faculty by Sardar Patel University, Vallabh Vidyanagar. In the meanwhile, the order of withdrawal shall be kept in abeyance.

**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 deserved to be remanded to the W.R.C. with a direction to consider the letter dt. 06/04/2018 and the documents enclosed to that letter, all to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant's directed to forward to the W.R.C. their letter dt. 06/04/2018 and all the documents enclosed to that letter within 15 days of receipt of the orders on the appeal. The appellant should also inform the W.R.C. the latest position regarding approval of faculty by Sardar Patel University, Vallabh Vidyanagar. In the meanwhile, the order of withdrawal shall be kept in abeyance.

**NOW THEREFORE, the Council hereby remands back the case of Education B.Ed. College, C/o Arts & Commerce College, ODE Anand, Gujarat to the WRC, NCTE, for necessary action as indicated above.**

  
(Sanjay Awasthi)  
Member Secretary

1. The Secretary/Appellant, Education B.Ed. College, C/o Arts & Commerce College, ODE Anand – 388210, Gujarat.
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 Gujarat, Gandhinagar.





F.No.89-60/E-62601/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of H.I.C.T. Shiksha Mahavidyalaya, Adupura, Dabra Road, Morar, M.P. dated 01/02/2018 is against the Order No. WRC/APW02418/APW04265/222110/285<sup>th</sup> /{M.P.}/2017/10572 dated 09/01/2018 of the Western Regional Committee, withdrawing recognition for conducting D.El.Ed. course on the grounds that "AND WHEREAS, the reply received from the institution was placed before WRC in its 285<sup>th</sup> meeting held on December 19-21, 2017 and the Committee decided that "...The Hon'ble High Court of Madhya Pradesh, Gwalior Bench in the Review Petition No. 411/2016 had directed that the collector of Gwalior conduct an enquiry into the allegations made by students. The Collector submitted the report to the Madhyamic Shiksha Mandal vide letter dated 25.07.2017 recommending the closure of the D.Ed. course. Show Cause Notice was already issued in this case on 06.09.2017. there has not been any substantive reply from the institution. Therefore, Recognition is withdrawn from the academic session 2018-19."

**AND WHEREAS** Dr. M.L. Mahar, Secretary, H.I.C.T. Shiksha Mahavidyalaya, Adupura, Dabra Road, Morar, M.P. presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that as per the reply of show cause notice submitted by the appellant institution, the W.P. No. 411/2016 referred in show cause notice is not at all relevant with the institution. In fact, the said Petition has been filed by one Babulal Rajak against the MPMKVV Co. Ltd. and no direction as mentioned in the show cause notice has been issued to the Collector in the said writ petition. As such it was submitted by the appellant institution that the show cause notice has been issued on incorrect facts without due application

of mind. The appellant institution further submitted in the reply of the show cause notice that neither the students have made any complaint in the institution nor the collector has issued any show cause notice to the institution prior to making recommendation against the institution, as such there is flagrant violation of the principles of natural justice on part of the Collector while making alleged investigation. Since Review Petition No. 411/2016 was not mentioned in the show cause notice and it has been mentioned first time in the impugned order, the withdrawal of the recognition cannot be done on the basis of such ground which was not subject matter of the show cause notice as no opportunity of hearing was provided to the appellant institution on the aforesaid averments. While passing the impugned order withdrawing recognition of the appellant institution, the W.R.C. has passed a nonspeaking order without dealing with the submissions made by the appellant institution in the reply of the show cause notice. In the reply the appellant institution categorically mentioned the fact that W.P. no. 411/2016 filed before the Hon'ble High Court of M.P. Bench at Gwalior is not at all relevant with the answering institution. The said petition has been filed by one Babulal Rajak against the MPMKVV Co. Ltd. and no direction as mentioned in the show cause notice has ever been issued by the Hon'ble High Court in the said writ petition to the Collector. But the W.R.C. has not given any finding on the submissions made by the appellant institution in the reply of show cause notice, hence, there is violations of principles of natural justice on part of the W.R.C. while withdrawing the recognition granted in favour of the appellant institution. W.R.C. has also not recorded any finding on the submissions made by the appellant institution in the reply of show cause notice mentioning therein that neither he was a part in the so called Review Petition or writ petition before the Hon'ble High Court nor he has been invited by the Collector in the so called enquiry and entire action has been taken behind his back without providing an opportunity of hearing to the institution but on these averments also no finding has been recorded by the W.R.C. in the impugned order. While referring the recommendations of the Collector the Madhyamik Shiksha Mandal has also not informed the appellant institution and without issuing any notice the said authority has forwarded the report of the Collector and W.R.C. has passed the impugned order in mechanical manner without going through the averments made by the appellant in the

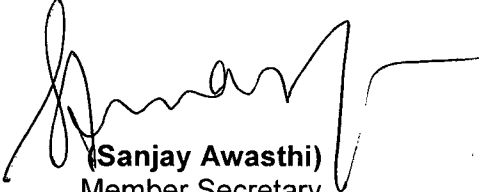
reply of the show cause notice whereas under the provisions of NCTE Act 1993 the Collector has not been empowered to conduct any enquiry and make recommendations for continuation/ withdrawal of the recognition held by the institution. Hence, it is prayed that allowing the appeal preferred by the appellant institution under section 18 of the NCTE Act 1993, the impugned order dated 9.1.2018 issued by the W.R.C. may kindly be quashed/ set-aside and the recognition granted in favour of the petitioner for running D.El.Ed. course may kindly be restored alongwith all continuity.

**AND WHEREAS** the Committee noted that the W.R.C. with their show cause notice dt. 06/09/2017 has not forwarded a copy of the Report of Investigation on complaints against the institution by the Collector, Gwalior so as to enable the appellant to make their submissions. The observation in the withdrawal order that 'there has not been any substantive reply from the institution' is not justified. In these circumstances, and in the light of the submissions made by the appellant, the Committee concluded that the matter deserved to be remanded to the W.R.C. with a direction to re-issue a Show Cause Notice enclosing a copy of the report of investigation and drawing attention to specific points mentioned therein and take further action as per the NCTE Regulations, 2014. In the meanwhile, the order of withdrawal shall be kept in abeyance.

**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 deserved to be remanded to the W.R.C. with a direction to re-issue a Show Cause Notice enclosing a copy of the report of investigation and drawing attention to specific points mentioned therein and take further action as per the NCTE Regulations, 2014. In the meanwhile, the order of withdrawal shall be kept in abeyance.

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**NOW THEREFORE, the Council hereby remands back the case of H.I.C.T. Shiksha Mahavidyalaya, Adupura, Dabra Road, Morar, M.P. to the WRC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Secretary, H.I.C.T. Shiksha Mahavidyalaya, Adupura, Dabra Road, Morar – 474006, Madhya Pradesh.**
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.**
- 4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.**



F.No.89-61/E-62599/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

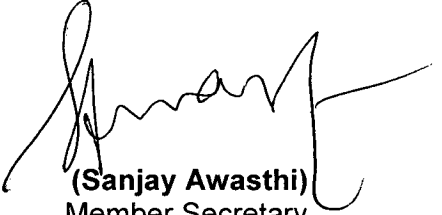
**WHEREAS** the appeal of Shri Sardri Lal College of Education, Nahoni, Mullana, Haryana dated 30/01/2018 is against the Order No. NRC/NCTE/HR-530, HR-1148/278<sup>th</sup> Meeting/2017/186377 dated 27/12/2017 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that "The request dated 04.12.2017 from the institution received in NRC office on 06.12.2017 for withdrawal of recognition for basic and additional intake of B.Ed. course is accepted. Hence, the Committee decided that the recognition granted to institution for running B.Ed. (Basic & Additional) course is withdrawn u/s 17 of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

**AND WHEREAS** Sh. Gurmit Singh, Administrator and Sh. Baljinder Singh, Representative, Shri Sardri Lal College of Education, Nahoni, Mullana, Haryana presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that "The only reason behind recommending withdrawal of recognition to the College was admissions and subsequent financial constraints. The meeting was not held strictly as per Law and norms and the decisions taken were more or less knee jerk reaction, after the cashier informed about the financial position and non-cooperative attitude by a section of members of the management and Board of Governors. The NCTE had ordered for withdrawal recognition of the College. However, the NCTE can be approached by way of appeal u/s 18 of the NCTE Act, 1993. It has thus been

suggested that a detailed reasoning should be presented before NCTE as to why the management has decided to exercise the right of appeal and that too in the circumstances wherein NCTE already withdrawn the recognition. The Secretary requested the Trustees to reconsider the decision of the Board as taken in its meeting dated 21.10.2017. He listed out reasons for the same. A delegation of local villagers has approached the management and has tried to reason that the local villages shall be affected with the closure of the college. The students, teachers, non-teaching staff, management and visitors etc. had been using and paying for resources of the college. Local Villages had been contributing in the increase of the income of these people. They also assured that the local people shall help in securing admissions in the College and also send their own children to the college for education in future. The board had deliberated and discussed the financial aspect of the Trust and the college. The only reason behind the bad financial position was low admissions. The reasons were searched for the same and methods to improve enrolments in future; It turned out most of the students were from out of the district or state. They needed a secure place to reside and also an atmosphere and environment which is conducive for studies. The college made arrangements for stay of students in the rented accommodations nearby the college but perhaps the students don't approve of the same now. Hence the college needs hostels for the students of the College. If the college has its own hostels; the admissions can shoot up. In the course of presentation the appellant, saying that they withdraw their application dt. 04/12/2017 in which they requested N.R.C. for withdrawal of recognition for B.Ed. course.

**AND WHEREAS** the Committee noted that according to the provisions of Section 18 of the NCTE Act, 1993, any person aggrieved by an order under Section 14 or 15 or 17 of the Act, may prefer an appeal to the Council. In this case there is no question of the institution being aggrieved by the order of the N.R.C withdrawing recognition under Section 17, expressly on the request of the institution itself. Hence there can be no appeal. **In the circumstances, the Committee decided**

not to accept the appeal, submitted, which is not according to the statutory provisions.



(Sanjay Awasthi)  
Member Secretary

1. The Chairman, Shri Sardri Lal College of Education, Nahoni, Saha Road, Mullana – 133104, Haryana.
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 Haryana, Chandigarh.



F.No.89-62(A)/E-62716/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Royal Shikshak Prashikshan Centre, Kacholiya Road, Chomu, Dist. Jaipur, Rajasthan dated 03/02/2018 is against the Order No. NRC/NCTE/NRCAPP-8382/278<sup>th</sup> Meeting/2018/186857 dated 08/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "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** Sh. Sunda Ram Masna, Secretary and Sh. Mohan Lal, Member, Royal Shikshak Prashikshan Centre, Kacholiya Road, Chomu, Dist. Jaipur, Rajasthan presented the case of the appellant institution on 07/04/2018. 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, since, this application has already been submitted through online mode on 31/12/2012 in accordance with the NCTE (Recognition, Norms & Procedure) Regulations 2009 (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 the appellant on 10/09/2013 citing the negative recommendation of the State Govt. With the best of the knowledge, the appellant understands the procedure stipulated in the NCTE Regulations 2009 is the 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. (ii) Under clause 7



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(3) of NCTE Regulations 2009 within 45 days of the issue of the communication of Regional Committee the State Govt. shall furnish its 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 within the stipulated time, OR if it is received, the matter shall be placed before the Regional Committee. The Regional Committee then shall take into account all the factors into consideration and decide to depute a visiting team to inspect the institution. It is to be noted that the recommendation of the State Government 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, the appellant was compelled to approach the Hon'ble High Court of Rajasthan vide CWP NO. 5119 of 2016 (Royal Academy Sansthan Chomu Vs NRC, NCTE). The Hon'ble Mr. Justice Alok Verma 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 Regulation 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/judgment 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 revived consequent upon the directions of the Hon'ble High Court. This 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 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. The rejection ground of non-submission of proof / evidence of its being a composite institution is defunct, unjust and in contravention of principle of natural justice. The appellant institution is already in the process of becoming a composite institution. It has already submitted application to the State Govt. for conducting the Degree level courses. Further, the NCTE Regulations 2014 clearly says that the institutions shall gradually turn in to a composite institution. 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. It is also a matter of fact that the NRC has granted recognition to almost 40 institutions while ignoring the above three grounds where upon the application of your appellant has been rejected on pick and choose basis. 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. Moreover, at the time of submission of application the Appellant had fulfilled the mandatory condition stipulated in the NCTE Regulations 2009 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 prayed that the Hon'ble Appellate Authority to quash/set-a-side the order of NRC and direct it to conduct the inspection of the appellant institution without any further delay.

**AND WHEREAS** the Committee noted that the appellant submitted their application for D.El.Ed. course online in December, 2012. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 23.04.2016 in S.B. Civil Writ Petition No. 5119/2016, the appellant, in their letter dt. 26/04/2016 requested the N.R.C. to accept their file for grant of recognition. The N.R.C. conducted the inspection of the appellant institution on 26.05.2016. Thereafter, the N.R.C. after

obtaining legal advice and considering the matter wherein applications submitted along with court orders were processed, decided to issue show cause notice before refusing recognition. Accordingly, a Show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued to the appellant institution on 05/04/2017. The appellant sent a reply on 17.04.2017 stating that (i) an online application was submitted on 31.12.2012 along with the documents sought as per the then prevailing Regulations, 2009 and after Court orders the domain for inviting online application was not opened and similarly situated institutes who submitted offline applications have been granted recognition under Regulations, 2014; (ii) imposing the condition for N.O.C. at this stage is not justified, however, they have applied to the affiliating body, which is pending; and (iii) the institute has already applied for degree course. The N.R.C. after considering their reply refused recognition on the same grounds mentioned in the show cause notice.

**AND WHEREAS** the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution in May, 2016.

**AND WHEREAS** the Committee noted that in view of the position stated in para 4 above, the submissions of the appellant vis a vis the grounds of refusal deserved 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.

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**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 matter deserved to be remanded to 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 Royal Shikshak Prashikshan Centre, Kacholiya Road, Chomu, Dist. Jaipur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary/Correspondent, Royal Shikshak Prashikshan Centre, Plot No. 11, Kacholiya Road, Chomu, Dist. Jaipur, 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.89-63/E-62711/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of G.D. College of Education, Majra Khurd, Majra Road, Mahendergarh, Haryana dated 05/02/2018 is against the Order No. New Appl./RF/Haryana/NRCAPP-4322/2013-14/59563 dated 19/09/2013 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 considering / processing of applications for recognition of Teacher Education programmes vis a vis recommendations of the State Govt. of Haryana as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgments 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 Regulations 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulation 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 Govt. 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 Haryana 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 terms of the above decision of the NRC, your above application i.e. NRC APP No. – 4322 is returned herewith in original alongwith all attached documents."

**AND WHEREAS** Sh. Mahender Singh, Chairman, G.D. College of Education, Majra Khurd, Majra Road, Mahendergarh, Haryana presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that "The following institutes have applied for D.Ed. course in NRC Jaipur with our institute in 2012: GR College of Education, Deroli Ahir Narnaul Haryana NRCAPP-6992. Shri Krishan College of Education, Narnaul, Haryana NRCAPP-5290. Sunrise college of Education, Saloni Narnaul, Haryana NRCAPP-6881. Modern College of Education, Village – Ankhir, Faridabad, Haryana NRCAPP-6603. Saraswati Devi College of Education, Patauli, Gurgaon, Haryana NRCAPP-7024. For the above colleges, the NCTE, New Delhi has given a new order to NRC, Jaipur for further processing their application of D.Ed. course in the 20<sup>th</sup> meeting of NCTE Appeal Committee and order issued on dated 20/11/2017. So it is requested to issue a order to NRC to process this D.Ed. application to NRC, Jaipur."

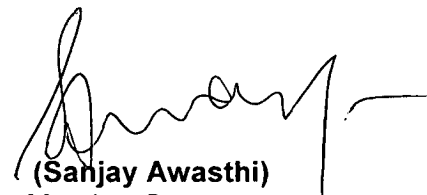
**AND WHEREAS** the submission of the appeal has been delayed by four years, two months and 16 days beyond the prescribed period of 60 days. The appellant in their letter dt. 05/02/2018 submitted that the Northern Regional Committee has not given the guidelines and not informed them that if the institution is not satisfied with this order, they can prefer an appeal to the Council in 60 days from the date of the order. The institution was unaware that an appeal can be made against refusal order to NCTE, New Delhi. The institution therefore, could not prefer the appeal in due time. The appellant requested condonation of the mistake.

**AND WHEREAS** the Committee noted that as per the provisions of the Section 18 NCTE Act, 1993, any person aggrieved by an order made under Section 14 or Section

15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed. According to Rule 10 of the NCTE Act, 1997 such an appeal has to be preferred within sixty days of issue of such orders. According to the proviso to the said Rule 10, an appeal may be admitted after the said period of sixty days, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the period of sixty days.

