



F.No.89-747/2016 Appeal/7th Mtg.-2018/23rd April, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

16/5/18

ORDER

WHEREAS the appeal of Sukdev Brahmachari Institute of Education, Krishnapur, Kalyani, Nadia, West Bengal dated 29/09/2016 is against the Order No. ERC/218.7.19/ERCAPP4174/B.Ed./2016/48615 dated 29/07/2016 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "a. Show Cause Notice was issued on 24.06.2016 on the following grounds: (i) As per VT report and CD, building is under construction. b. In response to show cause notice, the institution submitted its reply dated 11.05.2016 on the basis of proceedings uploaded in ERC website, which does not fulfil the requirement of show cause notice and not considerable as per NCTE Regulation 2014. In view the above, the Committee decided as under: The Committee is of the opinion that application bearing code No. ERCAPP4174 of the institution regarding recognition for B.Ed. programme is refused under section 14(3)(b) of NCTE Act 1993."

AND WHEREAS Sh. Bhagirathi, Secretary and Nikunja Behari Biswas, President, Sukdev Brahmachari Institute of Education, Krishnapur, Kalyani, Nadia, West Bengal presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that "On the day of the inspection infrastructure on the institution was totally complete and painting of the extended of the main building was continuing. The main building (As the plan submitted to NCTE) is totally complete to run two basic units of each course. If the Hon'ble Appeal Committee decides, we are ready for the re-inspection of institution & will bear the inspection fees."

AND WHEREAS Appeal Committee noted that appellant institution had made online application dated 30.06.2015 seeking recognition for B.Ed. programme. Initial

processing of the application resulted in inspection of the appellant institution on 15.04.2016. Committee noted that Visiting Team in its report dated 15/04/2016 stated that Institution has only land where construction is going on and there are no instructional facilities and there is presence of large quantity of building material in the premises. The V.T. also reported that there is no library, teaching learning resource centre, ICT lab, psychology resource centre etc. Based on the findings of Inspection report, ERC in its meeting held on 24-25 April, 2016 decided to issue a Show Cause Notice (SCN) to the appellant institution which was issued on 24.06.2016. The appellant in its reply dated 11.05.2016 to the S.C.N. submitted an affidavit wherein it was stated that more than 90 percent construction work was over and construction will be over by the end of May, 2016. Contrary to the submission made by appellant in its affidavit dated 11.05.2016, appellant in its appeal memoranda stated that V.T. members did not express dissatisfaction at infrastructure and it was painting works of the extended part of main building which was going on.

AND WHEREAS to verify the submissions made by appellant institution in its affidavit dated 11.05.2016 and appeal memoranda dated 03.10.2016, Appeal Committee viewed the videography recorded at the time of inspection on 15.04.2016. The videography revealed that construction work has just reached upto roof level of ground floor and roof slab still incomplete with shuttering work underway. The V.T. members are seen discussing the matter with the President of society sitting in a makeshift chamber of tin shed. The structure without having a roof on part of ground floor even cannot be expected to have paint work. Appeal Committee noted that appellant submitted a Building Completion Certificate (B.C.C) dated 24.06.2016 in respect of the building duly completed on ground, first floor, second floor and third floor with a total built up area of 36061 sq. feet. Looking at the construction site as on the date of inspection i.e. 15.04.2016, it does not seem possible that construction work of building could have been completed upto Ground+3 storeys with B.C.C. being obtained on 24.06.2016 so early.

AND WHEREAS Appeal Committee has in view Clause 7(7) and 8(7) of NCTE Regulations, 2014 which reads as under:

"At the time of inspection, the buildings of the institution shall be complete in the form of a permanent structure equipped with all necessary amenities and fulfilling all such requirements as prescribed in the Norms & Standards."

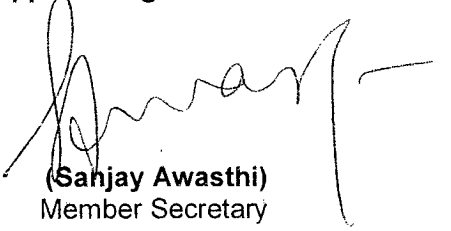
Clause 7(7) of the Regulation lay down that:-

"Institution shall be inspected by a team of experts called Visiting Team with a view to assess the level of preparedness of the institution to commence the course."

AND WHEREAS the Videography done at the time of inspection on 15.04.2016 clearly indicates that appellant institution did not possess even a raw structure of the building where it proposed to start conducting the B.Ed. programme. The submission made by appellant in the affidavit dated 11.05.2014 and appeal memoranda are also found to be far from the actual ground reality. If the appellant institutions are allowed extension of time to get prepared with construction of buildings after inspection is conducted, the Regional Committees may find it very difficult to dispose of applications and there will be no end to the opportunities provided time and again. After considering the observations made in V.T. report and the videography, E.R.C. was justified to have issued the refusal order dated 29/07/2016. The orders dated 15.01.2018 of Hon'ble High Court of Calcutta pertained only to the disposal of the appeal of petitioners within a period of eight weeks from the date of communication of the order and the date of hearing of appeal was to be notified to the petitioner. Appellant was accordingly issued a notice dated 12.04.2018 for making oral presentation before the Committee on 23.04.2018. After listening to the arguments put forth by appellant during appeal hearing on 23.04.2018, Committee decided to confirm the refusal order dated 29.07.2016.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the ERC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the ERC is confirmed.

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Sukdev Brahmachari Institute of Education, 206, College, 364, 365, Krishnapur, Kalyani, Nadia, West Bengal - 741245.
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.

66039

040

041

042



2

F.No.89-748/2016 Appeal/7th Mtg.-2018/23rd April, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

ORDER

Date: 16/5/18

WHEREAS the appeal of Sukdev Brahmachari Institute of Education, Krishnapur, Kalyani, Nadia, West Bengal dated 29/09/2016 is against the Order No. ERC/218.7.20/ERCAPP4172/D.El.Ed./2016/48627 dated 29/07/2016 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that a. Show Cause Notice was issued on 24.06.2016 on the following grounds: (i) As per VT report and CD, building is under construction. b. In response to show cause notice, the institution submitted its reply dated 11.05.2016 on the basis of proceedings uploaded in ERC website, which does not fulfil the requirement of show cause notice and not considerable as per NCTE Regulation 2014. In view the above, the Committee decided as under: The Committee is of the opinion that application bearing code No. ERCAPP4172 of the institution regarding recognition for D.El.Ed. programme is refused under section 14(3)(b) of NCTE Act 1993."

AND WHEREAS Sh. Bhagirathi, Secretary and Nikunja Behari Biswas, President, Sukdev Brahmachari Institute of Education, Krishnapur, Kalyani, Nadia, West Bengal presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that "On the day of the inspection infrastructure on the institution was totally completed. Painting on extended part of main building was continuing. Main building (as the plan submitted to NCTE) is totally complete to run two basic units of each courses and if the Hon'ble Appeal Committee decides, we are ready for re-inspection, and to bear the inspection fees."

AND WHEREAS Appeal Committee noted that appellant institution had made online application dated 30.06.2015 seeking recognition for B.Ed. programme. Initial

processing of the application resulted in inspection of the appellant institution on 15.04.2016. Committee noted that Visiting Team in its report dated 15/04/2016 stated that Institution has only land where construction is going on and there are no instructional facilities and there is presence of large quantity of building material in the premises. The V.T. also reported that there is no library, teaching learning resource centre, ICT lab, psychology resource centre etc. Based on the findings of Inspection report, ERC in its meeting held on 24-25 April, 2016 decided to issue a Show Cause Notice (SCN) to the appellant Institution which was issued on 24.06.2016. The appellant in its reply dated 11.05.2016 to the S.C.N. submitted an affidavit wherein it was stated that more than 90 percent construction work was over and construction will be over by the end of May, 2016. Contrary to the submission made by appellant in its affidavit dated 11.05.2016, appellant in its appeal memoranda stated that V.T. members did not express dissatisfaction at infrastructure and it was painting works of the extended part of main building which was going on.

AND WHEREAS to verify the submissions made by appellant institution in its affidavit dated 11.05.2016 and appeal memoranda dated 03.10.2016, Appeal Committee viewed the videography recorded at the time of inspection on 15.04.2016. The videography revealed that construction work has just reached upto roof level of ground floor and roof slab still incomplete with shuttering work underway. The V.T. members are seen discussing the matter with the President of society sitting in a makeshift chamber of tin shed. The structure without having a roof on part of ground floor even cannot be expected to have paint work. Appeal Committee noted that appellant submitted a Building Completion Certificate (B.C.C) dated 24.06.2016 in respect of the building duly completed on ground, first floor, second floor and third floor with a total built up area of 36061 sq. feet. Looking at the construction site as on the date of inspection i.e. 15.04.2016, it does not seem possible that construction work of building could have been completed upto Ground+3 storeys with B.C.C. being obtained on 24.06.2016 so early.

AND WHEREAS Appeal Committee has in view Clause 7(7) and 8(7) of NCTE Regulations, 2014 which reads as under:

"At the time of inspection, the buildings of the institution shall be complete in the form of a permanent structure equipped with all necessary amenities and fulfilling all such requirements as prescribed in the Norms & Standards."

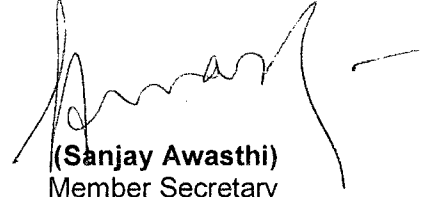
Clause 7(7) of the Regulation lay down that:-

"Institution shall be inspected by a team of experts called Visiting Team with a view to assess the level of preparedness of the institution to commence the course."

AND WHEREAS the Videography done at the time of inspection on 15.04.2016 clearly indicates that appellant institution did not possess even a raw structure of the building where it proposed to start conducting the B.Ed. programme. The submission made by appellant in the affidavit dated 11.05.2014 and appeal memoranda are also found to be far from the actual ground reality. If the appellant institutions are allowed extension of time to get prepared with construction of buildings after inspection is conducted, the Regional Committees may find it very difficult to dispose of applications and there will be no end to the opportunities provided time and again. After considering the observations made in V.T. report and the videography, E.R.C. was justified to have issued the refusal order dated 29/07/2016. The orders dated 15.01.2018 of Hon'ble High Court of Calcutta pertained only to the disposal of the appeal of petitioners within a period of eight weeks from the date of communication of the order and the date of hearing of appeal was to be notified to the petitioner. Appellant was accordingly issued a notice dated 12.04.2018 for making oral presentation before the Committee on 23.04.2018. After listening to the arguments put forth by appellant during appeal hearing on 23.04.2018, Committee decided to confirm the refusal order dated 29.07.2016.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the ERC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the ERC is confirmed.

