



F.No.89-155/E-115032/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Seth Motilal P.G. College, Rani Sati Road, Jhunjhunu, Rajasthan dated 18/04/2019 is against the Order No. NCTE/NRC/NRCAPP201615410/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-18/5; dated 12.02.2019 of the Northern Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "as per land documents submitted by the institution and it is evident that the applicant institution is not the owner of the proposed land for the programme applied for. The institution has failed to provide the original ownership and certified land documents. 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 Dr. Dinesh Singh Ruhela, Principal and Sh. G.L. Sharma, Secretary, Seth Motilal P.G. College, Rani Sati Road, Jhunjhunu, Rajasthan presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that "Seth Jutha Lal Education Society is running a P.G. College in the name & style "Seth Moti Lal P.G. College, Jhunjhunu (Raj.). NAAC has given "A Grade" Accreditation to this college and U.G.C. has awarded certificate for college with Potential for excellence. Govt. of Rajasthan has conferred as Model College in Rajasthan State. This college had applied for grant of recognition for B.A. B.Ed./B.Sc. B.Ed. course. NRC, NCTE issued a Show Cause Notice on 09.02.2017 in which certain deficiencies were mentioned. This institution submitted reply of Show Cause Notice along with all required documents to NRC, NCTE on 20.02.2017. NRC, NCTE again issued a Show Cause Notice to this institution 13.04.2017 in which 21 days' time was given for making reply. That this institution has submitted reply of

Show Cause Notice along with all required documents to NRC, NCTE on 20.04.2017 and 21.04.2017. Before making reply of SCN dated 13.04.2017 by this institution, NRC, NCTE has rejected the application of this institution. That being aggrieved from the rejection letter issued by NRC, NCTE, this institution had filed an appeal u/s 18 of NCTE Act, 1993 to the Appeal Authority, NCTE, New Delhi. Appeal Authority had accepted the appeal of this institution and directed to NRC, NCTE to consider the documents submitted by the institution and take further action as per NCTE Regulations, 2014. This institution had submitted a compliance report in respect to appeal order dated 13.12.2017 to NRC, NCTE along with all required documents. The matter of recognition of this institution for proposed course had been considered by the NRC, NCTE in its 279th Meeting (Part-I) (16-17 January, 2018) vide item no. 129 and some deficiencies were pointed out. This institution had submitted the reply of Show Cause Notice on the basis of minutes of NRC, NCTE on 08.02.2018 to NRC, NCTE along with all required documents. NRC, NCTE had issued a Show Cause Notice on 23.02.2018 to this institution. This institution had again submitted reply of Show Cause Notice to NRC, NCTE on 26.02.2018 in compliance to Show Cause Notice dated 23.02.2018. That after satisfied from the reply and documents submitted by this institution, NRC, NCTE had constituted a Visiting Team for inspection of this college vide item no. 97 of 282nd Meeting of NRC, NCTE held from 28 February to 1st March and 3rd March, 2018 (Part-II). NRC, NCTE had deleted the decision taken in 282nd Meeting of NRC, NCTE held from 28 February to 1st March and 3rd March, 2018 (Part-II) no. 97 and decided that matter be examined in detail and put up in the next meeting vide letter dated 15.03.2018. This institution had submitted a detailed reply along with all required documents to NRC, NCTE on 10.04.2018. After expiry of 3 months, NRC, NCTE again issued a Show Cause Notice to this institution vide letter dated 05.07.2018. This institution had submitted reply of Show Cause Notice dated 05.07.2018 to NRC, NCTE on 24.07.2018 along with all required documents. NRC, NCTE considered the matter of recognition of this institution in 288th Meeting (5-7 September, 2018) vide item no. 37 and decided to obtain Legal Opinion regarding ownership of Land and Building. That NRC, NCTE had taken no action on the application of recognition of this institution. Being aggrieved from the rejection letter of

NRC, NCTE, this institution filed a S.B. Civil Writ Petition 6625/2019 in the Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court of Rajasthan, Jaipur has directed the Petitioner to file an appeal before the NCTE and also directed the NCTE to decide the appeal on merit ignoring the limitation period. This institution had awarded patta of Khasara Number 1789, 1790 and 1813 land measuring 8.20 Hect. By Secretary Panch Panna Executive committee on 23.04.1947. Seth Moti Lal P.G. College is functioning from 1958. This institution had filed a petition no. 64/2016 in the Court of District Collector, Jhunjhunu. After taking into consideration of all the facts, District Collector had ordered to Tehsildar, Jhunjhunu (Raj.) on 21.03.2017 to transfer the ownership of land of khasra no. 1789 area 1.30 hect., Khasra no. 1790 area 3.30 heet and khasra no. 1813 area 3.60 hect. (Total-8.20 the name of Seth Moti Lal College, Jhunjhunu (Raj.) in the place of Govt. Sivaychak. Copy of order dated 21.03.2017 issued by Court of District Collector, Jhunjhunu is annexed. That in compliance to the order of Court of District Collector, Jhunjhunu dated 21.03.2017 the ownership of the land of khasra no. 1789 area 1.30 hect., khasra no. 1790 area 3.30 hect. and khasra no. 1813 area 3.60 hect. (Total-8.20 hect.) had been transferred in the name of Seth Moti Lal College, Jhunjhunu, (Raj.) by the Tehsildar, Jhunjhunu. That copy of land use certificate issued by Ayukt, Nagar Palika, Jhunjhunu is attached. That copy of Non-Encumbrance certificate issued by Tehsildar, Jhunjhunu is attached. Managing society had demarcated 3903.35 Sqm. land out of 8.20 hect. (82000 Sqm.) for running the proposed Teacher Education Programme as per resolution dated 26.03.2016. Copy of resolution of society is annexed. That copy of approved building map, which shows that this college is having 4448.00 Sqm. built up area for running the proposed programme is attached. Thus, NRC, NCTE has rejected the application of this institution for grant of recognition for B.A. B.Ed./B.Sc. B.Ed. course on illegal, unlawful, unjustified and unconstitutional basis. So, it is prayed that the rejection order issued by NRC, NCTE be set aside."

