



F.No.89-131/E-113053/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Shaheed Peer Ali Teacher Training College, Sakri Purani Bazar Road, Pandaul, Bihar dated 02/04/2019 is against the Order No. ERC/269.6.18/ERCAPP201645048/7355/B.Ed. & D.El.Ed./2019/59872 dated 18.03.2019 of the Eastern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "Show Cause Notice u/s 14(3)(b) decided on 02.03.2019 and issued on 03.03.2019 on the grounds mentioned therein. Reply dated 03.03.2019 (on the basis of proceedings uploaded on ERC website) received from the institution intimating that three faculties with NET/Ph.D. qualification will be appointed before the commencement of academic session 2019-20, which is not accepted by the Committee. Hence, the institution is still deficient for grant of recognition to B.Ed. course on the following grounds:- As per approved faculty list for B.Ed. course, three appointed faculties each in Fine Arts, Music and Physical Education viz. Shri Bindeshwar Prasad Kamti, Md. Manzoor Alam and Shri Anurag Tiwari respectively do not possess NET/Ph.D. qualification required under Gazette Notification dated 09.06.2017 published by NCTE. Since the B.Ed. course of the same (composite) application is at deficient stage, not fit for grant of recognition, the D.El.Ed. course comes under the category of standalone, which is not permissible as per NCTE Regulations, 2014. In view of the above, the Committee decided as under:- The Committee is of the opinion that application bearing application No. ERCAPP201645048 of the institution regarding recognition to B.Ed. and D.El.Ed. programme is refused under section 14(3)(b) of NCTE Act 1993."


AND WHEREAS Md. Sagir Najm, Chairman and Sh. Moassaf Ali, Member, Shaheed Peer Ali Teacher Training College, Sakri Purani Bazar Road, Pandaul, Bihar presented the case of the appellant institution on 15/05/2019. In the appeal and during

personal presentation it was submitted that "At the time of interview for appointment of faculties, no candidate was available with NET or Ph.D. in Fine Arts Music and Physical Education and we understand that NET or Ph.D. qualification is not essential for the appointment of these faculties. So, we appointed faculties with high qualification who were available at the time of interview. After the show cause we advertised and conducted another interview for same, now we are submitting the list appointed faculties each in Fine Arts Music Physical Education as per NCTE Gazette 09.06.2017. Therefore, you are requested to kindly look into the matter sympathetically and grant recognition of composite course B.Ed. and D.El.Ed. for session 2019-2020."

AND WHEREAS Appeal Committee noted that impugned refusal order dated 18/03/2019 pertaining so B.Ed. course was on the ground that in the approved faculty list for B.Ed. course, three appointed faculty each in Fine Arts, Music and Physical Education did not possess NET (Ph.d. qualification as required under NCTE Notification dated 09/06/2017. Appeal Committee noted that modification effected by NCTE notification dated 09/06/2017 are not applicable to norms mentioned after the words "Desirable". For Performing Arts the qualification remains (i) Post graduate degree in Music/Dance/Theatre Arts. Appeal Committee further noted that appellant institution has subsequently been able to select the faculty in Physical Education, Fine Arts & Music which is NET qualified and approved by affiliating university. Appellant institution is required to submit this list to ERC within 15 days of the issue of Appeal order. Appeal Committee decided to remand back the case to ERC to consider the submission which is required to be made by appellant after issue of appeal order for taking an appropriate decision.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to ERC to consider the submission which is required to be made by appellant after issue of appeal order for taking an appropriate decision.

NOW THEREFORE, the Council hereby remands back the case of Shaheed Peer Ali Teacher Training College, Sakri Purani Bazar Road, Pandaul, Bihar to the ERC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Chairman, Shaheed Peer Ali Teacher Training College, Sakri, Sakri Purani Bazar Road, Pandaul, Bihar – 847239.**
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.**
- 4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.**

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F.No.89-132/E-113053/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Shaheed Peer Ali Teacher Training College, Sakri Purani Bazar Road, Pandaul, Bihar dated 04/04/2019 is against the Order No. ERC/269.6.18/ERCAPP201645048/7355/B.Ed. & D.El.Ed./2019/59872 dated 18.03.2019 of the Eastern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "Show Cause Notice u/s 14(3)(b) decided on 02.03.2019 and issued on 03.03.2019 on the grounds mentioned therein. Reply dated 03.03.2019 (on the basis of proceedings uploaded on ERC website) received from the institution intimating that three faculties with NET/Ph.D. qualification will be appointed before the commencement of academic session 2019-20, which is not accepted by the Committee. Hence, the institution is still deficient for grant of recognition to B.Ed. course on the following grounds:- As per approved faculty list for B.Ed. course, three appointed faculties each in Fine Arts, Music and Physical Education viz. Shri. Bindeshwar Prasad Kamti, Md. Manzoor Alam and Shri Anurag Tiwari respectively do not possess NET/Ph.D. qualification required under Gazette Notification dated 09.06.2017 published by NCTE. Since the B.Ed. course of the same (composite) application is at deficient stage, not fit for grant of recognition, the D.El.Ed. course comes under the category of standalone, which is not permissible as per NCTE Regulations, 2014. In view of the above, the Committee decided as under:- The Committee is of the opinion that application bearing application No. ERCAPP201645048 of the institution regarding recognition to B.Ed. and D.El.Ed. programme is refused under section 14(3)(b) of NCTE Act 1993."

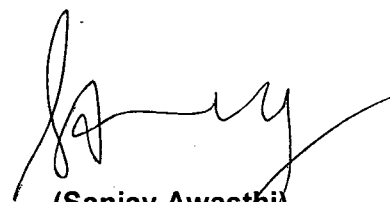
AND WHEREAS Md. Sagir Najm, Chairman and Sh. Moassaf Ali, Member, Shaheed Peer Ali Teacher Training College, Sakri Purani Bazar Road, Pandaul, Bihar presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that "At the time of interview for appointment of

faculties, no candidate was available with NET or Ph.D. in Fine Arts Music and Physical Education and we understand that NET or Ph.D. qualification is not essential for the appointment of these faculties. So, we appointed faculties with high qualification who were available at the time of interview. After the show cause we advertised and conducted another interview for same, now we are submitting the list appointed faculties each in Fine Arts Music Physical Education as per NCTE Gazette 09.06.2017. Therefore, you are requested to kindly look into the matter sympathetically and grant recognition of composite course B.Ed. and D.El.Ed. for session 2019-2020."

AND WHEREAS Appeal Committee noted that recognition for D.El.Ed. programme was refused by ERC because the appellant institution did not qualify on account of composite status for reason of rejection of its B.Ed. course. Appeal Committee further noted that the application for B.Ed. course made by appellant institution has since been remanded back for revisiting, the application for D.El.Ed. course also deserves to be remanded back for reconsideration.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to ERC for revisiting the matter.

NOW THEREFORE, the Council hereby remands back the case of Shaheed Peer Ali Teacher Training College, Sakri Purani Bazar Road, Pandaul, Bihar to the ERC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Chairman, Shaheed Peer Ali Teacher Training College, Sakri, Sakri Purani Bazar Road, Pandaul, Bihar - 847239.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.

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F.No.89-133/E-112964/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Patna Women's College, Patna, Bihar dated 04/04/2019 is against the Order No. ERCAPPOLD201946429 dated 26.03.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Show Cause Notice u/s 17(1) was issued on 22.02.2019. The submitted faculty list is not in the NCTE prescribed proforma and not approved by the concerned affiliating body. The institution is still deficient on requisite faculty as per NCTE Regulations, 2014 for running 02 units (100 intake) of B.Ed. programme. In view of the above, the Committee decided as under: The Committee is of the opinion that recognition granted to B.Ed. course of the application bearing Code No. APE00445 is withdrawn under section 17(1) of NCTE Act, 1993 with effect from the academic session 2019-2020."

AND WHEREAS Sh. M. Jincy A.C., Assistant Professor P.W.C. and Upasana Singh, Head, Patna Women's College, Patna, Bihar presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that "we are submitting the faculty list in prescribed proforma. Approval of the affiliating body is not applicable in our case, as explained. Patna Women's College is an autonomous and minority institution. As per the Guidelines for determination of Minority Status, Recognition, Affiliation and related matters in respect of Minority Educational Institutions under the Constitution of India issued by the National Commission for Minority Educational Institutions, a body constituted by Parliamentary Act, a minority institution has the right to appoint teaching staff (Teachers/Lecturers and Head Masters/Principals) also non-teaching staff (p 18). This is under fundamental right granted by the Article 30(1) of the Constitution of India that gives linguistic and religious minorities a fundamental right to establish and administer

educational institutions of their choice. This right comprises inter alia of choosing its governing body in whom the founders of the institution have faith and confidence to conduct and manage the affairs of the institution. The State Government or the University is not empowered to require a minority educational institution to seek its approval in the matter of selection/ appointment. of its teaching or non-teaching staff (Judgement of Supreme Court in Ahmadabad St. Xaviers College v State of Gujarat (1974)1SCC717). However, we have submitted the list of teachers selected by the Governing Body of the college to the parent university (Patna University) for their perusal. We are submitting the document in the prescribed proforma approved by the Governing Body, along with affidavits and supporting documents relating to teachers. Patna Women's College is an autonomous college under Patna University and has been accredited A grade (3.58/4) in the 3rd cycle of NAAC accreditation. Two of our newly recruited teachers left during the session 2017-18 for their personal reasons hence vacancy was created. Again, we advertised on 8th April 2018. We were in the process of recruitment, which was delayed due to dearth of qualified replacements. We have completed our recruitment process and appointed the required number of teachers as per the 2014 regulation for 2 units (100 intake) of students.”

AND WHEREAS Appeal Committee noted the submission made by appellant institution with regard to two vacancies of faculty which occurred due to leaving the job for their personal reasons. Appellant institution also submitted during the appeal hearing a faculty list containing the names of one Principal and 15 faculty duly approved by Registrar, Patna University. Appeal Committee further noted that whereas 10 faculty members out of the above list are already holding their positions, five of the faculty members approved by affiliating university on 08/05/2019 are supposed to be appointed from 01/07/2019. The list of faculty also pertains to academic year 2019-20.

AND WHEREAS Appeal Committee decided that appellant institution is required to submit the faculty list approved by affiliating university to ERC within 15 days of the issue of Appeal order. The case is remanded back to ERC to revisit the matter after

considering the submission required to be made by appellant within 15 days for taking an appropriate decision afresh.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded appellant institution is required to submit the faculty list approved by affiliating university to ERC within 15 days of the issue of Appeal order. The case is remanded back to ERC to revisit the matter after considering the submission required to be made by appellant within 15 days for taking an appropriate decision afresh.

NOW THEREFORE, the Council hereby remands back the case of Patna Women's College, Patna, Bihar to the ERC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Principal, Patna Women's College, Patna, Bihar - 800001.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.



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F.No.89-134/E-113184/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Bhartiya Teacher Training School, Chitawa, Chhapri Road, Kuchaman City, Rajasthan dated 27/03/2019 is against the Letter No. New Appl./RF/Raj./NRCAPP6460/2013-14/47437 dated 07.06.2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration / processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each

individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."

