F.No.89-436/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Bethesda Women Teachers Training College, Ranchi, Jharkhand dated 30/07/2016 is against the Order No. ERC/7-214.8.12/M.Ed./ERCAPP4298/2016/46790 dated 25.05.2016 of the Eastern Regional Committee, refusing recognition for conducting M.Ed. (Additional) course on the grounds that "1) Show Cause Notice was issued on 28/10/2015 on the following grounds: a) NOC from the affiliating body/examining body issued on or before 15th July 2015 not submitted. b) Submitted NAAC LOI is very old i.e. 01/01/2002 which is out of date and not acceptable.

AND WHEREAS Dr. Ashisan Tiru, Principal and Sh. Atal Irad Khess, Representative, Bethesda Women Teachers Training College, Ranchi, Jharkhand presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "NOC from affiliating body was applied on 20/06/2015 but NOC was received on 09/04/2016 vide letter no. GE/-2759 and the same was submitted to ERC, NCTE, Bhubaneswar. NAAC LOI submitted by us Track ID-JHCOTE25572 of dt. 09/11/2015 and again another LOI Track ID-JHCOTE26438 dt.23/06/2016 and IEQAdt- 18/07/2016. Reply to Show Cause Notice was submitted by the institution on 27/02/2016."

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 28.10.2015 was issued to the appellant institution on the following two grounds:

(i) Non-submission of NOC from affiliating body.

(ii) NAAC L.O.I. being very old not acceptable.

AND WHEREAS Appeal Committee further noted that appellant institution submitted a reply dated 22.02.2016 to SCN and informed that its application dated 09.11.2015 for NAAC accreditation is under process. The Norms and Standards contained in Appendix 5 of NCTE Regulation prescribe that institutions affiliated to a University having applied for NAAC accreditation are eligible to apply for M.Ed.

course. From the documents submitted by appellant it is evident that institution was earlier accredited with NAAC and after lapse of its earlier accreditation has reapplied for NAAC accreditation. Refusal of recognition on this ground therefore, is not justified and sustainable.

AND WHEREAS as regards, non-submission of NOC from affiliating body, Appeal Committee noted that appellant institution has failed to comply with the condition of submitting NOC before the last date of submission of printout of online application as required under Clause 5(3) of the NCTE Regulations, 2014.

AND WHEREAS Appeal Committee therefore, decided to confirm the refusal order dated 25.05.2016 issued by ERC notwithstanding that No Objection Certificate dated 09.04.2016 issued by concerned affiliating University was made available to ERC by the appellant institution on 16.04.2016.

AND WHEREAS after perusal of the Memorandum of Appeal, affidavit, documents on record and oral argument advanced during the hearing, Appeal Committee concluded to confirm the refusal order dated 25.05.2016 issued by ERC on the ground that No Objection Certificate of affiliating body was not submitted before the last date for submission of the print out of application.

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Bethesda Women Teachers Training College, 793, Lease, Ranchi, Jharkhand - 834001.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of Jharkhand, Ranchi.

(2)

F.No.89-437/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Ashoka College of Education, Kolua Khurd, Bhopal, Madhya Pradesh dated 29/07/2016 is against the Order No. WRC/APP2616/223/254th/2016/168991. dated 15/06/2016 of the Western Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "The Building Completion Certificate is not signed by the Engineer. Regarding the Composite nature of the institution, the institution stated that it is running a separate Degree College. A composite institution is one where all the courses are run under one college. The notarized copy of CLU is not signed and it is not clear whether conversion has been done or not. Hence, Recognition for B.Ed. course is refused."

AND WHEREAS Dr. Umesh Gaur, Director and Sh. Ashok Singh, Chairman, Ashoka College of Education, Kolua Khurd, Bhopal presented the case of appellant institution on 24/10//2016. In the appeal and during personal presentation it was submitted that "In the show cause notice No. WRC/APP2616/223/241st/2016/160274 the query was "In building plan Khasra No. is not mentioned." Accordingly building plan with Khasra No. was enclosed. Now in refusal order dated 15/06/2016 it is stated that "Building plan has not been signed by the competent àüthority. The building completion certificate is not signed by the Engineer." In the show cause notice served earlier date 16/02/2016 it was never mentioned that building plan is to be signed by competent authority. As per your show cause notice the notarized copy of CLU was submitted. Now in your refusal letter you are saying CLU is not signed. In this regard it is to inform you that CLU is now available "On Line" therefore certificate is digitally signed by the competent authority & the same was submitted. In our case conversion is not applicable as per the State Govt. no. F-2-1/2012/7/Govt-6 Bhopal dated 25/06/2016 (Enclosure No. 06, 07, 08). The educational society Ganpati Shiksha Evam Samaj Sudhar Samiti, Bhopal (MP) has been running an educational institute affiliated to Barkatullah

University, Bhopal (MP) with courses BBA, BCA, B.Com. whereby a No Objection Certificate has been issued by the said University. The society has constructed the exclusive standalone building for the course affiliated from the NCTE (B.Ed. Course)."

AND WHEREAS Appeal Committee noted that Show Cause Notice (SCN) dated 16.02.2016 was issued to appellant institution on following grounds:

(i) Society Registration and byelaws not submitted.
(ii) In Building Plan khasra number not mentioned.
(iii) Notarised copy of Building Completion Certificate not submitted.
(iv) Notarised copy of Non-encumbrance Certificate not submitted.
(v) Notarised copy of C.L.U. not submitted
(vi) Being a standalone institution Clause 2(b) of NCTE Regulations not fulfilled.

AND WHEREAS Appeal Committee further noted that appellant institution submitted reply dated 08.03.2016 to the S.C.N. submitting a compliance report to points 1 to 6. On consideration, Appeal Committee observed that the building plan submitted by appellant institution alongwith its application did not mention the Plot number, Khasra Number and it was approved by Sarpanch, village – Panchayat Kolua Khurd. On getting S.C.N., the appellant submitted a building plan which mentioned khasra number and address of the property but it did not have the approval of the Competent authority. As such neither of the copies of building plan was a complete and compact document. The Building Completion Certificate dated 30.11.2012 submitted by appellant institution alongwith reply to S.C.N. is neither in the prescribed proforma containing details of built-up area nor is signed by Competent Authority. The Land Use Certificate dated 14/05/2015 submitted by the appellant mentions the land use as 'agriculture'. The appellant further submitted copy of letter dated 5/03/2016 issued by Barkatullah University, Bhopal granting temporary affiliation to Gateway Institution of Dynamic Education, Bhopal for conducting BBA, BCA and B.Com courses. Appeal Committee observed that the name of appellant institution differs from the name of institution affiliated by Barkatullah University for conducting BBA, BCA and B.Com courses.

AND WHEREAS appellant institution also did not furnish details of programmes other than teacher education at page 2 of the application from. In these circumstances, Appeal Committee found that contention of appellant that it is covered under the definition of 'Composite' cannot be accepted.

AND WHEREAS the Building Completion Certificate submitted by appellant on 24.10.2016 is not a valid document because it is not approved by any civic authority with all necessary details and building plan alone cannot be treated as valid evidence of construction. Appeal Committee after taking note of the Show Cause Notice, its reply and submissions made by appellant decided to confirm the refusal order dated 15.06.2016.

AND WHEREAS after perusal of the memorandum of Appeals affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the refusal order dated 15.06.2016 issued by WRC for the reasons given in para 4 above.

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Ashoka College of Education, 115/2/2 & 115/2/3, Ownership, Kolua Khurd, Bhopal, Madhya Pradesh – 462021.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

(3)

F.No.89-438/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Ch. Jagdish Singh Sudhir Singh Mahavidyalaya, Lelepur Lalsan Kannauj, Kannauj, Uttar Pradesh dated 26/07/2016 is against the Order No. NRC/NCTE/NRCAPP-13509/252nd (Part-5) Meeting/2016/149501 dated 27/05/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The reply of the applicant institution to show cause notice by NRC received in the NRC office on 01/03/2016 was considered by the Committee. The following observations were made on the basis of VTR and video CD sent alongwith reply of SCN:- The building is yet under construction and is not ready for the proposed course. Boundary wall of the institution is no where seen in the video CD. Video CD does not reveal dimensions of different rooms."

AND WHEREAS Sh. Nandaram, Clerk, Ch. Jagdish Singh Sudhir Singh Mahavidyalaya, Lelepur Lalsan Kannauj, Kannauj, Uttar Pradesh presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "Office and toilet is built according to the building plan. Boundary wall is built. Necessary furniture, lab equipment's and other resource to run the proposed course are available."

AND WHEREAS Appeal Committee noted that inspection of the institution was conducted on 27.01.2016 and the Visiting Team in its report had mentioned that office area, toilets and boundary wall of the institution was not constructed. Visiting Team further reported that there were no Lab, equipment and other resources to run the proposed course. N.R.C. in its 250th Meeting held on 21.02.2016 decided to issue a Show Cause Notice (S.C.N.) to appellant institution on those grounds and appellant by noting the decision of Northern Regional Committee from the website sought extension of time to complete the construction work. As per Clause 8(7) of the NCTE Regulations, 2014 the building of the institution shall be completely equipped with all

necessary amenities and fulfilling the requirements as prescribed in the norms and standards. The representative of the appellant institutions on the day of appeal hearing could neither explain the deficiencies reported by Visiting Team in its report nor could apprise the Appeal Committee of the present status of preparedness of the appellant institution to conduct the course.

AND WHEREAS Appeal Committee, therefore, decided to confirm the refusal order dated 27.05.2016 issued by Northern Regional Committee.

AND WHEREAS after perusal of the Memorandum of Appeal affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the refusal order dated 27.05.2016 issued by Northern Regional Committee.

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

(Sanjay Awasthi)
Member Secretary

1. The Manager, Ch. Jagdish Singh Sudhir Singh Mahavidyalaya, 3041, 3134, Lelepur Kalsan Kannauj, Uttar Pradesh – 209723.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(4)

F.No.89-439/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Rajiv Gandhi Girls P.G. College, Pardahan Mau, Maunath Bhanjan, Mau, Uttar Pradesh dated 23/07/2016 is against the Order No. NRC/NCTE/NRCAPP-13598/249th Meeting/2016 dated 04.08.2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "Reply submitted by the institution in response to SCN dated 03 December, 2015 is not satisfactory because land is not in favour of the name of the proposed institution i.e. Rajiv Gandhi Girls P.G. College."

AND WHEREAS Sh. Sayeed Uddin Khan, Dy. Sec. and Dr. Huma Pary, Assistant Professor, Rajiv Gandhi Girls P.G. College, Pardahan Mau, Maunath Bhanjan, Mau, Uttar Pradesh presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "Please accept my college upgrade name of "Rajiv Gandhi Girls P.G. College". I provide affiliation letter attached for necessary action."

AND WHEREAS Appeal Committee noted that application for D.El.Ed. course was submitted by appellant with trust name as 'Rajiv Memorial Education and Charitable Society Pardahan Mau'. The name of proposed institution as mentioned at page 3 of the application form is 'Rajiv Gandhi Girls P.G. College Pardahan Mau.' The institution is already conducting B.Ed. programme since 2010 with institution name as 'Rajiv Gandhi Mahila Mahavidyalaya Pardahan, Mau.'

AND WHEREAS Appeal Committee noted that as per Municipal Council's records land bearing plot numbers 1089, 1545 and 1546 measuring 7630 sq. meters will be used for conducting D.El.Ed. course by Rajiv Gandhi Mahila P.G. College, Pardahan Mau. Appeal Committee further noted that the two land documents enclosed with the application are in favour of transfer of land to Rajiv Gandhi Mahila

Mahavidyalaya, Pardahan, Mau. Appellant during the course of appeal presentation on 24.10.2016 explained to the Appeal Committee that the institution started P.G. courses in education in 2013 after getting UGC's approval. Therefore, the words 'P.G.' were added to the name of institution whereas land documents remain to be in its earlier name and status.

AND WHEREAS Appeal Committee is convinced with the clarification submitted by the appellant as it is not in any way contrary to the spirit of NCTE Regulations 8(4)(i). Appeal Committee, therefore, decided to remand back the case to Northern Regional Committee for further processing of the application. The Visiting Team at the time of inspection may verify the adequacy of land and built up area taking into account all the programmes being conducted by the appellant institution.

AND WHEREAS after perusal of the Memorandum of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to Northern Regional Committee for further processing of the application.

NOW THEREFORE, the Council hereby remands back the case of Rajiv Gandhi Girls P.G. College, Pardahan Mau, Maunath Bhanjan, Mau, Uttar Pradesh to the N.RC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Manager, Rajiv Gandhi Girls P.G. College Pardahan, 1089, 1545, 1546, Ownership, Maunath Bhanjan, Mau, Uttar Pradesh – 275101.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(6)

F.No.89-441/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Guru Nanak Degree College, Seohara, Bijnor, Uttar Pradesh dated 28/07/2016 is against the Order No. NRC/NCTE/NRCAPP-13310/249th (Part-6) Meeting/2016/149494 dated 27/05/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "Land is on private lease which contravenes the provisions of clause 8(4)(i) of NCTE Regulations, 2014."