AND WHEREAS Appeal Committee noted that impugned refusal order dated 12/02/2019 is on the ground that applicant institution is not the owner of proposed land for the programme applied for. The applicant has failed to provide the original

ownership and certified land document. While noting the grounds leading to issue of impugned refusal order, Appeal Committee noted that Clause 8 (4) (i), (ii), (iii) of NCTE Regulation, 2014 provide as follows:

- (i) *No institution shall be granted recognition under these regulations unless the institution or society sponsoring the institution is in possession of required land on the date of application. The land free from all encumbrances could be either on ownership basis or on lease from Government or Government institutions for a period of not less than thirty years. In cases where under relevant State or Union territory laws the maximum permissible lease period is less than thirty years, the State Government or Union territory administration law shall prevail and in any case no building shall be taken on lease for running any teacher training programme.*
- (ii) *The society sponsoring the institution shall have to ensure that proposed teacher education institution has a well demarcated land area as specified by the norms.*
- (iii) *The society sponsoring the institution shall be required to transfer and vest the title of the land and building in the name of the institution within a period of six months from the date of issue of formal recognition order under sub-regulation (16) of Regulation, 7. However, in case, the society fails to do so due to local laws or rules or bye laws, it shall intimate in writing with documentary evidence of its inability to do so. The Regional Office shall keep this information on record and place it before the Regional Committee for its approval.*

AND WHEREAS Appeal Committee noted that appellant institution submitted online application dated 30/05/2016 seeking recognition for 4 year integrated B.A. B.Ed./B.Sc. B.Ed. programme. As per details furnished in the online application. The name of applicant society and applicant institution is mentioned as follows:-

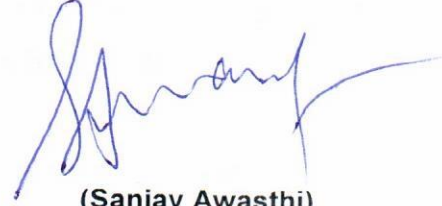
- (i) Seth Juthalal Education Society Rani Sati Road, Jhunjhunu (Rajasthan).
- (ii) Seth Moti Lal P.G. College, Rani Sati Road, Jhunjhunu (Rajasthan).

AND WHEREAS Appeal Committee noted that land documents submitted by appellant indicate that Panchpana dated 23/04/47 stands in the name of Seth Motilal Tulshyma Charity Trust for running schools, Colleges, Hostels etc. The parent Trust through internal resolutions has transferred certain pieces of land for establishing various colleges running different programmes. Appeal Committee noted that although the appellant institution has provided khatoni document and certificate issued by different Revenue Authorities indicating possession of land to be with Seth Motilal P.G. College yet the Committee finds that applicant society has not furnished to the Regional Committee any concrete evidence that it would be able to fulfil the requirement laid under Clause 8 (4) (iii) which requires vesting the file of land in the name of institution. Also, neither the applicant institution nor the applicant society was in possession of required land on ownership basis as on the date of application. The land, in fact, is owned by parent Trust which through its internal resolution has allowed setting up of different societies and colleges.

AND WHEREAS Appeal Committee noted that in order to sort out the issue of ownership of land and requirement of providing certified copies of land documents, N.R.C. had taken legal opinion. Appellant society in this case has not been able to satisfy the Regional Committee that it would be possible for the applicant society to fulfill the requirement of Clause 8 (4) (iii). Observing the non Compliance of Clause 8 (4) (i), (ii) and (iii) of NCTE Regulations, 2014, Appeal Committee decided to confirm the impugned refusal order dated 12/02/2019.

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 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 Principal, Seth Motilal P.G. College, Rani Sati Road, Jhunjhunu – 333001, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-156/E-114966/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Major Dhyanchand Institute of Physical Education a Teaching Department of Barkatullah University, Hoshangabad Road, Huzur, Bhopal, Madhya Pradesh dated 16/04/2019 is against the Order No. WRC/NCTE/214006/303rd Meeting/2019/201917 dated 12.03.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.P.Ed. Course on the grounds that "the Show Cause Notice was issued to the institution vide letter No. WRC/214006/255th Meeting/MP/179526-527 dated 01.02.2017. The institution has not submitted reply of Show Cause Notice dated 01.02.2017 till date."

AND WHEREAS Dr. Akhilesh Kumar Sharma, Director & H.O.D., Major Dhyanchand Institute of Physical Education a Teaching Department of Barkatullah University, Hoshangabad Road, Huzur, Bhopal, Madhya Pradesh presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that "Due to some University official Technical difficulties HOD could not get above show cause notice. University never applied for additional unit for B.P.Ed. since beginning University applied for 50 seats received recognition for 50 seats by the NCTE on dated 09.10.1997. In explanatory note enclosed with NCTE letter No. WRC/214006/M.P./Regulation 2014/29836 date 12 Jan., 13 Jan 2015. which is for institution's reference in its clearly written that:- In case the institution does not opt for two basic units and choose to have only one basic unit, they shall admit only 50 students from the academic year 2015-16 onward and University compiled the above order and since academic session 2015-16 the admitted students are as follow:- Academic session 2015-16.....04 students. Academic session 2016-17.....23 students. Academic session 2017-18.....18 students. Academic session 2018-19.....50 students. Sir please refer to your letter No.

29836/12.01.2015 and 29835/12.01.2015 and attached explanatory note only above two-line institution is given for institution who are not willing to increase the intake of B.P.Ed. So, University Teaching Department, Major Dhyanchand Institute of Physical Education, Barkatullah University, Bhopal never admitted more than 50 students since academic year 2015-16. View of explanatory note 5 university is a composite institute and has running BPES, M.P.Ed. B.Ed. and 27 other courses. In view of Explanatory note point no. 7 University clearly indicated no. of seats 50 duration 2 year since 2015-16 academic year.”

AND WHEREAS Appeal Committee noted that appellant university was granted recognition for conducting B.P.Ed. course by issue of a revised recognition order dated 02/07/2015 under NCTE Regulation, 2014. The Norms & Standards for B.P.Ed. course as per NCTE Regulation, 2014 provide for an intake of 100 seats per unit and as such revised recognition was for 100 seats replacing the earlier recognition which was with an intake 50 seats.

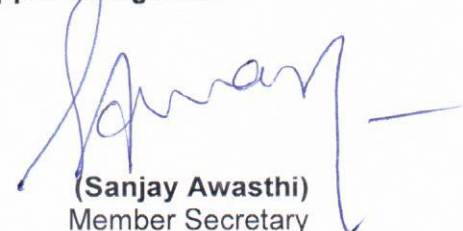
AND WHEREAS Appeal Committee further noted that revised recognition order dated 02/07/2015 was subject to applicant's fulfilling certain conditions and reporting compliance thereof before 31/10/2015. Applicant institution was issued a Show Cause Notice (SCN) dated 01/02/2017 seeking from the appellant institution within 21 days (i) original staff profile (1 Principal/HOD + 15 faculty) from the session 2016-17 duly approved by affiliating body, (ii) originally notarized CLU, NEC, Building Plan, B.C.C.