AND WHEREAS Sh. Sukha Ram, Treasurer, Bhartiya Teacher Training School, Chitawa, Chhapri Road, Kuchaman City, Rajasthan presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that NCTE, New Delhi had issued a public notice on 27.11.2012 through which applications for grant of recognition for various Teacher Education course were invited from all stake holders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. This institution applied online for grant of recognition of D.El.Ed. course (02 units) to NCTE from 2013-14 on 29.12.2012. That NRC, NCTE had returned the application for grant of recognition of D.El.Ed. submitted by this institution vide letter 07.06.2013. This institution filed a S.B. Civil Writ Petition No. 5256/2019 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 13.03.2019 and directed to petitioner to file an appeal u/s 18 of NCTE Act. 1993 and Appellate Authority is directed to decide the same expeditiously as possible, in accordance with law. This institution is running B.A. and B.Sc. course in the college campus. That Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." In the Appeal matter of Sardar Bhagat Singh Shikshan Sansthan, Khara Chak, Pilibangan, Goluwala, Rajasthan, Appellate Authority, NCTE had decided by its order dated 24.09.2018 that the matter deserver to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and the Appellate orders issued in similar cases. That it is pertinent to mention here that Deptt. of Elementary Education (Ayojana) Deptt., Govt. of Rajasthan had sent a letter to

Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020. That it is pertinent to mention here that Director, Elementary Education, Rajasthan, Bikaner, who is affiliating body for D.El.Ed. course in the State of Rajasthan, has issued N.O.C. for D.El.Ed. course for session 2019-20 to many institutions who had applied for grant of recognition for D.El.Ed. course in session 2013-14. That NRC, NCTE had returned the application of this institution on totally arbitrary, unjustified, illegal and unconstitutional basis because this institution has submitted application for grant of recognition for D.El.Ed. course through online electronically mode and required processing fees of Rs. 50100/- was submitted to NRC, NCTE on 31.12.2012 vide challan No. M377984 dated 31.12.2012. It is prayed that the rejection order issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course (02 units)."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 5256 of 2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 13/03/2019, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Appeal Committee noted that order dated 13/03/2019 issued by Hon'ble High Court requires the Appellate Authority to deal with the appeal expeditiously in accordance with law. Section 18 of the NCTE Act, 1993 lays down that any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer appeal within such period as may be prescribed and no appeal shall be admitted if it is preferred after the expiry of period prescribed therefor. Further it is provided in the Act that appeal may be admitted after the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period. Rule 10 of NCTE Rules

framed under the relevant Act prescribes that any person aggrieved by an order made under Section 14, 15 or 17 may prefer appeal within 60 days of the issue of such order and for admission of appeal after the expiry of said period of 60 days, appellant requires to satisfy the Council that he had sufficient cause for not preferring the appeal within a period of 60 days:

AND WHEREAS Appeal Committee noted that right of a person aggrieved by any order issued under Section 14 or 15 or 17 of the NCTE Act is guaranteed in the NCTE Act and Rules framed thereunder and institutions aggrieved by the Act of NCTE mentioned above need not take legal recourse and seek orders of Court of Law for preferring appeal. Appeal Committee noted that a number of institutions which fail to rectify the deficiencies on time and also fail to respond to the communications of NCTE for long periods take shelter of the Courts of law to avoid rejection of their appeals on delay grounds. Courts of law have been granting liberty to petitioners to avail the remedy of appeal under Section 18 of the Act. Appeal Committee is of the view that orders issued by Hon'ble Court do not imply automatically condoning the period of delay as all appeals have to be dealt in accordance with law. Either the Hon'ble Court in its order shall specifically mention that they are satisfied with the reasons for not preferring appeal on time or the Appellate Authority shall be free to consider the justification for delay furnished by appellant before admitting or denying the appeal for consideration.

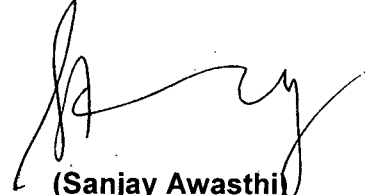
AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the

recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Bhartiya Teacher Training School, Chitawa, Chhapri Road, Kuchaman City, Rajasthan - 341519.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-135/E-113161/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Taxsheela Vidyapeeth Sansthan Vill. Chirwa Udaipur, Badgoan, Rajasthan dated 03/04/2019 is against the Letter No. NEW Appl./RF/Raj./NRCAPP-7988/2013-14/62484 dated 15.10.2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration / processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC

decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."

AND WHEREAS Dr. G.L. Menaria, President and Sh. Naveen Menaria, Secretary, Taxsheela Vidyapeeth Sansthan Vill. Chirwa Udaipur, Badgoan, Rajasthan presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that "The controversy has already been resolved vide order dated 18.05.15 in W.P. No. 4242/15 and in pursuance of it, they have process of the file of institution for the next academic session. Hence, not initiating action in the light of supra judgment is illegal and unjust. The appellant is eligible for recognition of D.El.Ed course, as per NCTE Act and the regulation of 2014. The appellant has submitted an application in 2012 for D.El.Ed. course in the prescribed form. The respondent entertained the application of the appellant and allotted Application ID NRC App Code 7988. Because rejection of file on the ground that the institution has not submitted the application as per clause 5, of the NCTE Regulation 2014 is unjust and illegal unless decided on merit. Further, the respondents had enjoyed the amount of process fee and FDR, for long time. The issue of submission of online application as per clause 5 has already waived up by the department in the case of St. Meera T.T. College, Jhambutalab, Rajasmand. Appellant has no other alternative or equally efficacious remedy but to approach this Hon'ble Court by way of this Petition. On this ground reasonable facts lastly the Rajasthan High Court (Jaipur Branch) hearing this matter passed order and mentioning that appellant reserves the right to appeal before NCTE Head Quarter to consider the case on merit."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 2009 of 2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 24/01/2019, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in

case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Appeal Committee noted that order dated 24/01/2019 issued by Hon'ble High Court requires the Appellate Authority to deal with the appeal expeditiously in accordance with law. Section 18 of the NCTE Act, 1993 lays down that any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer appeal within such period as may be prescribed and no appeal shall be admitted if it is preferred after the expiry of period prescribed therefor. Further it is provided in the Act that appeal may be admitted after the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period. Rule 10 of NCTE Rules framed under the relevant Act prescribes that any person aggrieved by an order made under Section 14, 15 or 17 may prefer appeal within 60 days of the issue of such order and for admission of appeal after the expiry of said period of 60 days, appellant requires to satisfy the Council that he had sufficient cause for not preferring the appeal within a period of 60 days.

AND WHEREAS Appeal Committee noted that right of a person aggrieved by any order issued under Section 14 or 15 or 17 of the NCTE Act is guaranteed in the NCTE Act and Rules framed thereunder and institutions aggrieved by the Act of NCTE mentioned above need not take legal recourse and seek orders of Court of Law for preferring appeal. Appeal Committee noted that a number of institutions which fail to rectify the deficiencies on time and also fail to respond to the communications of NCTE for long periods take shelter of the Courts of law to avoid rejection of their appeals on delay grounds. Courts of law have been granting liberty to petitioners to avail the remedy of appeal under Section 18 of the Act. Appeal Committee is of the view that orders issued by Hon'ble Court do not imply automatically condoning the period of delay as all appeals have to be dealt in accordance with law. Either the Hon'ble Court in its order shall specifically mention that they are satisfied with the reasons for not preferring appeal on time or the Appellate Authority shall be free to

consider the justification for delay furnished by appellant before admitting or denying the appeal for consideration. In the instant case, appellant institution has neither replied to the SCN dated 15/12/2015 nor has preferred appeal within the time limit prescribed. Appellant's statement that it did not receive the S.C.N. should have been contested by the appellant by preferring a timely appeal.

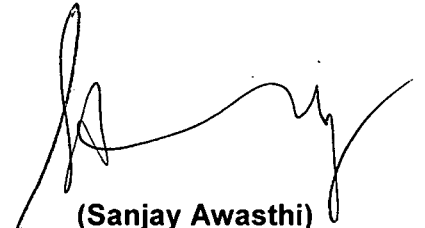
AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative

recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Taxsheela Vidyapeeth Sansthan Vill. Chirwa Udaipur, Chirwa, Badgoan, Rajasthan - 313004.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



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F.No.89-136/E-113260/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Kaliabor College of Education, Kuwaritol, Kaliabor, Assam dated 09/04/2019 is against the Order No. ERC/267.4.1/9572/D.El.Ed./ERCAPP201646113/2019/59450 dated 22.02.2019 of the Eastern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "refusal order u/s 15(3)(b) was issued on 29.12.2017 on the grounds mentioned therein. The institution preferred appeal and the Appellate Authority vide order No. 89-66/E-63100/2018 Appeal/6th Mtg.-2018/7th & 9th April, 2018/66860 dated 05.06.2018 remanded back the case to ERC with a direction to consider the reply of the appellant to be sent to them and take further action as per the NCTE Regulations, 2014. The appellant was directed to forward to ERC, their reply dated 27.02.2017 with all the necessary documents within 15 days of receipt of the orders on the appeal. Reply from the institution has not been received so far and in the meantime, 08 months have already been over. In view of the above, the Committee decided as under: The Committee is of the opinion that application bearing application No. ERCAPP20164611 institution regarding permission to D.El.Ed. programme is refused under section 15(3)(b) of NCTE Act, 1993."

AND WHEREAS Sh. Mridu Paban Bora, Lecturer, Kaliabor College of Education, Kuwaritol, Kaliabor, Assam presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that "In pursuance of the earlier appeal order dated 05/06/2018 all documents were personally handed over in the office of E.R.C. on 14/06/2018 by a letter dated 11/06/2018. Receipt of that communication is attached."

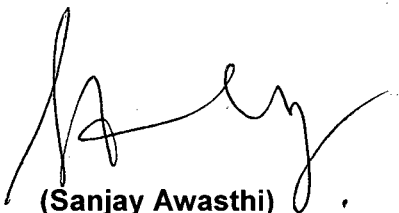
AND WHEREAS Appeal Committee noted that E.R.C. first rejected the application of appellant institution by an order dated 29/12/2017 and appellant

institution had filed an appeal on 08/02/2018. In the Appellate order dated 05/06/2018, the case was remanded back with a direction to consider the reply which was required to be sent, by appellant to E.R.C., within 15 days of the issue of Appeal order. The present impugned order dated 22/02/2019 is on the ground that no reply was received from the appellant institution even after 8 months.

AND WHEREAS submission made by appellant institution that it had submitted required documents to E.R.C. by a letter dated 11/06/2018 delivered in the office of E.R.C. on 14/06/2018 are verifiable by signatures of Despatch Clerk and a stamp of E.R.C., Bhubaneswar. There are chances that this receipt might have been misplaced as all documents stated to have been enclosed with this letter are of a date prior to the reply dated 11/06/2018. Appeal Committee is of the view that case deserves to be revisited by E.R.C. and appellant institution should submit one more copy of all the required documents to E.R.C. along with copy of its letter dated 11/06/2018 within 15 days of the issue of Appeal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that case deserves to be revisited by E.R.C. and appellant institution should submit one more copy of all the required documents to E.R.C. along with copy of its letter dated 11/06/2018 within 15 days of the issue of Appeal order.

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



(Sanjay Awasthi)
Member Secretary

1. The Principal, Kaliabor College of Education, Kuwaritol, Kaliabor, Assam - 782137.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Assam, Dispur.



F.No.89-137/E-113245/2019 Appeal/15th Mtg.-2019/15th May, 2019
NATIONAL COUNCIL FOR TEACHER EDUCATION
 Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/06/2019

ORDER

WHEREAS the appeal of Murli Memorial T.T. College, Khatushyamji, Dantaramgarh, Rajasthan dated 30/03/2019 is against the Order No. NRC/NCTE/NRCAPP-15055/257th (Part-3) Meeting/2016/160328 dated 14.10.2016 of the Northern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "the institution was given show cause notice vide letter dt. 07.12.2015 with direction to submit the reply within 30 days. The institution did not submit any reply of show cause notice within stipulated time."