AND WHEREAS Dr. Udai Veer Singh, Principal, Guru Nanak Degree College, Seohara, Bijnor, Uttar Pradesh presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "Land registered document already submitted. Land is registered in favour of trust. Land document already three time submitted in NCTE, Jaipur."

AND WHEREAS Appeal Committee noted that appellant institution submitted online application on 06/06/2015 for D.El.Ed. programme and the name of applicant Trust as mentioned in the application form is mentioned as 'Guru Name Charitable and Education Trust." The word Guru Nanak seems to be wrongly typed as 'Guru Name' in the application form. The name of applicant institution is 'Guru Nanak Degree College'. Appeal Committee further noted that land documents submitted by the applicant institution is a Lease Deed between the applicant Trust and the applicant institution. The ownership of land rests with applicant Trust and copy of sale deed in favour of the Trust is also submitted by the applicant alongwith printout of the application. Clause 8(4)(i) of the NCTE Regulations, 2014 very clearly states that institution or society sponsoring the institution shall be in possession of land on ownership basis as on the date of application. In the present case applicant Trust possess the land on ownership basis and the transfer of possession from applicant Trust to applicant institution in no way alters the position.

AND WHEREAS Appeal Committee, therefore, decided to remand back the case to Northern Regional Committee for further processing of the application.

AND WHEREAS after perusal of the Memorandum of Appeal, affidavit documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to Northern Regional Committee for further processing of the application.

NOW THEREFORE, the Council hereby remands back the case of Guru Nanak Degree College, Seohara, Bijnor, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Principal, Guru Nanak Degree College, Vill. – Umarpur, Khadar Post – Seohara, District - Bijnor, Seohara, Uttar Pradesh – 246745.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(7)

F.No.89-443/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Amity Institute of Education, Malhaur, Lucknow, Uttar Pradesh dated 02/08/2016 is against the Order No. NRC/NCTE/NRCAPP-9959/253rd Meeting/2016/153410 dated 13/07/2016 of the Northern Regional Committee, refusing recognition for conducting B.El.Ed. course on the grounds that "Show cause notice was issued to the institution on following grounds: The applicant institution has not submitted any proof/evidence that it is already offering courses as have been mentioned in 1.2 of the NCTE Regulations, 2014. Reply of the SCN submitted by the institution is not satisfactory. The institution is not offering UG programmes in liberal arts, humanities, social sciences, commerce, mathematics and sciences as required by NCTE Regulations, 2014. As per land documents submitted by the institution, Amity Institute of Education or sponsoring society/trust i.e. Amity University does not have land in its possession."

AND WHEREAS Sh. Ashish Singh, Director and Kamesh Gautam, Asstt. Director, Amity Institute of Education, Malhaur, Lucknow, Uttar Pradesh presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "Amity Institute of Education Amity Lucknow Campus is running B.Ed. and M.Ed. programmes recognised by NCTE and is a composite institution. Land is in possession of the society i.e. Ritnand Balved Education Foundation (RBEF)."

AND WHEREAS Appeal Committee noted that applicant applied for B.El.Ed. course with institution name as 'Amity Institute of Education' and applicant society's name as 'Amity University, Uttar Pradesh, Lucknow. Inspection of the applicant institution was conducted on 20.01.2016. The Visiting Team in its report had mentioned that application institution is already conducting B.Ed. and M.Ed. programme and the name of management is Ritand Bdder Education Foundation.

The applicant in its applicant had also declared that it is conducting a number of programmes other than teacher education and B.Ed. as a teacher education programme. Appeal Committee further observed that the name of applicant society i.e. Ritnand Balved Education Foundation' though not mentioned in the application form finds place in many of the documents such as 'Land document', 'letter of authorisation of Amity University' and 'Non-encumbrance Certificate etc. It is quite interesting to note that Non Encumbrance Certificate submitted by applicant alongwith its application is rather a letter from Oriental Bank indicating encumbrance on the captioned property by means of raising credit facilities.

AND WHEREAS Appeal Committee noted that N.R.C. in its 250th Meeting held on 21.02.2016 decided to issue a Show Cause Notice on the ground that applicant institution has not submitted any evidence that it is a composite institution as defined in Clause 1.2 of NCTE Regulations, 2014. No formal S.C.N. was issued. The applicant noting the decision of N.R.C. taken in its 250th meeting submitted a reply which was received in the office of N.R.C. on 11.03.2016. Amity University in its reply, submitted a list of 19 undergraduate programmes and 19 post graduate programmes being conducted at Lucknow campus of Amity University.

AND WHEREAS impugned order dated 13.07.2016 issued by N.R.C. is on two grounds namely:-

(i) The institute is not offering U.G. programmes in liberal arts, humanities, social sciences, commerce, mathematics and sciences as required in the NCTE Regulations, 2014.

(ii) As per land documents, Amity institute of Education or sponsoring society – Amity University does not have land in possession.

AND WHEREAS Appeal Committee observed that refusal of recognition for the reason that institution is not offering U.G. programmes in Liberal arts does not stand substantiated keeping in view that Website of Amity University, Lucknow could have been cross checked to verify the information submitted by it vide its letter dated 11.03.2016 wherein it was informed that 5 programmes in liberal arts are being conducted by the appellant University.

AND WHEREAS as regards, the second reason of refusal i.e. non possession of land by applicant institution/society, Appeal Committee is of the view that had it been a valid reason, the application of appellant institution should not have been processed upto the stage of causing inspection as valid land documents in favour of institution/society/trust are invariably required to be submitted with the application. The Regional Committee office had also failed to check the encumbrance created on the land documents as mentioned by the Oriental Bank.

AND WHEREAS taking into account the circumstances of the case, Appeal Committee, decided to remand back the case to Northern Regional Committee for revisiting the matter and issue a revised speaking order after giving reasonable opportunity to the appellant institution to explain the points of deficiency.

AND WHEREAS after perusal of the Memorandum of Appeal, affidavit documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to Northern Regional Committee for revisiting the case and issue a reasoned speaking order after giving the appellant institution a reasonable opportunity to submit written representation on the points of deficiency.

NOW THEREFORE, the Council hereby remands back the case of Amity Institute of Education, Malhaur, Lucknow, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. **The Jt. Registrar-Projects, Amity Institute of Education, 444, 460, 446, 473, 461, 472, 470, 4, Malhaur, Lucknow, Uttar Pradesh – 226028.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. 3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(8)

F.No.89-444/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of SSS Swarg Parashuram Umrao College, Ajampur Garhwa, Fatehpur, Uttar Pradesh dated 29/07/2016 is against the Order No. NRC/NCTE/NRCAPP-13391/253rd (Part-1) Meeting/2016/150347 dated 09/06/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The reply submitted by the institution in response to the Show Cause Notice is not acceptable."

AND WHEREAS Sh. Sunil Kumar, Representative, SSS Swarg Parashuram Umrao College, Ajampur Garhwa, Fatehpur, Uttar Pradesh presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "on date 17/06/2015 order no. 107784 submitted to NCTE. On date 23/04/2016 order no. 139313 submitted to NCTE. The show cause notice not pointed out the causes of not accepting."

AND WHEREAS Appeal Committee noted that appellant institution submitted online application for D.El.Ed. course on 09.06.2015 and a Show Cause Notice (S.C.N.) dated 14.10.2015 was subsequently issued on grounds of failure to submit N.O.C. of affiliating body. Appellant institution vide its reply dated 08.02.2016 submitted N.O.C. dated 10.06.2015 issued by the affiliating body.

AND WHEREAS N.R.C. in its 249th meeting decided to issue another Show Cause Notice (S.C.N.) as the appellant institution had not submitted certified copy of land documents. Appellant by taking note of the decision taken in 249th meeting of N.R.C. held on 5th , 6th – 9th February, 2016 submitted copy of 'Khatoni.' Appeal Committee observed that Clause 5(4) of the NCTE Regulations, 2014 clearly mention that copy of registered land document issued by competent authority shall be submitted alongwith application. Khatoni is only a supporting document and as per

NCTE Regulations, copy of registered sale deed of the land should have been submitted by the appellant alongwith application. The appellant had failed to submit the required land documents even after being given an opportunity by issuing a S.C.N. During the course of appeal presentation on 24.10.2014, the representative of the institution had further not been able to state any valid reason for non-submission of copy of registered. The Appeal Committee, therefore, decided to confirm the refusal order dated 09.06.2016 issued by Northern Regional Committee, Jaipur.

AND WHEREAS after perusal of the Memorandum of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the refusal order dated 09.06.2016 issued by Northern Regional Committee, Jaipur.

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

(Sanjay Awasthi)
Member Secretary

1. The Manager, SSS Swarg Parashuram Umrao College, Plot No. 547-560 KH-652 Street T-06 Village – Garhwa, Fatehpur, Uttar Pradesh – 212631.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(9)

F.No.89-445/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Ram Teerath College of Education, Hapur, Ghaziabad, Uttar Pradesh dated 02/08/2016 is against the Order No. NRC/NCTE/NRCAPP-13563/251st (Part-3) Meeting/2016/149766 dated 02/06/2016 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Sc. course on the grounds that "The applicant institution has not submitted any proof/evidence that it is offering under graduate or post graduate programme of studies in the field of Liberal Arts or Humanities or Social Science or Science or Mathematics for getting grant of recognition for 4 year integrated programme leading to B.Sc. B.Ed./B.A. B.Ed. Degree as has been mentioned in Clause 2(b) of NCTE Regulations, 2014 and clause 1.1 of the Appendix 13 (Norms & Standards for B.A. B.Ed./B.Sc. B.Ed. Degree). Non-encumbrance certificate has not been submitted. The institution has not submitted the certified copy of the land documents duly certified by the Registrar / sub-Registrar of the District. Demarcated duly verified by competent authority having Khasra No./Gatta No., total land area, total built up area, name of the institution of course etc. not submitted."

AND WHEREAS Sh. Mohit Agarwal, President and Sh. Gagan Deep Batla, Secretary, Ram Teerath College of Education, Hapur, Ghaziabad, Uttar Pradesh presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "As per clause 1.2 of Appendix 13 of NCTE Regulations, it has been specified that this programmes can be offered in Composite institution as specified in Clause 2 of NCTE Regulations 2014, which states as under: "Composite Institution" means a duly recognised High Education Institution offering undergraduate or Postgraduate programmes of study in the field of liberal arts or humanities or social science or sciences or commerce or mathematics, as the case may be, at the time of applying for recognition of teacher

education programme, or an institution offering multiple teacher education programmes. It is to bring to the notice of the Hon'ble Appellant Authority that to become a composite institution, our institution had submitted application for two courses viz. B.A. B.Ed. and D.El.Ed. course in accordance with NCTE Regulations, 2014. Further, our institution had also submitted an application to CCS University for B.A./B.Sc./B.Com course (s) (copy of NOC of University attached). The above documents were submitted to the NCTE at the time of application and also handed over to the Visiting Team. It is also submitted that it shows the indifferent attitude of NCTE in refusing our application on the ground, which were to be verified at the time of processing of application. The NRC cannot refuse recognition to our institution after causing inspection and then refusing recognition on the ground that were to be verified at the time of initial processing of application."

AND WHEREAS Appeal Committee noted that appellant institution submitted application dated 16/06/2015 seeking recognition for B.A., B.Sc. programme. The exact nomenclature of the programme is B.A., B.Ed./B.Sc. B.Ed. degree. A Show Cause Notice (S.C.N.) dated 16.10.2015 was issued to appellant institution on ground of "Failure to submit NOC of the affiliating body with the hard copy of application." In reply to the above S.C.N., the appellant institution submitted vide its letter dated 13.11.2015, N.O.C. dated 10.11.2015 issued by Ch. Charan Singh University, Meerut. The Regional Committee, ignoring the fact that N.O.C. dated 10.11.2015 is not acceptable as was rightly pointed out at page 4 of the notes of the relevant file, processed the file further and got the institution inspected on 14.02.2016. After getting the Inspection Report, N.R.C. in its 250th meeting held on 26-27 February, 2016 decided to issue another Show Cause Notice on following grounds:

(i) No evidence of running B.A./B.Sc. courses.

(ii) Non encumbrance Certificate not submitted.

(iii) Certified Copy of registered land documents not submitted.