**AND WHEREAS** the Committee noted that firstly the letter dt. 19.09.2013 issued by the N.R.C. returning the institution's application is not an order within the meaning of Section 17 of the NCTE Act. Therefore, the question of N.R.C. advising the institution about the provision for appeal within 60 days does not arise. Secondly, if the institution was not satisfied with decision of the N.R.C. to return their application, they could have made a representation immediately, which they have not done. Thirdly, even from an academic point of view, the NCTE Act, 1993 and the NCTE Rules, 1997 are in the public domain and therefore the applicants are expected to be themselves aware of the statutory provisions and there is no need to apprise them individually.

**AND WHEREAS** the Committee concluded that the reason adduced by the appellant for the delay of such a long period of four years, two months and sixteen days in the submission of appeal, is not all satisfactory/acceptable. **Therefore, the Committee decided not to condone the delay. The appeal is not admitted.**

  
(Sanjay Awasthi)  
Member Secretary

1. The Secretary, G.D. College of Education, Majra Khurd, Majra Road, Mahendergarh – 123029, Haryana.
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 Haryana, Chandigarh.



F.No.89-65/E-63048/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of DEO Nagina Teacher Training College, Mohiuddinpur, Masaurhi-Naubatpur Road, Masaurhi, Bihar dated 02/02/2018 is against the Order No. ERC/247.6.48/ERCAPP3835/D.El.Ed./2017/55551 dated 02/01/2018 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "(i) LOI u/c 7(13) was issued on 23.09.2016. (ii) Show Cause Notice was issued on 23.03.2017 for compliance of reply to LOI. (iii) Reply from the institution has not been received within the stipulated period, which is already over. In view of the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP3835 of the institution regarding recognition of applied D.El.Ed. Programme is refused under section 14(3)(b) of NCTE Act 1993."

**AND WHEREAS** Sh. Vinay Kumar Sinha, Director, DEO Nagina Teacher Training College, Mohiuddinpur, Masaurhi-Naubatpur Road, Masaurhi, Bihar presented the case of the appellant institution on 07/04/2018. In the appeal and during personal presentation it was submitted that "Letter of Intent was not received by the Institution. The order of LOI was provided to the authorized person of the Institution on 21.03.2017. Board Representative was nominated by the Affiliating Body on 12.04.2017 for participating in the selection process for appointment. The selection process was completed and the Faculty list was approved on 14.07.2017 by Bihar School Examination Board. Since the Application for recognition was for composite Courses and the University did not nominate the UR within time frame and as such the Faculty list of D.El.Ed. though approved by the Affiliating Body could not be sent. In the meanwhile, the cut-off date for recognition for the Session 2017 18 ended on 31.05.2017. In the meanwhile, when the matter was pending before Court, the ERC of

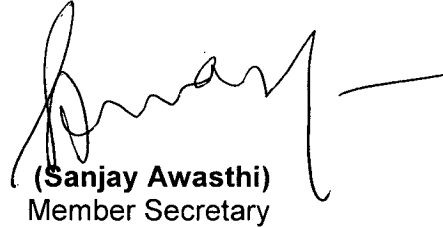


NCTE issued impugned order of refusal of recognition. The Honourable Court by order dated 25.01.2018 has disposed of the Writ Petition with certain positive direction. The Institution is ready with all other requirements as per the order of LOI. There has absolutely been no delay on the part of the Institution in submission of reply of LOI rather it was due to the latches on the part of the ERC and the Affiliating Body, the necessary reply pursuant to the LOI could not be submitted. The Institution craves leave to produce the Writ Petition as well as other Affidavits filed before Patna High Court at the time of hearing of Appeal by NCTE. The order passed by the ERC of NCTE may be quashed and the ERC be directed to grant recognition from the Academic Session 2018-19."

**AND WHEREAS** in the course of presentation the appellant gave a letter dt. 07/04/2018. To this letter the appellant enclosed a copy of the letter dt. 14/07/2017 from Bihar School Examination Board forwarding approved faculty list for D.El.Ed. course in the appellant institution. In these circumstances, the Committee concluded that the matter deserved to be remanded to the E.R.C. with a direction to consider the approved faculty list and all other documents mentioned in the Letter of Intent, to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the E.R.C. the approved faculty list and all other documents mentioned in the Letter of Intent within 15 days of receipt of the orders on the appeal.

**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 matter deserved to be remanded to the E.R.C. with a direction to consider the approved faculty list and all other documents mentioned in the Letter of Intent, to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the E.R.C. the approved faculty list and all other documents mentioned in the Letter of Intent within 15 days of receipt of the orders on the appeal.

**NOW THEREFORE, the Council hereby remands back the case of DEO Nagina Teacher Training College, Mohiuddinpur, Masaurhi-Naubatpur Road, Masaurhi, Bihar to the ERC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Secretary, DEO Nagina Teacher Training College, Mohiuddinpur, Masaurhi-Naubatpur Road, Masaurhi – 804452, Bihar.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.



F.No.89-66/E-63100/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

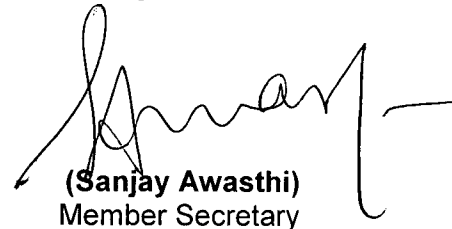
**WHEREAS** the appeal of Kaliabor College of Education, Kuwaritol, Kaliabor, Assam dated 08/02/2018 is against the Order No. ERC/247.8.9/ID No. 9572/D.El.Ed./2016/55486 dated 29/12/2017 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "a. Show Cause Notice was issued on 15.02.2017 on the following grounds: (i) Registered land document is not submitted. (ii) Submitted building plan is not a proper building plan. The institution is required to submit consolidated blue print of building plan mentioning the details of plot number, total land area, total built up area etc. and duly approved by the Govt. Engineer. (iii) Building completion certificate issued from Govt. Engineer / Authority is not submitted. (iv) Affidavit on Rs. 100/- non-judicial stamp paper in the prescribed format mentioning the details of land is not submitted. (v) Fire safety certificate issued from competent Govt. Authority is not submitted. (vi) Site plan issued by the Land Revenue / concerned Govt. Deptt. Is not submitted. b. Reply from the institution has not been received within the stipulated period, which is already over. In view of the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP201646113 of the institution regarding recognition of applied D.El.Ed. Programme is refused under section 15(3)(b) of NCTE Act 1993."

**AND WHEREAS** Dr. Minali S. Bhavali, Principa, Kaliabor College of Education, Kuwaritol, Kaliabor, Assam presented the case of the appellant institution on 07/04/2018. In the appeal and during personal it was submitted that "they have submitted the documents after getting information in the NCTE website with their letter dt. 27/02/2017. Unfortunately, it was not received. The appellant submitted a copy of their letter dt. 27/02/2017 and a copy of the postal receipt dt. 27/02/2017.

**AND WHEREAS** the Committee concluded that the matter deserved to be remanded to the E.R.C. with a direction to consider the reply of the appellant to be sent to them and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to ERC, their reply dt. 27.02.2017 with all the necessary documents within 15 days of receipt of the orders on the appeal.

**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 matter deserved to be remanded to the E.R.C. with a direction to consider the reply of the appellant to be sent to them and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to ERC, their reply dt. 27.02.2017 with all the necessary documents within 15 days of receipt of the orders on the appeal.

**NOW THEREFORE**, the Council hereby remands back the case of Kaliabor College of Education, Kuwaritol, Kaliabor, Assam to the ERC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Principal, Kaliabor College of Education, Kuwaritol, Kaliabor – 782137, Assam.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of Assam, Dispur.



F.No.89-67/E-63183/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Dr. Vijay Shanker Rai College of Education, Gopalpur, Sherghati, Bihar dated 08/02/2018 is against the Order No. ERC/244.12(i).19/10804/D.El.Ed. & B.Ed./ERCAPP201646206/2017/54993 dated 13/11/2017 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "a. Two Show Cause Notices were issued on 01.03.2017 & 05.04.2017 on the following grounds: i. Building plan duly signed by Govt. Engineer / Authority is not submitted. ii. Building Completion Certificate issued from Govt. Engineer / Authority is not submitted. iii. Mutation Certificate issued from Land Revenue / concerned Govt. Deptt. Is not submitted. iv. Fire safety certificate issued from competent Govt. authority is not submitted. (b) No reply received from institution till date. In view of the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP201646206 of the institution regarding recognition of applied D.El.Ed. & B.Ed. Programme is refused under section 14(3)(b) of NCTE Act, 1993."

**AND WHEREAS** Sh. V. Rai, Director, Dr. Vijay Shanker Rai College of Education, Gopalpur, Sherghati, Bihar presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that "All relevant documents were submitted alongwith application and reply to Show Cause Notice could not be given due to the death of official concerned."

**AND WHEREAS** Appeal Committee noted that the applicant has submitted with their application the following:

- (i) Building plan approved by Municipal Engineer, Nagar Panchayat, Sherghati, Gaya.
- (ii) Copy of registered land documents.

- (iii) Copy of Dakhil Kharij.
- (iv) Land Possession Certificate issued by Circle officer.
- (v) Site Plan.
- (vi) N.E.C. dated 13.06.2016.
- (vii) Certificate dated 29.05.2016 from Fire Safety Officer.
- (viii) Copy of Court's order relating to conversion charges.

**AND WHEREAS** Committee noted that inspection of the appellant institution has not been conducted so far and applicant institution is at liberty to submit Building Completion Certificate (B.C.C.) to the Visiting Team at the time of inspection. Fire safety is verified by the office concerned for construction purpose and other safety equipment can be placed only after the construction is complete. Appellant institution is required to obtain B.C.C. in prescribed proforma issued by Municipal Authority to be submitted before the Visiting Team at the time of inspection. Appellant's plea that reply to S.C.N. dated 05/04/2017 could not be given due to the death of concerned official is accepted. Committee decided to remand back the case to E.R.C. for further processing of the application.

**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 E.R.C. for further processing of the application.

**NOW THEREFORE**, the Council hereby remands back the case of Dr. Vijay Shanker Rai College of Education, Gopalpur, Sherghati, Bihar to the ERC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Secretary/Appellant, Dr. Vijay Shanker Rai College of Education, Gopalpur, NH-2, Sherghati – 824211, Bihar.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of Assam, Dispur.

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F.No.89-67(A)/E-63182/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Dr. Vijay Shanker Rai College of Education, Gopalpur, Sherghati, Bihar dated 08/02/2018 is against the Order No. ERC/244.12(i).19/10804/D.El.Ed. & B.Ed./ERCAPP201646206/2017/54993 dated 13.11.2017 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "a. Two Show Cause Notices were issued on 01.03.2017 & 05.04.2017 on the following grounds: i. Building plan duly signed by Govt. Engineer / Authority is not submitted. ii. Building Completion Certificate issued from Govt. Engineer / Authority is not submitted. iii. Mutation Certificate issued from Land Revenue / concerned Govt. Deptt. Is not submitted. iv. Fire safety certificate issued from competent Govt. authority is not submitted. (b) No reply received from institution till date. In view of the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP201646206 of the institution regarding recognition of applied D.El.Ed. & B.Ed. Programme is refused under section 14(3)(b) of NCTE Act, 1993."

**AND WHEREAS** Sh. V. Rai, Director, Dr. Vijay Shanker Rai College of Education, Gopalpur, Sherghati, Bihar presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that All relevant documents were submitted alongwith application and reply to Show Cause Notice could not be given due to the death of official concerned."

**AND WHEREAS** Appeal Committee noted that the applicant has submitted with their application the following:

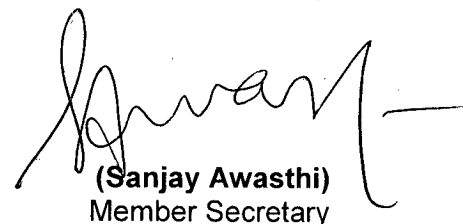
- (i) Building plan approved by Municipal Engineer, Nagar Panchayat, Sherghati, Gaya.
- (ii) Copy of registered land documents.

- (iii) Copy of Dakhil Kharij.
- (iv) Land Possession Certificate issued by Circle officer.
- (v) Site Plan.
- (vi) N.E.C. dated 13.06.2016.
- (vii) Certificate dated 29.05.2016 from Fire Safety Officer.
- (viii) Copy of Court's order relating to conversion charges.

**AND WHEREAS** Committee noted that inspection of the appellant institution has not been conducted so far and applicant institution is at liberty to submit Building Completion Certificate (B.C.C.) to the Visiting Team at the time of inspection. Fire safety is verified by the office concerned for construction purpose and other safety equipment can be placed only after the construction is complete. Appellant institution is required to obtain B.C.C. in prescribed proforma issued by Municipal Authority to be submitted before the Visiting Team at the time of inspection. Appellant's plea that reply to S.C.N. dated 05/04/2017 could not be given due to the death of concerned official is accepted. Committee decided to remand back the case to E.R.C. for further processing of the application.

**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 E.R.C. for further processing of the application.

**NOW THEREFORE, the Council hereby remands back the case of Dr. Vijay Shanker Rai College of Education, Gopalpur, Sherghati, Bihar to the ERC, NCTE, for necessary action as indicated above.**



(Sanjay Awasthi)  
Member Secretary

1. The Secretary/Appellant, Dr. Vijay Shanker Rai College of Education, Gopalpur, NH-2, Sherghati – 824211, Bihar.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.





F.No.89-68/E-63191/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Bibhuti Bhuson Academy for Teachers Education, Village – Bomnagar, PO-Antpur, Jangipara, West Bengal dated 20/01/2018 is against the Order No. ERC/237.7(i)4/ERCAPP3935/B.Ed./2017/52393 dated 18/04/2017 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that “a. Show Cause Notice was issued on 23.12.2016 on the following grounds: (i) Inspection letter to the institution as well as VT experts was issued on 03.08.2016. (ii) The institution vide letter dated 28.08.2016 informed that due to serious ill health of Chairman of the trust and worst flood situation in the district of Hooghly and Howrah the institution is not ready for conducting the inspection and requested to postpone the inspection by the end of this year. (iii) Further, the VT expert, Dr. C.S. Sharma vide e-mail dated 26.08.2016 informed that due serious ill health of Chairman of the trust and worst flood situation in the district of Hooghly and Howrah inspection could not be conducted during the stipulated time as informed by the Secretary of the institution to him. (iv) The Committee noted that, at the time of issuance of inspection letter the institution was not ready for conduct of the inspection. (v) As per NCTE Regulation 2014, the inspection shall not be conducted as per the consent of the institution. b. Reply from institution not received till date & the time limit has already been over. In view the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP3935 of the institution regarding recognition of B.Ed. Programme is refused under section 14(3)(b) of NCTE Act 1993.”

**AND WHEREAS** Sh. S. Mitra, Member, Bibhuti Bhuson Academy for Teachers Education, Village – Bomnagar, PO-Antpur, Jangipara, West Bengal presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that “In the communication made by V.T. Dr. C.S. Sharma dated

26.08.16 Institution location was worst flooded and total communication was damaged to reach the campus of Institution from Airport to Institution. So, Inspection was not conducted within stipulated period. Inspection was postponed due to natural calamity not due to Institutions consent. ERC did not consider the worst flood solution for change of the date of inspection. Institution was ready and at present is in a readiness in all respects for Inspection for grant of recognition”

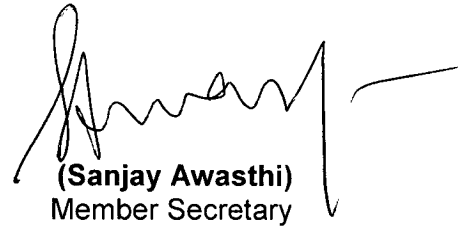
**AND WHEREAS** Appeal Committee noted that appellant institution was informed by letter dated 03.08.2016 that inspection of the institution will be conducted anytime between 29.07.2016 to 29.08.2016. The Visiting Team informed E.R.C. by E-mail dated that Secretary Bibhuti Bhuson Academy informed has conveyed his inability to get inspection conducted on grounds of ill health of Chairman and flood situation in the area and also requested for postponement of inspection. Clause 7 (7) of the NCTE Regulations, 2014 states that Inspection shall not be subject to the consent of the institution.

**AND WHEREAS** appellant in its appeal memoranda has stated that Inspection was postponed due to natural calamity and not due to institution's consent. On the other hand there is a letter dated 24.08.2016 of the appellant available on regulatory file by which applicant made a request to postpone inspection due to (i) serious ill health condition of Chairman of Trust and (ii) flood situation.