AND WHEREAS Sh. Narendra Kumar, Secretary, Murli Memorial T.T. College, Khatushyamji, Dantaramgarh, Rajasthan presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that the NRC erred in deciding the matter. There was virtual impossibility in submitting the application online and after directions of hon'ble court narrated above the applications was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court given in other identical matters it would have been done. The appellant institution submitted application along with reference to other identical/similar matters but the respondent committee not considered the matter as per reference. The Committee noted that the appellant Could not have submitted the application on line within the time frame allowed by the hon'ble high court on 10.12.2015 i.e. one month which' is a Virtual impossibility due to closure of NCTE Portal."

AND WHEREAS Appeal Committee noted that appellant institution filed a S.B. Civil Writs No. 4175/2019 in the High Court of Judicature for Rajasthan Bench at Jaipur and Hon'ble High Court by its order dated 26/02/2019 granted liberty to the petitioner to avail remedy of appeal. Appellate Authority is required to deal with the appeal expeditiously in accordance with law.

AND WHEREAS Appeal Committee noted that order dated 26/02/2019 issued by Hon'ble High Court requires the Appellate Authority to deal with the appeal expeditiously in accordance with law. Section 18 of the NCTE Act, 1993 lays down that any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer appeal within such period as may be prescribed and no appeal shall be admitted if it is preferred after the expiry of period prescribed therefor. Further it is provided in the Act that appeal may be admitted after the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period. Rule 10 of NCTE Rules framed under the relevant Act prescribes that any person aggrieved by an order made under Section 14, 15 or 17 may prefer appeal within 60 days of the issue of such order and for admission of appeal after the expiry of said period of 60 days, appellant requires to satisfy the Council that he had sufficient cause for not preferring the appeal within a period of 60 days.

AND WHEREAS Appeal Committee noted that right of a person aggrieved by any order issued under Section 14 or 15 or 17 of the NCTE Act is guaranteed in the NCTE Act and Rules framed thereunder and institutions aggrieved by the Act of NCTE mentioned above need not take legal recourse and seek orders of Court of Law for preferring appeal. Appeal Committee noted that a number of institutions which fail to rectify the deficiencies on time and also fail to respond to the communications of NCTE for long periods take shelter of the Courts of law to avoid rejection of their appeals on delay grounds. Courts of law have been granting liberty to petitioners to avail the remedy of appeal under Section 18 of the Act. Appeal Committee is of the view that orders issued by Hon'ble Court do not imply automatically condoning the

period of delay as all appeals have to be dealt in accordance with law. Either the Hon'ble Court in its order shall specifically mention that they are satisfied with the reasons for not preferring appeal on time or the Appellate Authority shall be free to consider the justification for delay furnished by appellant before admitting or denying the appeal for consideration. In the instant case, appellant institution has neither replied to the SCN dated 07/12/2015 nor has preferred appeal within the time limit prescribed. Appellant's statement that it did not receive the S.C.N. should have been contested by the appellant by preferring a timely appeal.

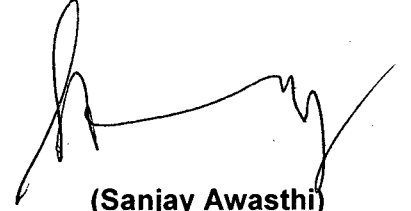
AND WHEREAS Appeal Committee noted that appellant institution submitted online application dated 30/06/2015 after the NCTE Regulation, 2014 came into force. Most of the submissions made by appellant in its appeal memoranda are not relevant to the case as these submissions and references pertain to such applications which were submitted prior to the NCTE Regulation, 2014.

AND WHEREAS Appeal Committee noted that in the present case a proper refusal order dated 14/10/2016 was issued allowing the appellant to file an appeal within 60 days. The present appeal dated 30/03/2019 is delayed by more than 27 months and appellant has not given any reasons for this long and inordinate delay in filing appeal. Appeal Committee also noted that appellant institution has failed to comply with the requirement of Clause 5 (3) of NCTE Regulations, 2014 by not submitting N.O.C. issued by affiliating body even after issue of a Show Cause Notice.

Appeal Committee decided not to condone the delay of 27 months. Appeal being devoid of merit and delayed is therefore, not admitted.

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 not to admit the appeal on ground of delay. Hence the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Murli Memorial T.T. College, Khatushyamji, 2666/2, Dantaramgarh, Rajasthan – 332602.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-138/E-113948/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Sri Gowthami Integrated B.Ed. College, Darsi, Podili Road, Darsi, Andhra Pradesh dated 10/04/2019 is against the Order No. F. SRO/NCTE/SRCAPP3432/B.Sc. B.Ed./AP/2019 – 101535 dated 27.02.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that “the institutions was issued a Show Cause Notice and subsequently a reminder was issued. They have not cared to respond till date. Taking adverse notice of their gross recalcitrance in a serious matter like this, the SRC in its 370th meeting on 8th February, 2019 decided to withdraw the recognition granted to them for running a B.A. B.Ed./B.Sc. B.Ed. programme. The FDRs may be returned only after completing the usual formalities.”

AND WHEREAS Sh. K. Gunda Reddy, Secretary and Sh. K.J. Tilak Reddy, Representative, Sri Gowthami Integrated B.Ed. College, Darsi, Podili Road, Darsi, Andhra Pradesh presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that we came to know that our recognition was withdrawn through the web site of the NCTE and the reason shown for this was not responding to the letters of the NCTE We humbly submit that we received no letter either from your office or from the AP state Council for Higher Education. We also submit that no committee inspected our college so far. The entire episode happened due to the postal mistake NCTE office posted the letters to the Tanamchintala village address though our land of societies situated in that village we have submitted the DARSI building and other details and got the postal address corrected in our NCTE office. The corrected address was not carried in the communication and hence the letters delivered to Tanamchintala. We found the error after the verification of the website i.e. withdrawal of recognition. We also submit that

this entire issue is due to lack of communication but not for any negligence on our part. We also submit that we have spent a huge amount to develop the Integrated B.Ed. for infrastructure and deposits joint account and waiting for starting the course for the last three years. We request your kindness to restore our recognition our recognition orders issued address is Sri Gowthami Integrated B.Ed. College Plot No. 821 of 3821 of 4 Podili Road , Darsi Village Post Darsi Taluk Prakasam Dist Pin – 523247, Andhra Pradesh and not on Tanamchintala Kindly note the same and do the needful.”

AND WHEREAS Appeal Committee noted that impugned order dated 27/02/2019 withdrawing recognition for conducting B.Sc. B.Ed. course is on the ground that appellant institution has not responded to the Show Cause Notice (SCN) dated 06/11/2018 and a reminder dated 13/12/2018. Appellant in its written submission made in the Memoranda of Appeal and oral presentation before Appeal Committee stated that appellant institution did neither receive the S.C.N. nor the reminder.

AND WHEREAS Appeal Committee noted that Letter of Intent (L.O.I.) and recognition order were issued to appellant institution at the following address:-

1.	Letter of Intent dt. 15/02/2016	Recognition order dated 02/05/2016	Sri Gowthami Integrated B.Ed. College, Plot No. 248/4, Tanamchint Street, Tanamchinthala Village, Devavaram Post Office, Darsi Taluka, Prakasam District, 523247, Andhra Pradesh
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The Show Cause Notice (S.C.N.) dated 06/11/2018 and reminder dated 13/12/2018 were also issued to appellant institution at the above address.

AND WHEREAS Appeal Committee noted that appellant in its submission letter dated 15/05/2019 stated that the institution is located at Plot no. 821/3, 4, Podili Road, Darsi Village & Post, Darsi Taluk, Prakasam District – 523247, Andhra Pradesh.

AND WHEREAS Appeal Committee noted that appellant in its online application dated 10/06/2015 has mentioned the address of institution as mentioned in para 4. The building plan submitted by the appellant institution pertained to Survey no. 821/3, 821/4, Patt No. 757 in Darsi Grama Panchayat, Prakasam District. Appeal Committee noted that inspection of the institution was carried out on 01/02/2016 in the building located at S.No. 821/3, 821/4, Podili Road, Darsi Prakasam District which was obviously different from the address mentioned in online application. Appellant institution informed S.R.C. by its letter dated 08/02/2016 (Received in S.R.C. by Diary no. 166082) that in the application society's land was mentioned with survey no. 248/3 and after that at the time of Inspection documents pertaining to survey number 821/3, 821/4 were submitted and actual inspection was carried out at this address.

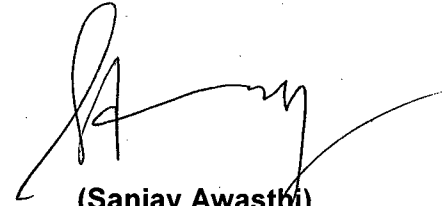
AND WHEREAS Appeal Committee noted that S.R.C. did not take cognizance of the appellant's letter dated 08/02/2016 and continued to address communications such as L.O.I., Recognition order, S.C.N. and reminder letters to appellant institution at the address mentioned in the online application. Appellant institution also did not pursue that matter with S.R.C. and continued to receive selectively the letters such as L.O.I. and Recognition order and refuse receipt of other letters i.e. S.C.N. etc..

AND WHEREAS Appeal Committee considering the facts of the case decided that S.R.C. is required to revisit the whole case particularly keeping in view that conduct of Inspection at a site not mentioned in the online application and grant of recognition without ascertaining the address was not permissible. Needless to say, that delivery of Show Cause Notice to appellant institution should be ensured by mentioning all the known addresses of appellant including e-mail address.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that S.R.C. is required to revisit the whole case particularly keeping in view that conduct of Inspection at a site not mentioned in the online application and grant of recognition without ascertaining the address was not permissible. Needless to say,

that delivery of Show Cause Notice to appellant institution should be ensured by mentioning all the known addresses of appellant including e-mail address.

NOW THEREFORE, the Council hereby remands back the case of Sri Gowthami Integrated B.Ed. College, Darsi, Podili Road, Darsi, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Sri Gowthami Integrated B.Ed. College, Darsi, Podili Road, Darsi, Andhra Pradesh – 523247.**
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.**
- 4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.**



F.No.89-140/E-113950/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Gorakh Singh College B.Ed. Course, Maharajganj, Bihar dated 29/03/2019 is against the Order No. ERC/266.8.1/ERCAPP201646048 (ID No. 10146)/D.El.Ed./2019/59294 dated 09.02.2019 of the Eastern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "show Cause Notice u/s 15(3)(b) issued on 21.01.2019 on the grounds mentioned therein. Reply dated 21.01.2019 received from the institution requesting to consider its application for grant of permission to D.El.Ed. (Additional Intake). Request of the applicant institution deserve no merit consideration as per clause 7(1) of NCTE Regulations, 2014. In view of the above, the Committee decided as under: The Committee is of the opinion that application bearing application No. ERCAPP201646048 of the institution regarding permission to D.El.Ed. Programme is refused under section 15(3)(b) of NCTE Act, 1993."