AND WHEREAS Appellant denied having received the S.C.N. due to some technical difficulties. Appeal Committee however, noted that appellant institution had failed to comply with the conditions laid down in the revised recognition order which were otherwise required to report to WRC by 31/10/2015. Appellant institution of its own should have reported compliance without expectation of being reminded.

AND WHEREAS Appeal Committee noted that list of faculty submitted by the appellant during appeal hearing is neither authenticated by Registrar of affiliating university nor it is in the required format indicating the designation of faculty. Appeal Committee, also noted that instead of furnishings copies of Building plan, B.C.C. C.L.U. the appellant enclosed brochures of Barkatullah University. Appeal Committee, noting that appellant has not been able to report compliance, decided to confirm the impugned order of withdrawal dated 16/04/2019.

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 WRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the WRC is confirmed.

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



(Sanjay Awasthi)
Member Secretary

1. The Director, Major Dhyanchand Institute of Physical Education a Teaching Department of Barkatullah University, Hoshangabad Road, Huzur, Bhopal – 462026, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-157/E-114983/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Radha-Madhav B.Ed. College, Ranifalia, Dharampur Road, Vansda, Gujarat dated 29/01/2019 is against the Order No. WRC/APW02561/323258/121st/2009/58227 dated 11.07.2009 of the Western Regional Committee, granting recognition for conducting for B.Ed. Course on the grounds that Principal does not have adequate teaching experience required as per NCTE norms."

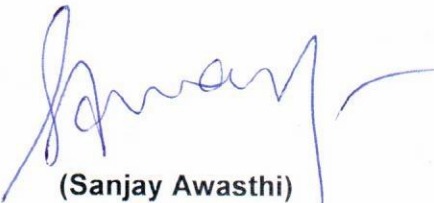
AND WHEREAS Sh. Arvind Patel, Representative and Sh. G. Patel, Member, Radha-Madhav B.Ed. College, Ranifalia, Dharampur Road, Vansda, Gujarat presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that "We required to change affiliated university from SNDT Women University, Mumbai to Vir Narmad South Gujarat University, Surat, Gujarat."

AND WHEREAS Appeal Committee noted that impugned order of withdrawal dated 11/07/2009 was issued withdrawing the recognition from the end of academic session next to following date of withdrawal order. Appeal Committee further noted that appellant institution was given opportunity to appeal against the impugned order within 60 days under Section 18 of the NCTE Act.

AND WHEREAS Appeal Committee noted that appellant has failed to prefer appeal for a period of more than 9 years and the programme is also discontinued for more than 8 years. Appeal Committee noted that appellant has failed to mention any reason for not filing appeal for a period of more than 9 years and inbetween NCTE Regulations have been revised twice bringing in the revised Norms and Standards for

B.Ed. programme. Appeal Committee, therefore, decided not to admit the appeal on delay grounds.

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 President, Radha-Madhav B.Ed. College, Ranifalia, Dharampur Road, Vansda – 396580, Gujarat.
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.89-159/E-115195/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Sardar Patel College of Education, Dhod Road, Nirupama Nagar, Losal, Rajasthan dated 22/04/2019 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/Sr. No.-582/Raj/2009 dated 03.03.2009 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. Course on the grounds that "the NCTE Hqrs has 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. Vinod Kumar Lamba, Administrator, Sardar Patel College of Education, Dhod Road, Nirupama Nagar, Losal, Rajasthan presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that the controversy was settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993. The appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

AND WHEREAS Appeal Committee noted that appellant institution has filed a S.B. Civil Writ Petition no. 6747 of 2019 in the High Court of Judicature for Rajasthan Bench at Jaipur. Hon'ble High Court by its order dated 10/04/2019 directed the petitioner to file an appeal before NCTE with directions 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 nine 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.

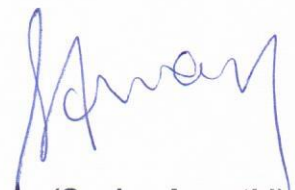
AND WHEREAS the Committee noted that the impugned letter of the NRC returning the application of the appellant was issued in the year 2009 and it is not an Order issued under any one of the Sections of the NCTE Act, 1993 mentioned in para 4 above. Notwithstanding this position, the appellant inordinately delayed making the appeal. The appellant has not given any reason whatsoever for the inordinate delay. The Committee further noted that, a plain reading of the appeal reveals that, all the submissions made therein have no relevance to the contents of the letter of N.R.C's.

AND WHEREAS Appeal Committee noted that the application filed by appellant was returned along with original documents and the processing fee. The incident which occurred 10 years back was based on negative recommendations of the State Government. Appeal Committee does not find any justification to review the decision taken by NCTE simply on the ground that in a few similar cases where the applicants hanged on with their applications which were resubmitted through orders of the Court

were inadvertently processed by the Regional Committee. Appellant is however, free to make a fresh application seeking recognition for the course as and when NCTE issues a notification inviting applications in the state.

AND WHEREAS Appeal Committee noted that application of the appellant institution having been returned along with processing fee, there is virtually no existence of any case for the last nine years. Appeal Committee does not find any merit in the case.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that there is no merit in the case.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Sardar Patel College of Education, Khasra No. 1626/1, Dhod Road, Nirupama Nagar, Losal – 332025, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-160/E-115192/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Indian Teacher Training School, Jayal, Rajasthan dated 22/04/2019 is against the Letter No. New Appl./RF/Raj/NRCAPP-4193/2013-14/49834 dated 18.06.2013 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. Vinod Kumar Lamba, Administrator, Indian Teacher Training School, Jayal, Rajasthan presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that “The controversy was settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled “J.B.M. College of Education” directed the NRC to process further the application on the ground that “...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.”

AND WHEREAS Appeal Committee noted that appellant institution has filed a S.B. Civil Writ Petition no. 6749 of 2019 in the High Court of Judicature for Rajasthan Bench at Jaipur. Hon'ble High Court by its order dated 10/04/2019 directed the petitioner to file an appeal and NCTE to decide the appeal on merits 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.

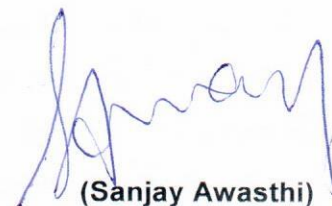
AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into 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.

AND WHEREAS Appeal Committee noted that appellant has submitted copy of a NOC dated 15/05/2019 issued by affiliating body in support of its appeal for consideration of its application returned with processing fee on 18/06/2013. Appeal

Committee decided that appellant institution is free to apply afresh as and when NCTE issues notification inviting applications for the course.