**AND WHEREAS** Committee further noted that a Show Cause Notice (SCN) dated 28.12.2017 was issued to applicant institution to which no reply was submitted. Impugned refusal order dated 18.04.2017 had also set a time limit of 60 days in case the institution intended to prefer appeal against the refusal order. The appellant did not prefer appeal within the prescribed period and states that order of refusal was received late and so appeal could not be preferred on time. Appellant has failed to substantiate the date of receipt of the refusal order and has taken it for granted that appeal can be preferred without taking into cognisance the time limit prescribed. Appeal Committee found that

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the delay in filing appeal has no justification. Delay of over 7 months in filing appeal is not condoned and Committee decided not to admit the appeal.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Bibhuti Bhuson Academy for Teachers Education, Plot No. 1198, Village – Bomnagar, PO-Antpur, Jangipara – 712424, West Bengal.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.



F.No.89-69/E-63147/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Bibhuti Bhuson Academy for Teachers Education, Village – Bomnagar, PO-Antpur, Jangipara, West Bengal dated 20/01/2018 is against the Order No. ERC/244.12(i).42/ERCAPP3934/D.El.Ed./2017/55138 dated 20/11/2017 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that “a. Show Cause Notice was issued on 28.01.2017 on the following grounds: (i) Inspection letter to the institution as well as VT experts was issued on 03.08.2016. (ii) The institution vide letter dated 28.08.2016 informed that due to serious ill health of Chairman of the trust and worst flood situation in the district of Hooghly and Howrah the institution is not ready for conducting the inspection and requested to postpone the inspection by the end of this year. (iii) Further, the VT expert, Dr. C.S. Sharma vide e-mail dated 26.08.2016 informed that due serious ill health of Chairman of the trust and worst flood situation in the district of Hooghly and Howrah inspection could not be conducted during the stipulated time as informed by the Secretary of the institution to him. (iv) The Committee noted that, at the time of issuance of inspection letter the institution was not ready for conduct of the inspection. (v) As per Clause 7(7) of NCTE Regulation 2014, the inspection shall not be conducted as per the consent of the institution. b. No reply received from the institution till date. In view the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP3934 of the institution regarding recognition of D.El.Ed. Programme is refused under section 14(3)(b) of NCTE Act 1993.”

**AND WHEREAS** Sh. S. Mitra, Member, Bibhuti Bhuson Academy for Teachers Education, Village Bomnagar, PO-Antpur, Jangipara, West Bengal presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that “It is clearly stated in the communication made by V.T. Dr. C.S.

Sharma dated 26.08.16 that Institution location was worst flooded and total communication was damaged to reach the campus of Institution from Airport to Institution. So inspection was not conducted within stipulated period. Inspection was postponed due to natural calamity not due to Institution's consent. ERC did not consider the worst flood solution for change the date of inspection. Institution was ready and at present is in a readiness in all respect for Inspection for grant of recognition."

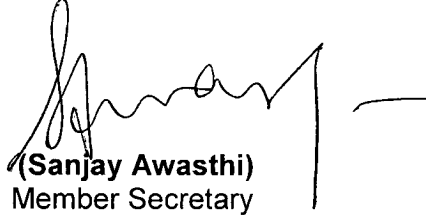
**AND WHEREAS** Appeal Committee noted that appellant institution was informed by letter dated 03.08.2016 that inspection of the institution will be conducted anytime between 29.07.2016 to 29.08.2016. The Visiting Team informed E.R.C. by E-mail dated that Secretary Bibhuti Bhuson Academy has conveyed his inability to get inspection conducted on grounds of ill health of Chairman and flood situation in the area and also requested for postponement of inspection. Clause 7 (7) of the NCTE Regulations, 2014 states that Inspection shall not be subject to the consent of the institution.

**AND WHEREAS** appellant in its appeal memoranda has stated that Inspection was postponed due to natural calamity and not due to institution's consent. On the other hand there is a letter dated 24.08.2016 of the appellant available on regulatory file by which applicant made a request to postpone inspection due to (i) serious ill health condition of Chairman of Trust and (ii) flood situation.

**AND WHEREAS** Committee further noted that a Show Cause Notice (SCN) dated 28.12.2017 was issued to applicant institution to which no reply was submitted. By issue of above S.C.N., the institution was given an opportunity to make written representation on the reasons of, not getting the inspection conducted. Appellant's plea submitted by its appeal memoranda dated 20.01.2018 that now it is ready for inspection is not acceptable because it did not submit any reply to S.C.N. and the present day preparedness cannot be believed to have been available in August, 2016. Committee therefore, decided to confirm the refusal order dated 20.11.2017.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the refusal order dated 20.11.2017.

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

  
(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Bibhuti Bhuson Academy for Teachers Education, Plot No. 1198, Village – Bomnagar, PO-Antpur, Jangipara – 712424, West Bengal.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.



F.No.89-78/E-63409/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Mohiniganj Ideal Teachers Training College, Moujgaon (Dakshin Moujgaon) Bindole Gram Panchayat, Raiganj, West Bengal dated 25/01/2018 is against the Order No. ER.218.6.19/ERCAPP3022/D.El.Ed./2016/48742 dated 03/08/2016 of the Eastern Regional Committee, granting recognition for conducting D.El.Ed. course with an intake of 1 unit (50 seats).

**AND WHEREAS** Sh. Rejuan Mohammed, Secretary and Sh. Hamidur Rahaman, Treasure, Mohiniganj Ideal Teachers Training College, Moujgaon (Dakshin Moujgaon) Bindole Gram Panchayat, Raiganj, West Bengal presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that "Authority of Eastern Regional Committee did not pay any heed to resolve the prayer."

**AND WHEREAS** Appeal Committee noted that appellant institution submitted online application dated 30.05.2015 seeking recognition for conducting D.El.Ed. programme. In the copy of affidavit enclosed with the application form intake applied for was mentioned as 2 units (100 seats). Committee further noted that inspection of the institution was conducted on 04.03.2016 with a proposed intake of 2 units in view. While issuing Letter of Intent (L.O.I.) dated 25.05.2016 option of the appellant institution was sought with regard to number of units either one or two.

**AND WHEREAS** Appeal Committee noted that appellant again submitted an affidavit requesting for grant of recognition for two units duly supported by a list of faculty containing the names of one Principal and 15 teachers. E.R.C. thereafter without assigning reason to the appellant issued recognition order for only one unit (50 seats) which tantamounts to be part refusal/denial of the recognition by 50 seats.

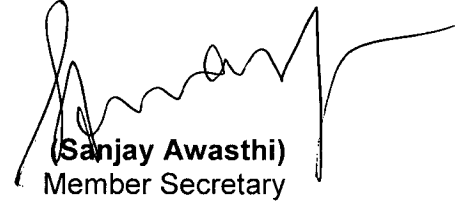
**AND WHEREAS** Committee noted that the appeal dated 25.01.2018 made by appellant is delayed by more than a year and 3 months and appellant has stated that in between representations were made to E.R.C. to rectify the recognition order. Committee does not find on the regulatory file any such representation. Committee further observed that the Visiting Team despite mentioning the applied for units as two, in its overall observation has very clearly recommended grant of recognition for only one unit. Regional Committee in all fairness of the matter should not have sought the willingness of appellant for one or two units in the L.O.I. Since the Regional Committee had finally decided to grant recognition for only one unit ignoring the intake applied for and subsequent compliance submitted by the appellant for two units, it was pertinent to have stated the reasons therefor as appellant institution was not supposed to know the recommendation of the Visiting Team and make any written representation.

**AND WHEREAS** Committee after going through the facts of the case, decided that the case deserves to be remanded back to E.R.C. for revisiting the matter and issuing a speaking order stating the reason for grant of less intake.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee Concluded that the case deserves to be remanded back to E.R.C. for revisiting the matter and issuing a speaking order stating the reason for grant of less intake.



**NOW THEREFORE, the Council hereby remands back the case of Mohiniganj Ideal Teachers Training College, Moujgaon (Dakshin Moujgaon) Bindole Gram Panchayat, Raiganj, West Bengal to the ERC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Secretary, Mohiniganj Ideal Teachers Training College, Moujgaon (Dakshin Moujgaon) 4 No. Bindole Gram Panchayat, Raiganj – 733156, West Bengal.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.



F.No.89-79/E-63802/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Nanasaheb Dr. Uttamrao Mahajan Shikshan Shastra Mahavidyalaya (B.Ed.), Runby Kisan Dnyanoday Mandal Dhule Road, At Kargaon, Tal. – Chalisgaon, Jalgaon, Maharashtra dated 09/02/2018 is against the Order No. WRC/OAPW05363/123660/285th/2017/10045 dated 01/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that "...The case file was seen. Show Cause Notice was issued to the institution on 01.12.2016. The institution has not replied so far. Therefore, Recognition is withdrawn from the academic session 2018-19."

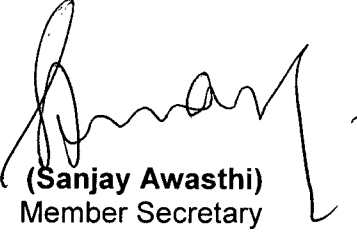
**AND WHEREAS** Dr. Uttamrao Mahajan, President and Sh. Chhaya Shankarrao Gadwe, Incharge – Asstt. Professor, Nanasaheb Dr. Uttamrao Mahajan Shikshan Shastra Mahavidyalaya (B.Ed.), Runby Kisan Dnyanoday Mandal Dhule Road, At Kargaon, Tal. – Chalisgaon, Jalgaon, Maharashtra presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that "The due date for submission of compliance on deficiencies pointed out in Show cause notice dated 1 Dec. 2016 was 21 days from the issue of this notice. But it was received by our office on 10.12.2016. Therefore considering due date before 21 days we have submitted compliance report with prior telephonic instructions from your office by Railway post in prescribed due date i.e. on 19.12.2016. But office of the NCTE has not considered it in its 285th meeting dated 19 to 21 Dec 2017 and issued withdrawal order for recognition of our Institution."

**AND WHEREAS** Appeal Committee noted that a Show Cause Notice (SCN) dated 01/12/2016 was issued to appellant institution seeking (i) staff profile for the session 2015-16 duly approved by affiliating body and (ii) originally notarised CLU/NEC/Building Plan/B.C.C. The impugned order dated 01/01/2018 withdrawing recognition is on the ground that 'Institution has not replied so far.'

**AND WHEREAS** appellant during the course of appeal presentation on 09/04/2018 submitted evidence in the form of a postal receipt dated 19/12/2016 to prove that reply to S.C.N. dated 01/12/2016 was despatched on 19/12/2016. Appellant during the course of appeal presentation submitted approval letters (in Marathi) issued by North Maharashtra University, Jalgaon from time to time conveying approval of faculty members in a piece meal manner. Copies of other documents such as building plan, building completion certificate, N.E.C. and C.L.U. were also submitted before the Committee. Appellant however, could not prove as to which documents were sent to W.R.C. by Railway post on 19.12.2016 as evidence of having rectified the deficiencies pointed out in the S.C.N. But since the order of withdrawal is solely on the ground that 'Institution has not replied to S.C.N.' and appellant has been able to prove that a reply was submitted, Committee decided to remand back the case to W.R.C. for considering the reply of appellant institution. Appellant institution is required to submit a comprehensive reply to the points raised in S.C.N. within 15 days of the issue of appeal order and thereafter W.R.C. will issue appropriate or revised speaking order.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee Concluded that the case deserves to be remanded back the case to W.R.C. for considering the reply of appellant institution. Appellant institution is required to submit a comprehensive reply to the points raised in S.C.N. within 15 days of the issue of appeal order and thereafter W.R.C. will issue appropriate or revised speaking order.

NOW THEREFORE, the Council hereby remands back the case of Nanasaheb Dr. Uttamrao Mahajan Shikshan Shastra Mahavidyalaya (B.Ed.), Runby Kisan Dnyanoday Mandal Dhule Road, At Kargaon, Tal. – Chalisgaon, Jalgaon, Maharashtra to the WRC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Manager, Nanasaheb Dr. Uttamrao Mahajan Shikshan Shastra Mahavidyalaya (B.Ed.), Runby Kisan Dnyanoday Mandal Dhule Road, At Kargaon, Tal. – Chalisgaon, Jalgaon – 424101, Maharashtra.
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.



F.No.89-81/E-64083/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Ratni Devi Girls T.T. College, Dwarikapuri, Vardhman Nagar, Hindaun City, Rajasthan dated 14/02/2018 is against the Order No. NRC/NCTE/RJ-/278<sup>th</sup> – Meeting/2018/186786-91 dated 05/01/2018 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that “(i) The petitioner society has not submitted application online alongwith processing fee. (ii) N.O.C. from affiliating body not submitted. (iii) Proof of composite institute not submitted.”

**AND WHEREAS** Sh. Ghanshyam Sharma, Secretary, Ratni Devi Girls T.T. College, Dwarikapuri, Vardhman Nagar, Hindaun City, Rajasthan presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that “Institution submitted application for grant of recognition of B.Ed. course on 24.10.2008 along with required processing fees and other documents. That NRC, returned the application of this institute on 07.03.2009. Institution again submitted the application for recognition of B.Ed. course along with processing fees and other documents on 17.04.2009 on the direction of Hon'ble High of Rajasthan, Jaipur. That this institution had submitted representations to NCTE for processing of the application for grant of B.Ed. course on 23.08.2012 and 23.01.2015 but NRC had taken no action in respect to the recognition application of this institution. That being aggrieved from the action of NRC, NCTE, this institution filed a S.B. Civil Writ Petition 19188/2015 in Hon'ble High Court of Rajasthan. During the hearing the counsel of NRC, NCTE had informed the court that recognition file of the institution is missing in the office. Hence if institution submits a copy of recognition application to the NRC, NCTE, file would be processed. Accordingly, this institution resubmitted the copy of application along with other required documents. That this institution had submitted duplicate D.D. No. 2170 7 dated

12.04.2016 in place of D.D. No. 494643 dated 16.04.2009 for processing fees of the recognition application due to time barred of old D.D. That after admission of counsel of NRC, NCTE in Hon'ble High Court that the petitioner's application for recognition of its B.Ed. course is indeed pending since 2008 and it shall be considered before 02.05.2016 in accordance with the NCTE Regulation 2014, Hon'ble High Court of Rajasthan, Jaipur had given direction to NRC, NCTE that the petitioner's pending application for recognition of its B.Ed. course be considered in accordance with the regulations of 2014 and a decision there upon be taken by 02.05.2016. Copy of order of Hon'ble High Court had been submitted to NRC, NCTE on 02.05.2016. That NRC, NCTE had decided to conduct the inspection of this institution for grant of recognition for B.Ed. course in its 252<sup>nd</sup> (Part-14) Meeting held on 02.05.2016 vide item no. 296. After expiry of more than 20 days inspection was not conducted by visiting team. Hence, this institution had submitted a representation for early inspection to NRC, NCTE on 25.05.2016. That NRC had constituted visiting team vide order dated 01.06.2016. That NRC, issued a letter to the Principal Secretary Deptt. of Higher Education, Govt. of Rajasthan on 02.06.2016 for State Recommendation That on the basis of scrutiny of documents submitted by this institution, input received from Visiting Team and videography, NRC, NCTE had found that this institution had adequate financial resources, accommodation, library and laboratory as prescribed by NCTE Regulation 2014 and this institution has fulfilled all such other conditions related to infrastructural and instruction all facilities required for proper functioning of the institution for Teacher Training Course. So, NRC, NCTE issued Letter of Intent prior to grant of recognition for B.Ed. course to this institution on 23.06.2016. That the file no. of this institution was wrongly mentioned in the L.O.I. letter by NRC, NCTE, So, this institution submitted representation for necessary correction in L.O.I. letter. Accordingly correction was made by NRC. That this institution had made selection of Teaching Staff for B.Ed. course and submitted application to Kota University, K ta for approval on 28.06.2016. This institution had again submitted a representation on 10.08.2016 to Kota University, Kota. K ta University, Kota had not issued approval letter for Teaching Staff to this college. Therefore, this institution had submitted reply of L.O.I. on 22.08.2016 along with all required documents to NRC, NCTE. After expiry of 8 months, NRC, NCTE had

issued a Show Cause Notice on 05.04.2017. That this institution had submitted a numbers of applications to Kota University, Kota for issuance of N.O.C. for B.Ed. course. But Kota University, Kota had sent a letter to this institution that N.O.C. will be issued only after receipt of N.O.C. issued from Deptt. of Higher Education, Govt. of Rajasthan. This institution is already running B.S.T.C. (D.El.Ed.) course since 2008. Copy of recognition letter for B.S.T.C. course is annexed. That this institution had submitted a detailed reply of show cause notice along with all relevant documents to NRC, NCTE on 18.04.2017. That NRC, NCTE had not considered the reply of show cause notice and documents submitted by this institution and rejected the application of this institution for grant of recognition of B. Ed. course vide letter dated 05.01.2018. The Govt. of Rajasthan had imposed ban for grant of recognition for B.Ed. course on 17.11.2008 and this institution had applied to NRC, NCTE for grant of recognition for B. d. course prior to the ban imposed by Govt. of Rajasthan i.e. 24.10.2008. Therefore, the decision of the Govt. did not apply to this institution. The Hon'ble High Court of Rajasthan had already considered this fact and ordered to NRC, NCTE to process the application of this institution. Copy of appeal order dated 20.11.2017 is attached. That the matter of submission of application online electronically is also decided by the Appellate Board on 16.10.2017. That this institution is already running B.S.T.C. (D.El.Ed.) course. After grant of recognition of B.Ed. course this institution will become Composite institution. That NRC, NCTE had already submitted a letter to State Govt. for State Recommendation for B.Ed. course to this institution. The provisions of clause 7(4,5,6) of NCTE Regulations 2014 states that after communication to State Govt., if no reply is received from State Govt. within aforesaid period the Regional Committee shall process and decide the case on merit and placing the application before the Regional Committee shall not be deferred on account of non-receipt of comments or recommendation from the State Govt. That Hon'ble High Court of Rajasthan, Jaipur has given direction to NCTE in S.B. Civil Writ Petition No. 3102/2018 that since the last date for granting recognition for session 2018-19 is 03 March, 2018 and this institution has applied for recognition on the order of Hon'ble High Court of Rajasthan, Jaipur in 2016. Two years of time has already passed. Therefore, the appeal of institution should be decided with in week and recognition be granted for session 2018-19. The refusal order issued to

this institution for B.Ed. course by NRC, NCTE is totally wrong, unjustified, unconstitutional and illegal. It is also against the principles of natural justice. So, it is prayed that the refusal order issued by NRC, NCTE be set-aside and direction be issued to NRC, NCTE to grant formal recognition letter under clause 7(16) of NCTE Regulations 2014 for B.Ed. course to this institution for 02 units (100 seats)."