AND WHEREAS appellant in response to the decision taken in 250th meeting of N.R.C. submitted a reply dated Nil received in the office of N.R.C. on 2/03/2016. Appeal Committee observed that Tehsildar, Hapur Dist. has issued an endorsement that there is no revenue collection pending against the land of applicant institution. Appellant institution also furnished certified copy of the Gift Deed in respect of land

at Khasra no. 293 measuring 0.3880 Hectare, sale deed of land measuring 0.1900 Hec. The appellant further submitted to N.R.C. online on 2.06.2016 copy of letter dated 19.05.2016 issued by Ch. Charan Singh University affiliating the appellant institution for conducting programmes of B.A., B.Com. Further the appellant institution has applied for a D.El.Ed. programme.

AND WHEREAS Appeal Committee further noted that refusal order dated 02.06.2016 is on four grounds whereas the decision of Regional Committee was to refuse recognition on three grounds. Following new reason was incorporated in the refusal order:-

"Demarcated duly verified by Competent authority having khasra number/ Gatta No., total land area, total built up area, name of institution of course etc. not submitted."

AND WHEREAS Appeal Committee is of the view that any point of refusal for which the appellant institution has not been extended an opportunity to submit written representation is not valid.

AND WHEREAS Appeal Committee, therefore, decided to remand back the case to Northern Regional Committee for revisiting the case and passing a reasoned order after extending a reasonable opportunity to the appellant seeking written representation against each and every point on which it is proposed to refuse the recognition.

AND WHEREAS after perusal of the Memorandum of Appeal, affidavit, document on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to Northern Regional Committee for passing a reasoned order after extending a reasonable opportunity to the appellant institution seeking written representation against each and every point on which it is proposed to refuse recognition.

NOW THEREFORE, the Council hereby remands back the case of Ram Teerath College of Education, Hapur, Ghaziabad, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Ram Teerath College of Education, 293, Ownership, NA, Vavada, Hapur, Ghaziabad, Uttar Pradesh – 245101.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(10)

F.No.89-446/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Sudha Shiksha Mahavidyalaya, Dabra Jhansi Road, Gwalior, Madhya Pradesh dated 02/08/2016 is against the Order No. WRC/APP2966/223/253rd 2016/168444 dated 03/06/2016 of the Western Regional Committee, refusing recognition for conducting B.Ed. course on the grounds "Show Cause Notice was issued to the institution on 12/02/2016 and the reply was received on 11/03/2016. Through the Show Cause Notice, the institution was asked to clarify on the fact that the land is in the name of an individual which is not acceptable as per NCTE Regulations. Secondly, the institution was asked to abide by the clause 2(b) of the NCTE Regulations, 2014 regarding the composite nature of the institution. The institution has not replied to this point. Hence, Recognition is refused."

AND WHEREAS Sh. Sudeep Sharma, Secretary, Sudha Shiksha Mahavidyalaya, Dabra Jhansi Road, Gwalior, Madhya Pradesh presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "Land is already name of society as per NCTE Norms. Land document and diversion, khasra attached from application form. Sir, society will be apply for other education course (M.Ed.) for next session affidavit enclosed."

AND WHEREAS Appeal Committee noted that a Show Cause Notice (S.C.N.) dated 12.02.2016 was issued to appellant institution seeking written representation against seven points of deficiencies. The appellant submitting a reply dated 10.03.2016 to the S.C.N. After considering the reply to S.C.N., the Regional Committee issued impugned order dated 03/06/2016 on following two grounds namely:

(i) Land is in the name of an individual.

(ii) Applicant institution is not covered under the definition of 'Composite institution' as defined under Clause 2(b) and required under Clause 3(a) of the NCTE Regulations, 2014.

AND WHEREAS Appeal Committee observed that appellant institution furnished copy of a will notarised on 26.06.2014 relinquishing the land in favour of the society. As a matter of general understanding 'will' can be altered and changed at any subsequent stage and the document cannot be accepted as a valid legal land document in favour of the applicant society/institution. Appeal Committee further noted that appellant also did not submit any evidence in support of its being a Composite institution and also did not furnish any information from which it can be derived that it has applied for any other teacher education programme. As per existing NCTE Regulations, teacher education programme cannot be sanctioned in standalone institutions.

AND WHEREAS Keeping in view that registered land documents in favour of either the sponsoring society or institution were not submitted by appellant institution and also that institution is a stand alone institution, Appeal Committee decided to confirm the refusal order dated 03.06.2016 issued by Western Regional Committee, Bhopal.

AND WHEREAS after perusal of the Memorandum of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the refusal order dated 03.06.2016 issued by Western Regional Committee, Bhopal.

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Sudha Shiksha Mahavidyalaya, 1360/2MIN-2, Rora Dabra Jhansi Road, Gwalior, Madhya Pradesh – 475001.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

(12)

F.No.89-448/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02\12\16

ORDER

WHEREAS the appeal of Shyam Sai Institute of Education, Mairwa, Siwan, Bihar dated 05/08/2016 is against the Order No. WRC/APP05238/223565/254th/2016/169102 dated 28/06/2016 of the Eastern Regional Committee, refusing recognition for conducting D.El..Ed. course on the grounds that "a. Show cause notice was issued on 09/02/2016 on the following grounds: (i) As per submitted building plan, the built up area is 2683.40 sq. mts. only, which is less than the required 3500 sqm. stipulated in the NCTE Regulations for B.Ed. (2 unit) + D.El.Ed. (1 Unit) programme. b. No reply from the institution has been received till date and time limit is over. In view the above, the Committee decided as under: The Committee is of the opinion that application bearing code No. ERCAPP3914 of the institution regarding permission for D.El.Ed. programme is refused under section 15(3()(b) of NCTE Act 1993."

AND WHEREAS Sh. Rakesh Kumar, Representative, Shyam Sai Institute of Education, Mairwa, Siwan, Bihar presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "the actual building plan of the institute for B.Ed. (2 unit) & D.El.Ed. (2 unit) total covered area 4057.93 sq. mts. is submitted by the trust to RD, ERC, by Courier First Flight (No. W991M0944306) will reference to ERC, minutes of the meeting 202 held on 18-23rd Jan, 2016 and it received in the ERC NCTE office on 25/02/2016. The Show Cause Notice referred to it (ERC/202.9(1)686/APP3914/D.El.Ed.(Addl. Course)/ 2016/42379 dt. 09/02/2016 is received on 26/02/2016 by the trust. In the previous building plan (submitted with application) covered area 2683.40 sq. mts. submitted to ERC, NCTE was a human error."

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 09/02/2016 was issued to appellant institution on account of inadequate built up area of 2683 sq. meter as shown in the building plan for 2 units of existing B.Ed. programme and one proposed unit of D.El.Ed. programme. The impugned order

dated 28.06.2016 is on the ground that appellant institution did not submit reply to Show Cause Notice of 09.02.2016.

AND WHEREAS appellant during the course of appeal presentation contested that reply to S.C.N. was sent by courier. Receipt issued by First Flight Courier Services is also submitted during the course of appeal presentation. Copy of the track report submitted by the appellant indicated that consignment booked from Ghaziabad on 22.02.2016 was delivered at Bhubaneswar on 25.02.2016. It is however, surprising that appellant institution and the applicant Society both are located in Bihar and the reply was sent from Ghaziabad. It is however, for the applicant to show some concrete evidence to the Eastern Regional Committee to strengthen their claim of having sent a reply to S.C.N.

AND WHEREAS Appeal Committee keeping in view the submissions made by appellant decided to remand back the case to Eastern Regional Committee for consideration of the reply dated 11.02.2016 sent by courier to Eastern Regional Committee. Appellant is also directed to resubmit copy its earlier reply sent to Eastern Regional Committee within 15 days of the issue of Appeal order.

AND WHEREAS after perusal of the Memorandum of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to Eastern Regional Committee for consideration of the reply to Show Cause Notice. The appellant is directed to resubmit copy of its earlier reply to Eastern Regional Committee within 15 days of the issue of Appeal orders alongwith some concrete evidence of having submitted a reply to Eastern Regional Committee, Bhubaneswar through First Flight Courier Services.

NOW THEREFORE, the Council hereby remands back the case of Shyam Sai Institute of Education, Mairwa, Siwan, Bihar to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. **The Managing Trustee, Shyam Sai Institute of Education, 41, 43, 44, 63, 67, 68, 82/ 2, 16, Non-Agricultural (Educational), Shyamdevi, Mairwa, Siwan, Bihar – 841239.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.

(13)

F.No.89-449/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of N.K. Patel Education College, Betul, Madhya Pradesh dated 1/08/2016 is against the Order No. WRC/APP3154/223/254th/2016/168981 dated 15/06/2016 of the Western Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "Show Cause Notice was issued on 15/02/2016 and the replies were received on 14/03/2016 and 20/04/2016. While all the documents indicate the land is situated in khasra no. 299/13, Patwari Halka No.11, the certified copy of land documents shows that the land is situated in khasra no. 299/10, Patwari Halka No. 28/11. The Society has not replied to the Show Cause Notice point regarding the fact that the institution is a standalone which is not permitted as per Clause 2(b) of the NCTE Regulations, 2014. Hence, Recognition for B.Ed. course is refused."

AND WHEREAS Sh. Mahendra Singh, Chairman and Dr. Nitesh Pal, Faculty Member, N.K. Patel Education College, Betul, Madhya Pradesh presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "During online application form and also in the reply of Show Cause Notice, the institute has submitted certified copy of the registered land document (khasra No. 299/13, Patwari Halka No. 28/11) Khasra No. 299/13, Patwari Halka No. 28/11 divided and registered in the name of institute/society into khasra No. 299/10, Patwari Halka No. 28/11. Institute have already submitted all essential registered land and building related documents like CLU building approval plan, land document (khasra khatoni), non-encumbrance."

AND WHEREAS Appeal Committee noted that impugned order dated 15/06/2016 is basically on two grounds i.e.

(i) In the application, land identification number is mentioned as 299/13, Village Sakadehi, Betul, Madhya Pradesh. The certified copy of land documents shows that land is situated at Khasra no. 299/10, Patwari Halka no. 28/10.

(ii) The institution is a standalone institution which is not permitted under Clause 2(b) of NCTE Regulations, 2014.

AND WHEREAS Appeal Committee noted that whereas appellant institution submitted notarised copy of land documents Show Cause Notice dated 15.02.2016 was issued to submit certified copy of land documents and the discrepancy if any with regard to khasra number etc. was not raised at that stage. The appellant submitted certified copy of same land documents duly supported by Khatoni documents on 27.04.2016 in reply to S.C.N. Further during the course of appeal presentation, the Chairperson of appellant institution orally explained that the land purchased by society was located in khasra in 299/10 and the part purchased by the society was renumbered as 299/13 in the revenue records.

AND WHEREAS Appeal Committee further noted that appellant institution neither furnished details of any other teacher education programme existing or applied for in the application form nor did it opt to reply to the relevant point of composite status of institution. In the S.C.N. dated 15/02/2016 deficiency pointed out at serial no. 6 specifically pertained to the status of appellant institution with regard to Clause 3(a) and 2(b) of the NCTE Regulations, 2014.

AND WHEREAS Appeal Committee after noting that appellant institution has not submitted any clarification with regard to the stand alone status of institution in compliance with clause 3(a) of NCTE Regulation, 2014, decided to confirm the refusal order dated 15.06.2016.

AND WHEREAS after perusal of the Memorandum of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the refusal order dated 15.06.2016 issued by Western Regional Committee on the ground that appellant institution has failed to

submit evidence in support of its composite status as requested under Clause 3(a) of NCTE Regulation, 2014.

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

(Sanjay Awasthi)
Member Secretary

1. The Manager, N.K. Patel Education College, Plot No. 299/13, Street No. NH-69, Village – Sakadehi PO – Betul, Tehsil – Betul, City – Betul, District – Betul – 460001, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

(14)

F.No.89-450/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Mirambika Centre for Research in Integral Education and Human Values, South Delhi, Delhi dated 10/08/2016 is against the Order No. NRC/NCTE/NRCAPP-9932/251st (Part-1) Meeting/2016/ dated 29/06/2016 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "The institution has not submitted reply of Show Cause Notice."

AND WHEREAS Ms. Jayanthy Ramachandran & Harpal Bhalla, Representative, Mirambika Centre for Research in Integral Education and Human Values, South Delhi, Delhi presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "NCTE accepted our application, however, at the time when inspection was to take place, there was stay order on the building by the Delhi High Court. The stay was lifted through a Court order only on 7th July, 2016. The refusal order came from NCTE only on the 29th June 2016 and the application for 2017-18 section was closed on 30th June 2016. We appeal that our application to run the college may be reconsidered in view of the above reasons."

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 12.10.2015 was issued to appellant institution on grounds of failure to submit N.O.C. issued by concerned affiliating body.' Appellant institution neither submitted reply to Show Cause Notice nor did it submit N.O.C. issued by appellant institution. During the course of appeal presentation appellant apprised that due to some land and building dispute pending in the High Court of Delhi, the appellant could not obtain N.O.C. from the affiliating body. Clause 5(3) of the NCTE Regulations, 2014 includes a provision for mandatory submission of N.O.C. issued by concerned affiliating body alongwith hard copy of the application.