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, Indian Teacher Training School, 3086/3087, Jayal – 341023, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-161/E-115194/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Indian Teacher Training College, Dantaramgarh, Rajasthan dated 22/04/2019 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No.-270/Rajasthan/2009/70588 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 Hqrs has 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. Vinod Kumar Lamba, Administrator, Indian Teacher Training College, Dantaramgarh, Rajasthan presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that the controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

AND WHEREAS Appeal Committee noted that appellant institution has filed a S.B. Civil Writ Petition no. 6750 of 2019 in the High Court of Judicature for Rajasthan Bench at Jaipur. Hon'ble High Court by its order dated 10/04/2019 directed the petitioner to file an appeal before NCTE with directions 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 nine 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.

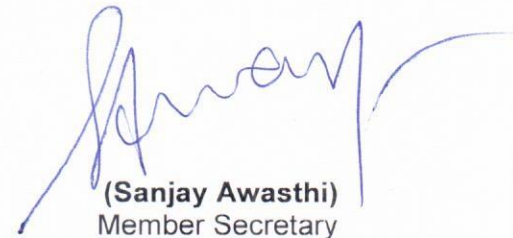
AND WHEREAS the Committee noted that the impugned letter of the NRC returning the application of the appellant was issued in the year 2009 and it is not an Order issued under any one of the Sections of the NCTE Act, 1993 mentioned in para 4 above. Notwithstanding this position, the appellant inordinately delayed making the appeal. The appellant has not given any reason whatsoever for the inordinate delay. The Committee further noted that, a plain reading of the appeal reveals that, all the submissions made therein have no relevance to the contents of the letter of N.R.C's.

AND WHEREAS Appeal Committee noted that the application filed by appellant was returned along with original documents and the processing fee. The incident occurred 10 years back was based on negative recommendations of the State Government. Appeal Committee does not find any justification to review the decision taken by NCTE simply on the ground that in a few similar cases where the applicants hanged on with their applications which were resubmitted through orders of the Court

were inadvertently processed by the Regional Committee. Appellant is however, free to make a fresh application seeking recognition for the course as and when NCTE issues a notification inviting applications in the state.

AND WHEREAS Appeal Committee noted that application of the appellant institution having been returned along with processing fee, there is virtually no existence of any case for the last nine years. Appeal Committee does not find any merit in the case.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that there is no merit in the case.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Indian Teacher Training College, Dantaramgarh, Dantaramgarh – 332025, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-162/E-115196/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Sardar Patel B.Ed. College, Losal, Dantaramgarh, Rajasthan dated 22/04/2019 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No.-22/Raj./2009/70573 dated 07.03.2009 of the Northern Regional Committee, thereby returning the application for conducting B.Ed. Course on the grounds that "the NCTE Hqrs has 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. Vinod Kumar Lamba, Administrator, Sardar Patel B.Ed. College, Losal, Dantaramgarh, Rajasthan presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that the controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

AND WHEREAS Appeal Committee noted that appellant institution has filed a S.B. Civil Writ Petition no. 6748 of 2019 in the High Court of Judicature for Rajasthan Bench at Jaipur. Hon'ble High Court by its order dated 10/04/2019 directed the petitioner to file an appeal before NCTE with directions 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 nine 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.

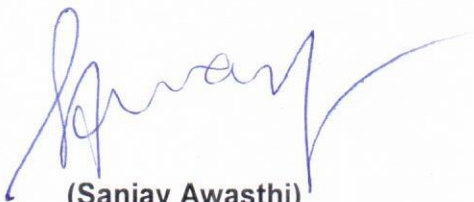
AND WHEREAS the Committee noted that the impugned letter of the NRC returning the application of the appellant was issued in the year 2009 and it is not an Order issued under any one of the Sections of the NCTE Act, 1993 mentioned in para 4 above. Notwithstanding this position, the appellant inordinately delayed making the appeal. The appellant has not given any reason whatsoever for the inordinate delay. The Committee further noted that, a plain reading of the appeal reveals that, all the submissions made therein have no relevance to the contents of the letter of N.R.C's.

AND WHEREAS Appeal Committee noted that the application filed by appellant was returned along with original documents and the processing fee. The incident which occurred 10 years back was based on negative recommendations of the State Government. Appeal Committee does not find any justification to review the decision taken by NCTE simply on the ground that in a few similar cases where the applicants hanged on with their applications which were resubmitted through orders of the Court were inadvertently processed by the Regional Committee. Appellant is however, free

to make a fresh application seeking recognition for the course as and when NCTE issues a notification inviting applications in the state.

AND WHEREAS Appeal Committee noted that application of the appellant institution having been returned along with processing fee, there is virtually no existence of any case for the last nine years. Appeal Committee does not find any merit in the case.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that there is no merit in the case.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Sardar Patel B.Ed. College, Khasra No. 1626/1, Losal, Dantaramgarh – 332025, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-163/E-115228/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Sri Lakshmi College of Education, Srigandakaval, Sunkadakatte, Karnataka dated 23/04/2019 is against the Order No. SRO/NCTE/SRCAPP3548/B.Ed/KA/2016-17/76581 dated 20.10.2015 of the Southern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "as per the land document submitted, the land is leased out by a private party (Sri N. Ramachandraiah) to the society for a period of 30 years."

AND WHEREAS Sh. Rama Chandraiah Prasad, Secretary, Sri Lakshmi College of Education, Srigandakaval, Sunkadakatte, Karnataka presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that "SRC's decision to reject the application of the institution was without taking into consideration of the land documents of the Trust is bad, perverse and illegal. Appellant has available with it all the infrastructure and facilities for running B.Ed. course as per applicable norms but it has been unlawfully deprived from running the course. Under Regulations, 2014 the "Council" has "powers to relax" any condition/ regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies norms and standards under Regulations, 2014. The decision has been taken by SRC-NCTE without application of mind and without appreciating the reply submitted by institution. It is humbly prayed and requested that that instant appeal be considered and decided on merits. Delay (if any) be condoned and the order dated 20.10.2015 passed by the SRC NCTE be quashed and set aside and it may be directed to SRC to immediately process the application of the institution for running B.Ed. course."

AND WHEREAS Appeal Committee noted that impugned refusal order dated 20/10/2015 was on the ground that land document submitted by applicant institution indicated that land is leased out by a private party to the society for a period of 30 years. Appeal Committee noted that Clause 8 (4) of NCTE Regulation, 2014 provides that:-

"No institution shall be granted recognition under these regulations unless the institution or society sponsoring the institution is in possession of required land on the date of application. The land free from all encumbrances could be either on ownership basis or on lease from Government or Government institutions."