**AND WHEREAS** Appeal Committee noted that the three grounds of refusal mentioned in the impugned order dated 05/01/2018 are the same as intimated to the appellant institution by a Show Cause Notice (SCN) dated 03/04/2017. Committee further noted that appellant institution by its letter dated 18/04/2017 submitted reply to S.C.N. stating that the application pertains to year 2008 which was once returned by N.R.C. and again taken up for processing on the orders of Court. Committee noted that basically it was the application submitted by applicant in 2008 which is being processed under NCTE Regulations, 2014. Applicant submitted application in 2008 as per the then prevailing Regulations and at that time there was no provision for online application, no condition of composite status of institution and also applicant was not required to obtain N.O.C. from affiliating body.

**AND WHEREAS** the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution.

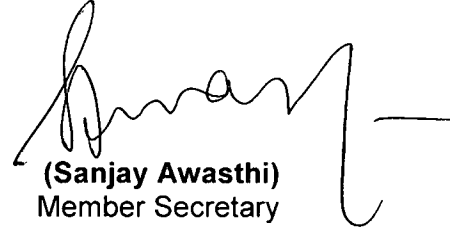
**AND WHEREAS** the Committee noted that in view of the position stated in para 4 above, the submissions of the appellant vis a vis the grounds of refusal deserved to be accepted and concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.



-5-

**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 matter deserved to be remanded to 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 Ratni Devi Girls T.T. College, Dwarikapuri, Vardhman Nagar, Hindaun City, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Ratni Devi Girls T.T. College, Dwarikapuri, Vardhman Nagar, Hindaun City – 322254, 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.89-85/E-63823/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Jaydaya Shikshan Prasarak Mandal D.Ed. College, Samode, Sakri Navapur Road, Sakri, Maharashtra dated 10/02/2018 is against the Order No. WRC/APW05678/1221590/284th/{M.H.}/2017/193797 dated 11/12/2017 of the Western Regional Committee, withdrawing recognition for conducting D.Ed. course on the grounds that "This is a case of shifting. Show Cause Notice was issued to the institution on 07.09.2015. The institution vide letter dated 25.11.2015 has conveyed the decision of the Society not to shift. An examination of the file shows that the institution is not in possession of its own land nor its own building. Land is not in the name of the society and the building is rented. FDRs for Rs. 12.00 lakhs (in joint name) not received. Since the institution has failed to fulfil these conditions, Recognition is withdrawn from the academic session 2018-19. FDRs, if any, be returned. (FDRs already returned vide letter dt. 22.09.2017 for renewable)."

**AND WHEREAS** Sh. Anil Shinde, President and Sh. Manoj Kagahe, Asstt. Professor, Jaydaya Shikshan Prasarak Mandal D.Ed. College, Samode, Sakri Navapur Road, Sakri, Maharashtra presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that "our society has purchased 3124 Sq. Meter land. Now total land on society's name is 3524 sq. meter and built up area is 1598 Sq. Meter society has also made Rs. 12 lakh fixed deposit. So cancel our withdrawal order."

**AND WHEREAS** Appeal Committee noted that appellant institution was granted recognition by Recognition order dated 08/01/2008 issued by W.R.C. Recognition granted was subject to the condition that the institution shall comply with various Norms and Standards prescribed in the NCTE Regulations as amended from time to time.

Clause 8(11) of the NCTE Regulations, 2014 stipulate that revised land area norms shall not be applicable to existing institutions, but the required built up area shall have to be increased by existing institutions to conform to the revised norms. As per 2014 Regulations minimum built up area required for conducting D.El.Ed. programme with an intake of one unit (50 seats) is 1500 sq. meters.

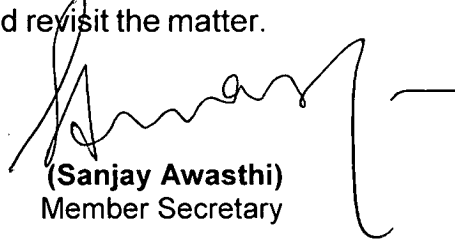
**AND WHEREAS** Committee noted that appellant institution by a letter dated 10.01.2013 asked W.R.C. the procedure for shifting of premises and also stated that since the proposed site where institution is planning to shift is just 400 meters away from the present site there will be no change in the postal address. W.R.C. by its letter dated 20.06.2013 informed the appellant institution that shifting will involve formal proposal accompanied by submission of required documents and processing fee of Rs. 50,000/-. The appellant did not respond thereafter and W.R.C. issued a Show Cause Notice dated 07/09/2015. Appellant on getting S.C.N. submitted a letter dated 25.11.2015 to W.R.C. and stated that Board of Directors have decided not to shift.

**AND WHEREAS** Appeal Committee noted that once recognition was granted to appellant institution in the year 2008 in a rented premises with no obligation to shift, the institution is well within its jurisdiction to make a decision to shift or not to shift from the existing premises till the lease is valid. Committee however, noted that the lease deed submitted by appellant was for a built up area of 1139 Sq. Meters whereas under the NCTE Regulation of 2009 and NCTE Regulations, 2014 a minimum of 1500 Sq. Meters built up area is required and appellant institution by the time of issue of S.C.N. should have in its possession the minimum built up area duly verified by an inspection conducted by the W.R.C. Appellant has submitted evidence of having prepared two F.D.Rs of Rs. 2 lakh each to supplement the F.D.Rs on account of Endowment and Reserve Fund.

**AND WHEREAS** Committee is not convinced with the grounds on which impugned order was issued namely (i) it was a case of shifting and (ii) withdrawal of recognition is for non possessing of own land and building. Committee is of the view that such

existing institutions which were granted recognition in rented / Leased premises without any condition to shift to the building constructed on land owned by the institutions are allowed to continue in leased land / premises provided built up area norms as prescribed in extant Regulations are fulfilled. Committee, therefore, decided to reverse the withdrawal order dated 11.12.2017. Appellant is required to submit copies of F.D.Rs to W.R.C. within 15 days of the issue of Appeal order. W.R.C. is at liberty to get the built up area available with the appellant institution verified and revisit the matter.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Committee concluded to reverse the withdrawal order dated 11.12.2017. Appellant is required to submit copies of F.D.Rs to W.R.C. within 15 days of the issue of Appeal order. W.R.C. is at liberty to get the built up area available with the appellant institution verified and revisit the matter.

  
(Sanjay Awasthi)  
Member Secretary

1. The President, Jaydaya Shikshan Prasarak Mandal D.Ed. College, Samode, Sakri Navapur Road, Sakri – 424306, Maharashtra.
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.



F.No.89-86/E-63765/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

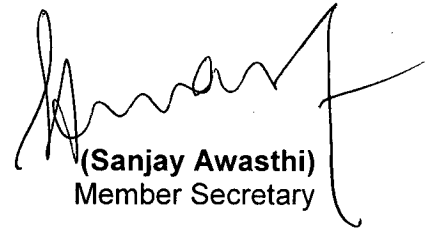
**WHEREAS** the appeal of Shri Dharmjivandasji Swami B.Ed. College, Post – Taravada, Via – Babapur, Amreli, Gujarat dated 07/02/2018 is against the Order No. WRC/APW05085/323184/Guj./285<sup>th</sup>/2017/10193 dated 02/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that “The institution has submitted a staff profile of 8 faculty members. Principal has not been appointed. Therefore, Recognition is withdrawn from the academic session 2018-19.”

**AND WHEREAS** Sh. Hiren K. Thoriya, H. Clerk and Sh. Rajivbhai Gulati, Trustee, Shri Dharmjivandasji Swami B.Ed. College, Post – Taravada, Via – Babapur, Amreli, Gujarat presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that “Now we have appointed Dr. Kshorchandra Balchandrabhai Bhatt as Principal on date 18.02.2018, we have now originally approved staff profile by Registrar Saurashtra University, Rajkot.”

**AND WHEREAS** Committee noted that withdrawal order dated 02/01/2018 was on ground of non appointment of a Principal. Appellant during the course of appeal hearing on 09/04/2018 apprised the Committee of the difficulties experienced by the management in finding a suitable candidate for appointment as Principal. The institution has finally succeeded in appointing on 18/02/2018 a Principal with the approval of affiliating university. Committee decided to remand back the case to WRC for further processing the application. Appellant is required to submit to W.R.C. a complete list containing the names of Principal and faculty approved by affiliating university as well as their joining reports within a period of 15 days from the date of issue of Appeal order.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Committee concluded to remand back the case to WRC for further processing the application. Appellant is required to submit to W.R.C. a complete list containing the names of Principal and faculty approved by affiliating university as well as their joining reports within a period of 15 days from the date of issue of Appeal order.

**NOW THEREFORE**, the Council hereby remands back the case of Shri Dharmjivandasji Swami B.Ed. College, Post – Taravada, Via – Babapur, Amreli, Gujarat to the WRC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Organizer, Shri Dharmjivandasji Swami B.Ed. College, Post – Taravada, Via – Babapur, Amreli – 365610, Gujarat.
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 Gujarat, Gandhinagar.



F.No.89-87/E-63703/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Maa Kaila Devi College of Education, Village – Naugaon, Pargana, Gwalior, Madhya Pradesh dated 08/02/2018 is against the Order No. WRC/APW01702/223392/285<sup>th</sup>/2017/10496 dated 08/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. (Co-Ed.) course on the grounds that “Building Completion Certificate not submitted in the prescribed format. FDRs of Rs. 12.00 lakhs submitted but not in joint name. Hence, Recognition is withdrawn from the academic session 2018-19. FDRs if any, be returned.”

**AND WHEREAS** Sh. Albel Kumar, Admn. Officer, Maa Kaila Devi College of Education, Village – Naugaon, Pargana, Gwalior, Madhya Pradesh presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that “institution had no admission for academic session 2006-17 and 2017-18. Students are not interested in B.Ed. course, so there are no required teaching staffs and institution had already some teaching staff working without salary. Institution have already sent a copy of building completion certificate in prescribed format of NCTE. Institution is re-submitting a copy of building completion certificate in NCTE prescribed format with this letter. Institution has already submitted original FDR of Rs. 7.00 Lakhs which was mandate jointly but WRC, NCTE name was not printed on the FDR, it was mistake of Union Bank. Institution has already submitted original FDR of Rs. 5.00 Lakhs, but it was also mistake of Union Bank. Institution has no malafied intention, because institution has already submitted original FDRs to the NCTE WRC, Bhopal. Institution has not submitted Xerox copy of FDRs.”

**AND WHEREAS** Committee noted that withdrawal order dated 08/01/2018 was issued by W.R.C. on three grounds i.e. (i) Institute has not submitted approved staff

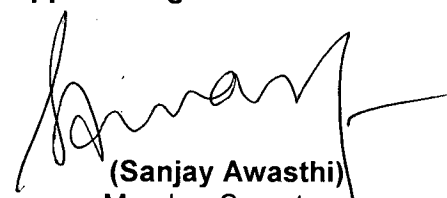
profile, (ii) Building Completion Certificate not submitted in prescribed performa, (iii) F.D.Rs submitted are not in joint name.

**AND WHEREAS** Committee noted that appellant has admitted that the institution does not have required number of faculty and staff for the reason that there are no admission in B.Ed. programme for academic session 2016-17 and 2017-18. Appellant also admitted that F.D.Rs submitted are held in the name of society alone and could not be converted in joint name with NCTE. So far as Building Completion Certificate (B.C.C) is concerned appellant was able to submit a B.C.C. with a supporting letter dated 10/12/2015 issued by Executive Engineer, P.W.D. Division 2, Gwalior which makes the B.C.C. dated 15/01/2015 as acceptable.

**AND WHEREAS** Committee viewed that appointment of faculty approved by affiliating body and submission of F.D.Rs in Joint Name are the two deficiencies which could not be rectified by appellant despite issue of a S.C.N. dated 08/09/2016. Committee, therefore, decided that withdrawal order dated 08/01/2018 is justified and hence confirmed.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the withdrawal order dated 08/01/2018.

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

  
(Sanjay Awasthi)  
Member Secretary

1. The Chairman, Maa Kaila Devi College of Education, Plot No.24, Khasra No. 93, Min & 89/4 Min. Village – Naugaon, Pargana, Gwalior – 474001, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



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F.No.89-88/E-63767/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Smt. Maniba Mahila B.Ed. College, Vahelal, Naroda – Dahegam Road, Dascroi, Gujarat dated 07/02/2018 is against the Order No. WRC/APW00501/323133/Guj./285<sup>th</sup>/2017/10209 dated 02/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that "Show Cause Notice was issued to the institution on 05.08.2016. The institution replied on 20.08.2016. The institution has submitted a staff profile of 15 faculty members for 2015-16, which is not approved. Principal has not been appointed. The institution has not maintained any FDRs. Building Completion Certificate in the prescribed format and counter signed by a Govt. Engineer not submitted. Therefore, Recognition is withdrawn from the academic session 2018-19."

**AND WHEREAS** Dr. D.P. Negi, Director, Smt. Maniba Mahila B.Ed. College, Vahelal, Naroda – Dahegam Road, Dascroi, Gujarat presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that "As per the instructions of the Govt. of Gujarat, our institution had applied to WRC, NCTE, Bhopal for grant of permission for change of Affiliating University of the institution from SNDT Women's University to Gujarat University vide our letter dated 02.07.2014. Based on our request, the Regional Director, WRC, NCTE, Bhopal issued Order No. WRC/APW00501/323133. Granting permission for change of affiliating university to Gujarat University. Soon after receipt of the said order, we had applied to the Gujarat University requesting them to grant us necessary approval for affiliation. However, the case got delayed for a long time due to administrative reasons in spite of constant follow up. The necessary approval for affiliation was finally granted by the Gujarat University vide Notification No. academic/21/30134/2016 dated 18.07.2016 and we started admitting the students from the academic year 2016/2017

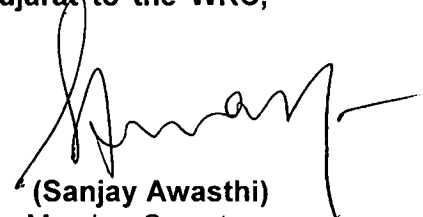
with one basic unit of 50 students. In compliance of Show Cause Notice dated 05.08.2016 issued by the Regional Director, WRC, NCTE, Bhopal, we had made recruitment for appointment of faculty members as per norms prescribed in NCTE Regulation, 2014 and submitted the unapproved staff profile for 2015/2016 in anticipation of grant of approval for affiliation which was still awaited. It is also stated here that subsequent to the date of approval accorded by the Gujarat University for affiliation of our institution, we have got the staff profile approved and a copy of approved staff profile for 2017/2018 is being submitted with hard copy. It is brought to the kind notice of the appellate authority that our institution had maintained FDRs towards Endowment and Reserve Funds to the extent of Rs.5,00,000/- and Rs.3,00,000/- respectively with the NCTE in accordance with the provisions of previous Regulations. However, it is true that there has been a slippage on our part, due to ignorance of rules, to create additional FDR to the extent of Rs.4,00,000/- towards balance of reserve fund as per the requirement of NCTE Regulations, 2014. In order to fully meet the requirement of NCTE Regulations, 2014, we have created fresh FDR dated 24.01.2018 towards Endowment Fund and also FDR dated 24.01.2018 towards Reserve Fund to the extent of Rs.5,00,000/- and Rs.7,00,000/- respectively and copies of the same are being submitted with hard copy. Copy of duly notarized fresh Building Completion Certificate, in the prescribed format, countersigned by the competent authority is also being submitted with hard copy of online appeal application."