AND WHEREAS Appeal Committee noted that the appellant institution has not submitted No Objection Certificate issued by the affiliating body. The Committee, therefore, decided to confirm the refusal order dated 29.06.2016 issued by Northern Regional Committee, Jaipur.

AND WHEREAS after perusal of the Memorandum of Appeal affidavit document on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the refusal order dated 29.06.2016 issued by Northern Regional Committee, Jaipur.

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

(Sanjay Awasthi)
Member Secretary

1. **The Secretary/Appellant, Mirambika Centre for Research in Integral Education and Human Values, Sri Aurobindo Ashram, Sri Aurobindo Marg, South Delhi, Delhi – 110016.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Delhi.

(15)

F.No.89-453/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02\12\16

ORDER

WHEREAS the appeal of Patel Degree College, Aliyapur Post Dharmangadpur Sajeti Kanpur Nagar, Uttar Pradesh dated 01/08/2016 is against the Order No. NRC/NCTE/NRCAPP-13406/252nd (Part-4) Meeting/2016/149801 dated 03/06/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "NRC in its meeting 250th (Part-5, 24.02.2016), decided to issue a show cause notice to the applicant institution. The reply of the institution was received in the NRC office on 09/03/2016. The institution has not submitted the certified copies of the registered land documents to be made available to the NRC in response of the show cause notice."

AND WHEREAS Sh. Atul Kumar Verma, President and Sh. Devendra, Clerk, Patel Degree College, Aliyapur Post Dharmangadpur Sajeti Kanpur Nagar, Uttar Pradesh presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "The institution submitted certified copies of registered land documents to NRC, office by hand on 09/03/2016 at diary no. 134945 and again by hand on 21/04/2016 at diary no. 139224 and again by hand on 23/04/2016 at diary no. 139314."

AND WHEREAS Appeal Committee noted that appellant institution while submitting application for D.El.Ed. programme did not submit copy of registered land documents as required under Clause 5(4) of NCTE Regulations, 2014. Such applications are liable to be summarily rejected under Clause 7(2) (b) of the NCTE Regulations. Instead of summarily rejecting this application N.R.C. decided to cause inspection of the institution and inspection of the institution was conducted on

30.01.2016. N.R.C. in its 250th Meeting held on 24.02.2016 decided to issue a Show Cause Notice (S.C.N.) on following two points:

(i) Building Completion Certificate signed by Competent Government Authority not submitted.

(ii) Certified copy of registered land documents issued by Competent authority not submitted.

AND WHEREAS appellant institution submitted reply to the points of deficiencies on 8/9.03.2016. Appeal Committee observed that in place of copy of registered land documents appellant submitted 'Khatoni' and Building Completion Certificate (BCC). BCC was not found signed by Competent government authority. The Regional Committee somehow did not raise any objection to the B.C.C. which was not signed by Competent government authority but decided to reject the application on the ground of non-submission of certified copy of registered land documents.

AND WHEREAS the appellant during the course of appeal presentation on 24.10.2016 submitted copies of three different sale deeds which pertain to Khata No. 68 (Gata No. 162), Khata No. 00036 (Gata No. 162), Khata no. 00035 (Gata No. 162). Appeal Committee further noted that land identification number is Khasra no. 172. As copies of the registered sale deed were neither enclosed with application as required under Clause 7(2) (b) of NCTE Regulations nor furnished to V.T. nor sent to N.R.C. in response to S.C.N., the discrepancies if any in the land documents could not be verified by the Regional Committee.

AND WHEREAS Appeal Committee, therefore, decided to confirm the refusal order dated 03.06.2016 issued by Northern Regional Committee on the ground that copy of the registered land documents was not furnished by the appellant institution to the Northern Regional Committee, Jaipur.

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

Committee concluded to confirm the refusal order dated 03.06.2016 issued by Northern Regional Committee, Jaipur.

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

(Sanjay Awasthi)
Member Secretary

1. The Manager, Patel Degree College, Dharmangadpur Sajeti Kanpur Nagar, 172, Commercial, NA, Aliyapur, Ghatampur, Kanpur Nagar, Uttar Pradesh – 209206.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(16)

F.No.89-454/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02\12\16

ORDER

WHEREAS the appeal of Mahatma Gandhi Prarambhik Shikshak Prashikshan Mahavidyalaya, Katoria, Banka, Bihar dated 03/08/2016 is against the Order No. ERC/216.7.47/APP2629/D.El.Ed.(Addl. Course)/2016/47604 dated 29/06/2016 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. (Addl.) course on the grounds that "1. Show cause notice was issued on 02/06/2016 on the following grounds: i. NOC issued from Bihar School Examination Board on 20/07/2015 i.e. after the stipulated date of 15th July, 2015. ii. Building plan and building completion certificate is not signed by any Govt. Engineer. ii. CD is not in functional mode. 2. In response to show cause notice, the institution submitted its reply dated 27/04/2016 on the basis of proceedings uploaded in the ERC website which is not satisfactory. In view the above, the committee decided as under: The Committee is of the opinion that application bearing code No. ERCAPP2629 of the institution regarding permission for D.El.Ed. programme is refused under section 15(3)(b) of NCTE Act 1993."

AND WHEREAS Sh. Ravi Shankar Singh, Representative, Mahatma Gandhi Prarambhik Shikshak Prashikshan Mahavidyalaya, Katoria, Banka, Bihar presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "Actually NOC issued from Bihar School Examination Board on 25/05/2015 to Mahatma Gandhi Prarambhik Shikshakan Prashikshan Mahavidyalaya. Further, Muktiniketan Bhagalpur has applied for opening of D.El.Ed. programme as a composite unit in college named Mahatma Gandhi Shikshakan Prashikshan Mahavidyalaya running B.Ed. programme. While applying for D.El.Ed. programme by mistake Prarambhik word in the name of College has been mentioned and when this came to our notice, we immediately applied for As against show cause notice issued to us in the proceedings of 211th meeting of ERC, NCTE, held on 14th-16th April, 2016, we submitted compliance of the same on

27/04/2016 in which Building plan and building completion certificate is submitted duly signed by Govt. Engineer. Copy annexed. The copy of CD videographed during inspection in presence of VT members and retained by us are found in normal mode operative and was submitted in response show cause. Copy annexed."

AND WHEREAS Appeal Committee noted that impugned order dated 29.06.2016 is mainly on three grounds namely.'

(i) NOC issued from Bihar School Examination Board on 20.07.2015 i.e. after 15.07.2015.

(ii) C.D. is not in functional mode.

(iii) Reply to S.C.N. is not satisfactory.

AND WHEREAS Appeal Committee observed that appellant institution vide its letter dated 29.07.2015 had informed E.R.C. about the slight change in the name of institution which was necessitated as the appellant institution was also conducting B.Ed. programme and the word 'Prarambhik' was not found suitable for a composite institution. Original N.O.C. issued by Bihar School Examination Board, Patna is issued on 25.05.2015 and the subsequently NOC dated 20.07.2015 is just a corrective letter on the basis of request made by the appellant institution.

AND WHEREAS Appeal Committee further observed that the Visiting Team which conducted inspection of the institution on 04.04.2016 should have ensured the drivability of C.D. before leaving the institution and the institution cannot be held responsible for the technical snag. The building completion certificate prepared by Licenced Engineer of Nagar Nigam and countersigned by village Sarpanch shall normally be an acceptable document after the built up area has been verified by Visiting Team. Appeal Committee further observed that it would have been better if the refusal order would have specifically mentioned the reasons by way of a speaking order as to how the pointwise reply to S.C.N. was not considered satisfactory.

AND WHEREAS Appeal Committee decided to remand back the case to Eastern Regional Committee for further processing of the application after taking note of the reply to Show Cause Notice submitted by the appellant and received in the office of Eastern Regional Committee on 29.04.2016.

AND WHEREAS after perusal of the Memorandum of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to Eastern Regional Committee, Bhubaneswar for further processing of the application. If necessary, the appellant may also be allowed to get the word 'Prarambhik' deleted from the name of programme applied for.

NOW THEREFORE, the Council hereby remands back the case of Mahatma Gandhi Prarambhik Shikshak Prashikshan Mahavidyalaya, Katoria, Banka, Bihar to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Mahatma Gandhi Prarambhik Shikshak Prashikshan Mahavidyalaya, Mukti Niketan, 424/234, Registered Deed, Katoria, Banka, Bihar – 813106.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.

17

F.No.89-455/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Ram Girish Rai Teachers Training College, Betiahata, Gorakhpur, Uttar Pradesh dated 05/08/2016 is against the Order No. NRC/NCTE/NRCAPP-14349/253rd (Part-1) Meeting/2016/149899 dated 07/06/2016 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds "Non-submission of NOC from the affiliating body as required under clause 5(3) of the NCTE Regulations, 2014."

AND WHEREAS Sh. Vinay Kumar Rai, Manager and Sh. Hare Krishna Singh, Member, Ram Girish Rai Teachers Training College, Betiahata, Gorakhpur, Uttar Pradesh presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "The institution applied for the NOC to the concerned affiliating University. The concerned affiliating University is well aware that NOC is required by the institution for application to the proposed course but inspite of regular follow-up and approach, the affiliating University has not issued the NOC. All efforts were made from time to time by completing all the formalities as asked by the affiliating University. The University has not processed the NOC.

AND WHEREAS Appellant during the course of appeal presentation submitted copy of NOC dated 03.08.2016 issued by affiliating body i.e. Deen Dayal Upadhyay Gorakhpur University, Gorakhpur. However, it is stated that N.O.C. has to be of a date prior to the last date (15.07.2015) for receipt of Printout of application for the academic session 2016-17.

AND WHEREAS Appeal Committee decided that provision of clause 5(3) of the NCTE Regulations, 2014 relating to submission of No Objection Certificate alongwith

print out of application was not complied with by the appellant institution. As such the Appeal Committee decided to confirm the impunged order dated 07.06.2016.

AND WHEREAS after perusal of the Memorandum of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impunged order dated 07.06.2016 issued by Northern Regional Committee, Jaipur.

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

(Sanjay Awasthi)
Member Secretary

1. **The Manager, Ram Girish Rai Teachers Training College, Flat No. 601, Block-A, Ambeshwari Paradise, Harihar Prasad Dubey Marg, Betiahata, Gorakhpur, Uttar Pradesh – 273001.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(18)

F.No.89-456/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Shivkumari Sahab Mahavidyalaya, Jamuwa, Hadaura, Azamgarh, Uttar Pradesh dated 01/08/2016 is against the Order No. NRC/NCTE/NRCAPP-13853/252nd (Part-4) Meeting dated 03/06/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The institution was given show cause notice in the 250th (Part-VII) meeting. Total built-up area in the Demarcated map submitted by the institution is 1636 sq. mts. in the data sheet and VT report total built-up area is 2497 sq. mts. As per application, institution is running B.Ed. and has applied for D.El.Ed. course. Total built-up area is not as per NCTE Norms. Reply submitted by the institution is not acceptable."

AND WHEREAS Sh. Akhand Pratap Singh, Manager, Shivkumari Sahab Mahavidyalaya, Jamuwa, Hadaura, Azamgarh, Uttar Pradesh presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "As per the direction of VT constituted by NRC, NCTE, only the built-up area for the proposed D.El.Ed. course has been shown which itself is 2497.41 sq. mts. As far as proposed composite institution is concerned we have separate land and building for both B.Ed. and proposed D.El.Ed. course which is 4994.80. In regards to justification of both the above mentioned point, we are submitting the approved building plan along with the resolution of Nagar Panchyat for proposed D.El.Ed. course."

AND WHEREAS Appeal Committee noted that appellant institution is already conducting B.Ed. programme since 2015-16 and its application for grant of D.El.Ed. programme has been refused on the ground that available built up area of 2497 sq. meters is less than the required laid down norms for conducting two programmes.

AND WHEREAS appellant institution in its appeal memoranda has stated that it has 4994.80 sq. meters area and in support of its claim has submitted building plan of a structure containing ground plus three floors of 1248 sq. meters each and a building completion certificate dated 20.07.2016 issued by office of Nagar Panchayat, Gohna, Mau. Appellant further stated that inspection of the institution was conducted on 14.01.2016 and Visiting Team took into consideration the built-up area which was meant for conducting D.El.Ed. programme.

AND WHEREAS Appeal Committee noted that building plan submitted by the appellant institution alongwith its application was for only ground plus first floor containing built up area of 1248.70 sq. meters on each floor. Visiting Team in its report has mentioned total land area of 6352 sq. meters and built up area of 2497.41 sq. meters.