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



(Sanjay Awasthi)
Member Secretary

- 66043
044
045
046
1. The Secretary, Sukdev Brahmachari Institute of Education, 206, College, 364, 365, Krishnapur, Kalyani, Nadia, West Bengal - 741245.
 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.89-688/E-41777/2018 Appeal/7th Mtg.-2018/23rd April, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 16/5/18

ORDER

WHEREAS the appeal of St. John's College, M.G. Road, Agra, Uttar Pradesh dated 23/10/2017 is against the Order No. NRC/NCTE/NRCAPP-201615326/Recognition/272nd Meeting/2017/178593 dated 19/07/2017 of the Northern Regional Committee, granting recognition for conducting D.El.Ed. course for one unit (50 seats).

AND WHEREAS Dr. Raju Phillip, Associate Professor, St. John's College, M.G. Road, Agra, Uttar Pradesh presented the case of the appellant institution on 21/12/2017. In the appeal and during personal presentation it was submitted that "We have applied for two units of 50 students each as per the NCTE Regulation 2014. Accordingly, we have land 4650 sq. mtrs. and Built-up area 3018 sq. mtrs. The affidavit has been submitted with application also indicate our intention as we have provided with the adequate quantum of land and building required for two units of 50 students each. The Visiting Team visited our college on 6 April 2017 and recommended for 2 units. They took an affidavit with the declaration of fulfil the revised norms relating to infrastructure instructional facilities enhanced amount of endowment and reserve funds number and qualification of teaching staff curriculum and implementation strategies for D.El.Ed. programme with intake two units. The Letter of Intent issued by the NRC NCTE Jaipur vide dated 22 April 2017 is also for 100 students of two units. The faculty approved by the Secretary, Preksha Niyamak Pradhikari Allahabad vide dated 25 June 2017 copy enclosed Annexure 5 indicate 13 faculty members as 3 faculty members were not approved. Subsequently we have got 3 more faculty members approved by Secretary, Preksha Niyamak Pradhikari, Allahabad vide dated 04 Aug 2017 and thereby total faculty members 16. The NRC NCTE, Jaipur was requested vide our letter dated 28 June 2017 through speed post no EU078525553IN to consider our case for 2 units, but they have not responded our letter either granting two units or declining

the same. Thus, our request for two units of D.El.Ed. course may be considered and NRC NCTE may be asked to issue a fresh order for 2 units of 50 students each."

AND WHEREAS Appeal Committee noted that appellant institution till the time of issue of L.O.I. dated 22.04.2017 was eligible for grant of recognition for two units of D.El.Ed. programme. Appellant institution while submitting compliance dated 27/06/2017 to the L.O.I. submitted a list of faculty which contained the names of one Principal and 12 faculty members. Clause 5.1 of the Norms and Standards for D.El.Ed. programme (Appendix 2) lays down that there shall be one Principal and 15 faculty in different streams for grant of recognition for 2 basic units of D.El.Ed. programme. For recognition of one unit the faculty shall be reduced to eight.

AND WHEREAS Appeal Committee further noted that appellant institution while furnishing compliance of the L.O.I. vide its letter dated 27.06.2017 did not mention anything about the shortfall in the number of faculty. The appellant also did not request the N.R.C. to withhold the issue of recognition order till the deficiency in the number of faculty is fulfilled by appointment of three more faculty with the approval of affiliating body. N.R.C. was therefore, justified in issuing recognition order dated 19.07.2017 for one unit of D.El.Ed. programme for which the institution was qualified.

AND WHEREAS Appeal Committee further noted that appellant institution vide its letter dated 11/08/2017 further reported appointment of 3 more faculty which was approved by the affiliating body on 04.08.2017. Before this date impugned recognition order dated 19.07.2017 was already issued. Onus rested with the appellant to have at least informed N.R.C. on time for seeking some extra time for appointment of faculty as per Regulations. It is also not appropriate for the Regional Committee to issue recognition orders supplementing its earlier order on the basis of piece meal compliance. The impugned recognition order dated 19/07/2017 issued by N.R.C. was therefore, decided to be confirmed by Appeal Committee and accordingly Appellate order dated 13/02/2018 was issued.

AND WHEREAS the petitioner institution filed a Writ (C) number 9820/2018 in the Hon'ble High Court of Allahabad and the Hon'ble Court vide order dated 16.03.2018 directed as under:

"The order passed by the NCTE dated 13.02.2018 rejecting the appeal of the petitioner has been challenged on the ground that the power of NCTE is co-extensive with that of NRC and therefore when NCTE was apprised of the factual position that the deficiency in the staff had been removed, NCTE could by itself have considered the additional document / evidence and take its own decision.

Although, Sri Bharat Sing, who has appeared on behalf of the respondents, has sought to support the order passed by the respondents but he does not dispute the contention of the learned counsel for the petitioner that the power of NCTE is co-extensive with that of NRC and it had the power to take into consideration the additional document / evidence submitted by the petitioner.

The Court is also of the view that the NCTE, being an appellate authority, had co-extensive power as that available with the NRC and therefore it could have taken note of the additional document submitted by the petitioner and could have passed appropriate order accordingly.

As the NCTE has refused to accept the document and had adopted a pedantic approach to deal with the appeal, the order passed by the NCTE dated 13.02.2018 is liable to be set aside and is, accordingly, set aside. The NCTE shall accord fresh consideration to the appeal of the petitioner after proper verification of the documents submitted by the petitioner in respect of removal of staff related deficiency and shall take an appropriate decision, in accordance with law as expeditiously as could be possible keeping in mind the time frame fixed for taking of various steps in respect of recognition, affiliation and admission of students, so that the petitioner may be in a position to avail the benefit of the recognition.

The petition stands allowed to the extent indicated above."

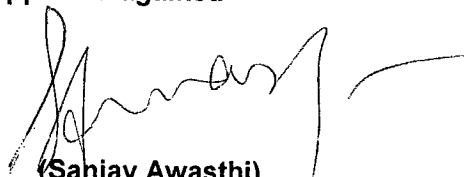
AND WHEREAS Section 18 of the NCTE Act, 1993 makes provision that any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council. Section 18 (5) further prescribes that the Council may confirm or reverse the order appealed against.

AND WHEREAS Appeal Committee is of the view that possessing co-extensive powers by the appellate authority do not bestow on applicants any right to submit required documents before appellate authority which otherwise they were required to submit to the Regional Committee (R.C) and on the basis of which R.C. was expected to take a decision. General applicability of the ruling given by Hon'ble High

Court of Allahabad will open flood gate with applicants submitting required documents before Appellate Authority and thus rendering the forum to be used as a submission desk. Section 14 and 15 of the NCTE Act empowers only the Regional Committees to grant or refuse or withdraw the recognition. If institutions are allowed to submit compliance in piece-meal and order granting recognition are also allowed in piecemeal fashion, net disposal of application will linger on.

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 grant of recognition for one unit of D.El.Ed. programme issued by NRC order dated 19.7.2017.

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


(Sanjay Awasthi)
Member Secretary

66051

052

053

054

1. The Principal, St. John's College, Agra M.G. Road, Agra – 282002, 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.89-139/2017 Appeal/7th Mtg.-2018/23rd April, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 16/5/18

ORDER

WHEREAS the appeal of Tathagat Teachers Training College, Dhanbad, Jharkhand dated 21/02/2017 is against the Order No. ERC/7-226.8.9/D.El.Ed./ERCAPP3225/2016/50599 dated 26/12/2016 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. (Addl.) Course on the ground that NOC issued from Directorate of Primary Education on 23.07.2015 is after the stipulated date of 15th July 2015.

AND WHEREAS Shri Alok Verma, Member and Shri Uday Kumar Sharma, Asstt. Professor, Tathagat Teachers Training College, Dhanbad, Jharkhand presented the case of the appellant institution on 03/05/2017. In the appeal and during personal presentation it was submitted that (i) during the 5th Appeal Committee meeting of 2016, they explained the reasons for delay in obtaining the NOC from Primary Education and the Committee directed ERC to process their application vide appeal order dt. 02.06.2016, (ii) They submitted application for NOC to the Director, Primary Education, Govt. of Jharkhand on 09.05.2015, but due to procedural delay on the part of the Govt, which is beyond their control, NOC was issued on 23.07.2015; and (iii) In response to show cause notice, they requested ERC to consider their application for the academic session 2017-18 as the last date of recognition for the academic session 2016-17 is over. They requested processing of their application for the academic session 2017-18.

AND WHEREAS the Committee in its meeting dated 03/05/2017 noted that according to the provisions of clause 5(3) of the NCTE Regulations 2014, No Objection Certificate issued by the concerned affiliating body shall be submitted along with the application. The Committee also noted that the Council issued instructions to the Regional Committees informing that, for the year 2016-17, 15th July 2015 will be the last date for receipt of hard copies of the application together

with NOC, irrespective of the date of submission of online applications. The appellant obtained the NOC from the affiliating body only on 23.07.2015 i.e. after the extended date of 15.07.2015 for receipt of applications for academic session 2016-17 for which they applied on 30.05.2015. The Committee also noted that in the appellate order dt. 02.06.2016 referred to by the appellant, the Council remanded the case to the ERC only on the ground that the hard copy was submitted on 25.06.2015 i.e. before the cut-off date as the earlier refusal was on the ground that the print out of application was despatched after 15 days of submission of on-line application. The Committee, noting that the refusal order dt. 26.12.2016 was on a valid ground, concluded that the ERC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order to the ERC confirmed. Appeal order dated 21.06.2017 was accordingly issued.

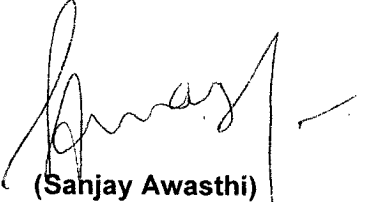
AND WHEREAS aggrieved by the appellate order, the appellant institution filed a Writ Petition in the High Court of Delhi and the Hon'ble Court in its order dated 20.12.2017 in Writ Petition case no. 6447/2017 and C.M. no. 25701/2017, 26702/17 and 26704/2017 quoted reference to a judgement in the case of Rambha College of Education (Supra) where matter was remanded back to appellate authority to consider the appeal afresh while taking into consideration his N.O.C. Hon'ble High Court viewed that the ratio of the afore noted judgement (Rambha College of Education) would squarely apply to the facts of instant case where N.O.C. was obtained by petitioner on 23.07.2015. As per orders of Hon'ble High Court the matter was remanded back for expeditious disposal of appeal filed by petitioner.

AND WHEREAS Sh. Alok Verma, Member, Tathagat Teachers Training College, Dhanbad, Jharkhand appeared before Committee on 23.04.2018 and requested for a expeditious decision. Committee in view of the recent developments relating to acceptance of N.O.C. issued at a belated stage and submitted to Regional Committees after the cut off date and in response to the Show Cause Notice, decided to remand back the case to E.R.C. for further processing of the application as per Regulations, of 2014.