**AND WHEREAS** Appeal Committee noted that impugned order of withdrawal dated 02/01/2018 issued by W.R.C. is based on the deficiencies pointed out in Show Cause Notice (S.C.N) dated 05/08/2016 and compliance reported by appellant institution on 20.08.2016. The appellant during the course of appeal presentation stated that with the change in affiliating university there was some delay in getting approval of the faculty. The affiliating university i.e. Gujarat University, Ahmedabad has finally approved the list containing the names of one Principal and 10 Assistant Professor. Affiliating body vide affiliation letter dated 18/07/2016 & 01/05/2017 had also restricted the affiliation to one basic unit of 50 seats. Committee further noted that appellant institution has submitted copy of Building Completion Certificate (B.C.C.) and

F.D.Rs dated 24/01/2018. Since the case pertains to an existing institution conducting B.Ed. and M.Ed. programmes. Appeal Committee decided to set aside the withdrawal order dated 02/01/2018 and to remand back the case to W.R.C. to consider (i) the list of faculty as approved by Gujarat University (ii) B.C.C. and (iii) F.D.Rs for restoring the recognition with appropriate number of seats.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to set aside the withdrawal order dated 02/01/2018 and to remand back the case to W.R.C. to consider (i) the list of faculty as approved by Gujarat University (ii) B.C.C. and (iii) F.D.Rs for restoring the recognition with appropriate number of seats.

**NOW THEREFORE**, the Council hereby remands back the case of Smt. Maniba Mahila B.Ed. College, Vahelal, Naroda – Dahegam Road, Dascroi, Gujarat to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Principal, Smt. Maniba Mahila B.Ed. College, Vahelal, Naroda – Dahegam Road, Dascroi – 382330, Gujarat.
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 Gujarat, Gandhinagar.



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F.No.89-89/E-63769/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of MATS University (Distance Learning) MATS Tower, Near Bus Stand, Pandri, Chhattisgarh dated 29/02/2018 is against the Order No. WRC/APP7230/B.Ed. (ODL)/286<sup>th</sup>/C.G./2018/194504 dated 24/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. (ODL) course on the grounds that "the case file was seen. As per Revised Recognition order dated 31.05.2015, the institution was directed to submit duly approved list of faculty, maintenance of FDRs as per NCTE Regulations, 2014 and Building Completion Certificate issued by a Government Engineer. The institution has submitted a faculty list of 1+7 faculty members approved by the Registrar, which is sufficient for only one unit. Building Completion Certificate is also signed by a Government Engineer, but the built up area is sufficient for one unit. It needs to submit additional FDR for Rs. 4.00 lakhs (in joint name) in original (Total requirement is 12.00 lakhs). Hence, Show Cause Notice be issued as to why recognition should not be withdrawn. Reply should be submitted within one month."

**AND WHEREAS** Prof. Parvinder Hanspal, Dean/Director, MATS University (Distance Learning) MATS Tower, Near Bus Stand, Pandri, Chhattisgarh presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that "As per the letter F.No. WRC APP7230 284<sup>th</sup> B.Ed. ODL C.G./2017/193662 dated 05<sup>th</sup> Dec. 2017 we had already submitted the said document through letter no. MATS Vishwavidyalaya/2017 dated 5<sup>th</sup> December 2017 on the date 6<sup>th</sup> December 2017 R N 167247 date 06/12/2. The two matters of rejection are separate but are addressed in the letter. One is related to the present regular

course of B.Ed. and B.P.Ed. and another is for applied B.Ed. Course in ODL mode. Regarding Point 1 mentioned is related to fixed deposit of regular course and we have already replied to the show cause notice and paid Rs. 4 Lacs each. Total 8 Lacs for both courses. Therefore we would like to appeal to you that please revoke this decision as we have in right earnest complied with all conditions and promise to fulfil all criteria if required in future to give permission so that NCTE WRC can send their visiting team to complete the process of approval. Regarding Point 2 we would like to state the following. We have applied to start a B.Ed. Program in Distance Learning Mode in the year 2016 after getting inspected and permission from SCERT. Since 2016 our matter had been referred to the NCTE, WRC 6 times in its 272<sup>nd</sup> 280<sup>th</sup> 282<sup>nd</sup> 284<sup>th</sup> and 286<sup>th</sup> Meeting. Each time we are asked to submit different requirement which we have complied with on time. I should bring to your attention to the 282<sup>nd</sup> meeting where we are told to comply with the requirement of Study Centre and requirement of Staff so that visiting team would be sent. The minutes state. The institution should now inform the WRC regarding establishment of Study Centres and recruitment of staff. Thereafter VT would be sent. Attached 04 Sir we have advertised for recruitment of staff and finished all the process of recruitment also we have identified and established Study Centres across the state for the Visiting Team to inspect. Attached 05 Even after we complied with all the requirement instead of sending a Visiting Team, the matter was sent to the 284<sup>th</sup> Meeting where UGCDEB letter was asked. Attached 06 We have already submitted the letter of approval from UGCDEB. We also clarified in the letter submitted regarding the above that according to the UGC approval letter of 2017 Para 3 y Prior approval from the NCTE is required to start a course in B.Ed. in ODL Mode. Received by NCTEWRC on 06 12 2017 R.No 167247. Attached 07 But we are refused to give permission stating that the letter asked was not submitted Snapshot of minute Attached 02 Therefore we would like to appeal to you that please revoke this decision as we have in right earnest complied with all conditions and are promise to fulfil all criteria if required in future to give permission so that NCTE, WRC can send their visiting team to complete the process of approval."

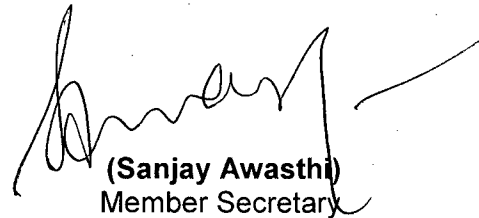
**AND WHEREAS** Appeal Committee noted that appellant university already stands recognised for conducting B.Ed. and B.P.Ed. programmes and revised recognition orders for these programmes under NCTE Regulations, 2014 were issued on 31.05.2015 and 30.05.2015 respectively. The appellant university submitted another application seeking recognition for B.Ed. through ODL Mode with a proposed intake of 500 seats. As the proposed programme is to be conducted through distance Learning mode for which school of open and Distance Learning in U.G.C. recognised university is eligible, the appellant sought N.O.C. from SCERT, Raipur. As regards approval of U.G.C. is concerned, the appellant university had made available to W.R.C. on 05/12/2017. Copy of letter dated 14/07/2017 issued by U.G.C. conveying approval for 13 non teacher education programmes through distance mode. The above letter also mentions that no teacher education programme shall be offered without prior approval of NCTE (as per new NCTE Regulations, 2014). Committee observed from page 2 of the impugned order that W.R.C. has mixed up the case of applied for B.Ed. (ODL) with that of B.Ed. programme for which revised recognition had already been issued on 31.05.2015. The impugned order is not clear why W.R.C. had sought reply of applicant within one month before withdrawing recognition and in the next para it has decided to refuse recognition.

**AND WHEREAS** Appeal Committee decided to remand back the case to W.R.C. for revisiting the case in light of the Norms and Standards (Appendix-10) for B.Ed. (Through open and Distance Learning system) and issue appropriate speaking order.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to W.R.C. for revisiting the case in light of the Norms and Standards (Appendix-10) for B.Ed. (Through open and Distance Learning system) and issue appropriate speaking order.

- 4 -

**NOW THEREFORE, the Council hereby remands back the case of MATS University (Distance Learning) MATS Tower, Near Bus Stand, Pandri, Chhattisgarh to the WRC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Registrar, MATS University (Distance Learning) MATS Tower, Near Bus Stand, Pandri – 492001, Chhattisgarh.**
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 Chhattisgarh, Raipur.



F.No.89-90/E-63762/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Dayanand Anglo Vedic T.T. College, Barasoli, MDH Road, Bengabad, Giridih, Jharkhand dated 02/02/2018 is against the Order No. ERC/247.8.3/ERCAPP2691/D.El.Ed./2017/55491 dated 29/12/2017 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "(i) The institution submitted building completion certificate in the name of B.N.S. Teacher Training College which mismatch with the name of applied institution viz. Dayanand Anglo Vedic T.T. College. b. In response, the institution submitted reply vide letter dated 16.10.2017 (on the basis of proceedings uploaded on ERC website) that due to some technical problem, B.N.S. DAV Teachers Training College is not mentioned in the online application and now prayed for consideration, which has not been accepted by the Committee."

**AND WHEREAS** Dr. Mukesh Kumar, Principal, Dayanand Anglo Vedic T.T. College, Barasoli, MDH Road, Bengabad, Giridih, Jharkhand presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that "Appellant institution had submitted two applications seeking recognition for B.Ed. and D.El.Ed. programme. The name of the institution as mentioned in the application form is 'Dayanand Anglo Vedic T.T. College' but full name of the institution is B.N.S. D.A.V. Teacher's Training College.'

**AND WHEREAS** Committee noted that impugned refusal order dated 29/12/2017 is on the ground that application for D.El.Ed. programme was made in the name of 'Dayanand Anglo Vedic Teacher Training College, Plot No. 397-384, Village – Barasoli,



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P.O. – Giridh, Jharkhand whereas the B.C.C. submitted by applicant is in the name of B.N.S. Teacher Training College which mismatches with the name of applied institution.

**AND WHEREAS** Committee noted that land documents submitted by the applicant institution reveal that through a sale deed the ownership of land was transferred in favour of D.A.V. College Trust and Management society for B.N. Saha D.A.V. Teacher's Training College, Giridh (Jharkhand). The N.O.C. issued by Government of Jharkhand was in favour of B.N.S. D.A.V. School. There is no uniformity in the name of applicant institution which is mentioned at different places as:

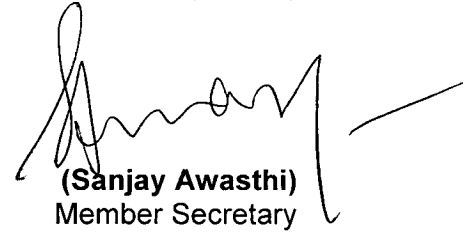
- (i) D.A.V. T.T. College. (As in application form)
- (ii) B.N. Saha D.A.V. School (As in NOC)
- (iii) B.N.S. Teacher Training College (As in B.C.C.)

The address of the institution is however, unanimously mentioned as Khasra No. 396-384, Barasoli, Giridh. Committee is of the view that applicant should have been more careful in filling up of application form and other related documents but at the same time if appellant is able to prove with documentary evidence that land and building where proposed teacher education programmes are to be run are exclusively in possession and ownership of the applicant society/institution minor difference in names may be overlooked. In the present case as N.O.C. is issued in the name of B.N.S. D.A.V. School. Applicant is required to state that proposed site is not utilised for school purposes i.e. a fact to be verified also at the time of inspection.

Committee decided to set aside the refusal order dated 29/12/2017 and remand back the case to E.R.C. for further processing of the application.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to set aside the refusal order dated 29/12/2017 and remand back the case to E.R.C. for further processing of the application.

**NOW THEREFORE, the Council hereby remands back the case of Dayanand Anglo Vedic T.T. College, Barasoli, MDH Road, Bengabad, Giridih, Jharkhand to the ERC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Principal, Dayanand Anglo Vedic T.T. College, Barasoli, MDH Road, Bengabad, Giridih – 815312, Jharkhand.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of Jharkhand, Ranchi.



F.No.89-91/E-63771/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Maharaj Vinayak Global University, Harwar, Jaipur Delhi Highway Amber, Rajasthan dated 05/02/2018 is against the Order No. NCTE/NRC/NRCAPP201616110/M.Ed./B.Ed./B.Ed. & M.Ed. – 3 Year Integrated/RJ-2017-18/2 dated 13/12/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed./M.Ed. course on the grounds that “The institution was issued SCN on 28.07.2017. Reply of the same has been received on the NRC office on 16.10.2017. Reply was considered by the Committee and following observations were made:- There is ban for increase in intake of seats in all Teacher Education Programme in the State of Rajasthan. The institution has not been running B.Ed. & M.Ed. programme for the last five years as required under Appendix 15, clause 2(1) of NCTE Regulations, 2014) being a private university and not a Central or State University. The institution has not been accredited by NAAC with minimum of B Grade as per requirement of NCTE Regulations, 2014 (Appendix 15 clause 2(1). There is a ban on M.Ed. course imposed by Govt. of Rajasthan vide its order 23.02.2016. Hence, the Committee decided that the applications are rejected and recognition/ permission is refused U/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.”

**AND WHEREAS** Sh. Raj Kumar Mishra, Registrar, Maharaj Vinayak Global University, Harwar, Jaipur Delhi Highway Amber, Rajasthan presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that This University had applied online for grant of recognition of M.Ed.-01 Unit, B.Ed. additional Intake-01 unit and B.Ed. M.Ed. (Integrated) — 01 unit on 31.05.2016 and hard copy of the applications has been submitted to NRC, NCTE on 16.06.2016. That after expiry of more than one year, NRC, NCTE has considered the application for recognition of this University and certain deficiencies were pointed out in

273<sup>rd</sup> Meeting (Part-2) of NRC, NCTE (26-27 July 2017) vide item No. 112. This University has submitted a detailed reply along with all required documents in compliance to the deficiencies pointed out by the NRC, NCTE on 16.10.2017. NRC has rejected the application for recognition of this university vide letter dated 13.12.2017. That Maharaj Vinayal Global University, Jaipur is a Private University established through extraordinary gazette of Govt. of Rajasthan passed by Governor of Rajasthan. This University is recognized from University Grants Commission, New Delhi. The name of the University is mentioned at serial no. 18 of the State Private University List published by UGC. That eligibility criteria for making application for grant of recognition published in NCTE Regulations 2014 in Clause 4 (c) clearly indicate that all universities including institution deemed to be universities so recognized or declared as such, under the University Grants Commission Act, 1956 (3 of 1956). That in clause 2 (ii) of appendix 5 of NCTE Regulations 2014 it is clearly mentioned that University Department of Education can make application for grant of recognition for M.Ed. course. Requirement of offering Teacher Education Programme for period of minimum 05 years and accreditation from NAAC does not apply on University Department of Education. That in clause 2(ii) of appendix 15 of NCTE Regulations 2014 it is clearly mentioned that University Department of Education can make application for grant of recognition for B.Ed, M.Ed. course. Requirement of offering Teacher Education Programme for period of minimum 05 years and accreditation from NAAC does not apply on University Department of Education. Copy of NCTE Regulations 2014 is annexed and marked as Annxure-12. That as per Schedule-II of this University Act passed by Govt. of Rajasthan on 27.01.2012, Govt. of Rajasthan has already given permission for running various courses which includes Education and Education Technology. Therefore the ban imposed by State Govt. for other colleges / institutions does not apply on this University."

**AND WHEREAS** Committee noted that applicant university had submitted a combined application seeking recognition for one units each of M.Ed., B.Ed. (Addl. Intake) and B.Ed./M.Ed. (Integrated). Committee further observed that N.R.C. also have issued one combined refusal order dated 13.12.2017 which makes the matter complex keeping in view that Norms and Standards for all three programmes are

differently termed and the ban put by State Government is also not uniformly applicable on all the programmes.

**AND WHEREAS** From the impugned refusal order dated 13/12/2017 it appears that application for B.Ed. (Addl. Intake) and M.Ed. programme have been rejected because of the ban order of State Government of Rajasthan. In the absence of the copy of communication of the State Government, Committee is unable to adjudicate whether the said ban is applicable to all institutions including private universities.

**AND WHEREAS** Appellant's contention that private universities are covered under the Clause 2 (ii) of Appendix 15 (Norms & Standards for 3 year Integrated B.Ed. M.Ed. Degree Programme) and thus are not required to have completed 5 years of existence.