AND WHEREAS it is therefore, not possible to believe the statement of appellant that built-up area for D.El.Ed. was only noted by the Visiting Team. The fact is further strengthened for the reason that:

(i) Appellant submitted a building plan for ground and first floor only alongwith its application.

(ii) Photographs of building enclosed with the V.T. report show only a two storey building.

AND WHEREAS on being asked, during the appeal presentation, to explain why photographs taken during the Inspection show only a two storey building instead of four as claimed by the appellant, the appellant could not give a satisfactory reply. Appellant has also submitted alongwith its Appeal Memoranda a copy of its letter dated 04/04/2016 addressed to N.R.C. enclosing therewith copy of a Building Completion Certificate dated 20.07.2016. Appellant could not explain as how a letter dated 4.4.2016 could have a enclosure dated 20.07.2016 issued subsequently.

AND WHEREAS Appeal Committee, keeping in view that appellant institution does not have adequate built up area for conducting D.El.Ed. programme alongwith already existing B.Ed. programme, decided to confirm the refusal order

No.NRC/NCTE/NRCAPP-13583/252nd (Part-4)Meeting/2016/149805 dated 03.06.2016.

AND WHEREAS after perusal of the Memorandum of Appeal, Affidavit, documents on record, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the refusal order No.NRC/ NCTE/NRCAPP-13583/252nd(part-4)Meeting/2016/149805 dated 03.06.2016.

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

(Sanjay Awasthi)
Member Secretary

1. **The Manager, Shivkumari Sahab Mahavidyalaya, Village – Jamuwa, Post-Hadaura, Azamgarh, Uttar Pradesh – 276403.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(19)

F.No.89-457/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Gautam Buddha Mahavidyalaya, Siddhartha Nagar, Bingawan, Kanpur Nagar, Uttar Pradesh dated 27/06/2016 is against the Order No. NRC/NCTE/Recognition/D.El.Ed./2016/150062-78 dated 08/06/2016 of the Northern Regional Committee, granting recognition for conducting D.El.Ed. course with an intake of 50 seats.

AND WHEREAS Sh. Rajesh Kumar, Manager and Sh. Gyanendra Singh Bhadauria, Teacher/Principal, Gautam Buddha Mahavidyalaya, Siddhartha Nagar, Bingawan, Kanpur Nagar, Uttar Pradesh presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "Online application was made on 15/06/2015 which was before scheduled last date. Deficiency letter was issued on 03/12/2015 and the reply of this deficiency was given on 17/12/2015, which was before scheduled last date. Satisfying with the deficiency letter, the NRC office decided to constitute the VT team to verify the infrastructural and instructional facilities."

AND WHEREAS Appeal Committee noted that appellant institution did not mention the particular relief it requires against the impunged order dated 08/06/2016. It however, transpired through oral submission that appellant had applied for 100 seats (2 units) of D.El.Ed. course, appointed faculty for 2 units but recognition for only one unit was granted. As appeal memoranda does not ask for any particular relief the recognition order dated 08/06/2016 as it stands is confirmed for the academic session 2016-17. Depending on the infrastructural and instructional facilities available with the appellant institution, N.R.C. may issue a Show Cause Notice detailing the reasons as to why it was not possible to grant 2 units of D.El.Ed. as applied for by the institution.

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 order dated 08/06/2016.

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

(Sanjay Awasthi)
Member Secretary

1. The Manager, Gautam Buddha Mahavidyalaya, 780, 818/1, Siddhartha Nagar, Bingawan, Kanpur Nagar, Uttar Pradesh – 208021.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Utttar Pradesh, Lucknow.

(20)

F.No.89-458/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Shree Bachchu Singh Sikarwar Shiksha Prasar Samiti Shiksha Mahavidyalaya, Vijaypur, Sheopur, M.P. dated 08/08/2016 is against the Order No. WRC/APP2796/222/253rd/{M.P.}/2016/169041 dated 15/06/2016 of the Western Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "Show Cause Notice was issued on 20/02/2016 and reply was received on 17/03/2016. An examination of the file shows that the institution has not replied to the Show Cause Notice that it is not a composite institution, nor has it submitted any relevant documents in this regard. This is a requirement under Clause 2(b) of the NCTE Regulations, 2014. NOC from the affiliating body not submitted. Hence, Recognition is refused."

AND WHEREAS Sh. Tejpal Singh Sikarwar, Secretary, Shree Bachchu Singh Sikarwar Shiksha Prasar Samiti Shiksha Mahavidyalaya, Vijaypur, Sheopur, M.P. presented the case of the appellant institution on 24/10/2016. In the appeal and during personal presentation it was submitted that "the impugned order is contrary to law in as much as the refusal of same is on the non-existent ground. While considering the case of the petitioner by the respondent WRC, Bhopal in its 253rd meeting an affidavit submitted by the petitioner institute was not taken into consideration therefore the impugned action on the part of respondent WRC is contrary to record. In pursuance to 253rd minutes of meeting of WRC, Bhopal dt. 24/26-05-2016 application of the petitioner institution for grant of recognition to the course of D.El.Ed. has been refused vide order dt. 15/06/2016 stating that petitioner institute is not having the composite institution as per the regulation of NCTE 2014. However, it is wrong to say that petitioner institute is not composite institution even though petitioner institution has also applied for D.P.S.E., D.El.Ed. courses which is in the preview of composite institution. Petitioner institute has cured the aforesaid deficiency even before rejecting the case of the petitioner institute. Further notice

was not issued to the petitioner institute. That, on 30/06/2016 affiliating body has granted the NOC/Affiliation to the petitioner institute therefore in the impugned order dated 15/06/2016 deficiency relation NOC is itself illegal and same is liable to be set aside."

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 20.02.2016 was issued to appellant institution on the following three grounds:

(i) Notarised copy of Building Completion Certificate not submitted.

(ii) N.O.C. from affiliating body is not submitted.

(iii) Institution is not a composite institution.

AND WHEREAS Appeal Committee further noted that appellant institution in reply to S.C.N. submitted Building Completion Certificate (B.C.C.) vide its letter dated 17.03.2016. As regards, submission of N.O.C. of affiliating body, appellant submitted copy of Court order in W.P. case no. 7182/2015 issued by Hon'ble High Court of Madhya Pradesh. Court order is Writ direction to Board of Secondary Education stating that 'In case petitioner files a fresh application for grant of N.O.C., the same shall be considered by the Board in accordance with Regulations, 2014. As regards, composite status of the appellant institution, the appellant in its reply dated 17/03/2016 stated that the society has passed a resolution to become composite by applying for DPSE programme as and when applications are invited by the NCTE.

AND WHEREAS Appeal Committee noted that Clause 3(a) of the NCTE Regulations, 2014 prescribes that 'recognition for commencement of new teacher education programmes shall be offered in composite institutions'. The Clause precludes that either an institution applying for teacher education programme should be composite as per definition at 2(b) of the NCTE Regulations, 2014 or should at least have applied for two programmes of teacher education with clear eligibility. The appellant institution does not fulfil this criteria.

AND WHEREAS Appeal Committee is of the view that (i) appellant institution has failed to submit N.O.C. from affiliating body and (ii) it is not covered under the definition of composite institution.

AND WHEREAS Appeal Committee observed that appellant institution neither submitted No Objection Certificate from affiliating body nor did comply with the requirement of a composite institution. Committee, therefore, decided to confirm the refusal order dated 15.06.2016 issued by Western Regional Committee, Bhopal.

AND WHEREAS after perusal of the Memorandum of Appeal, affidavit documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the refusal order dated 15.06.2016 issued by Western Regional Committee, Bhopal.

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shree Bachchu Singh Sikarwar Shiksha Prasar Samiti Shiksha Mahavidyalaya, 566, 567, Ladpura, Vijaypur, Sheopur, Madhya Pradesh – 476332.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

(21)

F.No.89-459/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Kaliyaganj College of Education, Kaliyaganj, Uttar Dinajpur, West Bengal dated 02/08/2016 is against the Order No. ERC/7-ER-216.7.50/ERCAPP3968/B.Ed./2016/48895 dated 12.08.2016 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. (Addl.) course on the grounds that "(a) Show cause notice was decided in the 211th ERC meeting held on 14th – 16th April, 2016 on the following grounds:- (i) The institution granted recognition for D.El.Ed. programme and now applied for B.Ed. (Additional course). (ii) As per land document, building plan, building completion certificate total land area is 2591.67 sq. mts. which is less than the required 3000 sq. mtrs. stipulated for D.El.Ed. + B.Ed. programme. (iii) Building plan and building completion certificate is not approved by any Govt. Engineer. (b) In response to show cause notice, the institution submitted its reply dated 24/04/2016 on the basis of proceedings uploaded in the ERC website which is not satisfactory. In view the above, the Committee decided as under: The Committee is of the opinion that application bearing code No. ERCAPP3968 of the institution regarding permission for B.Ed. programme is refused under section 15(3)(b) of NCTE Act 1993."

AND WHEREAS Sh. Sadek Ali, Member and Debabrata Das, Secretary, Kaliyaganj College of Education, Kaliyaganj, Uttar Dinajpur, West Bengal presented the case of the appellant institution on 25/10/2016. In the appeal and during personal presentation it was submitted that "(i) the appellant obtained recognition for conducting D.El.Ed. course in Kaliaganj College of Education in 2012 with an intake of 50; (ii) subsequently they applied for B.Ed. course in that existing college with an intake of 50, (iii) the ERC, decided to issued a Show Cause Notice (in the Website) in their meeting held on 14-16 April, 2016 and the appellant replied to the show cause

notice and (iv) the ERC without considering the documents submitted refused recognition."

AND WHEREAS the Committee, noted that regarding the land area available, the appellant submitted that (i) Hemchandra Educational Welfare Trust, Kaliaganj has 2.29 acres of land obtained through purchase; (ii) at the time of opening D.El.Ed. course, there was no necessity of more than 2561 sq. mtrs. of land and 66 decimals out of 2.29 acres was donated to the college in 2011 for the D.El.Ed. course (iii) the institute has separate excess land in the name of the Trust; (iv) through a gift deed dated 27.04.2016 an area of 55 decimals of land has been given to the college by the Trust and (v) in these circumstances, the institution has adequate land 66 decimals plus 55 decimals; for both the courses, namely D.El.Ed. and B.Ed. The appellant has enclosed to the appeal a copy of the building plan which is signed by Nirman Sahayak, who is reported to be equivalent to a Govt. engineer and also by an Assistant Engineer, Uttar Dinajpur Zilla Parishad. The appellant has also enclosed to the appeal a copy of the building completion certificate countersigned by an Assistant Engineer, Uttar Dinajpur Zilla Parishad.

AND WHEREAS the Committee noting the above submissions of the appellant concluded that the matter deserved to be remanded to the ERC with a direction to consider the documents submitted by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to submit all the land related documents to the ERC within 15 days of receipt of the orders on the appeal.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to E.R.C. with a direction to consider the documents submitted by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to submit all the land related documents to the ERC within 15 days of receipt of the orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Kaliyaganj College of Education, Kaliyaganj, Uttar Dinajpur, West Bengal to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Chairperson, Kaliyaganj College of Education, 1702, College, 2714/3329, Shergram, Kaliyaganj, Uttar Dinajpur, West Bengal – 733129.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.

22

F.No.89-460/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Yugul Kishore Khetan Brahm Deo Tiwari Shikshan Prakshishan Mahavidyalaya, Gorakhpur, Uttar Pradesh dated 05/08/2016 is against the Order No. NRC/NCTE/NRCAPP-14293/253rd (Part-1) Meeting/2016/149915 dated 07/06/2016 of the Northern Regional Committee, rejecting their application for grant of recognition for conducting B.Ed. course on the ground of "Non-submission of NOC from the affiliating body as required under clause 5(3) of the NCTE Regulations, 2014."

AND WHEREAS Sh. Sanjay Tewari, Member, Yugul Kishore Khetan Brahm Deo Tiwari Shikshan Prakshishan Mahavidyalaya, Gorakhpur, Uttar Pradesh presented the case of the appellant institution on 25/10/2016. In the appeal and during personal presentation and in a letter dt. 22.10.2016 it was submitted that "before the online application, the institution has applied for the NOC to the concerned affiliating University on 19.06.2015, but it has not been processed at the University end. The concerned affiliating University is well aware that NOC is required by the institution for application to the proposed course but inspite of regular follow-up and approach, the affiliating University has not issued the NOC. As an institution they can only apply for NOC and it is up to the concerned body to issue it or not in time allotted. Moreover, despite all efforts made from time to time followed by completing all the formalities as asked by the affiliating University like depositing of fee (Rs. 1,50,000.00) and all the required papers in specified time, the University has not processed the NOC. After a letter from the institution, subsequent to the Refusal Order of NCTE, the concerned affiliating University has called a meeting in regard to the issue of NOC on 03/08/2016 i.e. exactly after 13 months of the application for NOC and it has been heard that concerned affiliating University has processed the NOC and the corresponding letter of NOC will be issued very soon. At the time of presentation, the appellant submitted a copy of the No Objection Certificate issued

by Deen Dayal Upadhyay Gorakhpur University, Gorakhpur on 03.08.2016. He also stated that he had forwarded this Certificate to NRC, Jaipur.