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

Committee concluded to remand back the case to E.R.C. for further processing of the application as per Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Tathagat Teachers Training College, Dhanbad, Jharkhand to the ERC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

66047
048
049
050

1. The Secretary, Tathagat Teachers Training College, 500, 498, 500, 498, Dhanbad, Jharkhand – 826004.
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 Jharkhand, Ranchi.



F.No.89-153/E-67743/2018 Appeal/7th Mtg.-2018/23rd 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 Shanti Devi Subhash Chandra Sushant Mahavidyalaya, Subhash Nagar, Kaisarganj, Bahraich, Uttar Pradesh dated 27/02/2018 is against the Order No. NRC/NCTE/NRCAPP-13712/255th Meeting/2016/156382-85 dated 23/08/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The institution was given show cause notice vide letter dt. 02.06.2016 with direction to submit the reply within 30 days. The institution did not submit any reply of show cause notice."

AND WHEREAS Dr. Suraj Sharma, Representative and Sh. Shyam Sharma, Representative, Shanti Devi Subhash Chandra Sushant Mahavidyalaya, Subhash Nagar, Kaisarganj, Bahraich, Uttar Pradesh presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that "The order dated 23.08.2016 is unjust, arbitrary and violative of Principle of Natural Justice and same cannot be sustained. Because rejection order has been passed by respondent without giving proper and reasonable opportunity and without serving show cause notice. It is stated that notice dated 2.06.2016 mentioned in rejection order had never been served upon appellant and thus it could not file any response. Thus, the action of respondent is contrary to record and same has been passed without following provisions of NCTE Act, 1993 and without affording any opportunity of hearing to the appellant. The appellant has available with it all requisite infrastructure and facilities to run D. El. Ed. Course and its application was rejected in a very unreasonable and arbitrary manner. Because the impugned order has been passed without appreciating material on record."

AND WHEREAS Committee noted that appellant institution was informed by a letter dated 15.01.2016 of the N.R.C regarding proposed inspection of the institution on any day between 17/01/2016 to 31/01/2016. Visiting Team by its remarks in the Inspection performa intimated N.R.C. that 'College refused for Inspection, letter from institution attached' with reference to Clause 7 (7) of the NCTE Regulations, 2014. Committee noted that Inspection is not subject to the consent of the institution. Further Clause 8(7) of the Regulation provide that the building of the institution shall be complete in the form of permanent structure and equipped with all necessary amenities and the applicant institution shall provide original documents to Inspection Team for verification.

AND WHEREAS Committee noted that refusal of the Institution to get inspected on grounds of illness of father of the manager are not convincing as the applicant society has declared a Degree level course also running and the hierarchy must have other officials to keep the show on in the absence of manager. Committee further noted that a Show Cause Notice dated 02/06/2016 was issued to appellant institution seeking written representation within 30 days on the proposed grounds of refusal. Appellant states that S.C.N. was not received. Non receipt of reply from the applicant institution finally resulted in issue of impugned refusal /rejected order dated 23rd August, 2016. The impugned order in its last para mentioned that the order is appealable within 60 days. The appellant did not prefer any appeal for more than a year and four months. The present appeal submitted on 27/02/2018 is not only time barred but also devoid of merit as the impugned order issued in August, 2016 has also mentioned the ground on which S.C.N. was issued and appellant has not made any effort thereafter to say anything else than what is stated in the present appeal. The Writ Petition no. 22 of 2018 in the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur was withdrawn by applicant with liberty to file an appeal.

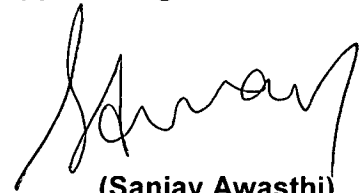
AND WHEREAS Appeal Committee noted that:-

- (i) There was inordinate delay of 1 year and two months in submitting appeal which is not sustainable.
- (ii) Lack of interest in getting the institution inspected on the scheduled date.

- 3 -
- (iii) Institution has not submitting reply to S.C.N. considering the above grounds, Appeal Committee decided to confirm the impugned refusal order dated 23.08.2016 issued by N.R.C.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned refusal order dated 23.08.2016 issued by N.R.C.

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


(Sanjay Awasthi)
Member Secretary

1. The Manager, Shanti Devi Subhash Chandra Sushant Mahavidyalaya, Subhash Nagar, Hujurpur Road, Kaisarganj, Bahraich, 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.89-154/E-69818/2018 Appeal/7th Mtg.-2018/23rd 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 Choudhary Teachers Training College, Sangteda, Kotputli, Rajasthan dated 19/03/2018 is against the Letter No. Old Appl/RJ----/242/2017/169500 dated 23/03/2017 issued by Northern Regional Committee, returning the application seeking recognition for the reason "In cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by N.R.C., 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."

AND WHEREAS Dr. Sher Singh, Member, Choudhary Teachers Training College, Sangteda, Kotputli, Rajasthan presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that "Appellant had submitted the application initially in the office of NRC on 27.10.2008, which was returned to the institution vide letter dated 09.03.2009 due to ban imposed by the NCTE Headquarter with the consultation of the State Govt. for the STC (D.El.Ed.) Course. The Institution thereafter, filed S.B. Civil Writ Petition No. 6528/2009 in the Hon'ble High court of Rajasthan at Jaipur Bench and the court had passed on order dated 15.02.2011 with the directions that the application of the institution be considered for grant of recognition in the light of judgment laid down in Dau Baba TT college. The Institution resubmitted application to NRC vide letter dated 19.05.2011 with the copy of court order along with the requisite processing fees Rs. 40000/- vide DD No. 312777 dated 17.05.2011 to consider the application. At the time of submission of an application, there was no provision of online electronically submission of an application. The NRC rejected the application vide its letter No. F.NRC/NCTE/RJ-.../209th meeting /2012/36219 dated 11.01.2013 on the ground that the Govt. of Rajasthan has given

negative recommendation for opening STC Course in the State of Rajasthan. The Institution, again filed S.B. CWP No. 14679/2016 and Hon'ble High court of Rajasthan, Jaipur Bench had passed an order on 24.10.2016 with liberty to the petitioner to move an application before the Northern Regional Committee for recognition of D.El.Ed. course in accordance with the NCTE (Regulation, Norms and Procedure Regulation), 2014. The institution had again resubmitted the application to NRC on 27.10.2016 along with High Court order to consider the application as per Court order. At the time of submission of application, there was no time schedule existed for online submission of application/ the NCTE portal for online submission of application was not open at that time. The NRC has returned the application vide its letter No. F. No old App/RJ.../242/2017/169500 dated 23.03.2017 on the ground that the application has not been submitted online electronically as per clause 5, of NCTE Regulations, 2014. Being aggrieved from the refusal order issued by NRC, NCTE dated 23.03.2017, the writ petition filed S.B. C. W.P. No. 2916/2018 in the High Court of Rajasthan, Jaipur Bench, and the Hon'ble High Court of Rajasthan has passed an order on 14.02.2018 with the direction to remit the petitioner application to the appellate authority to the remedy of the statutory appeal provided under Sec. 18 of the NCTE Act, 1993. Hence, at the time of submission of application for recognition of D.El.Ed. Course there was no provision existed for online for the online electronically submission of an application. Appellant understand the procedure stipulated in the NCTE regulation 2009 is following :- Under clause 7 (2) of NCTE Regulations 2009 the Regional Committee shall send a communication to the State Government along with the copy of an application submitted by the institution within 30 days of its receipt. Under clause 7 (3) of NCTE Regulations 2009 within 45 days of the issue of the communication of Regional Committee the state Govt. shall furnish its views/recommendation on the application with detailed/ comprehensive reasons / statistics to the Regional Committee. Under clause 7 (4) of NCTE Regulations 2009 if the recommendation of the State Govt. is not received within the stipulated time, Or if it is received the matter shall be placed before the Regional Committee. The Regional Committee than take into account all the factors into consideration shall 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, your appellant was compelled to approach the Hon'ble High Court of Rajasthan vide S.B. Civil writ petition No. 14679/2016 Choudhary Educational Institute v/s NRC, NCTE. The Hon'ble Mr. Justice Mohammad Rafiq has disposed the petition while making strong observation/ direction against the conduct of NRC and directed to NRC for the recognition of D.ELEd. Course strictly under the Regulations of 2014. It is pertinent to mention that a majority of institutions of Rajasthan have approached the Hon'ble High Court of Rajasthan against the arbitrary negative recommendation of the state of Govt. of Rajasthan relying whereupon the NRC has made mass refusal of applications arbitrarily. Therefore, this application submitted in 2011 has been revived consequent upon the directions of the Hon'ble High Court. It is undisputed fact that the NRC-NCTE has considered the similar situated files and granted recognitions, more so recently, the appellate authority has also passed an order in St. Meera T.T. College, Jhambutalab, Rajsamand (Raj.). As mentioned above since, the application was submitted in the year 2008, 2011 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. Applicant institution is already running B.Ed. Course since 2008 and the revised recognition order dt. 29.04.2015, therefore covered as a composite institution."

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 Notices 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 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 as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Choudhary Teachers Training College, Sangteda, Kotputli, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Choudhary Teachers Training College, Sangteda, NH-8, Kotputli – 303108, 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.

7



F.No.89-155/E-70072/2018 Appeal/7th Mtg.-2018/23rd 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 Maharana Pratap College of Education, Chilhari, Dumraon, Bihar dated 26/02/2018 is against the Order No. ERC/249.6.22/APP3946/D.El.Ed./2018/56065 dated 16/02/2018 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "(i) As the application for B.Ed. course (ERCAPP3941) of the same institution has been decided for refusal, the D.El.Ed. application (ERCAPP3946) comes under the category of standalone institution, which is not permissible as per NCTE Regulation, 2014. In view of the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP3946 of the institution regarding recognition of applied D.El.Ed. Programmes is refused under section 14(3)(b) of NCTE Act 1993."

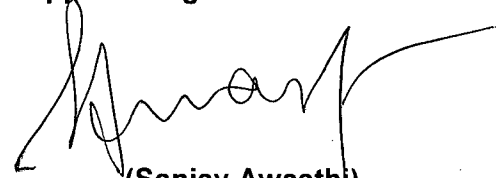
AND WHEREAS Sh. Hulkar, Treasurer, Maharana Pratap College of Education, Chilhari, Dumraon, Bihar presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that Applicant had filed a W.P. in High Court of Judicature at Patna (Civil Writ Jurisdiction case no. 19152 of 2017). The case related to approval of faculty by the affiliating university for B.Ed. course. In the absence of approved faculty recognition for B.Ed. programme was refused rendering the applications for D.El.Ed. programme to be standalone. Since the Hon'ble Court has delivered its verdict on 06.03.2018 and E.R.C. may proceed further B.Ed. application, the institution will be covered under the 'Composite' status.