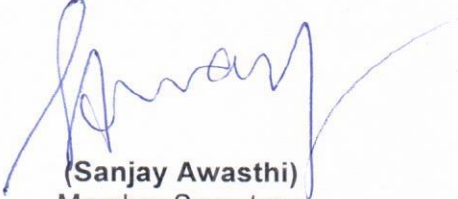
AND WHEREAS Appeal Committee noted that appellant institution applying for B.Ed. course by online application dated 30/05/2015 did not qualify on account of regulatory provisions mentioned above. Moreover, appellant institution was allowed 60 days time to appeal against the impugned order dated 20/10/2015. Appeal Committee further noted that Hon'ble High Court of Karnataka at Bengaluru by its order dated 05/09/2018 disposed of a petition filed by appellant with direction to respondent to decide on the appeal within 3 months provided the petitioner files appeal within 2 weeks from the date of order of the Court.

AND WHEREAS Appeal Committee observes that:-

- (i) Appellant institution/society was not possessing the land as on the date of application on ownership basis and thus did not qualify as per NCTE Regulations.
- (ii) Appellant did not prefer appeal within 60 days of the issue of impugned order.
- (iii) Appellant did not prefer appeal within 2 weeks of the judgement dated 05/09/2018 of Hon'ble High Court.

AND WHEREAS Appeal Committee after due consideration decided not to admit the appeal being late and devoid of merit.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded not to admit the appellant being late and devoid of merit.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Sri Lakshmi College of Education, No. 4 & 5, Srigandakaval, Magadi Main Road, Sunkadakatte – 560091, Karnataka.
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 Karnataka, Bengaluru.



F.No.89-164/E-115286/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Princess Girls College, Khatu Shyam Ji, Lamiya Road, Dantaramgarh, Sikar, Rajasthan dated 26/04/2019 is against the Letter No. New Appl./RF/Raj./NRCAPP-7751/2013-14/49932 dated 19.06.2013 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. Narendra Kumar, Administrator, Princess Girls College, Khatu Shyam Ji, Lamiya Road, Dantaramgarh, Sikar, Rajasthan presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that “NRC erred in deciding the matter and did not make any effort to even look on the application in consonance of NCTE's Regulation under which the application was submitted. There was virtual impossibility in submitting the application online and after directions of Hon'ble Court the application was submitted offline. Had the institution been 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 his application along with in reference to other identical/ similar matters. On the grounds discussed and narrated above the ground of rejection of our application is baseless. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993 the appellate authority of NCTE vide order No. F. No. New Appl./RF/Raj./NRCAPP-7751/201314/49932 titled 'Princess Girls College directed the NRC to process further the application on process further the application on the ground that “The Committee noted that the appellant Could not have submitted the application on line within the time frame allowed by the Hon'ble High Court on 19.01.2019 i.e. one month which is a Virtual impossibility due to closure of NCTE portal.”

AND WHEREAS the appellant filed a S.B. Civil Writs No. 1451 of 2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in its Order dt. 19/01/2019, 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 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 appellant during appeal hearing submitted a copy of N.O.C. dated 15/03/2019 issued by affiliating body. Appeal Committee noted that N.O.C. issued after six years of the return of application with processing fee, cannot form the basis of reprocessing of the case. Appellant is, however, free to apply afresh as and when NCTE issues notification calling for fresh applications in the region.

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, Princess Girls College, Khatu Shyam Ji, Lamiya Road, Dantaramgarh – 332602, Sikar, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-165/E-115510/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Surya College of Business Management, Mohanlalganj, Lucknow, Uttar Pradesh dated 17/04/2019 is against the Order No. NRC/NCTE/NRCAPP-12475/297th Meeting/2019/201468 dated 14.03.2019 of the Northern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "the institution has not submitted the reply of LOI. In the light of the order dt. 31.10.2018 in LPA No. 619/2018 of the Hon'ble Delhi High Court and Letter No. 67/19/2018-US(Legal)Hq. dated 18.12.2018 and the ban imposed by the State Govt. vide letter No. 1188/68-4-2018 dt. 24.08.2018 to start D.El.Ed. course in the State of Uttar Pradesh, NRC, NCTE cannot process your application further. Hence, the Committee decided that the application is rejected and recognition is refused u/s 14 (3)(b) of the NCTE Act, 1993. FDRs, if any be returned to the institution."

AND WHEREAS Sh. Arun Kumar Yadav, Registrar, Surya College of Business Management, Mohanlalganj, Lucknow, Uttar Pradesh presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that delay is caused because of the Ban imposed by the State Government vide letter No. of Govt. of Uttar Pradesh 1188/68-4-2018 dated 24.08.2018 to start D.El.Ed. course in the State of Uttar Pradesh and due to subsequent confusion arising out of this ban."

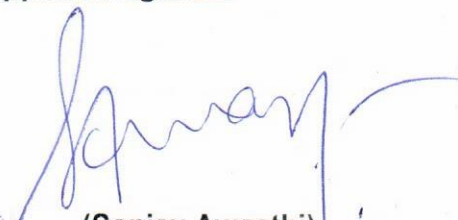
AND WHEREAS Appeal Committee noted that a Letter of Intent (L.O.I.) dated 12/06/2018 was issued to appellant institution seeking compliance within a period 2 months. The points on which compliance was required inter-alia included submission of list of faculty duly approved by affiliating body. Copy of the L.O.I. was endorsed to Director, SCERT which is affiliating body in this case. Clause 7 (13) of NCTE

Regulations, 2014 requires that the institution shall submit the list of, as approved by affiliating body, to the Regional Committee. Appeal Committee further noted that a Show Cause Notice (SCN) dated 12/09/2018 was issued to appellant institution seeking reply to the L.O.I.

AND WHEREAS appellant Committee noted that appellant even on the date of appeal hearing on 11/06/2019 was not having the required list of faculty approved by affiliating body. Appellant in its appeal memoranda has requested that since the ban was imposed by State Government after issue of L.O.I., it may be allowed to start the D.El.Ed. programme. Appeal Committee considered the request made by appellant and decided that onus lies on the appellant institution to seek approval of affiliating body to the selection and appointment of faculty. Any technical or legal obstacles have to be sorted out by applicant institution in consultation with the affiliating body or by seeking directions from the Court of Law. Appeal Committee considering that appellant institution has failed to submit reply of L.O.I. even after issue of S.C.N., decided to confirm the impugned refusal order dated 14/03/2019.