AND WHEREAS Sh. Manas Mohan Pandey, Representative, Gorakh Singh College B.Ed. Course, Maharajganj, Bihar presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that:-

- (i) *We have applied for D.El.Ed. (Additional intake) in our existing D.El.Ed. College seeking recognition for ERC, NCTE, Bhubaneswar on 31/05/2016.*
- (ii) *After submission of online application on 31/05/2016 we have arranged papers dispatched printout hardcopy and other documents as enclosure.*
- (iii) *The ERC, NCTE, Bhubaneswar rejected the D.El.Ed. application (APP201646048) Additional intake by order no. D.El.Ed./BI/2017-2018/5 dated 12/04/2017 due to late submission of hard copy of application.*

- (iv) We appealed against this order by appeal No. APPLI 1666 dated 17.05.2017 but Appeal Committee concluded to confirm the impugned refusal order dated 13.04.2017 issued by NCTE Bhubaneswar.
- (v) The institution filed CWJC No. 17569 of 2017 in Hon'ble High Court Patna. The Hon'ble High Court disposed of the matter on 23.01.2018 with a direction inter-alia:-

"The grievance of the petitioner of view, is identical in nature. Accordingly, the impugned orders, dated 13.04.2017 and 16.10.2017, are set-aside. The application of the petitioner, which is pending with the ERC NCTE, shall now, be required to be considered for the subsequent session 2018-19, if it is not, otherwise, impermissible. The ERC considered The Hon'ble High court of Patna order and decided to issue show cause notice and subsequently refused by dated 03.03.2018 letter.

- (vi) We appeal against ERC's 03.03.2018 order, The Appellate Authority vide order no. 89-360/E-75551/2018/Appeal/14th Mtg. -2018/30th & 31th July,2018 dated 12.09.2018 remanded back the case to ERC with a direction to consider these documents to be submitted to them by the applicant and take further action as per the NCTE, Regulation 2014.
- (vii) The ERC in its 265th Meeting held on 08th — Jan 2019 reviewed the matter in accordance with the appeal order as well as documents submitted by institution wide letter dated 26.12.2018 & as decided show cause notice u/s 15(3)(b) was issued vide no 59051 dated 21.01.2019 to the institution.
- (viii) The institution submitted reply dated 21.01.2019 & the ERC in its 266th meeting held on 31th Jan., 2019 and reconsider his show cause notice dated 21.01.2019 & subsequently refused on following ground.
 - (a) Show cause notice u/s 15(3)(b) was issued wide no 59051 dated 21.01.2019 on the ground Mentioned therein.
 - (b) Reply dated 21.01.2019 received from the institution requesting to the consider its application for grant of permission to D.El.Ed. (Additional Intake)

(C) Request of the applicant institution deserve no merit consideration as for clause) of the NCTE Regulation 2014.

So, for as point no (i) is concerned it is submitted that a Blue Print of Building Plan duly signed and approved by Govt. Eng. was submitted. In the submitted Building Plan signature of Jr. Engineer Named Niraj Kumar Singh mentioned as NKS is correct & legible at charge, which is at the absent place of Assistant Eng.

AND WHEREAS Appeal Committee noted that application seeking recognition for D.El.Ed. (Additional Intake) made by appellant institution was first refused by E.R.C. by an order dated 13/04/2017 and confirmed by Appellate order dated 16/10/2017. Impugned refusal order dated 13/04/2017 was on the ground that appellant institution failed to submit hardcopy of the application by 15th July, 2016 which was stipulated to be the last date for submission of hard copy of the application. Appellate order dated 16/10/2017 confirmed the impugned order.

AND WHEREAS Appeal Committee noted that appellant institution filed Civil Writ Petition no. 17569 of 2017 in the High Court of Judicature at Patna and the Hon'ble High Court by its order dated 23/01/2018 set aside the impugned orders dated 13/04/2017 and 16/10/2017. In its order, Hon'ble High Court further said that E.R.C. of NCTE, shall, now, be required to consider the application of the petitioner for subsequent session 2018-19, if it not, otherwise impermissible.

AND WHEREAS Appeal Committee noted that on getting the orders of High Court, ERC started processing the application of appellant institution which was otherwise impermissible Clause 7 (2) (b) of NCTE Regulation, 2014 very clearly specifies that **an application shall be summarily rejected in case of failure to submit printout of application made online along with documents within 15 days of the submission of online application.** It is therefore, evident that Regional

Committee was not within its jurisdiction to have processed an application, hard copy of which was submitted after the last date notified by NCTE.

AND WHEREAS Appeal Committee observed that after E.R.C. processed the application, which otherwise was a case of summary rejection, a S.C.N. dated 27/02/2018 was issued seeking from the appellant (a) blue print of building plan, (b) Building Completion Certificate, (C) N.E.C. and (d) C.L.U.

AND WHEREAS Appeal Committee noted that appellant institution in a piecemeal manner has submitted building plan, B.C.C., C.L.U., and N.E.C. and the refusal order dated 09/02/2019 which is third in a row and is now being appealed against basically has a focus that 'Request of applicant institution deserves no merit consideration as per Clause 7 (1) of NCTE Regulation.

AND WHEREAS Clause 7 (1) of NCTE Regulation, 2014 reads as under"-


"In case an application is not complete, or requisite documents are not attached with the application, the application shall be treated : incomplete and rejected, and application fees paid shall be forfeited."

AND WHEREAS Appeal Committee noted that there were several appeal matters concerning hardcopies of online application submitted after the last date prescribed for submitting hard copy. None of the requests made by appellant institution to consider their application for subsequent academic years was accepted. It would be unfair to all those appellants, if it is decided to accept the application received after the cut-of date for subsequent academic year. NCTE Regulations also do not permit of any such relaxation.

AND WHEREAS Appeal Committee, therefore, decided to confirm the impugned refusal order dated 09/02/2019.

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

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



(Sanjay Awasthi)
Member Secretary

1. **The Secretary, Gorakh Singh College B.Ed. Course, Maharajganj, Bihar - 841238.**
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 - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.



F.No.89-141/E-114041/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Gayatri Gurukrupa B.Ed. College, Lathi, Amreli Road, Lathi, Gujarat dated 15/04/2019 is against the Order No. APW03894/323384/Guj./304th/2019/202746-202750 dated 12.04.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the institution has not submitted Building Compliance Certificate issued by Competent Authority. The institution has not submitted original FDRs towards Endowment Fund and Reserve Fund as per Regulations, 2017. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for B.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS Sh. Trivedi Chetan Kumar, Clerk and Sh. Patel Vipul G., Trustee, Gayatri Gurukrupa B.Ed. College, Lathi, Amreli Road, Lathi, Gujarat presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that "Building Completion Certificate and additional F.D.R. was sent to W.R.C. vide letter no. OW/B.Ed./437/2017 dated 15/12/2017 and 05/01/2018."

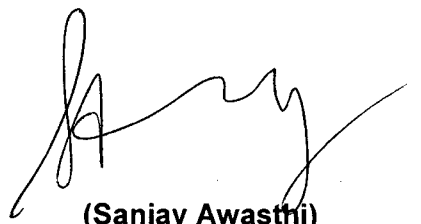
AND WHEREAS Appeal Committee noted the oral submission made by appellant that WRC was requested to modify the revised recognition order as appellant institution required intake of one unit instead of two. A written communication dated 24/09/2016 in this regard, is found available on the regulatory file.

AND WHEREAS Appeal Committee further noted that submission of additional F.D.R. of 4 lakh on account of Endowment and Reserve Funds is not an essential

requirement for the existing institutions. The Building Completion Certificate (B.C.C.) submitted by appellant during appeal hearing on 15/05/2019 indicates a built up area of 17167.25 Sq. feet. As per Norms & Standards (para 6.1 – Appendix – 4) of NCTE Regulations, 2014 a minimum of 1500 sq. meters is required for an intake of 50 students. Appeal committee, therefore, decided that W.R.C. is required to revisit the matter taking into cognizance the letter dated 24/09/2016 of the appellant institution wherein it was requested to reduce the intake from 100 students to 50 students. Appeal Committee decided to remand back the case to W.R.C. for revisiting the matter. Appellant institution is required to resubmit to W.R.C. original B.C.C. and renewed/revalidated F.D.Rs, within 15 days of the issue of Appeal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee decided to remand back the case to W.R.C. for revisiting the matter. Appellant institution is required to resubmit to W.R.C. original B.C.C. and renewed/revalidated F.D.Rs, within 15 days of the issue of Appeal order.

NOW THEREFORE, the Council hereby remands back the case of Gayatri Gurukrupa B.Ed. College, Lathi, Amreli Road, Lathi, Gujarat to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Manging Trustee, Gayatri Gurukrupa B.Ed. College, Lathi, Amreli Road, Lathi, Gujarat – 365430.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.



F.No.89-142/E-114110/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Shri Laxmikanta College of Technology, Bhilai Road Lanji, Madhya Pradesh dated 15/04/2019 is against the Order No. APW03894/323384/Guj./304th/2019/202746-202750 dated 06.02.2019 of the Western Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "and Whereas, the reply of Show Cause Notice not received. The matter was placed before WRC in its 301st meeting held on January 17-18, 2019. The Committee decided that "...Show Cause Notice was issued to the institution on 24.05.2018 and reply has not been received till date. Hence, Recognition is refused. FDRs, if any, be returned."

AND WHEREAS Sh. Gulabchand, Director, Shri Laxmikanta College of Technology, Bhilai Road Lanji, Madhya Pradesh presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that "receiving show cause notice dated 24th may 2018, institution has dispatched its reply through registered speed post -numbere11337139821n--on 22/06/2018. Thereafter that speed post and reply was received by the office of the Regional Director of NCTE, WRC on 26/06/2018. But not been attached file No. WRC/APP/201660134/9017/B.A. B.Ed. the office of the regional director has not reported the receiving of the reply dated 21.06.2018 and without opportunity of hearing and inspection of the matter directly placed before NCTE WRC with wrong and false opinion. Therefore, findings of NCTE WRC meeting dated 17th and 18th January 2019 is based on false reporting in the relevant office. That the true fact is that reply of show Cause notice dated 24th may 2018 was dispatched by the institution and received by the office but the file is not attached. Enquiry is necessary against the responsible person in the office of the Regional Director and rehearing after the matter with the

document which the reply send by the institution and received by the office of the Regional Director NCTE WRC on 22.06.2018 as is mentioned in the record of postal department working under the Central Government of India. In view the fact and circumstances of the case the applicant pray the following relief: Hon'ble Appellant Authority may kindly be pleased to direct the office of the Regional Director NCTE WRC to firstly search the document and attach these documents in file no WRC/APP/201660134/9017/B.A. B.Ed. and take the document through institution. There after matter be placed before the NCTE WRC for the hearing and final disposal of the matter. Kindly allow the appeal and pass the appropriate order in the interest of Justice."

AND WHEREAS Appeal Committee noted impugned refusal order dated 06/02/2019 is on the ground that appellant institution did not submit reply to Show Cause Notice (SCN) dated 24/05/2018. Appellant during the course of appeal hearing submitted copy of its reply dated 22/06/2018 sent by speed post. Appellant further submitted copy of speed post receipt dated 22/06/2018 and copy of a track report indicating delivery of letter on 26/06/2018.

AND WHEREAS Appeal Committee by going through the regulatory file does find that S.C.N. dated 24/05/2018 was on the ground that faculty submitted (serial no. 3 to 17) in response to Letter of Intent was not NET qualified. Appeal Committee further noted that a copy of appellant institution's reply dated 21/06/2018 (sent by speed post on 22/06/2018) is available on the regulatory file and with this reply list of faculty approved by affiliating university on 18/06/2018 was enclosed.