AND WHEREAS Committee noted that appellant institution has also preferred an appeal against the refusal order dated 17/02/2018 in respect of B.Ed. course by enclosing a copy of order dated 06.03.2018 of the Hon'ble High Court of Judicature at

Patna in Civil Writ Petition no. 19512 filed by them against Aryabhatte Knowledge University. Appeal Committee after considering the averments made by appellant has finally decided to confirm the refusal order dated 17.02.2018. Confirmation of refusal order dated 17.02.2018 in respect of B.Ed. programme renders the D.El.Ed. programme as standalone i.e. reason for it is refused by order dated 16/02/2018. Appeal Committee, therefore decided to confirm the refusal order dated 16.02.2018.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the refusal order dated 16.02.2018.

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Maharana Pratap College of Education, Chilhari, Plot No. 1249, 1250, 1255, Dumraon – 802133, Bihar.
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 Bihar, Patna.

8



F.No.89-98/E-64264/2018 Appeal/7th Mtg.-2018/23rd 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 Ram Kumar Shukla Shikshan Avam Prashikshan Sansthan, Village – Sarvagauhan Singhgarh, PO – Nyayipur, Tehsil/Taluka – Soraon, Allahabad, Uttar Pradesh dated 12/02/2018 is against the Order No. NRC/NCTE/NRCAPP-15399/278thMeeting/D.El.Ed./2017/186432 dated 28/12/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course for 50 seats i.e. 1 unit from the academic session 2018 after the decision taken by NRC in 278th meeting held from 19th to 20th December, 2017, whereas in the 277th meeting of the NRC held from 5 to 6 December, 2017 the Committee decided to give recognition for 100 seats.”

AND WHEREAS Sh. K. Chandra, Representative, Ram Kumar Shukla Shikshan Avam Prashikshan Sansthan, Village – Sarvagauhan Singhgarh, PO – Nyayipur, Tehsil/Taluka – Soraon, Allahabad, Uttar Pradesh presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that “Institute has applied for the recognition of 100 seats. Based on the application institute has constructed the building and recruited the teaching and non-teaching staff as per the norms for 2 units or 100 seats. Since institute has applied for 100 seats and has completed the formalities as per the norms of 100 seats. It urges to the Council to provide recognition for 100 seats.”

AND WHEREAS Committee noted that applicant submitted online application dated 30.06.2015 and in the affidavit enclosed intake applied for was not mentioned. So the submission made by appellant that the applicant applied for an intake of 2 units (100 seats) is not correct. Committee further noted that Inspection of the appellant institution was conducted on 13-14 June, 2017 to assess the preparedness of institution

for conducting D.El.Ed. programme with an intake of 50 seats and the copy of Building Completion Certificate (B.C.C.) provided to the Visiting Team was for a built up area of 1532 sq. meters. Built up area required for an intake of 100 seats as per NCTE Regulations is 2000 Sq. Meters. Committee noted that while issuing L.O.I., N.R.C. did not mention any specific intake but quoted provisions of the NCTE Regulations, 2014 under which maximum of 2 units of B.Ed. & D.El.Ed. programme can be recognised. The appellant taking benefit of the vaguely worded L.O.I. submitted compliance of L.O.I. on 13/09/2017 seeking recognition for 100 seats.

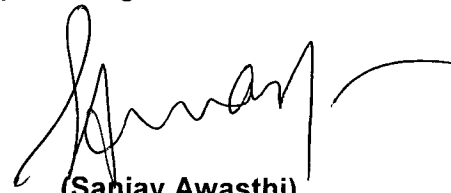
AND WHEREAS Committee noted that B.C.C. submitted by the appellant to the Visiting Team is for a built up area of 1532 Sq. Meters whereas another B.C.C. submitted by appellant with the appeal memoranda shows built up area 2164 Sq. Meters. Both the B.C.Cs are signed by same architect with same date of completion of construction. Committee also noted that V.T. report dated 13-14 Jan, 2017 which is typed one has a printed cover page which clearly indicates that it is for one basic unit of 50 students.

AND WHEREAS there is no doubt that the Regional Committee should have been more careful while issuing L.O.I. and must have offered reasons for issuing recognition for one unit only but it is also a fact that V.T. has conducted inspection with assessing level of preparedness of the applicant institution to conduct the course with one unit only and the total built up area in the building was filled in as 16490 Sq. Feet which is not adequate for two units.

AND WHEREAS Appeal Committee, therefore, decided to confirm the intake granted in the recognition order dated 28/12/2017.

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 intake granted in the recognition order dated 28/12/2017.

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Ram Kumar Shukla Shikshan Avam Prashikshan Sansthan, Plot No. 805 K, Village – Sarvagauhan Singhgarh, PO – Nyayipur, Tehsil/Taluka – Soraon, Town/City – Allahabad, District – Allahabad – 212503, 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.

9



F.No.89-99/E-64250/2018 Appeal/7th Mtg.-2018/23rd 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 SKS College of Education, Kirmach Road, Thanesar, Haryana dated 16/02/2018 is against the Order No. NRC/NCTE/NRCAPP-14850/261st Meeting/2016/163908-15 dated 28/12/2017 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 issued show cause notice on 03.11.2016 in compliance with the orders of Appellate Authority to submit the Minority Certificate issued by the Competent Authority. The reply dated 05.12.2016 submitted by the institution is not acceptable as the documents submitted with regard to minority status are not from the Competent Authority. The affiliating University has approved faculty for B.Ed. course and not for B.A. B.Ed./B.Sc. B.Ed. programme."

AND WHEREAS Sh. Gurpreet Singh, Chairman, SKS College of Education, Kirmach Road, Thanesar, Haryana presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that "The NRC has grossly erred by rejecting the application of your appellant this ground as the Minority Certificate in favour of our society has been issued by the competent authority of the State Government i.e. the office of Director General of Higher Education, Panchkula, Haryana. The reasonability and judicious application of mind of the NRC can be ascertained by the Hon'ble Appellate Authority with the fact that it had pointed out the deficiency of Minority Certificate after conduct of the inspection of your appellant institution and even deciding to issue Letter of Intent. Appellant has already complied with all the requisite conditions stipulated in the NCTE Regulation, Norms and Standards therefore, the inspection of the institution was conducted by the NRC. Moreover, at the time of submission of application, your Appellant had fulfilled the mandated condition stipulated in the NCTE Regulations prevailing at that time. The supporting documents in

2

respect of the same are also submitted for kind perusal of the Hon'ble Appellate Authority. Your appellant prayed the Hon'ble Appellate Authority to quash the order of NRC."

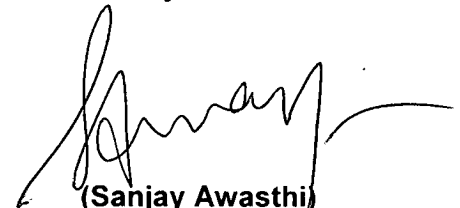
AND WHEREAS Committee noted that at page 3 of the online application, the appellant made some conflicting entries. Whereas type of institution is mentioned as Minority, entry 'N.A.' has been made against the column 'Institution a Minority Institution'. Application having been made in June, 2015 these points should have been got clarified at the first stage rather than raising these points after conducting Inspection and issuing L.O.I.

AND WHEREAS Committee noted that Letter of Intent dated 24/02/2016 was issued to appellant institution and after the issue of L.O.I. applicant is required to comply with only such terms and conditions which are specified in that letter. The reasons for which N.R.C. had desired to confirm the Minority status of appellant institution is that Government of Haryana by its letter dated 12/04/2016 had requested N.R.C. not to entertain application for B.Ed. and B.A. B.Ed. /B.Sc. B.Ed. programme during the academic session 2016-17 and 2017-18. This ban presumably being not applicable to Minority institution, N.R.C. wanted to confirm the position. It is also a fact on record that the list of faculty approved by Kurukshetra University on 26.02.2016 and submitted by appellant institution by appellant institution by its letter dated 26.02.2016 to N.R.C. mentioned in its subject the caption B.Ed. course Committee further noted that there is no change in faculty positions prescribed for B.Ed. programme and 4 year B.A. B.Ed./B.Sc. B.Ed. programme. Keeping in view that appellant institution is also recognised for conducting B.Ed. programme and the approved list might pertain to that course, appellant is required to submit faculty approval clearly indicating the name of 4 year integrated programme on the list. While proposing to seek recognition the applicant institution is supposed to satisfy that it is competent to integrate general studies and professional studies as per requirement of Clause 1.1 of Appendix 13 of the Norms & Standards for B.A. B.Ed./B.Sc. B.Ed. programme.

Subject to the above condition being satisfied, Appeal Committee decided to remand back the case to N.R.C. for revisiting the submission made by appellant relating to (i) Minority status (ii) Approved faculty list.

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 N.R.C. for revisiting the submission made by appellant relating to (i) Minority status (ii) Approved faculty list.

NOW THEREFORE, the Council hereby remands back the case of SKS College of Education, Kirmach Road, Thanesar, Haryana to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Chairman, SKS College of Education, Plot No. 50, 51, Kirmach Road, Thanesar – 136119, 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.

10



F.No.89-100/E-64253/2018 Appeal/7th Mtg.-2018/23rd 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 SKS College of Education, VPO-Kirmach, Tehsil/Taluka Thanesar, Town/City-Kurukshetra, District – Kurukshetra, Haryana dated 16/02/2018 is against the Order No. NRC/NCTE/NRCAPP-14838/278th Meeting/2017/186343 dated 27/12/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that “The institution has not submitted the reply of Show Cause Notice issued by NRC till date. Hence, the Committee decided that the application is rejected and recognition / permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.”

AND WHEREAS Sh. Gurpreet Singh, Chairman, SKS College of Education, VPO-Kirmach, Tehsil/Taluka Thanesar, Town/City-Kurukshetra, District – Kurukshetra, Haryana presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that “The Show Cause Notice issued by NRC was not received by our society, however, the point wise deficiencies pointed out in the SRC are elaborated below: The Change of Land Use Certificate issued by the Senior Town Planner, Panchkula vide order dated 01st Feb 2013 was submitted to NRC alongwith the application form, however, the same is again submitted before the Appellate Authority. At the time of submission of application, Appellant had fulfilled the mandated condition stipulated in the NCTE Regulations prevailing at that time. Appellant prays the Appellate Authority to quash the order of NRC and grant justice to the appellant by accepting this appeal and issuing directions to the NRC to cause inspection of our institution.”

AND WHEREAS Committee noted that a Show Cause Notice (SCN) dated 26/09/2017 was issued to appellant institution on grounds of non-submission of Change

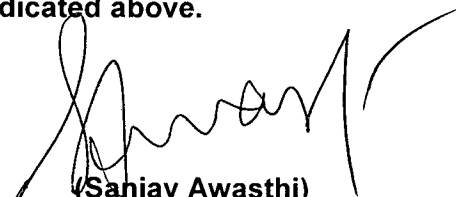
of Land Use Certificate. The second point mentioned in the S.C.N. was not for compliance of the appellant but was a direction to the legal Counsel of N.R.C. The appellant stated that S.C.N. was not received and so the institution could not give a reply.