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 refusal order dated 14/03/2019 issued by N.R.C.

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Surya College of Business Management, Mohanlalganj – 226301, Lucknow, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.



F.No.89-166/E-115410/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Shri Krishna STC College, Naya Nohra, Baran Road, Ladpura, Kota, Rajasthan dated 24/04/2019 is against the Letter No. New Appl./RF/Raj./NRCAPP-5052/2013-14/48118 dated 10.06.2013 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. Rajesh, Director, Shri Krishna STC College, Naya Nohra, Baran Road, Ladpura, Kota, Rajasthan presented the case of the appellant institution on 11/06/2019. 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 28.12.2012. Instead of processing the application of this institution for grant of recognition for D.El.Ed. course, NRC, NCTE returned the application of this institution for grant of recognition of D.El.Ed. Being aggrieved from the order of NRC, NCTE, this institution filed a S.B, Civil Writ Petition No. 6293/2019 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, This institution is running B.Ed. course recognized by NCTE. 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.” 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. That NRC, NCTE had conducted inspection of Tak Shiksha Niketan Girls BSTC College, Lohagal, Ajmer (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. It is pertinent to mention 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. 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. 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.M-3308196 dated 28.12.2012. So, it is prayed that the rejection order issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course.

AND WHEREAS the appellant filed a S.B. Civil Writs No. 6293 of 2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 05/04/2019, 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. *Hon'ble Court has directed 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

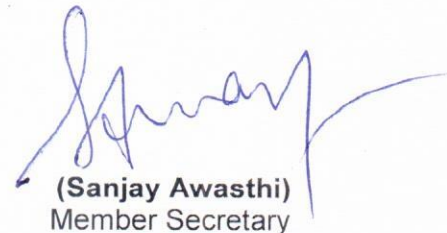
mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana 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. Appeal Committee also considered that a general N.O.C. given by Government of Rajasthan for the session 2019-20 cannot be considered relevant for an application returned along with processing fee in 2013.

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, Shri Krishna STC College, Naya Nohra, Baran Road, Ladpura – 324001, Kota, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-168/E-115631/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Chhattisgarh Commerce & Science College, Bhilai, Sector-6, Durg, Chhattisgarh dated 25/04/2019 is against the Order No. WRC/APW01700/723061/C.G./304th/2019/202752 dated 12.04.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Revised recognition order was issued to the institution on 31.05.2015. SCN was issued to the institution on 11.01.2018. The institution has submitted reply dated 15.02.2018 received in the office of WRC on 19.02.2018 and reply dated 06.12.2018 received in the office of WRC on 16.12.2018. On perusal of the reply of the institution it is observed that the institution has not submitted the following documents: (i) letter granting approval for the selection or appointment of faculty, issued by the affiliating body as per NCTE Regulations, 2014. (ii) The institution has submitted staff list for the session 2016-17. The institution has not submitted proof of additional funds. 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 Mohd. Tahir Khan, President, Chhattisgarh Commerce & Science College, Bhilai, Sector-6, Durg, Chhattisgarh presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that "copies of approval letters dated 23/02/2015, 12/03/2015, 03/03/2016 issued by Pt. Ravishankar Shukla Vishwavidyalaya and letter dated 12/04/2019 issued by Hemchand Yadav Vishwavidyalaya, Durg (C.G.) are enclosed. Copy of additional F.D.R. of Rs. 4 lakh valid upto 12/04/2024 is also enclosed."

AND WHEREAS Appeal Committee noted that appellant institution is recognized for conducting B.Ed. course since the year 2006 with revised recognition having been issued in 2015. The appellant institution was earlier affiliated to Pt. Ravishanker Shukla Vishwavidyalaya, Raipur and now is affiliated to Hemchand Yadav Vishwavidyalaya, Durg, (C.G.). Appellant has submitted before appeal Committee the approval letters of related affiliating bodies and the additional F.D.R. Appeal Committee decided that appellant institute is required to submit these documents to WRC within 15 days of the issue of appeal order. Appeal Committee further decided to remand back the case to WRC for revisiting the matter afresh after the appellant has submitted to them the relevant required documents within 15 days of the issue of appeal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, document on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to WRC for revisiting the matter afresh after the appellant has submitted to them the relevant required documents within 15 days of the issue of appeal order.

NOW THEREFORE, the Council hereby remands back the case of Chhattisgarh Commerce & Science College, Bhilai, Sector-6, Durg, Chhattisgarh to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Principal, Chhattisgarh Commerce & Science College, Bhilai, 10 Sector-6, Durg – 490006, Chhattisgarh.
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 Chhattisgarh, Raipur.



F.No.89-169/E-115628/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of S.B.V.R. Integrated College of Education, Mydukur Road, Badvel, Andhra Pradesh dated 24/04/2019 is against the Order No. SRO/NCTE/SRCAPP15005/B.Sc.B.Ed./AP/2019/101522 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 "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 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."

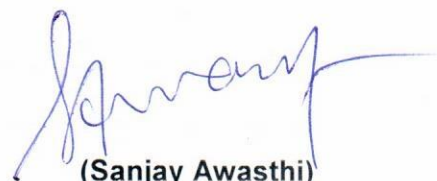
AND WHEREAS Dr. G. Vema Narayana Reddy, Principal, S.B.V.R. Integrated College of Education, Mydukur Road, Badvel, Andhra Pradesh presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that "we had sent through speed post on 6th November, 2018, but office said that not received and sent remainder us to re-submit. We had sent reply on 13th December, 2018."

AND WHEREAS Appeal Committee noted that impugned withdrawal order dated 27/02/2019 was issued on the grounds of "gross recalcitrance" of the appellant institution by not replying to the Show Cause Notice and consequent reminder dated 04/12/2018 and 13/12/2018 respectively. Appellant during the course of appeal hearing on 11/06/2019 submitted evidence in the form of speed post receipt dated 06/12/2018 indicating dispatch of a 560 gm envelope to S.R.C. Appellant has further sent other letters by speed post to S.R.C. on 11/12/2018 and 22/12/2018.