AND WHEREAS Appeal Committee decided to remand back the case to WRC for considering the reply dated 21/06/2018 submitted by appellant institution in response to the S.C.N. dated 24/05/2018 for revisiting the matter and taking appropriate decision afresh.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to WRC for considering the reply dated 21/06/2018 submitted by appellant institution in response to the S.C.N. dated 24/05/2018 for revisiting the matter and taking appropriate decision afresh.

NOW THEREFORE, the Council hereby remands back the case of Shri Laxmikanta College of Technology, Bhilai Road Lanji, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shri Laxmikanta College of Technology, Ward No. 13, Bhilai Road Lanji, Lanji, Madhya Pradesh - 481222.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

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F.No.89-143/E-114141/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Shri Maharshi Dayanand Saraswati B.Ed. College, Station Road, Visnagar, Gujarat dated 15/04/2019 is against the Order No. WRC/323217/GUJ./304th/2019/202845-202849 dated 12.04.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the original file of the institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, were carefully considered by WRC and the following observations were made:- The SCN was issued to the institution on 15.09.2017. The institution has submitted reply dated 28.09.2017 & 23.04.2018 received in WRC office on 06.10.2017 & 24.04.2018. On perusal of the reply of the institution it is observed that the institution has not submitted the following documents: The institution has not submitted a letter granting approval for the selection or appointment of faculty, issued by the affiliating body as per NCTE Regulations 2014. The institution has not submitted building completion certificate issued by the competent authority. Hence, the committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for B.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS Sh. Patel Manoj Kumar, Trust Member, Dr. Ashish, Trust Member, Shri Maharshi Dayanand Saraswati B.Ed. College, Station Road, Visnagar, Gujarat presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation appellant submitted that:- (i) Letter of affiliating university approving the faculty and (ii) Building Completion Certificate.

AND WHEREAS Appeal Committee noted that appellant institution has been recognised for conducting B.Ed. course since 2005 and on earlier occasions had submitted list of faculty approved by affiliating university for the years 2015-16, 2016-17, 2017-18, Appellant during the course of appeal hearing on 15/05/2019 submitted (i) copy of letter dated 09/05/2019 issued by Hemchandracharya North Gujarat University conveying approval for faculty for the year 2019-20 and (ii) Building Completion Certificate.

AND WHEREAS Appeal Committee decided to set aside the impugned order of withdrawal dated 12/04/2019. Appellant institution is however required to submit to W.R.C. (i) copy of the letter dated 09/05/2019 issued by affiliating university and (ii) Building Completion Certificate.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to set aside the impugned order of withdrawal dated 12/04/2019. Appellant institution is however required to submit to W.R.C. (i) copy of the letter dated 09/05/2019 issued by affiliating university and (ii) Building Completion Certificate.


(Sanjay Awasthi)
Member Secretary

1. The President/Secretary, Shri Maharshi Dayanand Saraswati B.Ed. College Visnagar, Visnagar, Station Road, Visnagar, Gujarat – 384315.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.

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F.No.89-144/E-114276/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Boinchee College of Education, Boincheegram, Pandua, West Bengal dated 08/04/2019 is against the Order No. ER-268.14(I).15(Part – 2)/ERCAPP1223/B.Ed./2019/59604 dated 01.03.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that “show Cause Notices were issued on 20.04.2018 and 14.12.2018. In response to last SCN, the institution failed to submit compliance regarding educational & professional qualification certificates in respect of appointed faculties at sl. No. 2, 3, 10 & 11 of the faculty list and updation of its website. No more extension of time as sought by the institution is allowed by the Committee. In view of the above, the Committee decided as under: The Committee is of the opinion that recognition granted to B.Ed. course of the application bearing Code No. ERCAPP1223 is withdrawn under Section 17(1) of NCTE Act, 1993 with effect from the academic session 2019-2020.”

AND WHEREAS Sh. Bodrul Hasan, President, Boinchee College of Education, Boincheegram, Pandua, West Bengal presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was requested that “compliance furnished in the Appeal memoranda be accepted.”

AND WHEREAS Appeal Committee noted that recognition for conducting B.Ed. course was granted to appellant institution from the academic session 2015-16. Appeal Committee further noted that a Show Cause Notice (SCN) dated 14/12/2018 was issued to appellant institution to submit written representation with regard to (i)

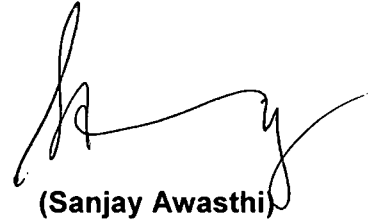
educational and professional qualifications certificates in respect of appointed faculties at Sl. No. 2,3,10 and 11 (ii) not maintaining and updating the website.

AND WHEREAS Appeal Committee noted that appellant institution by its letter dated 24/01/2019 sought two months time to furnish required details. Appeal Committee further noted that ERC in its 268th Meeting held on 24-25 February, 2019 took a decision not to grant extension of time to appellant institution and withdrew the recognition from academic session 2019-20.

AND WHEREAS Appeal Committee noted that before granting formal recognition E.R.C. ought to have satisfied itself that faculty selected and proposed to be appointed possess the required qualifications and website is fully functional and upto date. Granting recognition and subsequently withdrawing recognition on the ground that already appointed faculty is not qualified as per norms is something which is uncalled for on part of Regional Committee. Appeal Committee is of the view that at this stage, the appellant institution should be allowed a reasonable time to amend and remove the deficiency. Appellant institution is required to submit to E.R.C. within 15 days of issue of Appeal order a complete and comprehensive reply to the S.C.N. dated 14/12/2018 and E.R.C. is required to revisit the matter for taking an appropriate decision afresh.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that the appellant institution should be allowed a reasonable time to amend and remove the deficiency. Appellant institution is required to submit to E.R.C. within 15 days of issue of Appeal order a complete and comprehensive reply to the S.C.N. dated 14/12/2018 and E.R.C. is required to revisit the matter for taking an appropriate decision afresh.

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



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Boinchee College of Education, Boincheegram, Pandua, West Bengal – 712135.**
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.**
- 4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.**



F.No.89-145/E-114286/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Ashoka BSTC College, Ghoriwara Kalan, Jhunjhunu Sikar Road, Nawalgarh, Rajasthan dated 13/04/2019 is against the Letter No. ER-268.14(I).15(Part – 2)/ERCAPP1223/B.Ed./2019/59604 dated 01.03.2019 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. Course on the grounds that “the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration / processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the

NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants.”

AND WHEREAS Sh. Ritwick Choudhary, Trustee, Ashoka BSTC College, Ghoriwara Kalan, Jhunjhunu Sikar Road, Nawalgarh, Rajasthan presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that the institution applied for recognition of D.El.Ed. Course on 27/12/2012. The application was returned by the NRC to the institution without considering due to ban of the state Government. The ban of the state Govt was not in force at the time of application submitted by the institution. The institution filed a Court Case in Jaipur High Court and Court passed order dated 03/01/2019 with direction to avail the remedy of appeal. As per the Court order this appeal is filed for consideration of the application. Your requested to consider the appeal and grant recognition for D.El.Ed. Course.

AND WHEREAS the appellant filed a S.B. Civil Writs No. 27840 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 03/01/2019, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Appeal Committee noted that order dated 03/01/2019 issued by Hon'ble High Court requires the Appellate Authority to deal with the appeal expeditiously in accordance with law. Section 18 of the NCTE Act, 1993 lays down that any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer appeal within such period as may be prescribed and no appeal shall be admitted if it is preferred after the expiry of period prescribed therefor. Further it is provided in the Act that appeal may be admitted after the period

prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period. Rule 10 of NCTE Rules framed under the relevant Act prescribes that any person aggrieved by an order made under Section 14, 15 or 17 may prefer appeal within 60 days of the issue of such order and for admission of appeal after the expiry of said period of 60 days, appellant requires to satisfy the Council that he had sufficient cause for not preferring the appeal within a period of 60 days.

AND WHEREAS Appeal Committee noted that right of a person aggrieved by any order issued under Section 14 or 15 or 17 of the NCTE Act is guaranteed in the NCTE Act and Rules framed thereunder and institutions aggrieved by the Act of NCTE mentioned above need not take legal recourse and seek orders of Court of Law for preferring appeal. Appeal Committee noted that a number of institutions which fail to rectify the deficiencies on time and also fail to respond to the communications of NCTE for long periods take shelter of the Courts of law to avoid rejection of their appeals on delay grounds. Courts of law have been granting liberty to petitioners to avail the remedy of appeal under Section 18 of the Act. Appeal Committee is of the view that orders issued by Hon'ble Court do not imply automatically condoning the period of delay as all appeals have to be dealt in accordance with law. Either the Hon'ble Court in its order shall specifically mention that they are satisfied with the reasons for not preferring appeal on time or the Appellate Authority shall be free to consider the justification for delay furnished by appellant before admitting or denying the appeal for consideration.

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within

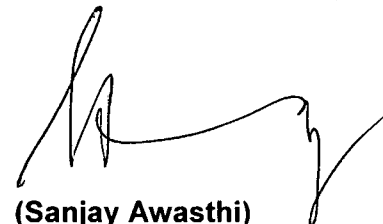
its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS appeal filed is delayed by 5 years and 8 months. Keeping in view the recent policy decision of NCTE and Court orders issued by Hon'ble High Court of Delhi and the Supreme Court of India referred to in paras 6 & 7, delay is not condoned, and appeal is not acceptable.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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



(Sanjay Awasthi)
Member Secretary

1. The Trustee, Ashoka BSTC College, Ghoriwara Kalan, Jhunjhunu Sikar Road, Nawalgarh, Rajasthan - 333705.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-146/E-114285/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Bhom Singh BSTC College, Ghoriwara Kalan, Jhunjhunu, Nawalgarh, Rajasthan dated 13/04/2019 is against the Letter No. New Appl/RF/Raj./NRCAPP-4729/2013-14/47212-213 dated 06.06.2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration / processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC

decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants.”

AND WHEREAS Ms. Alka Sangwan, Academic Co-ordinator, Bhom Singh BSTC College, Ghoriwara Kalan, Jhunjhunu, Nawalgarh, Rajasthan presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that the institution applied for recognition of D.El.Ed. Course on 27/12/2012. The application was returned by the NRC to the institution without consider the due to ban of the state Government. The ban of the state Govt was not in force at the time of application submitted by the institution. The institution filed a Court Case in Jaipur High Court and Court passed order dated 03/01/2019 with direction to avail the remedy of appeal. As per the Court order this appeal if filed for consideration of the application. Your requested to consider the appeal.”

AND WHEREAS the appellant filed a S.B. Civil Writs No. 27841 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 03/01/2019, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Appeal Committee noted that order dated 03/01/2019 issued by Hon'ble High Court requires the Appellate Authority to deal with the appeal expeditiously in accordance with law. Section 18 of the NCTE Act, 1993 lays down that any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer appeal within such period as may be prescribed and no appeal shall be admitted if it is preferred after the expiry of period prescribed therefor. Further it is provided in the Act that appeal may be admitted after the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause

for not preferring the appeal within the prescribed period. Rule 10 of NCTE Rules framed under the relevant Act prescribes that any person aggrieved by an order made under Section 14, 15 or 17 may prefer appeal within 60 days of the issue of such order and for admission of appeal after the expiry of said period of 60 days, appellant requires to satisfy the Council that he had sufficient cause for not preferring the appeal within a period of 60 days.