**AND WHEREAS** Appeal Committee decided to remand back the case to N.R.C. for:

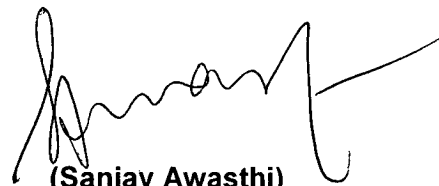
- (i) Issue of separate order for each applied for programme.
- (ii) Keeping on file copy of letter of State Government imposing ban on enhancement of seats in existing teacher education programmes. This is required because NCTE should get such things settled before inviting applications and once applications are accepted and processing fee deposited, the refusal on the ground that there is a ban is not justified.
- (iii) Seeking Clarification from Regulation Div. whether private universities are covered under Clause 2 (ii) of Appendix 15.

The present refusal order dated 13/12/2017 is set aside.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to set aside the impugned refusal order dated 13.12.2017 and the matter is remanded back to N.R.C. for compliance as per para 6 (i) (ii) (iii).

- 4 -

**NOW THEREFORE, the Council hereby remands back the case of Maharaj Vinayak Global University, Harwar, Jaipur Delhi Highway Amber, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Registrar, Maharaj Vinayak Global University, Harwar, Jaipur Delhi Highway NH-11, Amber – 302028, 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.

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F.No.89-92/E-63748/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Smt. Rewaben Odhavjibhai Patel Womens B.Ed. College, At Post – Tankara Morbi, Tankara, Gujarat dated 12/02/2018 is against the Order No. WRC/APW00500/323134/Guj./279<sup>th</sup>/2017/189394 dated 08/09/2017 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that “Show Cause Notice was issued to the institution on 29.08.2016. The institute has not replied till date. Hence, Recognition is withdrawn from the session 2018-19. FDRs, if any, be returned.”

**AND WHEREAS** Sh. D.M. Kavar, Campus Director, Smt. Rewaben Odhavjibhai Patel Womens B.Ed. College, At Post – Tankara Morbi, Tankara, Gujarat presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that “Principal has now been appointed and copy of Building Completion Certificate is submitted.”

**AND WHEREAS** Committee noted that a Show Cause Notice (S.C.N.) dated 29/08/2016 was issued to appellant institution for non submission of following documents as per conditions of revised recognition order dated 31/05/2015:

- (i) Staff profile duly approved by affiliating body.
- (ii) Notarised C.L.U., N.E.C., approved Building Plan, B.C.C.
- (iii) F.D.Rs of Rs. 7 lakh and 5 lakh in joint operation.

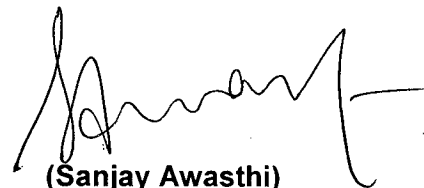
**AND WHEREAS** Committee further noted that appellant institution did neither furnish a reply to S.C.N. nor submitted in appeal any reason for not replying to S.C.N. Appellant however, submitted alongwith its appeal memoranda copies of (i) Building Plan approved by Village Panchayat (ii) Building Completion Certificate (B.C.C.) issued

by Executive Engineer, R & B Sub Div. Morbo, (iii) N.E.C. dated 03/01/2018, (iv) C.L.U. and (v) list containing the names of Principal and 7 faculty. As regards F.D.Rs the appellant submitted copies of old F.D.Rs. of Rs. 5 lakh and 3 lakh prepared in the year 2006. There is no evidence that the F.D.Rs were ever renewed or revalidated and submitted to W.R.C. for verification.

**AND WHEREAS** Committee considering that appellant institution is recognised since the year 2005 and continues to operates from the same premises decided to remand back the case to W.R.C. for revisiting the matter. Appellant institution is required to submit a comprehensive reply on each of the points raised in the S.C.N. dated 29/08/2016 to W.R.C. for consideration within 15 days of the issue of appeal order.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to W.R.C. for revisiting the matter. Appellant institution is required to submit a comprehensive reply on each of the points raised in the S.C.N. dated 29/08/2016 to W.R.C. for consideration within 15 days of the issue of appeal order.

**NOW THEREFORE, the Council hereby remands back the case of Smt. Rewaben Odhavjibhai Patel Womens B.Ed. College, At Post – Tankara Morbi, Tankara, Gujarat to the WRC, NCTE, for necessary action as indicated above.**

  
(Sanjay Awasthi)  
Member Secretary

1. The Principal, Smt. Rewaben Odhavjibhai Patel Womens B.Ed. College, At Post – Tankara Morbi, Tankara – 363650, Gujarat.
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 Gujarat, Gandhinagar.





F.No.89-93/E-63743/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Shri R.J. Patel College of Education, Palasar, Shelavi Railway Station, Chansama, Gujarat dated 09/02/2018 is against the Order No. WRC/APW02082/323238/Guj./285<sup>th</sup>/2017/10177 dated 02/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that "The case file was seen. Show Cause Notice was issued to the institution on 05.07.2017. The institute replied on 24.07.2017 & 27.09.2017 The institution has submitted a staff profile of 7 faculty members. Principal has not been appointed. Building Completion Certificate in the prescribed format and counter signed by a Govt. Engineer not submitted. Therefore, Recognition is withdrawn from the academic session 2018-19."

**AND WHEREAS** Sh. Patel Hitesh Kumar Amrutlal, Librarian and Patel Tejash Kumar Ashok Bhai, Managing Director, Shri R.J. Patel College of Education, Palasar, Shelavi Railway Station, Chansama, Gujarat presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that "The College has conducted an Open interview in association with Hemchandracharya North Gujarat University, Patan. But we could not get qualified candidate for Principal. The Institute is still striving hard for a qualified Principal. WRC has never asked for any BCC previously, so we have not submitted. Right now we have BCC Ready."

**AND WHEREAS** Committee noted that a Show Cause Notice (SCN) dated 05/07/2017 was issued to appellant institution asking for submission of (i) List of Principal and 7 faculty members approved by affiliating body (ii) F.D.Rs as per Regulations, 2014. Committee further noted that appellant institution submitted reply

dated 24/07/2017 to W.R.C. by stating that institution has renewed the F.D.Rs and currently have five faculty members. Recruitment process for appointment of Principal and remaining two faculty members in going on. Appellant by a subsequent letter dated 24/09/2017 submitted zerox copy of renewed F.D.Rs and a list containing the names of One Principal (Incharge) and Seven faculty, members approved by Hemchandracharya, North Gujarat University. During the course of appeal presentation on 09/04/2018 appellant submitted copy of B.C.C. issued by Dy. Executive Engineer, R & B Sub Division, Patan and affiliating body's letter dated 31/03/2018 approving the name of Dr. Bhavanaben Manikant Patel as Principal.

**AND WHEREAS** considering the further developments reported by appellant, Appeal Committee decided to set aside the impugned order of withdrawal dated 02/01/2018. Appellant institution is required to submit to W.R.C. a consolidated compliance report on all the points of deficiency within a period of 15 days from the date of issue of Appeal order which should be considered by W.R.C. for revisiting the case.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to set aside the impugned order of withdrawal dated 02/01/2018. Appellant institution is required to submit to W.R.C. a consolidated compliance report on all the points of deficiency within a period of 15 days from the date of issue of Appeal order which should be considered by W.R.C. for revisiting the case.



(Sanjay Awasthi)  
Member Secretary

1. The President, Shri R.J. Patel College of Education, Palasar, Shelavi Railway Station, Chansama – 384235, Gujarat.
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 Gujarat, Gandhinagar.

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F.No.89-94/E-63750/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Shri Meghavibhai Punjabhai Patel B.Ed. College, Vill. – Jodhapur, Kumar Chhatralay Campus, Morbi, Gujarat dated 12/02/2018 is against the Order No. WRC/APW00499/323135/Guj./279<sup>th</sup>/2017/188663 dated 18/08/2017 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that “The case file was seen. Show Cause Notice was issued to the institution on 29.08.2016. The institute has not replied till date. Hence, Recognition is withdrawn from the session 2018-19. FDRs, if any, be returned.”

**AND WHEREAS** Sh. Rajnish H., Lecturer, Shri Meghavibhai Punjabhai Patel B.Ed. College, Vill. – Jodhapur, Kumar Chhatralay Campus, Morbi, Gujarat presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that “No explanation given by the appellant.”

**AND WHEREAS** Committee noted that there was a delay of more than 3 months in filing online appeal. Appellant on being asked submitted orally that there was some difficulty in filling online appeal and hence delay occurred. Committee decided to condone the delay and take up the appeal on its merits.

**AND WHEREAS** Committee noted the submission made by the appellant on 09/04/2018 in the appeal hearing stating that due to Assembly elections in the State of Gujarat, the affiliating body delayed the process of selection of Principal and compliance to S.C.N. could not be reported. Appellant submitted before the Committee (i) list containing the name of Principal and 7 faculty members approved by Saurashtra University, Rajkot, (ii) N.E.C, (iii) B.C.C. The building plan submitted by appellant was however, not found to be approved by any Civic/Government agency and the term of

F.D.Rs was found to have expired without any revalidation. Since the appellant institution was recognised for conducting B.Ed. programme in the year 2005 and there is no change in the premises, Committee decided to remand back the case to W.R.C. by granting opportunity to the appellant institution for submitting (i) revised and revalidated F.D.Rs of Rs. 7 lakh & 5 lakh, (ii) Building Plan approved by the Government Engineer, (iii) copy of approved list of faculty & Principal, (iv) N.E.C., (v) B.C.C. directly to W.R.C. within 15 days of the issue of appeal order. W.R.C. should revisit the matter after considering the submission made by appellant.

**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 W.R.C. by granting opportunity to the appellant institution for submitting (i) revised and revalidated F.D.Rs of Rs. 7 lakh & 5 lakh, (ii) Building Plan approved by the Government Engineer, (iii) copy of approved list of faculty & Principal, (iv) N.E.C., (v) B.C.C. directly to W.R.C. within 15 days of the issue of appeal order. W.R.C. should revisit the matter after considering the submission made by appellant.

**NOW THEREFORE**, the Council hereby remands back the case of **Shri Meghavibhai Punjabhai Patel B.Ed. College, Vill. – Jodhapur, Kumar Chhatralay Campus, Morbi, Gujarat** to the WRC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Principal, **Shri Meghavibhai Punjabhai Patel B.Ed. College, Vill. – Jodhapur, Kumar Chhatralay Campus, Rafaleshvar Road, Morbi – 363642, Gujarat.**
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 Gujarat, Gandhinagar.

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F.No.89-95/E-64062/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Amrut Institute, Vill.-Khadiya, PO – Toraniya, Khadiya – Bilakha Road, Junagarh, Gujarat dated 15/02/2018 is against the Order No. WRC/APP3238/B.Ed./269<sup>th</sup>/Guj./2016/181006 dated 28/02/2017 of the Western Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that “Consequent to the issue of LOI dt. 26.04.2016, the institution has not submitted any reply. Therefore, Show Cause Notice was issued on 20.12.2016 to which also reply was not received. Hence, Recognition is refused. FDRs, if any be returned.”

**AND WHEREAS** Sh. Rajesh D. Vadodariya, Vice-President and Sh. Hiren J. Vyas, Secretary, Amrut Institute, Vill.-Khadiya, PO – Toraniya, Khadiya – Bilakha Road, Junagarh, Gujarat presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation No explanation was submitted.

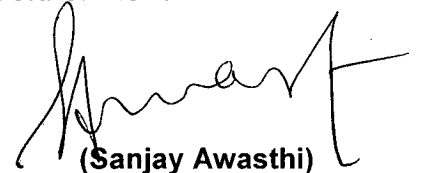
**AND WHEREAS** Committee noted that a Letter of Intent (L.O.I.) dated 26/04/2016 was issued to appellant institution seeking compliance on several points including inter-alia:-

- (i) Appointment of faculty with the approval of affiliating body.
- (ii) Affidavit in prescribed format.
- (iii) F.D.Rs.
- (iv) Website.

**AND WHEREAS** since the appellant institution neither complied with any of the requirement nor did send any reply seeking extension of time to submit compliance, a Show Cause Notice (S.C.N.) dated 20.12.2016 was issued asking the appellant institution to submit written representation within a period of 30 days. Further the

appellant did not submit any reply to S.C.N. which had resulted in issue of impugned refusal order dated 28.02.2017. Section 18 of the NCTE Act provides a remedy to the applicant institutions to prefer an appeal provided it is preferred within a period of 60 days. The present appeal made by appellant is delayed by more than 9 months. The appellant on the day of appeal neither could satisfactorily explain why no response to L.O.I. and S.C.N. was made nor could give reason for not preferring appeal within the prescribed period of 60 days. The institution also could not submit list containing the names of Principal and faculty members approved by the affiliating university. In these circumstances, Committee decided not to admit the appeal for reasons of delay and devoid of merit.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to not to admit the appeal for reasons of delay and devoid of merit.

  
(Sanjay Awasthi)  
Member Secretary

1. The Vice-President, Amrut Institute, Vill.-Khadiya, PO – Toraniya, Khadiya – Bilakha Road, Junagarh – 362263, Gujarat.
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 Gujarat, Gandhinagar.



F.No.89-96/E-64063/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

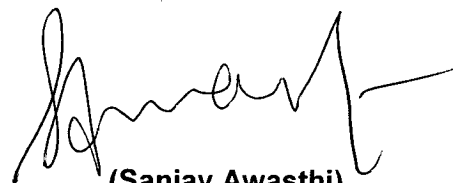
**WHEREAS** the appeal of Swapna Devi College of Education, Chakat Gram SH-7, Nanoor, Birbhum, West Bengal dated 12/02/2018 is against the Order No. ER/7-ER-226.7.5/NCTE/ERCAPP3375/D.El.Ed./2016/50585 dated 23/12/2016 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "(a) SCN was issued on 25.08.2016 on the following grounds: (i) As per building plan and building completion certificate, three storied (G+2) building is available having total built up area 3051 sq. mts. but as seen in the CD, second floor is under construction. After deduction the measurement of second floor, the total built-up area of G+1 floor is 2034 sq. mts. which is less than the requirement of 3000 sq. mts. stipulated for running B.Ed. + D.El.Ed. programme. (b) The institution submitted its representation dated 26.08.2016 along with the fresh CD. The ERC considered the representation and found that the institution is still deficient on the following grounds: (i) In the fresh CD, it is observed that the second floor has been completed, but the same VT members are moving, measuring and noting within the newly constructed building where the ERC has not assigned them to revisit the institution. As per NCTE Regulation 2014, there is no provision for re-inspection of the under constructed building. In view the above, the Committee decided as under: The Committee is of the opinion that application bearing code No. ERCAPP3375 of the institution regarding recognition of D.El.Ed. Programme is refused under section 14(3)(b) of NCTE Act 1993."

**AND WHEREAS** Sh. Ramkrishna Pal, Secretary and Sh. Minhajuddin, Member, Swapna Devi College of Education, Chakat Gram SH-7, Nanoor, Birbhum, West Bengal presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that "In the fresh CD submitted by institution dated 26.08.2016 ERC observed that the second floor has been completed. ERC did not consider in the meeting no. 226 for re-inspection. As per ERC, NCTE, small part of the second floor construction was not finished. Without measuring by any competent

person how it is possible to say that built-up area of second floor of 1000 sq. mts. was not completed. NCTE is requested to re-inspect the institution."

**AND WHEREAS** Appeal Committee noted that appellant institution had applied for seeking recognition of two programmes i.e. B.Ed. recognition of two programme i.e. B.Ed. and D.El.Ed and E.R.C. issued refusal orders refusing both the programmes simultaneously on 23.12.2016 on the ground that whereas Building Completion Certificate (B.C.C.) was for 3 floors (Ground + 2 Floors having total built up area of 3051 sq. meters but the C.D. recorded at the time of inspection revealed that 2<sup>nd</sup> floor was under construction. The appellant filed appeal against the refusal order dated 23.12.2016 for B.Ed. programmes. No appeal, which was required to be filed separately for the D.El.Ed. programme, was filed by the appellant at that time. In the appeal order dated 24.06.2017 it was decided to remand back the case to E.R.C. for reinspection and in response to the appeal order E.R.C. in its 247<sup>th</sup> Meeting held on 16-17 December, 2017 decided to reinspect the institution on payment of fee of Rs. 1,50,000/-.

**AND WHEREAS** Committee noted that neither in the appeal memoranda nor in the forwarding letter appellant has mentioned any reason for delay of 13 months which has happened in preferring appeal. Technically these were two different applications for B.Ed. & D.El.Ed. programmes refused by two different refusal orders. Grounds of refusal may have been similar but appeal under Section 18 of the Act is required to made separately against each order. **In the present case Committee do not find any reason to condone the delay and admit appeal. Being time barred Appeal is not admitted.**



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Swapna Devi College of Education, Chakat Gram SH-7, Nanoor, Birbhum – 731215, West Bengal.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.