AND WHEREAS from the regulatory file of S.R.C., Appeal Committee observed that appellant's letter dated 28/12/2018 by which it had submitted a copy of its earlier letter dated 04/12/2018 is available on record. It is therefore, not proved that there has been any gross recalcitrance on part of appellant institution. It is however, a different issue that appellant institution has not been able to start the course, in the absence of affiliation, from academic session 2016-17 till S.R.C. decided to withdraw the course by issue of impugned order dated 27/02/2019. The impugned order cannot be confirmed on the grounds stated therein. Appeal Committee decided to remand back the case to S.R.C. for revisiting the matter and for this purpose appellant institution is required to submit a copy of its letter dated 04/12/2018 (with enclosures) to S.R.C. within 15 days of the issue of Appeal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, document on record and oral arguments advanced during the hearing. Appeal Committee concluded to remand back the case to S.R.C. for revisiting the matter and for this purpose appellant institution is required to submit a copy of its letter dated 04/12/2018 (with enclosures) to S.R.C. within 15 days of the issue of Appeal order.

NOW THEREFORE, the Council hereby remands back the case of S.B.V.R. Integrated College of Education, Mydukur Road, Badvel, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Principal, S.B.V.R. Integrated College of Education, Mydukur Road, Badvel – 516227, Andhra Pradesh.
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.89-170/E-115679/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Adarsh T.T. College, Nadbai, Rajasthan dated 24/04/2019 is against the Letter No. 7-15/NRC,NRC/NCTE/Returning of Application/2009/70486 dated 07.03.2009 of the Northern Regional Committee, thereby returning the application for conducting B.Ed. Course on the grounds that "the NCTE Hqrs has 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. S.K. Agrawal, L.D.C., Adarsh T.T. College, Nadbai, Rajasthan presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that we have submitted applications for grant of recognition of B.Ed. course for the session 2008-09 and 2009-10 but our application kept pending despite the inspection deficiencies having been removed by us, whereas the applications of many other institutions were entertained, and recognition was also granted. The State Government imposed ban on the B.Ed. and D.El.Ed. courses and in his letter dt. 12.11.2008 to the NCTE not to grant recognition to any institution in the State of Rajasthan for the academic session 2009-10. Against the communication issued by the State Government, several writ petitions have been preferred which were decided vide order dated 07.01.2009 by the Court. The Court decided that the NCTE shall look into the matter objectively and independently and take the decision thereupon. The NCTE, NRC, thereafter, took the decision denying grant of recognition to any of the institution for B.Ed. STC Shiksha Shastri Courses in the State of Rajasthan for the academic session 2009-10 and returned the applications accordingly on 27.01.2009. However at the same time, it has been observed that the

NCTE will take fresh decision for grant of recognition to the petitioners institutions for the academic session 2010-11, if they find that the institution should be given recognition in the State of Rajasthan, then subject to fulfilment of conditions of the provision of law, petitioners institutions may be given priority for grant of recognition.

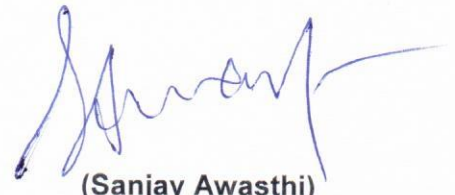
AND WHEREAS appellant stated that inspection deficiencies were removed but has not furnished any evidence of conduct of inspection. As regulatory file is not available at this distant time, Appeal Committee cannot verify the averments made by appellant.

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 nine 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 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. The appellant has not given any reason whatsoever for the inordinate delay. The Committee further noted that, a plain reading of the appeal reveals that, all the submissions made therein have no relevance to the contents of the letter of N.R.C's.

AND WHEREAS the Committee, in view of the position stated in above paras, decided not to condone the delay in submission of the appeal. Hence the appeal is 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 condone the delay in submission of the appeal. Hence the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Adarsh T.T. College, Nadbai – 321602, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-171/E-115938/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Sanskar Bharti BSTC School, Ajmer Road, Sanganer, Bagru, Rajasthan dated 12/04/2019 is against the Letter No. New Appl./RF/Raj./NRCAPP-9239/2013-14/50589 dated 21.06.2013 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. Anil Kumar Sharma, Administrator and Kurunandhan Sharma, Representative, Sanskar Bharti BSTC School, Ajmer Road, Sanganer, Bagru, Rajasthan presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that "This institution applied online for grant of recognition of D.El.Ed. course on 31.12.2012. Instead of processing the application of this institution for granting recognition for D.El.Ed. course, NRC, NCTE returned the application of this institution for grant of recognition of D.El.Ed. course on 21.06.2013. Being aggrieved by the order of NRC, NCTE, this institution filed a S.B. Civil Writ Petition No. 6294/2019 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 same expeditiously as possible, in accordance with law. This institution is running B.Ed. (Shiksha Shastri) course recognized by NCTE and Affiliated with University of Rajasthan, Jaipur. 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." 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 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. Copy of letter is annexed marked as Annexure-16. That Director Elementary Education Rajasthan, Bikaner has issued N.O.C. for D.El.Ed. course to many institution 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. 50050/- was submitted to NRC, NCTE on 28.12.2012 vide D.D. No.707023 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 appellant institution had filed a S.B. Civil Writ Petition no. 6294 of 2019 in the High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble Court vide order dated 05/04/2019 granted liberty to the petitioner to file an appeal which is to be decided by NCTE on merits ignoring the limitation period.

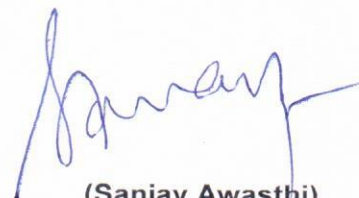
AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 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. Appeal Committee also considered that a general N.O.C. given by the Government of Rajasthan for the academic session 2019-20 cannot be considered relevant for an application returned along with processing fee in 2013.

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, Sanskar Bharti BSTC School, Ajmer Road, Sanganer, Bagru – 303007, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-172/E-115947/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Feroz Gandhi Group of College, Datawali, Phoop-Ater, Ater, Madhya Pradesh dated 29/04/2019 is against the Order No. WRC/APP2736/297th/(M.P.)/2018/200308 dated 27.09.2018 of the Western Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "The institution was asked to submit a valid minority certificate vide letter dated 10.05.2018. Institution replied on 23.05.2018 that the case is under process. Sufficient time has been given for submission of certificate and the institution has failed to submit the same. Hence, Recognition is refused."

AND WHEREAS Sh. Prince Dubey, Secretary and Priyanshu Dubey, President, Feroz Gandhi Group of College, Datawali, Phoop-Ater, Ater, Madhya Pradesh presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that "Delay in preferring appeal is due to preparation of Minority Certificate."

AND WHEREAS Appeal Committee noted that appellant institution has filed a Writ Petition no. 7366 of 2019 in the High Court of Madhya Pradesh, Gwalior Bench. Hon'ble High Court vide its order dated 12/04/2019 has granted liberty to the petitioner to avail the remedy of appeal.