AND WHEREAS Appeal Committee noted that right of a person aggrieved by any order issued under Section 14 or 15 or 17 of the NCTE Act is guaranteed in the NCTE Act and Rules framed thereunder and institutions aggrieved by the Act of NCTE mentioned above need not take legal recourse and seek orders of Court of Law for preferring appeal. Appeal Committee noted that a number of institutions which fail to rectify the deficiencies on time and also fail to respond to the communications of NCTE for long periods take shelter of the Courts of law to avoid rejection of their appeals on delay grounds. Courts of law have been granting liberty to petitioners to avail the remedy of appeal under Section 18 of the Act. Appeal Committee is of the view that orders issued by Hon'ble Court do not imply automatically condoning the period of delay as all appeals have to be dealt in accordance with law. Either the Hon'ble Court in its order shall specifically mention that they are satisfied with the reasons for not preferring appeal on time or the Appellate Authority shall be free to consider the justification for delay furnished by appellant before admitting or denying the appeal for consideration.

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up

of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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



(Sanjay Awasthi)
Member Secretary

- 1. The Trustee, Bhom Singh BSTC College, Ghoriwara Kalan, Jhunjhunu Sikar Road, Nawalgarh, Rajasthan - 333705.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



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F.No.89-147/E-114699/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Om Kothari Institute of Teachers Training, Kota, Anantpura, Ladpura, Rajasthan dated 25/01/2019 is against the Order No. NRC/NCTE/NRCAPP-201615164/ID No. 8315/293rd/Meeting/2019/199490-95 dated 21.01.2019 of the Northern Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "Dr. Amit Singh Rathore, Director, of the institute has submitted a letter dated 19.01.2018 to NRC citing the non-availability of teaching faculty the reason for refusing the inspection, but a letter dated 20.04.2018 submitted by the principal of the institution has cited the illness of the director of the institution as reason for refusing inspection. This is a contradictory statement and cannot be entertained. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993."

AND WHEREAS Dr. Amit Singh Rathore, Director, Om Kothari Institute of Teachers Training, Kota, Anantpura, Ladpura, Rajasthan presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that "Due to misunderstanding and an error which we sincerely and deeply regret, the letter no. OKITT/2017-18/1/3/2530 dated 19.01.2018 sent to you was not signed by me as I was unwell and was on medical leave from 19.01.2018 to 12.02.2018 for four weeks, at that time (medical certificate has already been forwarded and is also being enclosed herewith for your ready reference). We have completed all the necessary preparations for the same and have incurred a great deal of expenditure towards it. The institute will not only have to face great financial setback but will also lose an important opportunity to serve the student community."

AND WHEREAS Appeal Committee noted that impugned refusal order dated 21/01/2019 is on the ground that appellant institution made effort to refuse inspection and the reasons given for not getting the inspection conducted varied as per written statements furnished separately by the Principal and Director.

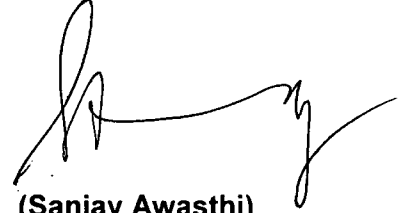
AND WHEREAS Appeal Committee noted that appellant institution was scheduled to be inspected between 31/12/2017 to 20/01/2018 as per online intimation given to appellant institution. Appeal Committee noted that appellant institution informed N.R.C. that *"The Management has re-thought over the matter and has suggested that we donot conduct the course this year but to consider conducting it next year if we are able to get the required qualified faculty. Kindly inform the members of Inspection Committee of the postponement of their inspection to have been held in our institution during this month."* The above e-mail message sent by Sh. A.S. Rathore, Director and was received in N.R.C. on 19/01/2018.

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 24/03/2018 was issued to appellant institution seeking written representation, within 30 days, on the grounds of refusal to get inspected. Appellant institution by a letter dated 20/04/2018 sent by Principal informed N.R.C. that due to illness of our Director inspection was not possible. Copy of medical certificate for the period 19/01/2018 to 12/02/2018 for 'backache' was enclosed with the above letter.

AND WHEREAS Appeal Committee noted that different reasons have been cited by appellant for not getting the inspection conducted. Clause 7 (7) of the NCTE Regulation, 2014 mentions that inspection shall not be subject to the consent of the institution. Appellant institution is already recognised for conducting B.Ed. and D.El.Ed. courses and as such must be conversant with the NCTE Regulations and their strict compliance. Appeal Committee decided that reasons given by appellant institution are not satisfactory. Hence the impugned refusal order dated 21st January, 2019 stands confirmed.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned refusal order dated 21/01/2019.

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



(Sanjay Awasthi)
Member Secretary

- 1. The Principal, Om Kothari Institute of Teachers Training, Kota, Anantpura, Ladpura, Rajasthan - 324005.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-148/E-114692/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Poddar B.S.T.C. College, Lili, Kathumar Road, Laxmangarh, Rajasthan dated 15/04/2019 is against the Letter No. F. 7-15/NRC/NCTE/Returning of Application/S.No. – 268/Rajasthan/2009 dated 07.03.2009 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. Course on the grounds that "the NCTE Hqtrs. independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed./STC/Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."

AND WHEREAS Sh. Vijay Singh, President, Poddar B.S.T.C. College, Lili, Kathumar Road, Laxmangarh, Rajasthan presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that this institution applied for grant of recognition of D.El.Ed. course to NCTE from 2009-10 on 31.10.2008 with required processing fees of Rs. 40000/- and other relevant documents. That instead of processing of the application for grant of recognition for D.El.Ed. course to this institution, NRC, NCTE returned the application of this institution for grant of recognition of D.El.Ed. course on 07.03.2009 on arbitrary, unjustified, illegal and unconstitutional basis. Being aggrieved from the action of NRC, NCTE, this institution filed a S.B. Civil Writ Petition No. 6480/2019 in the Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court of Rajasthan, Jaipur has directed the petitioner to file appeal to the Appellate Authority and Appellate Authority was directed to deal with same as expeditiously as possible, in accordance with law. That Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the regional committee had no right to reject it on the

grounds of ban imposed subsequently by the State Govt." Appellate Authority, NCTE had already decided by its order dated 16.10.2017 that "The ground of non-submission of application online cannot be held against the appellant at this stage and therefore, the matter deserve to remanded to the NRC for taking further action as per the NCTE Regulations 2014" That disposing the S.B. Civil Writ Petition No. 12712/2017 Hon'ble High Court of Rajasthan, Jodhpur has passed an order on 17.02.2018 and directed to NRC, NCTE to re-consider the application of the petitioner dated 17.10.2008 in the meeting of 20-21.02.2018 of the committee which is stated to have already constituted for the purposed. That Appellate Authority, NCTE had already decided by its order dated 16.03.2018 that "The Show Cause Notice (S.C.N.) dated 18.03.2017 on the ground that Appellant had not submitted online application was not justified as there was no way the appellant, whose application was pending since Sept. 2008, could have complied with the requirement of submitting application online more so when the NCTE Portal for registering fresh applications was not open. Appeal Committee, therefore, decided to remand back the case to NRC for restarting the processing of application form the stage where it was decided to issue L.O.I. That it is pertinent to mention here that Deptt. of Elementary Education (Ayojana) Deptt., Govt. of Rajasthan had sent a letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020. That Director Elementary Education Rajasthan, Bikaner has issued N.O.C. for D.El.Ed. course to many institutions in compliance to Hon'ble court orders and deficiency pointed out by NRC, NCTE. Thus, NRC, NCTE has returned the application of this institution for grant of recognition for D.El.Ed. course on illegal, unlawful, unjustified and unconstitutional basis.

AND WHEREAS Appeal Committee noted that the appellant institution had filed a S.B. Civil Writ No. 6480/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble Court in their order dated 05/04/2019 disposed of the petitioner reserving liberty to the petitioner to file an appeal and direction to NCTE to decide the appeal on merits ignoring the limitation period.

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. The Committee noted that the submission of the appeal has been delayed by almost Ten years beyond the period of sixty days prescribed under the Appeal Rules. The Committee noted that according to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under Section 14, Section 15 or Section 17 of the NCTE Act, 1993 may prefer an appeal to the Council within sixty days of issue of such orders. According to the Proviso to Rule 10, an appeal may be admitted after the expiry of the said period of sixty days, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the period of limitation of sixty days.

AND WHEREAS the Committee noted that the impugned letter dated 07/03/2009 of the NRC returning the application of the appellant was issued in the year 2009 and it is not an Order issued under any one of the Sections of the NCTE Act, 1993 mentioned in para 4 above. Notwithstanding this position, the appellant inordinately delayed making the appeal. In its appeal memoranda, the appellant has not given any reason whatsoever for the inordinate delay. From the plain reading of the memoranda of Appeal, Committee noted that most of the submission made by appellant has no relevance to grounds leading to the return of its application in March, 2009. The return of application with refund of processing fee means that there has been no existence of any application for more than 10 years. There is no provision in the NCTE Regulation to revive an application after it was returned along with processing fee simply for the reason that now the State Government has allowed setting up of Teacher education courses in the state.

AND WHEREAS it has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses;

(ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed. Appellant institution is however, free to make a fresh application as and when NCTE issues a notification inviting fresh applications.

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 Secretary, Poddar B.S.T.C. College, Lili (Laxmangarh) Kathumar Road, Laxmangarh, Rajasthan - 321607.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



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F.No.89-149/E-114694/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Smt. Motadevi D.El.Ed. School, Mahwa, Hinduan Road, Mahwa, Rajasthan dated 15/04/2019 is against the Letter No. New Appl./RF/Raj./NRCAPP-7006/2013-14/46896 dated 04.06.2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration / processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC

decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants.”

AND WHEREAS Sh. Dinesh Chand Meena, Director, Smt. Motadevi D.El.Ed. School, Mahwa, Hinduan Road, Mahwa, Rajasthan presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that NCTE, New Delhi had issued a public notice on 27.11.2012 through which applications for grant of recognition for various Teacher Education course were invited from all stake holders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. That this institution applied online for grant of recognition of D.El.Ed. course (02 units) to NCTE from 2013-14 on 30.12.2012. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (02 units), NRC, NCTE returned the application of this institution for grant of recognition of D.El.Ed. course on 04.06.2013. That being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil writ Petition No. 6475/2019 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 05.04.2019 and directed to petitioner to file an appeal u/s 18 of NCTE Act. 1993 and Appellate Authority is directed to decide the appeal on merits ignoring the limitation period. That Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." That NRC, NCTE had conducted inspection of Royal Shikshak Prashikshan Center, Chomu, Jaipur (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 05.06.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. NRC, NCTE had conducted inspection of SRN School of Education, Neem Ka Thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the

application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. NRC, NCTE had conducted inspection of Annpurana BSTC School, Neem Ka Thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. That NRC, NCTE had conducted inspection of Swami Vivekanand T. T. College, Gothara, Bassi (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. That in the Appeal matter of Sardar Bhagat Singh Shikshan Sansthan, Khara Chak, Pilibangan, Goluwala, Rajasthan, Appellate Authority, NCTE had decided by its order dated 24.09.2018 that the matter deserves to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and the Appellate orders issued in similar cases. That it is pertinent to mention here that Deptt. of Elementary Education (Ayojana) Deptt., Govt. of Rajasthan had sent a letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020. That Director Elementary Education Rajasthan, Bikaner has issued N.O.C. for D.El.Ed. course to many institutions in compliance to Hon'ble court orders and deficiency pointed out by NRC, NCTE. NRC, NCTE had returned the application of this institution on totally arbitrary, unjustified, illegal and unconstitutional basis because this institution has submitted application for grant of recognition for D.El.Ed. course through online electronically mode and required processing fees of Rs. 50100/- was submitted to NRC, NCTE on 03.01.2013 vide Challan No.M-330997 dated 31.12.2012. It is prayed that the rejection order issued by NRC, NCTE be set aside and direction be

issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course.