AND WHEREAS the Committee noted that according to the provisions of Clause 5(3) of the NCTE Regulations, 2014, the No Objection Certificate issued by the concerned affiliating body has to be submitted alongwith the on-line application. Since the appellant has not complied with this requirement, the Committee concluded that the NRC was justified in rejecting their application and therefore, the order of the NRC dated 07.06.2016 deserved to be 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 NRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the NRC is confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Manager, Yugul Kishore Khetan Brahm Deo Tiwari Shikshan Prakshishan Mahavidyalaya, C-190/78, Cantt. Road, Bilandpur, Gorakhpur, Gorkakhpur, Uttar Pradesh – 273001.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(23)

F.No.89-461/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Vidya Mandir Shikshan Sansthan Saraswati Vidya Mandir, Arya Nagar, (North), Gorakhpur, Uttar Pradesh dated 05/08/2016 is against the Order No. NRC/NCTE/NRCAPP-14479/253rd (Part-1) Meeting/2016/149891 dated 07/06/2016 of the Northern Regional Committee, rejecting their application for grant of recognition for conducting B.Ed. course on the ground of "Non-submission of NOC from the affiliating body as required under clause 5(3) of the NCTE Regulations, 2014."

AND WHEREAS Sh. Hare Krishna Singh, Representative, Vidya Mandir Shikshan Sansthan Saraswati Vidya Mandir, Arya Nagar, (North), Gorakhpur, Uttar Pradesh presented the case of the appellant institution on 25/10/2016. In the appeal and during personal presentation it was submitted that "before the online application, the institution has applied for the NOC to the concerned affiliating University, but has not been processed at the University end. The concerned affiliating University is well aware that NOC is required by the institution for application to the proposed course but inspite of regular follow-up and approach, the affiliating University has not issued the NOC. As an institution they can only apply for NOC and it is up to the concerned body to issue it or not in time allotted. Moreover, despite all efforts made from time to time followed by completing all the formalities as asked by the affiliating University like depositing of fee (Rs. 1,50,000.00) and all the required papers in specified time, the University has not processed the NOC. After a letter from the institution, subsequent to the Refusal order of NCTE, the concerned affiliating University has called a meeting in regard to the issue of NOC held on 03/08/2016 i.e. exactly after 13 months of the application for NOC and it has been heard that concerned affiliating University has processed the NOC and the corresponding letter of NOC will be issued very soon. The institution has not delayed any formalities for obtaining the NOC and it is the only fault of the concerned affiliating University. At the time of presentation,

the appellant submitted a copy of the No Objection Certificate issued by Deen Dayal Upadhyay, Gorakhpur University, Gorakhpur on 03.08.2016.

AND WHEREAS the Committee noted that according to the provisions of Clause 5(3) of the NCTE Regulations, 2014, the No Objection Certificate issued by the concerned affiliating body has to be submitted alongwith the on-line application. Since the appellant has not complied with this requirement, the Committee concluded that the NRC was justified in rejecting their application and therefore, the order of the NRC dated 07.06.2016 deserved to be 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 NRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the NRC is confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Appellant, Vidya Mandir Shikshan Sansthan Saraswati Vidya Mandir, Arya Nagar (North), Gorakhpur, Uttar Pradesh – 273001.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

29

F.No.89-467/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Sir Chhotu Ram Jat College of Education, Ellenabad, Sirsa, Haryana dated 08/08/2016 is against the Order No. NRC/NCTE/NRCAPP-7195/246th Meeting/2016/150600 dated 11/06/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "the institution has not submitted a proof/evidence to the effect that it is a composite institution as per provisions of the NCTE Regulations, 2014 and NOC from concerned affiliating body required under clause 5(3) of the NCTE Regulations, 2014."

AND WHEREAS Ch. Ranjeet Singh, Chairman, Sir Chhotu Ram Jat College of Education, Ellenabad, Sirsa, Haryana presented the case of the appellant institution on 25/10/2016. The appellant made various submissions in the appeal which inter-alia include that "(i) there is no provision in the 2014 Regulations for submission of N.O.C. from the affiliating body i.e. SCERT, Haryana in case an application is pending before these Regulations; (ii) they submitted their application on 30.12.2012; (iii) there is no provision in 2014 Regulation which enabled the appellant to submit a fresh application for 2015-16 or 2016-17; (iv) N.O.C. is applicable to only new applicants; (v) in the Writ Petition CWP No. 16473 of 2013 filed by the appellant before the Hon'ble High Court of Punjab & Haryana, the Hon'ble Court in the order dt. 06.08.2014 clarified that applications which are said to have been filed by the petitioners and rejected in view of State objection subsequently that no new private institutions shall be opened, shall no longer be used against the petitioners and their claims will be considered on their own merits; (vi) SCERT refused to issue NOC on 24.04.2015, whereas their application was received before 31.12.2012; (vii) the affiliating body i.e. SCERT, Gurgaon is working under the policy of the State Government and refused NOC mentioning that there is a ban in the State for opening new colleges for D.El.Ed. course for the session 2016-17; (viii) in similar cases the

Appeal Committee remanded the cases to N.R.C. with the finding that the objections of N.R.C. regarding NOC were unjustified; (ix) copies of orders on Appeals of Arya College of Education, Hissar and Akash College of Education, Tohana, Faridabad remanding their cases to N.R.C. are enclosed; and (x) the appellant is already running B.Ed. course and applied for D.El.Ed. course and therefore they are composite institution as defined in Regulation 2(b) of NCTE Regulations, 2014."

AND WHEREAS the Committee noted that to N.R.C. issued a Show Cause Notice to the appellant on 21.08.2015 inter-alia mentioning the requirement of a N.O.C. from affiliating body and proof of the appellant being a composite institution as per 2014 Regulations. The appellant submitted a reply to these two points in the letter dated 20.09.2015. After considering the reply NRC refused recognition on the two grounds mentioned in the refusal order.

AND WHEREAS the Committee noted that NOC from the affiliating body is to be enclosed with the applications invited/ submitted as per the provisions of the NCTE Regulations, 2014. Taking into account the fact that the application under consideration was prior to 2014 Regulations came into force and other submissions made by the appellant refusal of recognition on the ground of non-submission of NOC from the affiliating body does not seem to be justified. The Committee also noted that the appellant has been running B.Ed. course even at the time of submission of application for D.El.Ed. course and this fact has been mentioned at page 4 of the on-line application dated 30.12.2012. Therefore, the appellant institution qualifies as a composite institution as per 2014 regulations and no further proof appears to be called for.

AND WHEREAS in the above circumstances the Committee concluded that the matter deserved to be remanded to the NRC with a direction to take further action as per the NCTE Regulations.

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

NOW THEREFORE, the Council hereby remands back the case of Sir Chhotu Ram Jat College of Education, Ellenabad, Sirsa, Haryana to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Appellant, Sir Chhotu Ram Jat College of Education, Plot No. 37/1, V.P.O. Ellenabad, Sirsa, Haryana – 125102 .
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.

(30)

F.No.89-468/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Sita Ram Arya Memorial College of Education, VPO-Muklan Dist. – Hisar, Haryana dated 06/08/2016 is against the Order No. NRC/NCTE/NRCAPP-4399/246th Meeting/2016/150609 dated 11/06/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that the institution has not submitted "A proof/evidence to the effect that it is a composite institution as per provisions of the NCTE Regulations, 2014 and NOC from concerned affiliating body required under clause 5(3) of the NCTE Regulations, 2014."

AND WHEREAS Dr. S.V. Arya, Chairman, Sita Ram Arya Memorial College of Education, VPO-Muklan Dist. – Hisar, Haryana presented the case of the appellant institution on 25/10/2016. In the appeal and during personal presentation, the appellant made various submissions. In the appeal which inter-alia included that "(i) the appellant institution is already running B.Ed. course and applied for D.El.Ed. course and thus it is offering as a composite institution as defined in regulation 2(b) of the NCTE Regulations 2014.; (ii) the application was received by the NRC on 30/12/2012; (iii) there are no provisions in the 2014 Regulations for submission of NOC from affiliating body i.e. SCERT Haryana in case application is pending before passing of this Regulation; (iv) there are no provisions in this regulation which enabled the appellant to submit a fresh application for 2015-16 or 2016-17 sessions; (v) the NOC is applicable only to new applicants; (vi) in the Writ Petition CWP No. 16473 of 2013 filed by the appellant before the Hon'ble High Court of Punjab & Haryana, the Hon'ble High Court in their order dt. 06.08.2014, clarified that applications which are said to have been filed by the petitioners and rejected in view of State objection on granting recognition to new colleges to be established in Haryana for D.El.Ed. course, shall no longer be used against the petitioners and their claims will be considered on their own merits, (vii) SCERT refused to issue N.O.C.

on 24.04.2015, whereas their applicaton was received before 31.12.2012; (viii) the affiliating body i.e. SCERT, Gurgaon is working under the policy of the State Government; (ix) in similar cases the Appeal Committee remanded the cases to N.R.C. with the finding that the objection of the N.R.C. regarding N.O.C. was not justified; and (x) copies of the orders on appeals of Arya College of Education, Hissar and Akash College of Education, Tohana, Faridabad remanding their cases to N.R.C. are enclosed."

AND WHEREAS the Committee noted that the N.R.C. issued a Show Cause Notice to the appellant on 21.08.2015 inter-alia mentioning the requirement of a N.O.C. from the affiliating body and proof of the appellant being a composite institution as per 2014 Regulations. The appellant submitted a reply to these two points in their letter dt. 14.09.2015. After considering the reply, N.R.C. refused recognition on the two grounds mentioned in the refusal order.

AND WHEREAS the Committee noted that NOC from the affiliating body is to be enclosed with the applications invited/ submitted as per the provisions of the NCTE Regulations, 2014. Taking into account the fact that the application under consideration was prior to 2014 Regulations came into force and the other submissions made by the appellant refusal of recognition on the ground of non-submission of NOC from the affiliating body does not seem to be justified. The Committee also noted that the appellant has been running B.Ed. course even at the time of submission of application for D.El.Ed. course and this fact has been mentioned at page 4 of the on-line application dated 27.12.2012. Therefore, the appellant institution qualified as a composite institution as per 2014 Regulations and no further proof appears to be called for.

AND WHEREAS in the above circumstances the Committee concluded that the matter deserved to be remanded to the NRC with a direction to take further action as per the NCTE Regulations.

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.

NOW THEREFORE, the Council hereby remands back the case of Sita Ram Arya Memorial College of Education, VPO-Muklan Dist. – Hisar, Haryana to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The President, Sita Ram Arya Memorial College of Education, Village Bherian Post Muklan Dist. – Hisar, Haryana – 125007.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.

(31)

F.No.89-469/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of National College of Education, Gopidhanwat, Pokhraira, Muzaffarpur, Bihar dated 10/08/2016 is against the Order No. ERC/216.7.48/APP3993/D.El.Ed.(Addl. Course)/2016/47612 dated 29/06/2016 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "1. Show cause notice was issued on 03/06/2016 on the following grounds: i. The building plan and building completion certificate is not approved by any Govt. Engineer. ii. As per online application name of the institution is "National College of Education" whereas land document is in the name of "National College of Education Society Gramin Educational and Welfare Society" i.e. in different name. 2. In response to show cause notice, the institution submitted its reply dated 25/04/2016 on the basis of proceedings uploaded in the ERC website which is not satisfactory. In view of the above, the Committee decided as under: The Committee is of the opinion that application bearing code No. ERCAPP3993 of the institution regarding permission for D.El.Ed. programme is refused under section 15(3)(b) of NCTE Act 1993."

AND WHEREAS Sh. Subodh Kumar Giri, President and Sh. Joginder Deshwal, Representative, National College of Education, Gopidhanwat, Pokhraira, Muzaffarpur, Bihar presented the case of the appellant institution on 25/10/2016. In the appeal and during personal presentation it was submitted that "the building plan and completion certificate are from competent Departmental official and the land documents are perfectly in accordance with law in favour of the appellant. At the time of hearing the appellant submitted a copy of the sale deed in favour of the applicant society i.e. National College of Education Society Gramin Educational and Welfare Society; and a copy each of the building plan and Building Completion Certificate countersigned by Assistant Engineer, MRDA, Muzaffarpur."