F.No.89-97/E-64095/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Sunrise Academy Management Society, Dehradun, Opp. Deal office, Raipur Road, Dehradun, Uttarakhand dated 12/02/2018 is against the Order No. NRC/NCTE/NRCAPP10976/277<sup>th</sup> Meeting/2017/185541 dated 12/12/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. (Addl.) course on the grounds that "There is a ban in the State for grant of Recognition for B.Ed. course / additional intake in B.Ed."

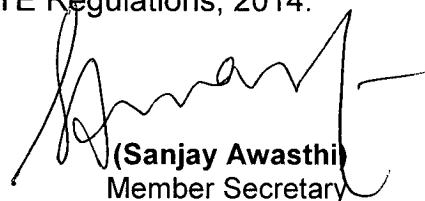
**AND WHEREAS** Dr. R.M. Saxena, Director and Dr. Poonam Sharma, Principal, Sunrise Academy Management Society, Dehradun, Opp. Deal office, Raipur Road, Dehradun, Uttarakhand presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that "There is a ban in the State for grant of recognition for B.Ed. course Additional Intake in B.Ed. I have to bring to your kind notice the following facts that we applied for the additional intake of B.Ed. students one Unit on 28.05.2015 and accordingly it was sanctioned vide letter no. NRC NCTE NRCAPP- 132015 114472 77 dated 6 June 2015. The Ban on new Affiliation Additional intake of B.Ed. Course by Government of Uttarakhand came into existence on 19.06.2017, i.e. nearly after two years. It is quite apparent that our case does not come under the purview of the said Government Order. Hence, you are requested to kindly consider this case sympathetically and grant the permission for additional intake of 1 unit of B.Ed. students at your earliest."

**AND WHEREAS** Committee noted that appellant institution was granted recognition for conducting B.Ed. programme with an annual intake of 100 seats vide order no. NRC/NCTE/NRCAPP-13/198<sup>th</sup> Meeting/2012/21748-754 dated 25/05/2012 from academic session 2012-13. Revised recognition order under the NCTE Regulations, 2014 was issued on 06/06/2015 and the institution was permitted to have two basic units of 50 students each (50 x 2 =100).

**AND WHEREAS** Committee noted that regulatory file made available to Appeal Committee pertains to old application of the Institution where recognition has already been granted. In the present case where appellant's application dated 28/06/2015 seeking additional intake has been refused for the reason that there is a ban in the state for grant of recognition for Additional intake in B.Ed., the point to be checked is whether N.R.C. has sought for the recommendation of State Government as required under Clause 7 (4) (5) (6) of the NCTE Regulations, 2014 and if so what was the specific recommendation of the State Government. Committee noted that applicant submitted application on 28.06.2015 in response to the notification issued by NCTE inviting applications. State Government, when its specific recommendations are sought, should say either 'yes' or 'No'. Application should not be rejected by Regional Committee simply for the reason that State Government had imposed a ban almost two years after the application was received and processed.

**AND WHEREAS** Appeal Committee decided that impugned refusal order dated 12/12/2017 deserved to be set aside and N.R.C. is required to process the application further as per Clause 7 (4) (5) (6) of 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 set aside the impugned refusal order dated 12/12/2017 and N.R.C. is required to process the application further as per Clause 7 (4) (5) (6) of NCTE Regulations, 2014.

  
(Sanjay Awasthi)  
Member Secretary

1. The Principal, Sunrise Academy Management Society, Dehradun, Opp. Deal office, Raipur Road, Dehradun – 248001, Uttarakhand.
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 Uttarakhand, Dehradun.



F.No.89-105/E-35322/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Dr. B.R. Ambedkar P.G. College, Mahesh Nagar, Jaipur, Rajasthan dated 25/09/2017 is against the Order No. NCTE/NRC/NRCAPP201616497/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-2018/2 dated 28/07/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds that "The institution was given SCN dt. 14.07.2017. Reply of institution dt. 20.07.2017 is not acceptable as under:- As per land documents submitted by the institution, the land is on private lease basis which is not acceptable as per NCTE Regulations, 2014. Total land area is only 285 Sq. yards which is not as per norms. Land use is for commercial purpose. The institution has not submitted the Land Use Certificate issued by the Competent Authority to use the land for educational purpose. Hence, the Committee decided that the application is rejected and recognition/ permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

**AND WHEREAS** Sh. Ankit Agarwal, Director, Dr. B.R. Ambedkar P.G. College, Mahesh Nagar, Jaipur, Rajasthan presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that "The related land was purchased in 1982. We have got the Land Registry papers, Lease deed and Patta from the society was submitted by mistake. We will submit the required registry papers at the time of hearing. We have total land area of 3800 sq. mtrs. However, by mistake it has been mentioned 285 sq./yards. The papers of the land related for the purposed courses are for educational purpose which might have been mentioned wrongly at the time of filing application. CLU is on the process and will be shown at the time of hearing. The CLU is in the process and is about to receive and will be shown at the time of hearing."

**AND WHEREAS** Committee noted that representative of the appellant institution did not submit (i) original certified copy of registered lease deed, (ii) site plan (iii) Land Use Certificates for 1000 sq. meters and 2508 sq. meters as stated in its letter dated 08/04/2019 submitted during the appeal hearing on 09/04/2018. Committee further noted that as per documents submitted by applicant along with its application the land measuring 2508 sq. meters was allotted by New Pink City House Construction Cooperative Society to secretary. Modern Public Education Society. Plot Number C – 513 is mentioned in all the communications and the Lease agreement is in favour of Dr. B.R. Ambedkar P.G. Mahila Mahavidyalaya for a period of 19 years from 1<sup>st</sup> July, 2008. The applicant's name as per online application dated 30.06.2016 is Dr. B.R. Ambedkar P.G. College. Committee further noted that as per order dated 17/10/2017 issued by University of Rajasthan Dr. B.R. Ambedkar P.G. College operating at C-513 Mahesh Nagar Jaipur is already conducting following non teacher education programmes:

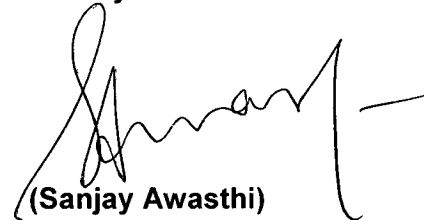
S.No.	Course	Intake
1.	B.A.	180
2.	B.Com	180
3.	M.A. (Hindi)	40
4.	M.A. (Pol. Science)	40
5.	M.A. (Drawing/Painting)	40
6.	M.A. (English)	40
7.	M.A. Geography	40
8.	Botany	40
9.	Chemistry /2001	40

Committee noted that whereas applicant in its affidavit submitted with application has stated that total land area is 3000 sq. meters, allotment of land is for 2508 sq. meters. First Lease agreement dated 05/12/2018 is for 2508 sq. meters and second lease agreement dated 05/02/2008 submitted by applicant with letter dated 20/07/2017 is for 3508 sq. meters.

Committee decided that processing of the application needs to be redone by N.R.C bringing out all anomalies together for which case is remanded back to N.R.C.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Committee concluded to remand back the case to N.R.C. for revisiting the case and issuing Show Cause Notice bringing out all the anomalies in documents submitted by the applicant.

**NOW THEREFORE, the Council hereby remands back the case of Dr. B.R. Ambedkar P.G. College, Mahesh Nagar, Jaipur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Dr. B.R. Ambedkar P.G. College, 60 feet Road, Mahesh Nagar, Jaipur – 302015, 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.89-146/E-67108/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Rajasthan College of Teacher Training, Kheda, Hindaun, Rajasthan dated 03/03/2018 is against the Letter No. Old App/RJ--/179/2017/169094 dated 14/03/2017 of the Northern Regional Committee, refusing/returning application/recognition for conducting D.El.Ed. course submitted by the institution on the grounds that "In cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014. In terms of the above decision of the NRC, the application of the institution for conducting teacher training courses is returned herewith along with all attached documents and court order."

**AND WHEREAS** Sh. Vishnu Sharma, Representative, Rajasthan College of Teacher Training, Kheda, Hindaun, Rajasthan presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that NRC decision to return the file of the institution without processing vide letter dated 14.03.2017 is bad, perverse and illegal and thus same cannot be sustained in the eyes of law. The letter dated 14.03.2017 and decision for returning of file is liable to be quashed and set aside. Because Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtrasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held "*Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in*

accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations." Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot reject them by saying that same were not in on-line mode. NRC cannot insist for filing online application contrary to judgment of Supreme Court. The Hon'ble Rajasthan High Court, Jaipur has also directed the NRC in the case of Murli Singh Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L. Indoria in a non-discriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The decision of the Hon'ble High Court is binding on NRC and it is not desirable to approach the Hon'ble High Court when the court has already passed order in a similar case. That the application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1 St Mtg. 2018/1 St & 2nd Feb., 2018 dated 27.2.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. Because petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course. Because appellant has available with it all the infrastructure and facilities for running D.El.Ed. course as per applicable norms. Because under Regulations, 2014 the "Council" has "powers to relax" any condition/regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies norms and standards under Regulations, 2014. Because online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated/objected appellant to submit the same online during stipulated period. Because respondents

have failed to carry out the compliance of Adarsh Shikshan Prashikshan Case decided by Hon'ble High Court on 26.09.2013 and the law laid down therein. Therefore, it is humbly prayed and requested that instant appeal be considered and decided on merits, delay (if any) be condoned and the letter dated 14.03.2017 issued by the NRC be quashed and set aside."

**AND WHEREAS** appellant is aggrieved by a letter dated 14/03/2017 issued by N.R.C. returning the application submitted by appellant institution alongwith Court order for seeking recognition for teacher training course. After getting the letter dated 14/03/2017, application filed a case in High Court of Rajasthan at Jaipur and Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur in its order dated 07/02/2018 in S.B. Civil Writ Petition no. 1139/2018 has directed the applicant to avail the remedy of statutory appeal under Section 18 of the NCTE Act. The appeal was required to be disposed of expeditiously.

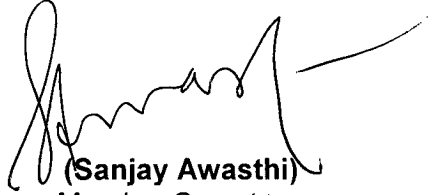
**AND WHEREAS** the Committee noted that the N.R.C. before taking an adverse decision on the application of the appellant should have given them an opportunity to make such representation which they may wish. The Committee also noted that even in cases where summary rejection is provided in the NCTE Regulations, 2014, Show Cause Notice are being issued before deciding on rejection / refusal. That being the position, the Committee concluded that the matter deserved to be remanded to the N.R.C. to issue a show cause notice on the action proposed to be taken and take further action on the application 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 matter deserved to be remanded to N.R.C. to issue a show cause notice on the action proposed to be taken and take further action on the application as per the NCTE Regulations, 2014.



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**NOW THEREFORE, the Council hereby remands back the case of Rajasthan College of Teacher Training, Kheda, Hindaun, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**

  
**(Sanjay Awasthi)**  
Member Secretary

- 1. The Secretary, Rajasthan College of Teacher Training, Kheda, Hindaun – 322234, 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.

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F.No.89-150/E-67994/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Satyam Institute of Education and Technology, Sardhana, Meerut, Uttar Pradesh dated 08/03/2018 is against the Order No. NRC/NCTE/NRCAPP-11278/278<sup>th</sup> Meeting/2017/186573 dated 01/01/2018 of the Northern Regional Committee, withdrawing recognition for conducting D.El.Ed. course on the grounds that "NRC received a complaint from Meerut Development Authority, Meerut regarding fabricated building completion certificate issued on 21.07.2008 and 22.04.2009. NRC issued SCN to the institution on 07.11.2017. The reply from the institution received on 06.12.2017 in which institution has claimed that BCC is not fabricated & has been issued by the registered architect and attested by the MDA, Meerut was considered by NRC. NRC also considered the letter dated 26.09.2017 from MDA vide which it informed that the building completion certificate has not been, issued by the MDA and decided to withdraw the recognition of the institution for running D.El.Ed. Course u/s 17 of the NCTE Act, 1993 on this ground."

**AND WHEREAS** Dr. Lalit Kumar, Coordinator, Satyam Institute of Education and Technology, Sardhana, Meerut, Uttar Pradesh presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that "The society passed a resolution and formed the Appellant College in the name of "Satyam Institute of Education & Technology". The said society purchased land/building measuring 2500 sq. mtrs. bearing Khasra no. 824/1; 825 situated in Village Jatauli, Block Daurala, Tehsil Sardhana, District Meerut, U.P. vide registered gift deed dated 26.12.2012. Appellant submitted an application with the NRC on 27.12.2012 for seeking recognition for starting B.Ed. course from academic session 2013-14. NRC granted recognition to the Appellant for D.El.Ed. course from academic session 2016-17 vide recognition order dated 02.05.2016. The Appellant was shocked to receive a

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show cause notice dated 07.11.2017 issued by the NRC under section 17 of the NCTE Act, 1993 proposing to withdraw the recognition of D.El.Ed. course on the following ground:- Secretary Meerut Development Authority vide letter dated 06.10.2017 has informed that the Building Completion Certificate dated 21.07.2008 and 22.04.2009 submitted by the institution for grant of recognition are fabricated. The Appellant submitted reply to the said show cause notice enclosing all the documents relating to land in the office of the NRC on 06.12.2017 and also personally explained the said gross illegality and error to the Regional Director of the NRC. The Appellant had also requested the Regional Director to furnish copy of the letter dated 06.10.2017 mentioned in the show cause notice. However the Regional Director refused to supply copy of the same to the Appellant. Vide order dated 01.01.2018 the NRC has withdrawn the recognition of the appellant for D.El.Ed. course on the following ground:- NRC received a complaint from Meerut Development Authority, Meerut regarding fabricates building completion certificate issued on 21.07.2008 and 22.04.2009. NRC issued show cause notice to the institution on 07.11.2017. The reply from the institution received on 06.12.2017 in which institution has claimed that BCC is not fabricated and has been issued by the registered architect and attested by the MDA, Meerut was considered by NRC. NRC also considered the letter dated 26.09.2017 from MDA vide which it informed that the building completion certificate has not been issued by the MDA and decided to withdraw the recognition of the institution for running D.El.Ed. course u/s 17 of the NCTE Act, 1993 on this ground. The society sponsoring the Appellant institution was itself formed and registered on 21.12.2012; it had purchased the two plots of lands on 26.12.2012 and 22.02.2013; land conversions certificates were issued by MDA on 23.05.2013 and 02.11.2013; building completion certificate was got prepared on NCTE formats and got signed from MDA in the year 2013 and 2015; the Appellant made payment of Rs.49,75,147/- [Rupees forty nine lakhs seventy five thousand one hundred forty seven only] to MDA for sanction of building plan in the year 2015-16 which was approved on 14.07.2015 by MDA itself. In view of the above dates the reference made in the show cause notice to letter dated 06.10.2017 issued by MDA informing the Building Completion Certificate dated 21.07.2008 and 22.04.2009 submitted by the institution for grant of recognition are fabricated ex-facie appears to be absurd and

exhibits complete non-application of mind. How could the Appellant submit BCC of the year 2008 and 2009 when the society itself was registered in the year 2012 and land was purchased thereafter only. The reference to letter dated 26.09.2017 as mentioned in the withdrawal order was not referred to in the show cause notice. Thus the final order has been passed additionally on a ground which is at variance with the grounds taken in the show cause notice. The letter dated 06.10.2017 and 26.09.2017 stated to have been issued by the MDA on which reliance has been placed in the withdrawal order were not supplied to the Appellant. This itself vitiates the decision making process. The Respondent No.2 has erroneously withdrawn the recognition of the Appellant for D.El.Ed. course by the impugned order. In the Appellant college at present 200 students are studying in B.Ed. course and 50 students are doing D.El.Ed. course. Withdrawal of recognition in the middle of the academic session has created panicky situation in the college. All the students have come to know about withdrawal of recognition and are not able to concentrate in their studies. Further a bare perusal of the deficiencies taken in show cause notice and final order passed by NRC it is clear that the final order is at variance with the show cause notice. The reference to letter dated 26.09.2017 as mentioned in the withdrawal order was not referred to in the show cause notice. Thus the final order has been passed additionally on a ground which is at variance with the grounds taken in the show cause notice. This is violative of the principles of natural justice. Law is settled that final order cannot be based on a ground which is at variance with the grounds taken in the show cause notice. This principle of law equally applies to a situation when out of two grounds of rejection only one is at variance with the show cause notice.