AND WHEREAS Appeal Committee noted that the appellant institution had filed a S.B. Civil Writ No. 6475/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble Court in their order dated 05/04/2019 disposed of the petitioner reserving liberty to the petitioner to file an appeal and direction to NCTE to decide the appeal on merits ignoring the limitation period.

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed. Appellant institution will however, be free to make fresh application as and when NCTE issues a notification inviting fresh applications.

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 to confirm the impugned NCTE letter dated 04/06/2013.

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Smt. Motadevi D.El.Ed. School, Mahwa, Hinduan Road, Mahwa, 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, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



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F.No.89-150/E-114685/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal seeking recognition for two units of D.El.Ed. course of S.M. Shoaib Hashmi Educational and Welfare Trust Group of Institutions, Parsa Pakaria Pathanpati, Narkatiya Bazar, Chauradano, Bihar dated 18/04/2019 is against the Order No. ERC/249.1(I).5/D.El.Ed./2018/56030 dated 14.02.2018 of the Eastern Regional Committee, granting recognition for conducting for D.El.Ed. Course with an intake of 50 seats.

AND WHEREAS Sh. Ejaz Shoaib Hashmi, Chairman and Md. Zahid, Member, S.M. Shoaib Hashmi Educational and Welfare Trust Group of Institutions, Parsa Pakaria Pathanpati, Narkatiya Bazar, Chauradano, Bihar presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that NCTE granted permission to institution to the petitioner institution approving one basic unit of 50 students in respect of the D.El.Ed. course whereas the petitioner institution has applied two basic units of 100 students vide application ID No. 9218, ERCAPP201646290 without assigning any reason for denying one unit. No reason was assigned for rejection of one Unit by the NCTE, inspite of having satisfactory report by the VT and videography and fulfilling all the requirements to the satisfaction of the Committee of NCTE. The petitioner institution preferred CWJC no. 6156 of 2019 before Hon'ble Patna High Court and the same was heard and disposed of on 29.03.2019 with a direction to the Appellant Authority to examine the case of the petitioner and pass a reasoned and speaking order within a period of 4 weeks. (Copy of Writ application along with order dated 29.03.2019 enclosed). That in a similar matter, recently a Bench of Hon'ble High Court Delhi in case of Sri Ramchani) A.R. Ram Laxmi Narayan Teacher Training College vs National Council for Teachers Education and another has observed inter-alia:- In support of his aforesaid plea, the

Learned counsel for the petitioner relies on the orders passed by this Court in W.P. (C) 5017/2016 titled Sant Tapasvi Narayan Das Foundation and Anr. v. National Council for Teacher Education, W.P.(C) 3480/21017 titled East N West Foundation & Anr. National Council for Teacher Education & Anr. and W.P. (C) 5017/2016 titled Sant Tapasvi Narayan Das Foundation and Anr. V. National Council for Teacher Education and Anr. and prays for similar directions. Learned counsel appearing for the respondent/ NCTE on advance is unable to either deny or admit the contentions made by the learned counsel for the petitioner. Keeping in view the contentions raised by the learned counsel for the petitioner and the orders passed by this Court, the respondents are directed to treat the present writ petition as a representation and decide the same by passing a reasoned and speaking order within six weeks. If the petitioner is aggrieved by the said order, he will have liberty to take legal recourse as per by law. The petitioner stands disposed of in the above terms.”

AND WHEREAS Appeal Committee noted that a Letter of Intent (L.O.I) dated 01/12/2017 was issued to appellant institution. Approved intake in the L.O.I. was mentioned as 50 (1 unit). Appellant institution in compliance of L.O.I. submitted on 20/01/2018 a list of faculty containing the names of 1 H.O.D. and 8 faculty approved by affiliating body. In its forwarding letter dated 20/01/2018 enclosing compliance of L.O.I. appellant requested for grant of recognition for one unit. Appeal Committee further noted that Norms & Standards, NCTE Regulations, 2014 (Appendix 2 Para 5.1) mention that for an intake of two basic units the faculty strength shall be 16 (one Principal/HOD + 15 Faculty). Norms & Standards further say that if student strength for two years is 100 only, the number of faculty shall be reduced to 8. Appeal Committee, therefore, is of the view that impugned recognition order dated 14/02/2018 granting recognition for one unit is commensurate with the number of faculty appointed and intimated by appellant institution. Appeal Committee decided to confirm the impugned order of recognition dated 14/02/2018.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned order of recognition dated 14/02/2018.

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, S.M. Shoaib Hashmi Educational and Welfare Trust Group of Institutions, Parsa Pakaria Pathanpati, Narkatiya Bazar, Chauradano, Bihar - 845301.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth. Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.



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F.No.89-152/E-114691/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Yuva Vyavsaik Shikshan Mahavidyalaya, Guna, Madhya Pradesh dated 18/04/2019 is against the Order No. WRC/223015/303rd /2019/201762 dated 07.03.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the SCN was issued to the institution on 26.07.2016 & 15.02.2017. The institution has submitted reply of SCN on 08.03.2017. The institution has not submitted letter granting approval for the appointment of faculty by the Competent Authority/Affiliating Body. The institution has submitted BCC but not in prescribed format and not issued by approving authority. The institution has not submitted building plan approved by competent authority mentioning name of institution, name of course, khasra No./ Plot No., total land area, total built-up area and earmarked area for each course being run in the same premises. The institution has not submitted original/notarized Land Use Certificate issued by competent authority. The institution has not submitted NEC issued by competent authority. The institution has not submitted original FDRs towards reserve and endowment fund. Hence, the Committee decided to withdraw the recognition for B.Ed. programme from the academic session 2019-2020, under Section 17(1) of the NCTE Act, 1993."

AND WHEREAS Sh. Rajesh Parashar, Chairman, Yuva Vyavsaik Shikshan Mahavidyalaya, Guna, Madhya Pradesh presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that the institution has submitted the approved staff list, as per NCTE norms, by Jiwaji University, Gwalior. The letter clearly shows that institute have adequate staff as per NCTE norms. The copy of letter is enclosed. The institute had submitted the Building completion Certificate BCC in NCTE prescribed format by competent authority copy of

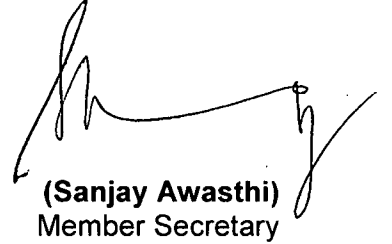
BCC (enclosed). The institute had submitted copy of approved building plan by competent authority. The institute had submitted copy of notarized land use certificate, (copy of land use enclosed). The institute had submitted the Non-Encumbrance Certificate NEC issued by competent authority (copy of NEC enclosed). The institute has already submitted original FDR towards reserve and endowment fund (copy of FDR enclosed). As per above subject mentioned our Society Yuva Vyavsaik Shikshan Sansthan Ashok Nagar was established since 1995 and running the Yuva Vyavasayik Mahavidyalaya B.Ed. programme from 24.09.2009 the institute is running since 1995 with excellent infrastructure and teaching facilities in this context the institutes always follow the NCTE norms guideline and its amendment time to time. Compliance had already been submitted by the institute on 15.03.2018. Therefore, the society solemnly requesting you to kindly continue the approval of the institute."

AND WHEREAS Appeal Committee noted that two Show Cause Notice (SCN) were issued to appellant institution on 26/07/2016 and 15/02/2017 seeking compliance on certain points of deficiency which inter-alia included submission of letter of affiliating body granting approval to the appointment of faculty. Clause 7 (16) of NCTE Regulation, 2014 prescribe that letter granting approval for the selection of faculty shall also be provided by the institution to Regional Committee. Appeal Committee noted ever since the NCTE Regulation, 2014 came into force and the duration of the B.Ed. course was enhanced to two years with increased faculty requirement, the appellant has not complied with this requirement.

AND WHEREAS Appeal Committee noted that appellant on being asked during appeal hearing on 15/05/2019 about the status of procuring approval letter from affiliating body gave evasive answers. In the appeal hearing, appellant was not able to submit approval letter of affiliating body pertaining to selection or appointment of faculty as required under Clause 7 (16) of NCTE Regulation, 2014. Appeal Committee, therefore, decided to confirm the impugned order of withdrawal dated 07/03/2019.

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 of withdrawal dated 07/03/2019.

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



(Sanjay Awasthi)
Member Secretary

1. The President, Yuva Vyavsaik Shikshan Mahavidyalaya (College code - 223015), Guna, Madhya Pradesh - 473001.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



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F.No.89-153/E-114761/2019 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Gurukripa Sikshan Sansthan, Peeth, Rati Ka Fala, Simlawara, Rajasthan dated 22/04/2019 is against the Order No. NCTE/NRC/NRCAPP201615450/Bachelor of Education [B.Ed.]/RJ/2017-2018/2; dated 19.04.2017 of the Northern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "the applicant institution has not submitted the reply of the SCN issued by the NRC on 11.02.2017 within the stipulated time. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

AND WHEREAS Sh. Kaluram Labana, Director, Gurukripa Sikshan Sansthan, Peeth, Rati Ka Fala, Simlawara, Rajasthan presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that "Due to mistake of computer operator, some information was wrongly posted in online application form. After submission of online application for grant of recognition for B.A. B.Ed./B.Sc. B.Ed. course, it had came to the knowledge of Director that some information was wrongly posted in application form. Director had written a letter for correction in application form to the R.D., NRC, NCTE on 14.06.2016. NRC, NCTE issued a Show Cause Notice on 11.02.2017 in which certain deficiencies were mentioned and 21 days time was given for making reply of Show Cause Notice. Secretary, Mr. Vipin Kumar Labana was hospitalized from 08.02.2017 and advised by the doctor to be kept on complete bed rest for 8 to 10 weeks during this period. That

due to Hospitalization of Mr. Vipin Kumar Labana, Secretary, this institution has not seen the email and did not make reply of Show Cause Notice to NRC, NCTE. That in many other cases of recognition of B.A. B.Ed./B.Sc. B.Ed., NRC, NCTE had issued second show cause notice to the institution who had not submitted reply to first show cause notice. But in case of this institution NRC, NCTE had not issued second show cause notice and rejected the file of this institution on 19.04.2017 for grant of recognition for B.A. B.Ed./B.Sc. B.Ed. The rejection order issued by NRC, NCTE is against the principles of natural justice. Rejection letter had not been received to this institution either by post or by E-mail. This institution had got the information of rejection through status off online portal of NCTE. Being aggrieved from the decision of the NRC, NCTE, this institution had filed a S.B. Civil Writ Petition 4893/2019 in the Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court of Rajasthan, Jaipur has directed to this institution to file an appeal to the Appellate Authority and Hon'ble Court has also directed to Appeal Authority to deal with the same as expeditiously as possible, in accordance with law. That certified copy of registered land documents were submitted to NRC, NCTE along with application form. Land Use Certificate issued by Distt. Collector, Dungarpur (Raj) for Educational purpose was submitted to NRC, NCTE along with hard copy of application. Copy of Registration Certificate and Bye Laws of society has been submitted along with application form to NRC, NCTE. This society is running B.A. and B.Sc. course affiliated to Govind Guru Tribal University, Bansawara (Raj.). That N.O.C. for proposed course from Affiliating Body was issued after direction from the Hon'ble High Court of Rajasthan, Jaipur on 16.04.2019. That Non-Encumbrance Certificate issued by Tehsildar, Simalwara, Distt. Dungarpur (Raj.) was submitted to NRC, NCTE along with hard copy of application. That copy of approved building map on which all required information as per NCTE Regulations 2014 has been mentioned and building completion certificate was submitted to NRC, NCTE along with hard copy of application. It is prayed that the rejection order issued by NRC, NCTE be set aside and directions be issued to NRC, NCTE for further process of application of this institute for grant of recognition of B.A. B.Ed./B.Sc. B.Ed. course.