AND WHEREAS the Committee noting the submissions of the appellant concluded that the matter deserved to be remanded to the ERC with a direction to take further action as per the NCTE Regulations, 2016. The appellant is directed to submit copies of the relevant documents to the ERC within 15 days of receipt of the order on the appeal.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to ERC with a direction to take further action as per the NCTE Regulations, 2016. The appellant is directed to submit copies of the relevant documents to the ERC within 15 days of receipt of the order on the appeal.

NOW THEREFORE, the Council hereby remands back the case of National College of Education, Gopidhanwat, Pokhraira, Muzaffarpur, Bihar to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The President, National College of Education, 662, 663, 665, 666 & AMP; 668, Street No. Nunia Tola, Vill.-Gopidhanwat, PO-Gidha Pokhraira, Muzaffarpur, Bihar – 843106.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.

33

F.No.89-471/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02\12\16

ORDER

WHEREAS the appeal of Tilak Mahavidyalaya, Gyanpur, Imamali, Auraiya, Uttar Pradesh dated 05/08/2016 is against the Order No. NRC/NCTE/NRCAPP-13536/252nd (Part-4) Meeting/2016/150339 dated 09/06/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The institution was given show cause notice in the 250th (Part-XI) meeting. Reply to show cause notice dt. 30/03/2016 is not acceptable. Size of multipurpose hall is not as per NCTE Norms. As per VT report, the institution is running B.P.Ed., D.El.Ed., B.Ed., M.Ed. and proposed D.El.Ed. course, total land area is only 18700 sq. mts. which is not as per Norms. The institution has not submitted the Building Completion Certificate signed by the Competent Govt. Authority. The institution has not submitted the certified copy of the registered land document duly certified by the Registrar/Sub-Registrar of the District."

AND WHEREAS Sh. Sameer Vishnoi, Secretary and Sh. Suresh Gupta, Member, Tilak Mahavidyalaya, Gyanpur, Imamali, Auraiya, Uttar Pradesh presented the case of the appellant institution on 25/10/2016. In the appeal and during personal presentation it was submitted that "Size of their multipurpose hall is 3481.57 sq. ft. (39.69 Meter*8.50 Meter = 337.36 SQM with a seating capacity of 350, which is clearly seen in the photograph of their multipurpose hall taken at the time when VT members physically verified their infrastructure. It is clearly seen that there are 25 rows of chairs in Multipurpose Hall and there are 14 chairs in each row. It is also seen in Video CD of inspection of their institution that size of the multipurpose hall is more than 2000 sq. fts. which is required by NCTE Regulations, 2014. It is also submitted that reply of this objection was submitted on 31/03/2016 by hand in NRC office at diary no..137095. This reply was considered in 252 (Part-2) meeting of NRC and NRC decided to grant LOI prior to formal recognition under clause 7(13) of NCTE Regulation, 2014. Tilak Mahavidyalaya is owner of total 34410 SQM Land area. A

certificate issued by SDM, Auraiya, UP to this effect and copies of other land documents are also enclosed for ready reference. Their Society was established in 1930. At present their society is running the following courses:

1. B.P.Ed. NCTE/NRC/F-3/13/98/5074 dt. 11/12/1998 - (50 Intake).
2. B.Ed. F-3/UP-137/B.Ed./2000/4252 dt. 24/07/2000 (Intake 70).
3. M.Ed. F-3/UP-426/M.Ed./2000/3025 dt. 24/08/2000 (Intake 25).

Out of these courses B.Ed. & B.P.Ed. courses were Government aided & M.Ed. course is running under self-finance scheme. These B.Ed. & B.P.Ed. courses were running by their society way before establishment of NCTE itself. At that time there were no norms regarding land area. But as per NCTE Regulation, 2014 five acers land is required for B.P.Ed. course and for B.Ed. (1 Unit+M.Ed. (1 unit)+proposed D.El.Ed. (1 unit) total 3500 SQM land is required. As per NCTE Regulation 2014 for all these courses total 23500 SQM land area is required but total 34410 SQM are in possession of their society. The society submitted the Building Completion Certificate signed by the Competent Govt. Authority with Visiting Team Report. Also again their society submitted the Building Completion Certificate signed by the Competent Govt. Authority by hand on 31.03.2016 at diary no. 137095. The copy of acknowledgment of the same is also enclosed herewith for ready reference. Again the society submitted the Building Completion Certificate signed by the Competent Govt. Authority by hand on 30/05/2016 at diary no. 143119. The copy of acknowledgment of the same is also enclosed herewith for your ready reference. However, here again they are submitting the Building Completion Certificate signed by the Competent Govt. Authority. Before refusal on this ground no reasonable opportunity was given to us. The society has already submitted the certified copy of the registered land documents duly certified by the Registrar/Sur-Registrar of the District with hard copy of application by post on 17/06/2016 & by hand to Visiting Team which is marked for teacher education courses. He also submitted that the certified copy of the registered land documents duly certified by the Registrar/Sub-Registrar of the District was submitted by hand on 30/05/2016 at diary no. 143119. However, here again the certified copy of the registered land documents duly certified by the Registrar/Sub-Registrar of the District is submitted showing that all the land is on ownership basis. Before refusal on this ground no reasonable opportunity was given to them."

AND WHEREAS the appellant in the written submission dt. 25.10.2016 submitted that N.R.C. in their 252nd Part – II meeting decided to issue Letter of Intent for the applied course and they submitted the required documents on 02.05.2016. But the N.R.C. in their 252nd Meeting Part – IV refused recognition. The appellant also submitted they were given show cause notice only about the inadequacy of the size of the multipurpose hall and while they replied to the same, the refusal order is based on three other grounds for which they were never given an opportunity of hearing.

AND WHEREAS the Committee noted from the file of the NRC that the Regional Committee took a decision to issue a Show Cause Notice in their 250th Meeting held on 1.03.2016 on the ground that the size of the multipurpose hall is only 625 sq. mts. The appellant replied on 30.03.2016 and the N.R.C. in their 252nd Meeting (Part – II) held from 19th April to 2nd May, 2016 decided to issue Letter of Intent. The N.R.C. in their 252nd Meeting (Part – 4) held from 19th April to 2nd May, 2016, not accepting the reply to the Show Cause Notice decided to refuse recognition on three other grounds, which were not communicated to the appellant by a Show Cause Notice. Since the order of refusal is on grounds different from the one decided in the NRC's 250th meeting, the Committee concluded that the matter deserved to be remanded to the NRC with a direction to conduct a fresh composite inspection, on payment of the prescribed fee by the appellant, covering all the existing courses and proposed D.El.Ed. and with reference to the specific grounds mentioned in the refusal order and take further action as per NCTE Regulations, 2014.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to conduct a fresh composite inspection, on payment of the prescribed fee by the appellant, covering all the existing courses and proposed D.El.Ed. and with reference to the specific grounds mentioned in the refusal order and take further action as per NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Tilak Mahavidyalaya, Gyanpur, Imamali, Auraiya, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. **The Secretary, Tilak Mahavidyalaya, 114/32, Tilak Degree College, Gyanpur, Imamali, Auraiya, Uttar Pradesh – 206122.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

34

F.No.89-472/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Smt. Narvada Devi Teacher Training College, Mahwa Dausa, Rajasthan dated 16/08/2016 is against the Order No. NRC/NCTE/NRCAPP-10124/Recognition/D.El.Ed./2016/151251-55 dated 21/06/2016 of the Northern Regional Committee, granting recognition for conducting one unit of D.El.Ed. course with an intake of 50. The appellant has requested grant of recognition for two units.

AND WHEREAS Sh. Jitendra, Representative, Smt. Narvada Devi Teacher Training College, Mahwa Dausa, Rajasthan presented the case of the appellant institution on 25/10/2016. In the appeal and during personal presentation and in a letter dt. 25.10.2016 it was submitted that "(i) they applied for two units with an intake of 100 students; (ii) the inspection was carried out keeping in mind their application for two units; (iii) they have a land area of 3100 sq. mts. and a built up area of 2503 sq. mts. required for two units of D.El.Ed.; (iv) teaching staff of 1+15(16) has been approved by Director of Primary Education, Bikaner, Rajasthan; (v) the number of books in the library is 2035; and (vi) also they have all facilities for two units as per NCTE Rules and Regulations, 2014. As per NCTE Rules & Regulations, 2014 for two units etc. Total land area is 3100 sq. mts. total built up area is 2503 sq. mt. Teaching staff 1+15 (16) approved by Director Primary Education, Bikaner, Rajasthan. Number of books in library – 2035. FDR 7 Lakhs and 5 Lakhs (12 Lakhs). I have all lab and other facilities. I have all facilities as per NCTE Rules & Regulations, 2014 for two units so, please 2 units give me."

AND WHEREAS the Committee noted that (i) in the affidavit enclosed to the online application, the appellant asked for two units; (ii) the Visiting Team in their report noted that the application is for two units (iii) the NRC in their 252nd meeting held from 19th April to 2nd May, 2016 decided to issue a Letter of Intent (without mentioning the intake); (iv) the appellant with their letter dt. 02.05.2016 forwarded the

requisite documents which included a staff list of 1 Principal and 15 lecturers approved by the Director of Primary Education, Rajasthan, Bikaner; and (v) the NRC issued a recognition order dt. 21.06.2016 for one unit only without assigning any reasons for not granting recognition for two units.

AND WHEREAS in view of the position stated above the Committee concluded that the matter deserved to be remanded to the NRC with a direction to take necessary action on the request of the appellant for grant of recognition for two units as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to take necessary action on the request of the appellant for grant of recognition for two units as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Smt. Narvada Devi Teacher Training College, Mahwa Dausa, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Appellant, Smt. Narvada Devi Teacher Training College, 133, 130, 132, Ownership, Mahwa, Dausa, Rajasthan – 321608.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

(36)

F.No.89-474/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Ambika College, Near Kattha Mill, Shivpuri, Madhya Pradesh dated 05/08/2016 is against the Order No. WRC/APP3276/223/254th/2016/168905 dated 15/06/2016 of the Western Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "Show Cause Notice was issued on 24/02/2016 and the reply was received on 28/03/2016. It is seen that the notarized copies of CLU and Non-Encumbrance Certificate have not been submitted. The Non-Encumbrance Certificate should be from the SDO and not from the Advocate. Further, the Building Completion Certificate is only 31139 sq. ft./2834 sq. mtrs. which is less than the requirement of 3000 sq. mtrs. For one unit of B.Ed. and one unit of D.El.Ed. course. Hence, Recognition for B.Ed. course is refused."

AND WHEREAS Lokesh Jain, Secretary, Ambika College, Near Kattha Mill, Shivpuri, Madhya Pradesh presented the case of the appellant institution on 25/10/2016. In the appeal and during personal presentation it was submitted that "The CLU is approved by Dy. Director TCP and Non-Encumbrance Certificate by Dist. Sub-Registrar and it's Xerox copy is attested by Notary. The WRC Bhopal office did not clearly specify which type of Notarisation is required i.e. with/without Stamp, or signed by Authorized Notary or a Gazetted Officer. Mostly each and every Notary person is an Advocate and is authorized by District Court. The difference of area in Building Completion Certificate is quite less i.e. 166 sq. meters as per requirement of 3000 sq. meters. The whole covered area is too large and, they mentioned only instructional area. It is not included in circulating area (i.e. gallery, balcony, covered stairs, covered parking, Porch etc.) The whole built up area comes to 3740.61 sq. meters and the WRC Bhopal can conduct a physical verification by a Visiting Team (V.T). At the time of presentation, the appellant submitted notarised copies of the CLU and Non-encumbrance Certificate issued by State Government Authorities and

a Building Completion Certificate issued by Government Engineer showing a built up area of 40243 sq. ft."

AND WHEREAS the Committee noting the submissions of the appellant concluded that the matter deserved to be remanded to the WRC with a direction to conduct an inspection of the institution on payment of the prescribed fee by the appellant, to physically verify the built-up area available and also the connected land documents such as building completion certificate, and take further action as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to WRC with a direction to conduct an inspection of the institution, on payment of the prescribed fee by the appellant, to physically verify the built-up area available and also the connected land documents such as building completion certificate, and take further action as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Ambika College, Near Kattha Mill, Shivpuri, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. **The Manager, Ambika College, 158, A.B. Road, NH-3, Near Kattha Mill, Shivpuri, Madhya Pradesh – 473551.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

37

F.No.89-475/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Jeet Bahadur Singh Mahavidyalaya, Garvpur, Sultanpur, Uttar Pradesh dated 10/08/2016 is against the Order No. NRC/NCTE/NRCAPP-13216/253rd (Part-1) Meeting/2016/150217dated 08/06/2016 of the Northern Regional Committee, rejecting their application for grant of recognition for conducting B.Ed. course on the ground of "Non-submission of NOC from the affiliating body as required under clause 5(3) of the NCTE Regulations, 2014."