AND WHEREAS Committee considered that second point of N.O.C. was not relevant to appellant and N.R.C. is required to reissue the S.C.N. after revisiting the matter. N.R.C. before issuing the S.C.N. is also required to keep in view the legal advice, Clause 5 (3) of NCTE Regulations and the orders dated 30/08/2017 of Hon'ble High Court directing the respondent to consider grant of recognition de hors the requirement of N.O.C.

AND WHEREAS Committee decided to remand back the case to N.R.C. to revisit the matter as mentioned in para 4 above.

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 N.R.C. to revisit the matter as mentioned in para 4 above.

NOW THEREFORE, the Council hereby remands back the case of SKS College of Education, VPO-Kirmach, Tehsil/Taluka Thanesar, Town/City-Kurukshetra, District – Kurukshetra, Haryana to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Chairman, SKS College of Education, Plot No.50, Street No.-Kirmach, Village – Kirmach, PO-Kirmach, Tehsil/Taluka-Thanesar, Town/City-Kurukshetra, District – Kurukshetra, 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.89-101/E-64278/2018 Appeal/7th Mtg.-2018/23rd 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 Taxashila B.Ed. College, At Post – Halvad, Sara Road, Halvad, Gujarat dated 16/02/2018 is against the Order No. WRC/APW04337/323431/282nd/B.Ed./Guj./2017/192520 dated 03/11/2017 of the Western Regional Committee, reducing the intake for B.Ed. course on the grounds that “Show Cause Notice dated 04.07.2017 was issued to the institution regarding staff and the need to appoint five more faculty members. The institution has submitted a list of one Principal and 10 faculty members (excluding librarian) approved by the Registrar. Hence, Recognition is reduced to one for the B.Ed. course from the session 2018-19.”

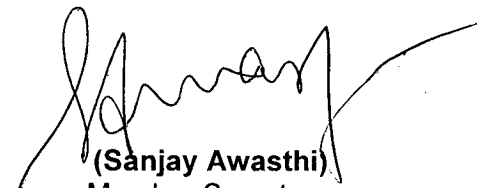
AND WHEREAS Sh. Alpesh Sinojiya, Principal and Sh. Mahesh Patel, Director, Taxashila B.Ed. College, At Post – Halvad, Sara Road, Halvad, Gujarat presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted “More faculty have been appointed and now the strength of faculty is as per NCTE Regulations, 2014 adequate for 2 units.”

AND WHEREAS Committee noted that by issue of impugned order dated 03/11/2017 the sanctioned intake of 100 seats in B.Ed. course was reduced to 50 seats on the ground that appellant institution could not submit list containing the names of one Principal and 15 faculty members as required in the NCTE Regulations, 2014. The list submitted by appellant institution was short by 5 faculty. Appellant during the course of appeal presentation on 23.04.2018 submitted a list approved by Registrar, Saurashtra University, Rajkot containing the name of one Principal and 15 faculty members. Incidentally, Committee observed that B.C.C. submitted by appellant is for a built up area of 14048 sq. feet which is much less than the required built up area.

AND WHEREAS Appeal Committee keeping the developments pertaining to selection of more faculty in view decided to remand back the case to W.R.C. for revisiting the case. Appellant institution is directed to submit to W.R.C. list of faculty approved by affiliating body along with the appointment letters and joining reports of faculty 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 case. Appellant institution is directed to submit to W.R.C. list of faculty approved by affiliating body along with the appointment letters and joining reports of faculty within 15 days of the issue of Appeal order.

NOW THEREFORE, the Council hereby remands back the case of Taxashila B.Ed. College, At Post – Halvad, Sara Road, Halvad, Gujarat to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Principal, Taxashila B.Ed. College, At Post – Halvad, Sara Road, Halvad – 363330, 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.89-104/E-64231/2018 Appeal/7th Mtg.-2018/23rd 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 Sri Ram Manohar Yadav Mahavidyalay, Fatehpur, Uttar Pradesh dated 15/02/2018 is against the Order No. NRC/NCTE/NRCAPP-12575/271st Meeting/2017/177426 dated 29/06/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The institution was given SCN dated 13.04.2017. reply submitted by the institution dated 15.05.2017 is not acceptable as NEC and land documents are in individual name. 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."

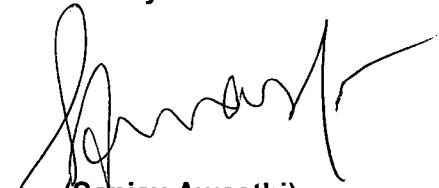
AND WHEREAS the submission of the appeal has been delayed by five months and 17 days beyond the prescribed period of 60 days. The appellant submitted that the delay occurred due to prolonged treatment of serious illness (heart attack) of their Manager. The Committee decided to condone the delay and consider the appeal.

AND WHEREAS Sh. Jagnayah, Manager and Dr. Puskar Singh, Member, Sri Ram Manohar Yadav Mahavidyalay, Fatehpur, Uttar Pradesh presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that "Land is already registered in the name of institution Shri Ram Manohar Yadav Mahavidyalaya, in khatauni also Dakhil Kharij has been modified. The NEC has also been modified in the sub-registrar office. CLU was not notarized by mistake but it will be presented in notarized form. At that time the Manager suffered from heart attack and infection of left eye. The appellant enclosed the relevant modified documents with reference to the grounds in the refusal order.

AND WHEREAS the Committee noting the documents submitted by the appellant concluded that the matter deserved to be remanded to the N.R.C. with a direction to consider these documents, 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 N.R.C., all the land related documents submitted in appeal within 15 days of receipt of the orders on the appeal.

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 matter deserved to be remand to the N.R.C. with a direction to consider these documents 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 N.R.C., all the land related documents submitted in appeal within 15 days of receipt of the orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Sri Ram Manohar Yadav Mahavidyalay, Fatehpur, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Manager, Sri Ram Manohar Yadav Mahavidyalay, G.T. Road bypass, Fatehpur – 212601, 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.89-108/E-64438/2018 Appeal/7th Mtg.-2018/23rd 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 Yuvraj Singh Inter College, Village – Ratibhanpur, PO-Pipalgawan, Sikandrara, Uttar Pradesh dated 12/02/2018 is against the Order No. NRC/NCTE/NRCAPP-11326/277th Meeting/2017/185686 dated 12/12/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that “the institution has not submitted reply of SCN issued to it on 08.08.2017.”

AND WHEREAS Sh. Abhishek, Manager, Yuvraj Singh Inter College, Village – Ratibhanpur, PO-Pipalgawan, Sikandrara, Uttar Pradesh presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that The Letter of Intent issued by NRC on 24.04.2017 was received by them on 02.05.2017. Immediately after receipt of LOI they have made advertisement and conducted interview and after selection of the staff they have submitted proceedings to the Pareeksha Niyamak Pradhikari, Allahabad, Uttar Pradesh on 24.05.2017. (copy enclosed annexure-1.) The letter submitted to the Pareeksha Niyamak Pradhikari, Allahabad, Uttar Pradesh was followed up several times but they have delayed the approval simply excusing that due to Nagar Panchayat Election the staff was on election duty hence the delay occurred. Subsequently they visited and it was orally informed that the proceedings submitted by them were misplaced by them and for long time the same were not traceable. They could give them formal approval only when they created pressure through a telephonic call from a local MLA to them. Only on 13.12.2017 they gave approval. On the other hand during pendency of the approval with the Pareeksha Niyamak Pradhikari, Allahabad, Uttar Pradesh they have informed the Regional Director vide their letter dated 23.08.2017 to give them some time as the approval is awaited from the affiliating body and despite their persuasion

the staff approval is not given by the Pareeksha Niyamak Pradhikari, Allahabad, Uttar Pradesh. In fact this was an interim reply to the Show Cause Notice dated 08.08.2017. Immediately just after receipt of the staff approval they have submitted it to the NRC but by that time they have refused the recognition. They are approaching the Appellate Authority with the request that approval of the staff is not under their control and the delay is caused at the level of the affiliating body i.e. the Pareeksha Niyamak Pradhikari, Allahabad, UP. Therefore, the appeal may please be considered sympathetically keeping above circumstances in mind and a favourable decision may be taken.

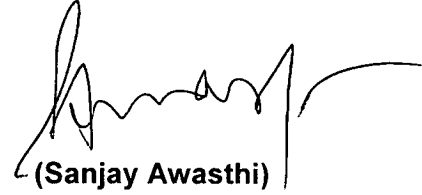
AND WHEREAS the Committee noted that the N.R.C. issued the Letter of Intent prior to grant of recognition for D.El.Ed. course under Clause 7 (13) of the NCTE Regulations, 2014 on 24.04.2017. As no reply was received from the appellant within time, N.R.C. issued a Show Cause Notice on 08.08.2017. The interim reply to the Show Cause Notice on 23.08.2017 seeking time is not available in the file. After the issue of the refusal order dt. 12.12.2017, the appellant, with their letter dt. 29/12/2017 forwarded to the N.R.C. all the documents, including a copy of the letter dt. 13.12.2017 from the Examination Regulatory Authority, Uttar Pradesh, Allahabad approving the faculty for D.El.Ed. course in the appellant institution.

AND WHEREAS the Committee, noting that the delay occurred in getting approval of faculty by the concerned affiliating body and the appellant submitted the required documents immediately after getting the approval, concluded that the matter deserved to be remanded to the, N.R.C. with a direction to consider the appellant's reply dt. 29.12.2017, available in their file, and take further action as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that the matter deserved to be remanded to the, N.R.C. with a direction to

consider the appellant's reply dt. 29.12.2017, available in their file, and take further action as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Yuvraj Singh Inter College, Village – Ratibhanpur, PO-Pipalgawan, Siksandraro, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Manager, Yuvraj Singh Inter College, Village – Ratibhanpur, PO-Pipalgawan, NH-91, Siksandraro, Uttar Pradesh – 204215.**
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.89-109/E-64440/2018 Appeal/7th Mtg.-2018/23rd 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 Radhamohan Mahavidyalaya, Vill.-Ratibhanpur, PO-Pipalgawan, Siksandraro, Uttar Pradesh dated 12/02/2018 is against the Order No. NRC/NCTE/NRCAPP-11396/276th Meeting/2017/186161 dated 20/12/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the institution has not submitted the certified registered land documents issued by the Registering Authority or civil authority concerned. The institution has not submitted the Non-Encumbrance certificate by the Competent Authority indicating that the land is free from all Encumbrance."