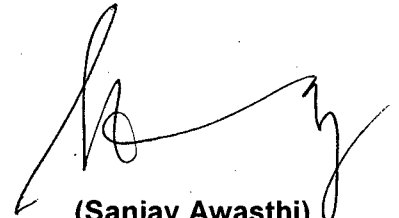
AND WHEREAS Appeal Committee noted that appellant institution had filed a S.B. Civil Writs no. 4893 of 2019 in the High Court of Judicature for Rajasthan Bench at Jaipur. The Hon'ble Court vide order dated 07/03/2019 granted liberty to the petitioner to avail remedy of appeal and Appellate Authority is directed to deal with the appeal expeditiously in accordance with law.

AND WHEREAS Appeal Committee noted that the appeal filed by appellant institution is delayed by more than 22 months and appellant has not given any reason for not filing appeal on time except for mentioning that they did not get the refusal order. Committee noted that impugned refusal order dated 19/04/2017 is an online communication sent by e-mail. The impugned refusal order dated 19/04/2017 is on the ground that appellant institution did not submit reply to show cause notice dated 11/02/2017. Appellant states that Secretary of institution was hospitalised from 08/02/2017 and was on bed rest for 8 to 10 weeks, so he did not notice the email. Appellant also states that a 2nd S.C.N. should have been issued.

AND WHEREAS Appeal Committee noted that Medical certificate submitted by appellant as evidence of its Secretary being hospitalised is issued on 22/03/2019 indicating bed rest to the patient for 8 to 10 weeks from 08/02/2017. Appellant also cannot claim as a matter of right that a second S.C.N. should have been issued in his case. The appellant submitted online application on 14/05/2016 seeking recognition for B.Ed. course and subsequently informed that application be treated for B.A. B.Ed. course. The applicant did not submit N.O.C. issued by affiliating body as required under Clause 5 (3) of the NCTE Regulation, 2014.

AND WHEREAS Appeal Committee noted that submission made by appellant does not justify the delay in preferring appeal and non-submission of N.O.C. Appeal Committee decided not to admit the appeal on delay as well as on merit.

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 not to admit the appeal on ground of delay. Hence the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. The Appellant, Gurukripa Sikshan Sansthan, Peeth, Rati Ka Fala, Simlawara, Rajasthan – 314406.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-154/E-114772/2019 Appeal/15th Mtg.-2019/15th May, 2019
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/06/2019

ORDER

WHEREAS the appeal of College of Applied Education & Health Sciences, Sardhana, Meerut, Uttar Pradesh dated 19/04/2019 is against the Order No. NRC/NCTE/UP-3027/288Meeting/2018/96766 dated 13.09.2018 of the Northern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "letter received from the Secretary, Meerut Development Authority dated 26.09.2017 received in NRC office on 05.10.2017 clearly stated that the documents dated 02.07.2008 & 22.04.2009 submitted by the institution were not issued by the Meerut Development Authority. Reply of the SCN dated 25.01.2018 received on 23.02.2018 has not been found satisfactorily. Hence, the Committee decided that recognition of the institution un Section 17 of the NCTE Act is withdrawn from the end of the academic session next following the date of order of withdrawal."

AND WHEREAS Sh. Shravan Kumar, A.O., College of Applied Education & Health Sciences, Sardhana, Meerut, Uttar Pradesh presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that "Society sponsoring the Appellant institution was formed and registered on 23.02.1999; it had purchased plots of lands, land conversions certificates was issued by Authority on 29.04.2005 and 15.12.2014; building completion certificate was got prepared on NCTE formats. The Appellant made payment of Rs.1,34,142/- [Rupees One lakh Thirty-Four thousand one hundred forty-two only] to MDA for sanction of building plan in the year 2005 which was approved on 08.06.2005 by MDA itself. In view of the above dates the reference made in the show cause notice to letter

dated 03.10.2017 issued by MDA informing the Building Completion Certificate dated 02.07.2008 and 22.04.2009 submitted by the institution for grant of recognition are fabricated ex facie appears to be absurd and exhibits complete non application of mind. In view of the above the MDA did not initiate any complaint in view of the fact for the same cause of action and dispute. If any the interim order dated 28.03.2012 passed by the Hon'ble High Court, Allahabad in First Appeal No. 152/2012, which has been subsequently transferred to the court of district judge, Meerut. However, the said order is still operative upon the parties, more specifically upon the MDA being party to the proceedings. The impugned order is liable to be quashed as the same is ex facie illegal and absurd. The impugned order passed by NRC is violative of the principles of natural justice as the same is unreasoned and non-speaking decision. The NRC did not afford any opportunity of oral hearing to Appellant before passing the final order resulting into denial of effective opportunity of hearing. It is settled legal position that before passing penal order like withdrawal of licenses/ recognitions etc the Authority must give opportunity of effective hearing to concerned person. The order of NRC is liable to be set aside for the reason that oral hearing was not provided to Appellant before passing final order. Further a bare perusal of the deficiencies taken in show cause notice and final order passed by NRC it is clear that the final order is at variance with the show cause notice. The reference to letter dated 03.10.2017 as mentioned in the withdrawal order was not referred to in the show cause notice. Thus, the final order has been passed additionally on a ground which is at variance with the grounds taken in the show cause notice. This is violative of the principles of natural justice. Law is settled that final order cannot be based on a ground which is at variance with the grounds taken in the show cause notice. This principle of law equally applies to a situation when out of two grounds of rejection only one is at variance with the show cause notice. The Appellant was thus denied opportunity to make representation on the said ground. This is violative of the principles of Natural Justice and the mandatory requirement contemplated under section 17 of the NCTE Act 1993.

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 25/01/2018 was issued to appellant institution on the following ground:-

"Meerut Development Authority vide letter no. 789/2017 dt. 03/10/2017 has verified and certified two land verification letters submitted by the institution (dt. 02/07/2008 and dt. 22/04/2009 respectively) and informed that the same have not been issued by Meerut Development Authority and hence, fake."

AND WHEREAS Appeal Committee noted that impugned order of withdrawal dated 13/09/2018 refers to a letter dated 26/09/2017 received on 05/10/2017 from Meerut Development Authority.

AND WHEREAS Appeal Committee noted that appellant institution is having a long pending legal dispute relating to the issues involving building plan and building completion certificate purported to have been issued by M.D.A. on different dates. As such N.R.C. is required to be very meticulous in referring to the dates of the documents and communications which are relied upon for issuing any effective order. Appeal Committee also observes that onus lies on the appellant institution to prove the correctness of any documents submitted by it and relied on by Regional Committee during the process of grant of recognition.

AND WHEREAS Appeal Committee decided to remand back the case to N.R.C. for reconciliation of letter numbers and their dates referred to in the S.C.N. and withdrawal order. Final order, on reconsideration, shall be issued clearly indicating that how the delinquent institution had benefitted by submitting these documents. Clause 7 (3) of the NCTE Regulations, 2014 may be kept in view before issuing a revised withdrawal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to N.R.C. for issue of a revised withdrawal order.

NOW THEREFORE, the Council hereby remands back the case of College of Applied Education & Health Sciences, Sardhana, Meerut, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Chairman, College of Applied Education & Health Sciences, A122 Gangotri Colony, Roorkee Road, Sardhana, Meerut, Uttar Pradesh – 250001.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.



F.No.89-761(A)/E-94822/2018 Appeal/15th Mtg.-2019/15th May, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 11/06/2019

ORDER

WHEREAS the appeal of Mariya Adhyapak Mahavidhyalay, Chandrapur, Maharashtra dated 30/10/2018 is against the Order No. WRC/APW05047/123620/B.Ed./297th/ 2018/200361 to 200368 dated 28.09.2018 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "and Whereas, the matter was placed before the WRC in its 297th meeting held on September 13-14, 2018 and the Committee decided that "...Consequent to the issue of Revised Recognition order, Show Cause Notice dated 28.03.2017 was issued. Reply not submitted by the institution. Subsequently, the institution wrote another letter dated 08.08.2017 for reducing the intake from two units to one unit. However, the institution has not submitted the staff profile approved by the affiliating body and additional FDRs for Rs. 4.00 lakhs. Hence, Recognition is withdrawn from the end of the academic session." Hence, in exercise of the powers conferred u/s 17 of the NCTE Act, 1993, the recognition of the institution is hereby withdrawn from the end of the academic session next following the date of order of withdrawal."

AND WHEREAS Sh. Abhijit Roy and Jainuddin Zaweri, Chairman, Mariya Adhyapak Mahavidhyalay, Chandrapur, Maharashtra presented the case of the appellant institution on 15/05/2019. In the appeal and during personal presentation it was submitted that details of staff profile already submitted on 12/04/2017 vide letter No. MAM/2017/30. we also have a received copy of the same. Additional FDR of 4 lacks not submitted because management was deposit FDR of 5 lacks for WRC NCTE in 25/10/2016 but the management want to reduce one unit from 2 unit. That cause the institute has not submitted FDR, now according to your order letter management is ready to deposit a FDR of 4 lacks."

AND WHEREAS Appeal Committee noted that appellant institution had filed a Writ Petition no. 2450 of 2019 in the Hon'ble High Court of Judicature at Bombay

Nagpur Bench, Nagpur and the Hon'ble High Court vide order dated 26/03/2019 directed as under:-

"The compliance report was submitted by the petitioner, but the impugned decision of the Western Regional Committee of the National Council for Teacher Education shows that the petitioner has not submitted reply, which is factually not correct, as per the submission of the learned counsel for the petitioner. The compliance report was submitted and without application of mind, the order is passed and it is confirmed by the Appellate Authority. The petitioner has applied for reduction of intake capacity of the students to 50 per unit, which has not been considered. The staff profile was submitted, but, according to the petitioner, in view of the reduction in the strength of the students, it is not necessary to submit FDR of Rs. 4 lakhs.

By way of interim order, we direct the respondent No.1 National Council for Teacher Education to reconsider the decision by applying its mind to the compliance report submitted by the petitioner and file an affidavit to that effect. We also direct the respondent No.1 to provisionally include the name of the petitioner for intake capacity of the students to 50 per unit. This shall be subject to the result of this petition."

AND WHEREAS Appeal Committee noted that relevant regulatory file is not available having not been received from the office of WRC who is respondent no. 1 in the case referred to in para 3. Appeal Committee also noted that order dated 26/03/2019 of the Hon'ble Court is required to be implemented by W.R.C. The written submissions made by appellant are required to be passed on to W.R.C. for taking such necessary action as deemed fit.


(Sanjay Awasthi)
Member Secretary

1. The Manager, Mariya Adhyapak Mahavidhyalay, Chandrapur – 442401, Maharashtra.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra, Mumbai.