AND WHEREAS Sh. Kunwar Bahadur Singh, Manager, Jeet Bahadur Singh Mahavidyalaya, Garvpur, Sultanpur, Uttar Pradesh presented the case of the appellant institution on 25/10/2016. In the appeal and during personal presentation and in a letter dt. 25.10.2016 it was submitted that "(i) NCTE introduced the Regulation 2014 in the month of the December 2014 and it was the first time that the NCTE introduced the provisions of the NOC; (ii) the appellant vide its letter dated 26/05/2015 applied to the affiliating body for issuance of the NOC as per the format provided by the NCTE; (iii) the appellant filed the online application on 03/06/2015 and submitted the Hard Copy of the application to the NRC with the affidavit to the effect that the issuance of the NOC is under process annexing the letter above referred; (iv) the issuance of the NOC was the duty of the affiliating body and the appellant was not at fault for their delay; (v) the NRC failed to process the application of the petitioner as per the time schedule stipulated in the Regulation 2014 and as per the time schedule laid down by Hon'ble Supreme Court in the matter of Maa Vaishno Devi Mahila Mahavidyalaya, and first time processed the application of the appellant in its 243rd meeting held between 28th to 30th September, 2015; (vi) the appellant thereafter responded to the show cause notice stating the facts in detail and explained the delay of the affiliating body in issuance of the NOC. (vii) the appellant vide its letter dated 23/11/2015 again requested the affiliating body for

issuance of the NOC; (viii) the issue of the NOC has been settled by Hon'ble Supreme Court in the (2006) 9 SCC1. i.e. State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya and ors. The Hon'ble Supreme Court in the matter of Civil Appeal No. 8054 of 2013 (Arising out of SLP (c) No. 21788 of 2013) decided on 10/09/2013, in the matter of Royal Medical Trust (Regd.) Vs. Union of India (UOI) and Anr. Held in para 11 to the following effect i.e. In the instant case, the appellant mindful of the aforesaid directions of this Court had applied in due time adhering to the statutory timelines, their application in terms of necessary documents was in fact complete but for the affiliation certificate from KUHS which was awaited by the appellant even after several reminders for its issuance to KUHS pressing upon the urgency of the matter, since the appellant was not at fault but constrained due to delay on part of KUCH, the Council was expected to have appropriately considered the facts and circumstances of the case pleaded by the appellant and thereafter, reached a conclusion one way or the other on its merits instead of functioning in such mechanical manner by rejecting the application filed by the appellant and, thereafter, forwarding it to the Central Government with its adverse recommendations. In our considered opinion, this aspect of the matter ought to have been noticed by the Writ Court in Writ Petition as well as the Writ Appeal. Since that has not been done, in our considered view, we cannot sustain the impugned judgment and order passed by the High Court. (ix) It is also stated that so far the old institutions are concerned the NCTE has provided them an opportunity to convert themselves into the composite institution and therefore, NCTE should provide the necessary opportunity to their institution and (x) other Regional Committees have processed the applications of the institutions without NOC and have issued the recognition orders also and in this connection the appellant enclosed a copy of appellate order dt. 02.06.2016 in respect of an institution under S.R.C."

AND WHEREAS the Committee noted that the appellant has not enclosed copies of the judgement referred to in the appeals to ascertain their relevance/applicability vis-à-vis NCTE Regulations, 2014 to the appellant's case. The appellate order dated 02.06.2016 referred to by the appellant is not relevant to their case as the institution referred to therein complied with the cut off date for submission of hard copy of application with the NOC.

AND WHEREAS the Committee noted that according to the provisions of Clause 5(3) of the NCTE Regulations, 2014, a No Objection Certificate (N.O.C.) issued by the concerned affiliating body shall be enclosed to the online application. Since the appellant has not fulfilled this requirement, the Committee concluded that the NRC was justified in rejecting the application and therefore, the appeal deserved to be rejected and the order of the NRC 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 NRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the NRC is confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Manager, Jeet Bahadur Singh Mahavidyalay, 932 Ka, Garvpur, Sultanpur, Uttar Pradesh - 222302.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(38)

F.No.89-476/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02\12\16

ORDER

WHEREAS the appeal of Ram Manohar Singh Shikshan Prashikshan Sansthan, Kaurah, Faizabad, Uttar Pradesh dated 06/08/2016 is against the Order No. NRC/NCTE/NRCAPP-13682/253rd (Part-1) Meeting/2016/149908 dated 07/06/2016 of the Northern Regional Committee, rejecting their application for grant of recognition for conducting B.Ed. course on the ground of "Non-submission of NOC from the affiliating body as required under clause 5(3) of the NCTE Regulations, 2014."

AND WHEREAS Sh. Raghvendra Pratap Singh, Chairman, Ram Manohar Singh Shikshan Prashikshan Sansthan, Kaurah, Faizabad, Uttar Pradesh presented the case of the appellant institution on 25/10/2016. In the appeal and during personal presentation it is submitted that "(i) NCTE introduced the Regulation 2014 in the month of the December, 2014 and it was the first time that the NCTE introduced the provisions of the NOC; (ii) the appellant vide its letter dated 17/06/2015 applied to the affiliating body for issuance of the NOC as per the format provided by the NCTE; (iii) the appellant filed the online application on 20/06/2015 and submitted the hard copy of the application to the NRC with the affidavit to the effect that the issuance of the NOC is under process annexing the letter above referred; (iv) the issuance of the NOC was the duty of the affiliating body and the appellant was not at fault for their delay; (v) the NRC failed to process the application of the petitioner as per the time schedule stipulated in the Regulations 2014 and as per the time schedule laid down by Hon'ble Supreme Court in the matter of Maa Vaishno Devi Mahila Mahavidyalaya, and first time processed the application of the appellant in its 243rd meeting held between 28th to 30th September, 2015; (vi) the appellant thereafter responded to the show cause notice stating the facts in detail and explained the delay of the affiliating body in issuance of the NOC; (vii) the appellant vide its letters dated 04/11/2015 and 11/04/2016 again requested the affiliating body for issuance of the NOC; (viii) the

issue of the NOC has been settled by Hon'ble Supreme Court in the (2006) 9 SCC1. i.e. State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya and Ors. and the Hon'ble Supreme Court in the matter of Civil Appeal No. 8054 of 2013 (Arising out of SLP (C) No. 21788 of 2013) decided on 10/09/2013, in the matter of Royal Medical Trust (Regd.) Vs. Union of India (UOI) and Anr. Held in para 11 to the following effect: i.e. "11. In the instant case, the appellant mindful of the aforesaid directions of this Court had applied in due time adhering to the statutory timelines. Its application in terms of necessary documents was in fact complete but for the affiliating Certificate from KUHS which was awaited by the appellant event after several reminders for its issuance to KUHS pressing upon the urgency of the matter. Since the appellant was not at fault but constrained due to delay on part of KUCH, the Council was expected to have appropriately considered the facts and circumstances of the case pleaded by the appellant and thereafter, reached a conclusion one way or the other on its merits instead of functioning in such mechanical manner by rejecting the application filed by the appellant and, thereafter, forwarding it to the Central Government with its adverse recommendations. In our considered opinion, this aspect of the matter ought to have been noticed by the Writ Court in Writ Petition as well as the Writ Appeal. Since that has not been done, in our considered view, we cannot sustain the impugned judgment and order passed by the High Court; (ix) It is also stated that so far as the old institutions are concerned, the NCTE has provided them an opportunity to convert themselves into composite institutions and therefore, NCTE should provide the necessary opportunity to their institution; and (x) other Regional Committees have processed the applications of the institutions without NOC and has issued recognition orders also."

AND WHEREAS the Committee noted that according to the provisions of Clause 5(3) of the NCTE Regulations, 2014, a No Objection Certificate (N.O.C.) issued by the concerned affiliating body shall be enclosed to the online application. The appellant has not enclosed copies of the judgements referred to in the appeal to ascertain their relevance/ applicability Vis-à-vis NCTE Regulations, 2014 to the Appellant case.

AND WHEREAS since the appellant has not fulfilled the requirement laid down in the NCTE Regulations, 2014 regarding submission of NOC, the Committee

concluded that the NRC was justified in rejecting the application once therefore the appeal deserved to be rejected and the order of the NRC 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 NRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the NRC is confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Manager, Ram Manohar Singh Shikshan Prashikshan Sansthan, 222 KA 224 and 225, Kaurah, Faizabad, Uttar Pradesh – 224153.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

39

F.No.89-477/2016 Appeal/13th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 02/12/16

ORDER

WHEREAS the appeal of Ram Kailash Teachers Training Institute, Akma, Faizabad, Uttar Pradesh dated 08/08/2016 is against the Order No. NRCAPP-14064/253rd Meeting/2016/150378 dated 10/06/2016 of the Northern Regional Committee, rejecting their application for grant of recognition for conducting B.Ed. course on the ground of "Non-submission of NOC from the affiliating body as required under clause 5(3) of the NCTE Regulations, 2014."

AND WHEREAS Sh. Jitendra Pratap Singh, Manager and Sh. Krishna Kumar Pandey, Member, Ram Kailash Teachers Training Institute, Akma, Faizabad, Uttar Pradesh presented the case of the appellant institution on 25/10/2016. In the appeal and during personal presentation and in a letter dt. 25.10.2016 it was submitted that "(i) NCTE introduced the Regulation 2014 in the month of the December 2014 and it was the first time that the NCTE introduced the provisions of the NOC; (ii) the appellant vide its letter dated 22/05/2015 applied to the affiliating body for issuance of the NOC as per the format provided by the NCTE; (iii) the appellant filed the online application on 26/05/2015 and submitted the hard copy on the application to the NRC with the affidavit to the effect that the issuance of the NOC is under process annexing the letter above referred; (iv) issuance of the NOC was the duty of the affiliating body and the appellant was not at fault for their delay; (v) the NRC failed to process the application of the petitioner as per the time schedule stipulated in the Regulation 2014 and as per the time schedule laid down by Hon'ble Supreme Court in the matter of Maa Vaishno Devi Mahila Mahavidyalaya, and first time processed the application of the appellant in its 243rd meeting held between 28th to 30th September, 2015; (vi) the appellant thereafter responded to the show cause notice stating the facts in detail and explained the delay of the affiliating body in issuance of the NOC; (vii) the appellant vide its letter dated 19/11/2015 again requested the affiliating body for issuance of the NOC; (viii) the issue of the NOC has been settled by Hon'ble Supreme

Court in the (2006)9 SCC1 i.e. State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya and ors and the Hon'ble Supreme Court in the matter of Civil Appeal No. 8054 of 2013 (Arising out of SLP (C) No. 21788 of 2013) decided on 10/09/2013, in the matter of Royal Medical Trust (Regd.) Vs. Union of India (UOI) and Anr. held in para 11 to the following effect: i.e. "11. In the instant case, the appellant mindful of the aforesaid directions of this Court had applied in due time adhering to the statutory timelines. Its application in terms of necessary documents was in fact complete but for the affiliation certificate from KUHS which was awaited by the appellant even after several reminders for its issuance to KUHS pressing upon the urgency of the matter. Since the appellant was not at fault but constrained due to delay on part of KUCH, the Council was expected to have appropriately considered the facts and circumstances of the case pleaded by the appellant and thereafter, reached a conclusion one way or of the other on its merits instead of functioning in such mechanical manner by rejecting the application filed by the Appellant and, therafter, forwarding it to the Central Govt. with its adverse recommendations. In our considered opinion, this aspect of the matter ought of have been noticed by the Writ Court in Writ Petition as well as the Writ Appeal. Since that has not been done, in our considered view, we cannot sustain the impugned judgement and order passed by the High Court; (ix) It is also stated that so far as the old institutions are concerned, the NCTE has provided them an opportunity to convert themselves into composite institutions; and (x) other Regional Committees have processed the applications of the institutions without NOC and have issued the recognition orders also and in this connection the appellant enclosed a copy of the appellate order dt. 02.06.2016 in respect of an institution under SRC."

AND WHEREAS the Committee noted that according to the provisions of Clause 5(3) of the NCTE Regulations, 2014, a No Objection Certificate (NOC) issued by the concerned affiliating body shall be enclosed to the online application. The appellant has not enclosed copies of the judgements referred to in the appeal to ascertain their relevance/applicability. The appellate order dated 02.06.2016 referred to by the appellant is not relevant to their case as the institution referred to therein complied with the cut off date for submission of hard copy of the application with NOC.

AND WHEREAS since the appellant did not fulfil the requirement of submitting NOC with the application, the Committee concluded that the NRC was justified in rejecting their application and therefore the appeal deserved to be rejected and the order of the NRC 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 NRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the NRC is confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Manager, Ram Kailash Teachers Training Institute, 717, 718, Ram Kailash Teacher Training, Akma, Faizabad, Uttar Pradesh – 224229.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.