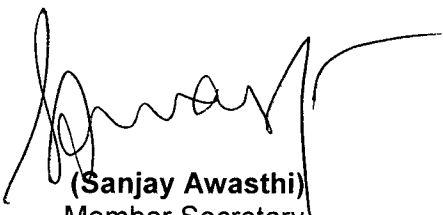
AND WHEREAS Sh. Sunil Kumar, Manager and Sh. A. Kumar, Member, Shri Radhamohan Mahavidyalaya, Vill.-Ratibhanpur, PO-Pipalgawan, Siksandraro, Uttar Pradesh presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that they have submitted on line application on 29.05.2015 and along with the hard copy of the application they have submitted certified land documents. Thereafter at the time of inspection by the visiting team on 26th and 27th September 2017 the Original land documents and Non Encumbrance certificate were shown to the VT members and a copy of the same was given to them. Having submitted land documents and verified the same with the original documents by the Visiting Team, which was appointed by the NRC, the reasons for refusing the recognition are not correct. Moreover, the NRC itself has not adhered to the provision of the Section 14 (b) of the NCTE Act which stipulates that before passing an order under clause (b) the Regional Committee shall provide a reasonable opportunity to the concerned institution for making a written representation before refusing recognition. It is pertinent to mention that the NRC has not provided opportunity for making written representation. Show Cause Notice has not been issued to them;

instead directly recognition has been refused. Had there been a Show Cause Notice issued they would have submitted the certified copy of the registered land document and Non-Encumbrance certificate. The appellant, with their letter dt. 23.04.2018, submitted the relevant land documents mentioned in the refusal order.

AND WHEREAS the Committee noting the submissions of the appellant and issue of the refusal order by N.R.C. without giving a show cause notice, concluded that the matter deserved to be remanded to the N.R.C. with a direction to consider the documents 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 N.R.C., all the documents submitted in the appeal, within 15 days of receipt of the orders on the appeal.

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 matter deserved to be remanded to the N.R.C. with a direction to consider the documents 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 N.R.C., all the documents submitted in the appeal, within 15 days of receipt of the orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Shri Radhamohan Mahavidyalaya, Vill.-Ratibhanpur, PO-Pipalgawan, Siksandraro, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Manager, Shri Radhamohan Mahavidyalaya, Vill.-Ratibhanpur, PO-Pipalgawan, NH-91, Siksandraro, Uttar Pradesh – 204215.
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.89-110/E-64680/2018 Appeal/7th Mtg.-2018/23rd April, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

5/6/18

ORDER

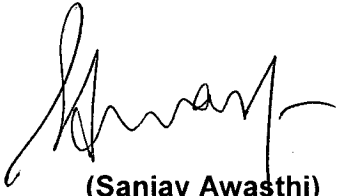
WHEREAS the appeal of Sarvapalli Dr. Radhakrishan Vikas Sansthan Renganiya, Bagidora, Rajasthan dated 12/02/2018 is against the Order No. NCTE/NRC/NRCAPP201615226/Bachelor of Education [B.Ed.]/RJ/2017-2018/2; dated 19/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "the applicant institution has not submitted the reply of the SCN issued by the NRC on 02.03.2017 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. Ihubham Shah, Pr. Lecturer, Sarvapalli Dr. Radhakrishan Vikas Sansthan Renganiya, Bagidora, Rajasthan presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that they have not received any show cause notice before rejection order, however by the time they checked with their portal they found that their application has been rejected and the time given for the reply has already lapsed.

AND WHEREAS the Committee noted that the Show Cause Notice dt. 02/03/2017, stated to have been issued to the appellant, is not in the file. Further the provision relating to appeal has not been mentioned in the refusal order. In these circumstances, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to re-issue the show cause notice to the appellant and take further action as per 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 that the matter deserved to be remanded to the N.R.C. with a direction to re-issue the show cause notice to the appellant and take further action as per NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Sarvapalli Dr. Radhakrishan Vikas Sansthan Renganiya, Bagidora, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Sarvapalli Dr. Radhakrishan Vikas Sansthan Bagidora, Bagidora Renganiya, Bagidora, Rajasthan – 327601.
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.

18



F.No.89-156/E-70254/2018 Appeal/7th Mtg.-2018/23rd 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 Maharana Pratap College of Education, Chilhari, Dumraon, Bihar dated 24/02/2018 is against the Order No. ERC/249.6.23/APP3941/B.Ed./2018/56085 dated 17/02/2018 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "(i) three Show Cause Notices were issued on 26.05.2017, 28.07.2017 & 08.12.2017 to submit faculty list duly approved by the concerned affiliating body. (ii) The institution failed to submit compliance of show cause notice regarding approved faculty list and the stipulated time period has already been over. In view of the above, the Committee decided as under: The Committee is of the opinion that the application bearing Code No. ERCAPP3941 of the institution regarding recognition of applied B.Ed. programme is refused under section 14(3)(b) of NCTE Act 1993."

AND WHEREAS Sh. Hulkar, Treasurer, Maharana Pratap College of Education, Chilhari, Dumraon, Bihar presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that affiliating body i.e. Aryabhatta knowledge University Patna is not sending its representative for teacher appointment process. Society Representation No. ICES/ERC/65 dated 26.12.2017 sent by email and speed post to ERC in response to SCN dated 08.12.2017 issued by ERC was not considered in ERC Meeting 249th Part 2. Also Society Representation No. ICES/ERC/66 dated 07.02.2018 was not considered by ERC Meeting 249th Part 2. Therefore, affiliating body may kindly be directed to send its representative for teacher's appointment.

AND WHEREAS the appellant with a letter dt. 23.04.2018 enclosed a copy of the order of the Hon'ble High Court of Judicature at Patna dt. 06.03.2018 in Civil Writ

Jurisdiction Case No. 19512 of 2017 filed by them against Aryabhatte Knowledge University for not making available the university's representatives for the purpose of selection of faculty members in the appellant institution. It is seen from this order that the Counsel for the university submitted that the institution had made certain misrepresentations while applying for N.O.C. The Hon'ble High Court without going into all such aspects of the matter directed that the appeal be decided expeditiously.

AND WHEREAS the Committee noted from the file that the E.R.C. issued a Letter of Intent for B.Ed. course on 21/07/2016. The appellant sent a letter dt. 24.09.2016, inter-alia submitting that Aryabhata Knowledge University, Patna has not appointed their nominees for selection of teaching staff and requested for two months time. Finding that no further letter has been received from the appellant, the E.R.C. issued a Show Cause Notice on 27/01/2017. The appellant sent a reply on 17/04/2017 inter-alia enclosing a copy of the minutes of the selection committee, which included two nominees of the Aryabhata Knowledge University and a faculty list. The E.R.C. finding that the faculty list has not been approved by the concerned affiliating body issued a Show Cause Notice on 26.05.2017. The appellant sent a reply dt. 21.06.2017 stating that the selected faculty members have not submitted consent to join their college and hence the society decided to re-advertise for the remaining unfilled teaching staff and conduct interviews again. The appellant asked for one month more time to submit list of appointed faculty members duly signed by the Competent Authority of the examining body. The E.R.C. again issued a Show Cause Notice on 28/07/2017. The appellant replied on 06/10/2017, stating that interviews are proposed to be conducted in the last week of October, 2017 requested for two months more time for submission of approved faculty list. The appellant wrote another letter dt. 06/11/2017. In this letter, the appellant stating that interview for selection of teaching staff has been fixed for 19.11.2017 by the university representative and subject experts nominated by the university, requested for two months more time for submitting the list of faculty duly signed by the Competent Authority. The E.R.C. again issued a show cause notice on 08/12/2017 providing the appellant the last opportunity to submit their reply, within 21 days. The appellant wrote a letter dt. 14.12.2017 to the E.R.C. In

this letter, the appellant stated that the interviews fixed for 19.11.2017 have been postponed by the university as they asked for some clarifications in their letter dated 18.11.2017, which has been replied to by the appellant on 13.12.2017. As the university will permit the college for interviews after consideration of their reply dt. 13.12.2017, the appellant requested for time upto 3rd March, 2018 to submit the approved faculty list.

AND WHEREAS the appellant sent a letter dt. 26.12.2017 to the E.R.C. requesting that (i) the university may be directed to depute their representative / subject expert to their college; and (ii) no decision may be taken till the Hon'ble High Court of Patna hears their CWJC-19152/2017 filed on 19.12.2017 in which E.R.C. has been made one of the respondents. The appellant wrote a further letter dt. 07/02/2018 to the E.R.C. requesting them not to take any decision on their file till the hearing in the Hon'ble High Court is completed on their petition. The E.R.C. in their 249th meeting (Part – 2) held on 6-7 February, 2018 decided to refuse recognition and issued the refusal order on 17/02/2018 mentioning the grounds.

AND WHEREAS the Committee noted from the file of the ERC that Aryabhatte Knowledge University in their letter dt. 16/11/2017 addressed to the NCTE, New Delhi requested examination of the documents of the Maharana Pratap College of Education and other B.Ed. Colleges on adjoining plots which are under Indian Computer Education Society and consider cancellation of L.O.I. after checking the facts. A copy of this letter was subsequently sent by the university with their letter dt. 12/01/2018 to the NCTE and the E.R.C. reminding to take further action. Further action taken on these letters is not available on the file.

AND WHEREAS the Committee also noted that Aryabhata Knowledge University in their letter dt. 10.02.2018 informed the appellant that as the matter is pending before the Hon'ble High Court and as they have written to E.R.C. to examine the documents relating to their college, their request for sending the representative of the university and subject experts cannot be considered at this stage.

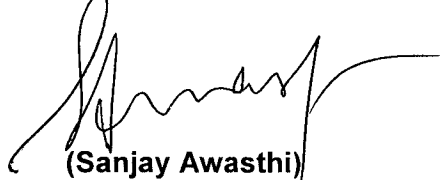
AND WHEREAS the Committee noted that the Hon'ble High Court of Patna have delivered their order in CWJC No. 19152 of 2017 on 06/03/2018. The Hon'ble High Court in their order noted the submission of the Counsel for the petitioner that the situation arose primarily because of the lapse on the part of the university to make available their representatives for selection of faculty members and the submission of the Counsel appearing on behalf of the university, who are the first respondent, that the College had made certain misrepresentations while applying for No Objection Certificate. The Hon'ble High Court finding that there is no need to look into all such aspects of the matter since the appeal is pending before the Competent authority disposed of the Writ application with the observation that let the appeal be decided expeditiously.

AND WHEREAS the Committee noted that the E.R.C. issued a Letter of Intent on 21/07/2016 and the appellant was required to submit compliance/reply along with the documents mentioned in the Letter of Intent within 60 days of issue of that Letter. Faculty list approved by the affiliating body after appointment through duly constituted Selection Committee is one of the documents required as per the Letter of Intent. The appellant despite seeking many extensions of time which have been granted by the E.R.C., has not submitted the approved faculty list even after expiry of one year and seven months from the last date prescribed in the L.O.I. The correspondence from the university indicates that there is no likelihood of their appointing their representation/subject experts pending the disposal of alleged misrepresentations on the part of the appellant while applying for NOC from the University. In these circumstances, the Committee concluded that the E.R.C. was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the E.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the ERC was justified in refusing recognition

and therefore, the appeal deserved to be rejected and the order of the ERC is confirmed.