**AND WHEREAS** Appeal Committee noted that consequent upon receiving a letters dated 26/09/2017 and 06/10/2017 from Meerut Development Authority (MDA), N.R.C. issued a Show Cause Notice (SCN) dated 07/11/2017 to appellant institution. In the above S.C.N. reference was made only to the letter dated 06/10/2017 of M.D.A. and the B.C.C.s issued on 21.07.2008 and 22/04/2009. Apparently, as the appellant society was formed much after the date of issue of the two BCCs dated 21.07.2008 and 22/04/2009 and these documents were not made use of by the appellant in the process

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of getting recognition, there is no relevance of the BCCs dated 21.07.2008 and 22.04.2009. Committee however, observed that the above quoted two BCCs were brought to the notice of N.R.C. by its letter dated 26.09.2017 and not by letter dated 06/10/2017 as pointed out in the S.C.N. dated 07/11/2017.

**AND WHEREAS** Committee observed that as admitted by the appellant, institution had made use of a three page B.C.C. prepared by an Architect (Sh. Anil Sabarwal) and attested by Zonal Officer, Meerut Development Authority, Meerut. Committee noted that building plan submitted by appellant was approved by Meerut Development Corp. on 14/07/2015 with a proposed built up area of 1089.13 sq. meters on each of ground + 3 floors.

The appellant had first submitted copy of a B.C.C. to the Visiting Team when Inspection was conducted on 21.01.2016. The B.C.C. in prescribed performa was required to have been issued by M.D.A. As building plan is approved by Meerut Development Authority submission of B.C.C. attested by Zonal Officer, M.D.A. without mentioning the name of officer on the stamp affixed is therefore, required to be verified and confirmed.

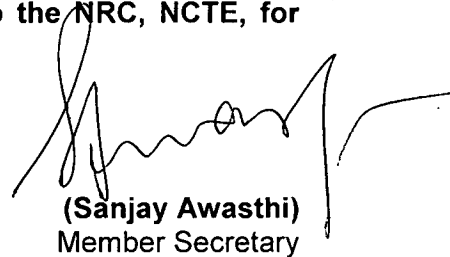
**AND WHEREAS** Appeal Committee noted that M.D.A. in its letter dated 06/10/2017 issued to N.R.C. had clearly mentioned that B.C.C. attested by Zonal Officer was not issued by the authority. Submission of such a B.C.C. by the appellant institution and its acceptability is a matter which needs to be probed. Committee decided to remand back the case to N.R.C. for revisiting the matter thoroughly probing whether any officer whose signatures are affixed on the B.C.C. submitted by appellant ever existed and was competent to attest a Building Completion Certificate on behalf of Meerut Development Authority. N.R.C. should also examine whether such B.C.Cs which are not issued by Civic Authorities officially are acceptable. Till the matter is investigated to a logical conclusion, the withdrawal order is decided to be kept on hold.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral argument advanced during the hearing, Appeal Committee

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concluded to remand back the case to N.R.C. for revisiting the matter thoroughly probing whether any officer whose signatures are affixed on the B.C.C. submitted by appellant ever existed and was competent to attest a Building Completion Certificate on behalf of Meerut Development Authority. N.R.C. should also examine whether such B.C.Cs which are not issued by Civic Authorities officially are acceptable. Till the matter is investigated to a logical conclusion, the withdrawal order is decided to be kept on hold.

**NOW THEREFORE, the Council hereby remands back the case of Satyam Institute of Education and Technology, Sardhana, Meerut, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Chairman, Satyam Institute of Education and Technology, Jatauli Bye Pass Road, NH-58, Sardhana, Meerut U.P..**
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.**
- 4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.**

(SS)



F.No.89-151/E-68105/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Radhe Krishna Shikshan Prashikshan College, Persahi, Sadar, Ghazipur, Uttar Pradesh dated 03/03/2018 is against the Order No. NRC/NCTE/NRCAPP-12596/270<sup>th</sup> Meeting/2017/178817 dated 27/06/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The applicant institution has not submitted the reply of the SCN within the stipulated time. *Hence, the Committee decided that the application is rejected and recognition / permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.*"

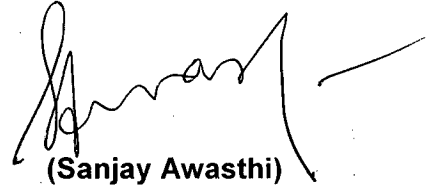
**AND WHEREAS** Sh. Sohrab Ali, Admn. Officer, Radhe Krishna Shikshan Prashikshan College, Persahi, Sadar, Ghazipur, Uttar Pradesh presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that "Reply to S.C.N. was submitted by Speed Post on 07/01/2017."

**AND WHEREAS** Committee noted that impugned refusal order dated 27/06/2017 was issued by N.R.C. on the ground that appellant institution had not submitted reply to Show Cause Notice dated 06/12/2016 within stipulated time. Appellant during the course of appeal presentation on 09/04/2018 submitted evidence in the form of a postal receipt dated 07/01/2017 to prove that a reply was submitted.

**AND WHEREAS** Committee decided to remand back the case to N.R.C. for considering the reply submitted by appellant on 07/01/2017, copy of which is now required to be sent to N.R.C. by the appellant institution within 15 days of the issue of appeal order.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral argument advanced during the hearing, Appeal Committee concluded to remand back the case to N.R.C. for considering the reply submitted by appellant on 07/01/2017, copy of which is now required to be sent to N.R.C. by the appellant institution within 15 days of the issue of appeal order.

**NOW THEREFORE**, the Council hereby remands back the case of Radhe Krishna Shikshan Prashikshan College, Persahi, Sadar, Ghazipur, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.



**(Sanjay Awasthi)**  
Member Secretary

1. The Manager, Radhe Krishna Shikshan Prashikshan College, Persahi, Sadar, Ghazipur, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.





F.No.89-152/E-68437/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of The Ideal Teachers Training Academy, Imphal Ukhrul Road, , Sawombung, Manipur dated 06/03/2018 is against the Order No. ER-249.6.16/ERCAPP2226/B.Ed./2018/56019 dated 14/02/2018 of the Eastern Regional Committee, refusing recognition for conducting second unit of B.Ed. course on the grounds that "(i) The total built-up area of the institution comes to 1530 sq. mts. in the building completion certificate issued by Executive Engineer which is less than 2000 sq. mts. required as per NCTE Regulation, 2014. Hence, the decision of ERC taken in 234<sup>th</sup> meeting granting recognition for 50 intake in B.Ed. course remain unchanged."

**AND WHEREAS** Sh. Y. Ranjan Singh, Representative, The Ideal Teachers Training Academy, Imphal Ukhrul Road, Sawombung, Manipur presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation "a copy of Court's order dated 27/02/2018 was made available. Appellant also stated that he had submitted another application in 2016 which was also rejected."

**AND WHEREAS** Appeal Committee noted appellant institution was granted recognition for conducting B.Ed. programme with an intake of 50 seats by an order of E.R.C. dated 07/03/2017. The appellant filed an appeal dated 08/05/2017 against the order praying for granting an intake of 100 seats (2 units). Committee noting that (i) online application dated 14/05/2015 was made for one unit, (ii) the Visiting Team assessed the preparedness of institution for grant of recognition for one unit and (iii) the Building Completion Certificate (B.C.C.) submitted by the appellant was for a built up area 1530 sq. meters, decided to confirm grant of recognition for one unit only. Appeal order dated 21.08.2017 was accordingly issued.

**AND WHEREAS** appellant aggrieved by the recognition order dated 07/03/2017 and appellate order dated 21/08/2017 approached the Hon'ble High Court of Delhi and the Hon'ble High Court by its order dated 24.01.2018 in W.P. case no. 712/2018 passed an order and asked the respondent for passing a reasoned order within 6 weeks. In compliance with the above order E.R.C. issued a speaking order on 14.02.2016 reaffirming its decision to grant only one unit on the ground that:

*"The total built up area of the institution comes to 1530 sq. meters in the Building Completion Certificate issued by Executive Engineer which is less than 2000 Sq. Meters required as per NCTE Regulations, 2014. Hence the decision of E.R.C. taken in 234<sup>th</sup> Meeting granting recognition for 50 intake is B.Ed. course remains unchanged."*

**AND WHEREAS** appellant once again approached the Hon'ble High Court of Delhi by filing a Writ Petition (C) 1889/2018 and the Hon'ble Court has issued order dated 27.2.2018 directing to take a considered decision by passing a reasoned and speaking order after taking into consideration the averments made by learned Counsel for the petitioner as recorded.

**AND WHEREAS** Committee observed that the learned counsel for the petitioner has staked a claim that petitioner institution has an area of more than 2000 Sq. Meters and in support thereof a B.C.C. was submitted.

**AND WHEREAS** Appeal Committee abinitio observing the submissions made by appellant noted following points:

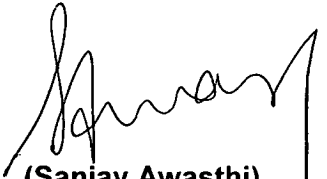
- (i) Applicant in its affidavit dated 04/05/2015 submitted along with online application sought recognition for 50 seats.
- (ii) Applicant alongwith online application submitted Building Completion Certificate for a built up area of 1530 Sq. Meters.
- (iii) Inspection of the institution was conducted on 27/10/2016 and Visiting Team recommended grant of recognition for 50 students.
- (iv) The B.C.C. submitted to the Visiting Team was also for a built up area of 1530 sq. meters.

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- (v) Recognition for conducting B.Ed. course with an intake of 50 seats was correctly given by an order of E.R.C. dated 07/03/2017.
  - (vi) The averments made by the learned counsel for the petitioner that petitioner institution possesses a built up area of more than 2000 Sq. Meters as per B.C.C. submitted before the Hon'ble Court do not hold good. The above B.C.C. in Column 17 thereof mentions date of C.L.U. as 15/05/2017 which clearly indicates that this B.C.C. was issued on or after 15/05/2017 whereas the impugned order of recognition for 50 seats was issued on 07/03/2017.

**AND WHEREAS** Appeal Committee does not find any merit to review the intake once having been granted on the basis of documents submitted by the applicant and decided to confirm the revised recognition order dated 14.02.2018 which is quite reasoned and a speaking order by itself.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral argument advanced during the hearing, Appeal Committee concluded to confirm the revised recognition order dated 14.02.2018 which is quite reasoned and a speaking order by itself.

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

  
(Sanjay Awasthi)  
Member Secretary

1. The Secretary, The Ideal Teachers Training Academy, Imphal Ukhrul Road, NH-153, Sawombung – 795010, Manipur.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of Manipur, Imphal.



F.No.89-437/E-2017/2018 Appeal/6<sup>th</sup> Mtg.-2018/7<sup>th</sup> & 9<sup>th</sup> April, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 5/6/18

**ORDER**

**WHEREAS** the appeal of Babu Pandit Rameshwar Prasad Diwedi Mahavidyalaya, Jariya, Raebareli, Uttar Pradesh dated 29.05.2017 is against the Order No. NRC/NCTE/NRCAPP-3546/266<sup>th</sup> (Part-4) Meeting/2017/169889 dated 30/03/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "The institution has not submitted the staff list duly approved by the affiliating body. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

**AND WHEREAS** Sh. D. B. Singh, Manager, Babu Pandit Rameshwar Prasad Diwedi Mahavidyalaya, Raebareli, Uttar Pradesh presented the case of the appellant institution on 15/12/2017. In the appeal memoranda it is stated that "the institution has already submitted the list of teachers approved for B.Ed. course. So, rejection is not valid."

**AND WHEREAS** Appeal Committee noted that a Letter of Intent (L.O.I.) dated 26/05/2015 was issued to appellant institution. As the appellant institution did not submit compliance, N.R.C., Jaipur issued a refusal order dated 27/07/2016 after giving appellant institution a fair opportunity to make a written representation i.e. by issuing a S.C.N. dated 24.02.2016. The appellant institution preferred an appeal against the refusal order dated 27.07.2016. Appeal Committee considered the matter in its 15<sup>th</sup> Meeting of 2016 held on 30.11.2016 and remanded back the case to N.R.C. by issue of an appeal order dated 03/01/2017. The ground on which N.R.C. was asked to consider the case was that "whereas impugned order dated 27.07.2016 was for the reason that institution has not responded to S.C.N. within stipulated time, the appellant

was able to submit evidence that a reply dated 21.03.2016 was sent by speed post on 24.03.2016.”

**AND WHEREAS** Appeal Committee noted that N.R.C. Jaipur after receipt of the Appeal order dated 03/01/2017 reconsidered the matter in light of the copy of letter dated 21.03.2016 addressed to N.R.C., Jaipur by the appellant institution in response to the S.C.N. dated 24.02.2016. Since a considerable time had lapsed after the appellant institution had sought some more time to submit required documents. N.R.C. again issued a S.C.N. dated 06<sup>th</sup> February, 2017 on the ground that institution has not submitted list of faculty approved by the affiliating body.

**AND WHEREAS** Appeal Committee further noted that appellant institution in reply to S.C.N. dated 06/02/2017, submitted to N.R.C. an affidavit and list containing the names of following faculty and Principal:-

S.No.	Name	Designation
1.	Sh. Mukesh Kumar Mishra	Principal
2.	Sh. Vivek Vikram Singh	Lecturer
3.	Ms. Ekta Gupta	Lecturer
4.	Sh. Shivesh Kumar	Lecturer
5.	Ms. Ankita	Lecturer
6.	Sh. Indu Shekhar Shukla	Lecturer
7.	Sh. Shashivendra Singh	Lecturer
8.	Ms. Jyoti Sahu	Lecturer
9.	Shweta	Lecturer

**AND WHEREAS** Appeal Committee observed that list containing the name of Principal and 8 faculty was not approved by the affiliating body and the impugned refusal order dated 30.03.2017 issued on ground of non-submission of faculty list approved by affiliating body is on sound footing.

**AND WHEREAS** the appellant in its appeal memoranda dated 29.05.2017 has stated that list of teachers approved for B.Ed. course was submitted to NCTE on

1.03.2017 and rejection on the ground that this list was not approved by affiliating body is not valid. Contrary to the submission made by appellant in its appeal memoranda, Appeal Committee noted that list containing the name of Principal and faculty was not approved by affiliating body and the submission made by appellant in the appeal memoranda is incorrect.

**AND WHEREAS** Appeal Committee noted that appellant during the course of appeal presentation on 15.12.2017 submitted copy of a different list of faculty containing the names of one principal and 15 faculty approved by affiliating body on 14.12.2017. Obviously, this list of faculty was not available with the appellant on 01.03.2017 and the earlier list containing the names of one Principal and 7 faculty submitted by appellant with its letter dated 01.03.2017 had no locus standi and was not valid. The present list approved by affiliating body does not contain the names of faculty which were stated to have been approved by affiliating body earlier.

**AND WHEREAS** Appeal Committee noted that the present impugned refusal order was issued on 30.03.2017 and the affiliating body, in all its three communications, copies of which have been provided by the appellant during appeal presentation on 15.12.2017, have referred to appellant's letters dated 06-09.2017, 05-10.2017 and 12.12.2017. Considering that L.O.I was issued to appellant institution on 26.05.2015 and appellant could not submit list of faculty approved by affiliating body till the issue of impugned order dated 30.03.2017 and wrongly stated in its appeal memoranda that list submitted on 01.03.2017 was an approved one, decided to confirm the impugned refusal order dated 30.03.2017 issued by N.R.C. Jaipur. Accordingly appeal order dated 13.2.2018 was issued.

**Matter arising out of Court's order dated 28/02/2018 – 6<sup>th</sup> Meeting**

**Appeal Committee**

**AND WHEREAS** the case of appellant institution was placed before Appeal Committee on 09/04/2018 alongwith (i) order dated 28/02/2018 passed by Hon'ble High Court Lucknow Bench, Lucknow in W.P. Case No. 6566/2018 (MS) (ii) letter dated 08/03/2018 submitted by appellant with a request to reconsider the case.

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**AND WHEREAS** Hon'ble High Court by its order dated 28.02.2018 has directed NCTE to reconsider the matter for grant of recognition to the petitioner institution on submission of a fresh representation enclosing therewith the entire details and requirements.

**AND WHEREAS** Committee noting (i) order of Hon'ble High Court dated 28/02/2018 and submission made by appellant on 08/03/2018, decided to remand back the case to N.R.C. for considering the list of faculty approved by affiliating body. Appellant is required to submit to N.R.C. a complete and consolidated compliance on all the points mentioned in the L.O.I. within 15 days of the issue of Appeal order.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral argument advanced during the hearing, Appeal Committee concluded to remand back the case to N.R.C. for considering the list of faculty approved by affiliating body. Appellant is required to submit to N.R.C. a complete and consolidated compliance on all the points mentioned in the L.O.I. within 15 days of the issue of Appeal order.

**NOW THEREFORE**, the Council hereby remands back the case of Babu Pandit Rameshwar Prasad Diwedi Mahavidyalaya, Jariya, Raebareli, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Secretary/Correspondent, Babu Pandit Rameshwar Prasad Diwedi Mahavidyalaya, Jariya, Lalganj Road, Raebareli – 229001, U.P..
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.