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



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Maharana Pratap College of Education, Chilhari, Plot No. 1249, 1250, 1255, Dumraon – 802133, 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.

19



F.No.89-157/E-65085/2018 Appeal/7th Mtg.-2018/23rd 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 Pratap BSTC College, Shyampur – Bhuhariya, Dayal Bagh, Sanganer, Watika, Rajasthan dated 21/02/2018 is against the Order No. NRC/NCTE/NRCAPP-8115/278th Meeting/2018/187113 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 N.R.C. filed a S.B. Civil Writ Petition No. 2911/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 09/02/2018 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 training course in each academic year is the preceding 3rd of March as per the NCTE Regulations, 2014.

AND WHEREAS Dr. Suresh Sharma, Secretary and Sh. Ram Prasad Sharma, President, Pratap BSTC College, Shyampur – Bhuhariya, Dayal Bagh, Sanganer, Watika, Rajasthan presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that the NRC has grossly

erred by refusing the application of the appellant on the 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 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 as follows:- Under clause 7 (2) of NCTE Regulations 2009 the Regional Committee shall send a communication to the State Government along with the copy of an application submitted by the institution within 30 days of its receipt. Under clause 7(3) of NCTE Regulations 2009 within 45 days of the issue of the communication of Regional Committee the State Govt. shall furnish its views / recommendation on the application with detailed / comprehensive reasons / statistics to the Regional Committee. Under clause 7(4) of NCTE Regulations 2009 if the recommendation of the State Govt. is not received within the stipulated time, or if it is received the matter shall be placed before the Regional Committee. The Regional Committee then taking into account all the factors into consideration shall 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 with 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 S.B. civil writ petition No. 5122/2016 Pratap Vidhyapeeth Sansthan Society v/s NRC, NCTE . The Hon'ble Mr. Justice Alok Sharma has disposed the petition while making strong observation/direction against the conduct of NRC as under:- It is directed that the Regulations of 2014 be strictly complied with not only in case of the petitioner but across the board as uneven application of the Regulations, 2014 for recognition sought by different applicants only entails unnecessary litigations before this court. The Regional Director NCTE shall be personally responsible for consideration of any application for grant of recognition in the academic year 2016-17 contrary to the specific provisions of the Regulations of 2014 particularly in relation to

the time lines prescribed except in cases where variation may be directed by an order/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. It is undisputed fact the NRC-NCTE has considered the similar situated files and granted recognition vide office order dt. 26/08/2016 file No. NRC/NCTE/Recognition /Common/B.Ed./2016/156537-61. Recently, the appellate authority has also passed an order in St. Meera T.T. College. Jhambutalab, Raisamand. Hence, the similar treatment may also be afforded to appellant and the condition of clause 5 of Regulations, 2014 may kindly be waived and the file processed. Supporting documents are annexed i.e. order dated 26.08.2016, Online application and St. Meera T.T. College order dt. 16.10.2017. The rejection ground of non-submission of NOC issued by the concerned affiliating body is defunct, unjust and in contravention of principle of natural justice. As mentioned above since, the application was submitted in the year 2012 as per the prevailing NCTE Regulations 2009, wherein the provision of obtaining NOC from the affiliation body was not stipulated and therefore, the question of submitting N.O.C. does not arise. Recently in the order passed in JBM College of Education this condition was waived. Even the case of NCTE v/s Rambha College of Education supports the condition. Supporting documents are annexed: – Order dt. 27/11/17 of JBM college of Education. (2) Order in the case of NCTE v/s Rambha College of Education. The rejection ground of non-submission of any proof/evidence of being a composite institution is defunct, unjust and in contravention of principle of natural Justice. The appellant's institution is already running a B.Ed. Course and is covered as a composite institution. Recognition & affiliation orders are annexed herewith. Supporting document are annexed – Recognition order and Affiliation order. Further, the NCTE Regulations 2014 clearly says that the institutions shall gradually turn into a composite institution as per NCTE Regulations, 2014.

AND WHEREAS the appellant also submitted that N.R.C. has granted recognition to almost 40 institutions while ignoring the above three grounds whereas the application of the appellant has been rejected on pick and choose grounds. The appellant has complied with all the requirements of the Regulations. The appellant requested to quash/set aside the order of the N.R.C. and direct them to process their application further as per the directions of the Hon'ble High Court dt. 09/02/2018.

AND WHEREAS the Committee noted that the appellant submitted their application for D.El.Ed. course online in the year 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. 5122/2016, the appellant, in their letter dt. 29/04/2016, requested the N.R.C. to take further action. The N.R.C. conducted an inspection of the appellant institution on 11.06.2016. Thereafter, the N.R.C., after obtaining legal advice and considering the matter wherein applications resubmitted alongwith Court orders were processed decided to issue show cause notice before refusing recognition. Accordingly a show cause notice on three grounds, 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 23.03.2017. While no reply to the Show Cause Notice is found in the file, N.R.C. issued refusal order on the same grounds mentioned in the Show Cause Notice.

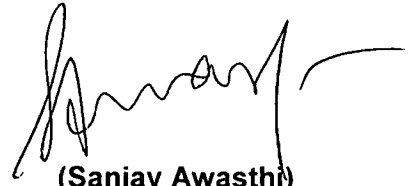
AND WHEREAS the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations 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 althrough

processed that application only and conducted an inspection of the institution in June, 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 Pratap BSTC College, Shyampur – Bhuhariya, Dayal Bagh, Sanganer, Watika, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Pratap BSTC College, Shyampur – Bhuhariya, Dayal Bagh, Sanganer, Watika – 303905, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-158/E-65081/2018 Appeal/7th Mtg.-2018/23rd 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 Jai Baba Amarnath T.T. School, Master Bhainsawa Phulera, K. Renwal Rajasthan dated 19/02/2018 is against the Order No. NRC/NCTE/NRCAPP-8744/278th Meeting/2018/188363-68 dated 01.02.2018 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 as per clause 5, of NCTE Regulation, 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 composites 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. 3850/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dated 19.2.2018 remitted the petitioner – Samiti 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. Harfool Choudhary, Secretary, Jai Baba Amarnath T.T. School, Master Bhainsawa Phulera, K. Renwal Rajasthan presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that the NRC has grossly erred by refusing the application of the appellant on the 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 (Regulation, Norms & Procedure) Regulations 2009 (Notified on 31.08.2009 and in vogue till 28/11/2014). It is matter of grave concern that the NRC has returned this application to the appellant 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 as follows:-

(i) Under clause 7(2) of NCTE Regulations 2009 the Regional Committee shall send a communication to the State Government along with the copy of an application submitted by the institution within 30 days of its receipt. Under clause 7 (3) of NCTE Regulations 2009 within 45 days of the issue of the communication of Regional Committee the State Govt. shall furnish its views /recommendation on the application with detailed /comprehensive reasons / statistics to the Regional Committee. Under clause 7 (4) of NCTE Regulations 2009 if the recommendation of the State Govt. is not received within the stipulated time, OR if it is received the matter shall be placed before the Regional Committee. The Regional Committee then taking into account all the factors into consideration shall 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 with 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 S.B. Civil Writ Petition No. 7218/2016 Gyanjyoti Education Society v/s NRC, NCTE. The Hon'ble Mr. Justice Alok Sharma has disposed the petition while making strong observation/direction against the conduct of NRC as under: It is directed that the Regulations of 2014 be strictly complied with not only in case of the petitioner but across the board as uneven application of the 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 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. It is undisputed fact that the NRC-NCTE has considered the similar situated files and granted recognition vide office order dt. 26/08/2016 file No. NRC/NCTE/Recognition/Common/B.Ed./2016/156537-61. Recently, the appellate authority has also passed an order in St. Meera T. T. College. Jhambutalab, Raisamand. Hence. the similar treatment may also be afforded to appellant and the condition of clause 5 of Regulation 2014 may kindly waived and the file processed. Supporting documents are annexed. Order dated 26.08.2016. Online application. St. Meera T.T. College order dt. 16/10/2017. This rejection ground of non-submission of NOC issued by the concerned affiliating body is defunct, unjust and in contravention of principle of natural justice. As mentioned above since, the application was submitted in the year 2012 as per the prevailing NCTE Regulations 2009, wherein the provision of obtaining NOC from the affiliating body was not stipulated therefore, the question of its submission does not arise. More so, recently in the order dt. 27/11/17 passed in JBM College of Education Shadipur, this condition was also waived. Even the case of NCTE v/s Rambha College of Education supports the condition. Supporting documents are annexed - Order dt. 27/11/17 of JBM college of Education. (2) Order in the case of NCTE v/s Rambha College of Education. This rejection ground of non-submission of proof/evidence of being a composite institution is defunct, unjust and in contravention of principle of natural Justice. The appellant's institution is already running a Degree Course & B.A. B.Ed. / B.Sc. B.Ed. and is covered as a composite institution. Recognition & affiliation orders are annexed herewith. This fact was also notified to NRC NCTE vide their letter dated 31/05/2017 or 07/06/2017. Supporting documents are annexed - Recognition order. Affiliation order. Govt. NOC 2012. Further, the NCTE Regulations 2014 clearly says that the institutions shall gradually turn into a composite institution as per NCTE Regulations, 2014.

AND WHEREAS the Committee noted that the appellant applied for D.El.Ed. course online on 31.12.2012. The Committee noted that following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 27.4.2016 in S.B. Civil Writ Petition no. 571/2016, the NRC conducted an inspection of the appellant institution on 3.6.2016. Thereafter, the N.R.C. after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith 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 on 31.3.2017. The appellant in their letter dt. 6.5.2017 stated that he had re-submitted their earlier application on 28.4.2016 and NRC conducted inspection on 3.6.2016; the application was submitted as per the Regulations in vogue at that time; and they are already running degree course. The NRC after considering the reply refused recognition on the same grounds mentioned in the show cause notice.

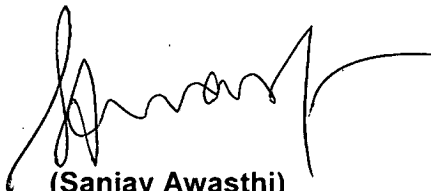
AND WHEREAS the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations 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 althrough processed that application only and conducted an inspection of the institution on 3.6.2016.

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 Jai Baba Amarnath T.T. School, Master Bhainsawa Phulera, K. Renwal Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Jai Baba Amarnath T.T. School, Master Ji Ke Dhani 412 Kalwar Road, Bhainsawa Phulera, K. Renwal – 303603, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-171/E-71520/2018 Appeal/7th Mtg.-2018/23rd 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 B.S.D. Mahavidyalaya, Village – Guraini, PO-Guraini (Khetasarai), Tehsil/Taluka-Shahganj, District-Jaunpur, Uttar Pradesh dated 04/04/2018 is against the Order No. NRC/NCTE/NRCAPP-3664/244th Meeting/2015/130203 dated 26/11/2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that “the institution has not submitted faculty duly approved by the affiliating body. Joint FDRs of Rs. Seven lacs and Rs. Five lacs not submitted. Print out copy of the down loaded copies of the website of the institution has not been submitted. A proof/evidence to the effect that it is a composite institution as per provisions of the NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body as required under clause 5(3) of the NCTE Regulations, 2014.”


AND WHEREAS B.S.D. Mahavidyalaya, Village – Guraini, PO-Guraini (Khetasarai), Tehsil/Taluka-Shahganj, District-Jaunpur, Uttar Pradesh was asked to present the case of the appellant institution on 23/04/2018, but nobody from the institution appeared. In the appeal, the appellant has not made any submissions against the order appealed against. He has merely enclosed a copy of the Hon'ble High Court's order dt. 21.03.2018 and some copies of F.D.Rs and other papers.

AND WHEREAS the Committee noted that the submission of the appeal has been delayed by two years, two months and 9 days beyond the prescribed period of 60 days.

AND WHEREAS the Committee noted that the appellant, aggrieved by the order of the N.R.C. filed a Writ C. No. 10427 of 2018 before the Hon'ble High Court,

Allahabad. The Hon'ble High Court in their order dt. 21.03.2018, dismissed the petition as the time period for filing an appeal under Section 18 of the NCTE Act, 1993 has already expired and the challenge to the order impugned is highly belated.

AND WHEREAS in view of the order passed by the Hon'ble High Court in the Writ Petition, the Committee decided not to admit the belated appeal.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, B.S.D. Mahavidyalaya, Plot/Khasara No.-07, Village – Guraini, PO-Guraini (Khetasarai), Tehsil/Taluka-Shahganj, District-Jaunpur – 222139, 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.89-172/E-71745/2018 Appeal/7th Mtg.-2018/23rd 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 Ganesh College of Education, Churina, Narnaul Road, Buhana, Rajasthan dated 04/04/2018 is against the Letter No. Old App/RJ-----/162/2017/169080 dated 14/03/2017 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that the N.R.C. in their 264th meeting held from 20-23 February, 2017 considered the matter regarding applications received from Teacher Education Institutes in the State of Rajasthan along with legal advice obtained and decided as under: "In cases where the institution 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."

AND WHEREAS the appellant, aggrieved by the order of the N.R.C. filed a S.B. Civil Writ No. 5231/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 21.03.2018 disposed of the petition by observing that the petitioner-institution is at liberty to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of two months.

AND WHEREAS Sh. Sushil Kumar, Secretary, Shri Ganesh College of Education, Churina, Narnaul Road, Buhana, Rajasthan presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that (i) the appellant society submitted their application for grant of recognition

for D.El.Ed. (Sanskrit) course on 30.10.2008; (ii) N.R.C. returned the application in the absence of recommendation of State Government of Rajasthan; (iii) the appellant filed a S.B. Civil Writ Petition No. 9236/2016 before the High Court of Rajasthan, Jaipur Bench and the Hon'ble Court in their order dt. 20/07/2016 directed "*The petitioner shall be at liberty to move an application before the Northern Regional Committee for recognition for BSTC (Sanskrit) Course strictly under the Regulations of 2014. In the event of an application being filed by the petitioner the same be decided by a reasoned and speaking order by the N.R.C. strictly in accordance with the Regulations of 2014 in a non-discriminatory manner.*" (iv) as per the Hon'ble Court's direction, the appellant again submitted their application on 01/08/2016; (v) the N.R.C. in their 264th meeting held on 20-23 February, 2017, without giving a reasonable opportunity of hearing returned their application; and (vi) no show cause notice was issued to the appellant as per the provision of Section 14(3)(b) of the NCTE Act, 1993.

AND WHEREAS the appellant further submitted that if they were given an opportunity to file afresh they would have done so but submission of online application was a virtual impossibility. The Council in their appellate order dt. 16.10.2017 in the case of St. Meera T.T. College held that when submission of online application was a virtual impossibility due to closure of NCTE portal, it cannot be held against the appellant. The appellant also submitted that N.R.C. had granted recognition to several institutions ignoring the above said shortcomings vide their order dt. 26.08.2016. The order of the N.R.C. dt. 14.03.2017 is neither reasoned nor a speaking order. The appellant has made necessary arrangements in regard to physical infrastructure and other facilities. The appellant requested that the N.R.C's order be set aside.

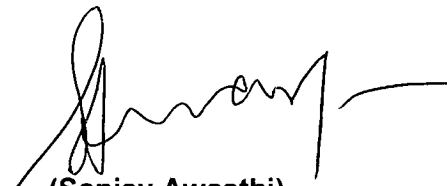
AND WHEREAS the Committee noted that the ground mentioned in the N.R.C.'s letter dt. 14/03/2017 is that appellant has not submitted their application as per Clause 5 of the NCTE Regulations, 2014. The N.R.C. is reported to have obtained legal advice before returning the application submitted earlier offline as mentioned in that Letter. Further from the letter received from the N.R.C., it is seen that only in cases where returned applications were processed, a Show Cause Notice was given before refusing

recognition and those applications where processing was not done were returned straight away. In the instant case the entire file of the N.R.C. appears to have been returned to the appellant.

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.

NOW THEREFORE, the Council hereby remands back the case of Shri Ganesh College of Education, Churina, Narnaul Road, Buhana, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shri Ganesh College of Education, Churina, Narnaul Road, Buhana – 333515, 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.89-173/E-71748/2018 Appeal/7th Mtg.-2018/23rd 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 Ganesh College of Education, Churina, Narnaul Road, Buhana, Rajasthan dated 05/04/2018 is against the Letter No. Old App/RJ-----/163/2017/169103 dated 14/03/2017 of the Northern Regional Committee, returning their application for grant of recognition for conducting M.Ed. Course on the grounds that the N.R.C. in their 264th meeting held from 20-23 February, 2017 considered the matter regarding applications received from Teacher Education Institutes in the State of Rajasthan along with legal advice obtained and decided as under: "in cases where the institution 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."

AND WHEREAS the appellant, aggrieved by the order of the N.R.C. filed a S.B. Civil Writ No. 5237/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 21.03.2018 disposed of the petition by observing that the petitioner-institution is at liberty to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of two months.

AND WHEREAS Sh. Sushil Kumar, Secretary, Shri Ganesh College of Education, Churina, Narnaul Road, Buhana, Rajasthan presented the case of the appellant institution on 23/04/2018. In the appeal and during personal presentation it was submitted that (i) the appellant society submitted their application for grant of

recognition for D.El.Ed. (Sanskrit) course on 18.02.2018; (ii) N.R.C. returned the application in the absence of recommendation of State Government of Rajasthan; (iii) the appellant filed a S.B. Civil Writ Petition No. 9230/2016 before the High Court of Rajasthan, Jaipur Bench and the Hon'ble Court in their order dt. 20/07/2016 directed *"The petitioner shall be at liberty to move an application before the Northern Regional Committee for recognition for BSTC (Sanskrit) Course strictly under the Regulations of 2014. In the event of an application being filed by the petitioner the same be decided by a reasoned and speaking order by the N.R.C. strictly in accordance with the Regulations of 2014 in a non-discriminatory manner."*; (iv) as per the Hon'ble Court's direction, the appellant again submitted their application on 01/08/2016; (v) the N.R.C. in their 264th meeting held on 20-23 February, 2017, without giving a reasonable opportunity of hearing returned their application; and (vi) no show cause notice was issued to the appellant as per the provision of Section 14(3)(b) of the NCTE Act, 1993.

AND WHEREAS the appellant further submitted that if they were given an opportunity to file afresh they would have done so but submission of online application was a virtual impossibility. The Council in their appellate order dt. 16.10.2017 in the case of St. Meera T.T. College held that when submission of online application was a virtual impossibility due to closure of NCTE portal, it cannot be held against the appellant. The appellant also submitted that N.R.C. had granted recognition to several institutions ignoring the above said shortcomings vide their order dt. 26.08.2016. The order of the N.R.C. dt. 14.03.2017 is neither reasoned nor a speaking order. The appellant has made necessary arrangements in regard to physical infrastructure and other facilities. The appellant requested that the N.R.C's order be set aside.


AND WHEREAS the Committee noted that the ground mentioned in the N.R.C.'s letter dt. 14/03/2017 is that appellant has not submitted their application as per Clause 5 of the NCTE Regulations, 2014. The N.R.C. is reported to have obtained legal advice before returning the application submitted earlier offline as mentioned in that Letter. Further from the letter received from the N.R.C., it is seen that only in cases where returned applications were processed, a Show Cause Notice was given before

refusing recognition and those applications where processing was not done were returned straight away. In the instant case the entire file of the N.R.C. appears to have been returned to the appellant.

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.

NOW THEREFORE, the Council hereby remands back the case of Shri Ganesh College of Education, Churina, Narnaul Road, Buhana, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shri Ganesh College of Education, Churina, Narnaul Road, Buhana – 333515, 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.

24



F.No.89-174/E-67073/2018 Appeal/7th Mtg.-2018/23rd 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 B.D.M.L. College of Education, Dhelawas, Mundawar, Rajasthan dated 27/02/2018 is against the Order No. NRC/NCTE/NRCAPP-6454/278th Meeting/2018/186869-74 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 as per clause 5, of NCTE Regulation, 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 composites 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. 3369/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dated 16.2.2018 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 will be disposed of expeditiously by the Appellate Authority.

AND WHEREAS Sh. Ravinder Kumar, Secretary, B.D.M.L. College of Education, Dhelawas, Mundawar, Rajasthan presented the case of the appellant institution on 23/04/2018. 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 and Procedure Regulations 2009 Notified on 31/08/2009 and in vague till 28/11/2014. This rejection ground of non-submission of NOC from the 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 affiliation body was not stipulated therefore, the question of its submission does not arise. This rejection ground of non-submission of any proof/evidence of being a composite institution is defunct, unjust and contravention of principle of natural justice. The appellant institution is already running a B.Ed. 4 year integrated course and covered as a composite institution. Recognition and affiliation orders are annexed herewith, supporting document are annexed. 1. Recognition order 2. Affiliation order, Further, the NCTE Regulations 2014 clearly says that the institution shall gradually turn into a composite institution as per NCTE Regulations, 2014. 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.

AND WHEREAS the Committee noted that the appellant submitted their application for D.El.Ed. course online on 30.12.2012. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 23.4.2016 in S.B. Civil Writ Petition No. 5120/2016, the appellant with their letter dt. 26.4.2016 resubmitted their file to NRC for taking further action. The NRC conducted an inspection of the appellant institution on 3.5.2016. Thereafter, the N.R.C. after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith 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 on 5.4.2017. The appellant sent a reply on 17.4.2017. The NRC 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 on 3.5.2016.

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 B.D.M.L. College of Education, Dhelawas, Mundawar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, B.D.M.L. College of Education, Dhelawas, Mundawar – 301407, 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.