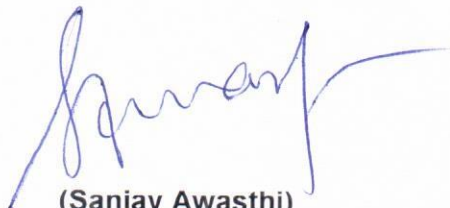
AND WHEREAS Appeal Committee noted that appellant during the course of appeal hearing on 11/06/2019 submitted copy of certificate dated 10/06/2019 issued by the Commissioner, Backward and Minority Welfare, Bhopal granting Minority status to the appellant society.

AND WHEREAS Appeal Committee noted that appellant institution submitted online application dated 29/05/2015 seeking recognition for conducting D.El.Ed. course. In its online application, the appellant society mentioned the Type of Institution as 'Minority'. Despite mentioning the type of Institution as Minority, the appellant institution does not seem to have asked for any relaxation in the Norms and Standards for its Minority status. Moreover, if the requirement of Minority certificate was so essential, W.R.C. should have asked for it in the first Show Cause Notice and also should not have processed the case upto the level of issuing L.O.I. after conducting two inspections. Appellant during the course of appeal hearing has submitted a Minority certificate dated 10/06/2019 which was applied for on 28/01/2019. From the documents available on the regulatory file, Appeal Committee observed that appellant in its reply dated 23/05/2018 to a S.C.N. dated 10/05/2018 had also submitted a copy of its application dated 23/05/2018 made to Commissioner, Backward classes and Minority Welfare for issue of a N.O.C.

AND WHEREAS after considering the submissions made by appellant during the appeal hearing, Appeal Committee decided to remand back the case to W.R.C. for revisiting the matter after the appellant institution submits to it copy of valid minority certificate within 15 days of the issue of appeal order. While revisiting the case, W.R.C. shall also examine whether the status of Minority institution had any impact on the eligibility of the applicant as on the date of application.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to W.R.C. for revisiting the matter after the appellant institution submits to it copy of valid minority certificate within 15 days of the issue of appeal order. While revisiting the case, W.R.C. shall also examine whether the status of Minority institution had any impact on the eligibility of the applicant as on the date of application.

NOW THEREFORE, the Council hereby remands back the case of Feroz Gandhi Group of College, Datawali, Phoop-Ater, Ater, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Feroz Gandhi Group of College, Datawali, Phoop-Ater, Ater – 477001, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-173/E-115949/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Feroz Gandhi Group of College, Datawali, Phoop-Ater, Ater, Madhya Pradesh dated 29/04/2019 is against the Order No. WRC/APP2751/223/297th/2018/200273 dated 25.09.2018 of the Western Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "and Whereas, the matter was placed before the WRC in its 297th WRC Meeting held on September 13-14, 2018, and the Committee observed that "...The institution asked to submit a valid minority certificate vide letter dated 10.05.2018. Institution replied on 23.05.2018 that the case is under process. Sufficient time has been given for submission of certificate and the institution has failed to submit the same. Hence, Recognition is refused."

AND WHEREAS Sh. Prince Dubey, Secretary and Priyanshu Dubey, President, Feroz Gandhi Group of College, Datawali, Phoop-Ater, Ater, Madhya Pradesh presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that "Delay in preferring appeal is due to preparation of Minority Certificate."

AND WHEREAS Appeal Committee noted that appellant institution has filed a Writ Petition no. 7366 of 2019 in the High Court of Madhya Pradesh, Gwalior Bench. Hon'ble High Court vide its order dated 12/04/2019 has granted liberty to the petitioner to avail the remedy of appeal.

AND WHEREAS Appeal Committee noted that appellant during the course of appeal hearing on 11/06/2019 submitted copy of certificate dated 10/06/2019 issued

by the Commissioner, Backward and Minority Welfare, Bhopal granting Minority status to the appellant society.

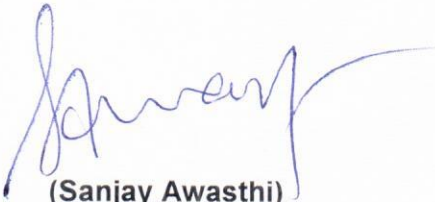
AND WHEREAS Appeal Committee noted that appellant institution submitted online application dated 29/05/2015 seeking recognition for conducting B.Ed. course. In its online application, the appellant society mentioned the Type of Institution as 'Minority'. Despite mentioning the type of Institution as Minority, the appellant institution does not seem to have asked for any relaxation in the Norms and Standards for its Minority status. Moreover, had the requirement of Minority certificate been so essential, W.R.C. should have asked for it in the first Show Cause Notice and also should not have processed the case upto the level of issuing L.O.I. after conducting two inspections. Appellant during the course of appeal hearing has submitted a Minority certificate dated 10/06/2019 which was applied for on 28/01/2019. From the documents available on the regulatory file, Appeal Committee observed that appellant in its reply dated 23/05/2018 to a S.C.N. dated 10/05/2018 had submitted a copy of its application dated 23/05/2018 made to Commissioner, Backward classes and Minority Welfare for issue of a N.O.C.

AND WHEREAS after considering the submissions made by appellant during the appeal hearing, Appeal Committee decided to remand back the case to W.R.C. for revisiting the matter after the appellant institution submits to it copy of valid minority certificate within 15 days of the issue of appeal order. While revisiting the case, W.R.C. shall also examine whether the status of Minority institution had any impact on the eligibility of the applicant as on the date of application.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to W.R.C. for revisiting the matter after the appellant institution submits to it copy of valid minority certificate within 15 days of the issue of appeal order. While revisiting the case, W.R.C. shall also examine whether

the status of Minority institution had any impact on the eligibility of the applicant as on the date of application.

NOW THEREFORE, the Council hereby remands back the case of Feroz Gandhi Group of College, Datawali, Phoop-Ater, Ater, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Feroz Gandhi Group of College, Datawali, Phoop-Ater, Ater – 477001, Madhya Pradesh.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-174/E-116212/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Sri Gavisiddeshwara College of Education, Gavimath Road, Koppal, Karnataka dated 05/05/2019 is against the Order No. SRO/NCTE/APSO2097/B.Ed/KA/2019-101959 dated 06.03.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Show Cause Notice dt. 29.08.2018 was issued to the institution on the following grounds:- Land documents are there. It is a case of Govt. allotted land. But, they do not seem to have clear title. The land is reported to be mortgaged with KSFC Bank. Ask them to clarify. Obtain a latest copy of the EC. LUC is in order. Building plan is given. It is not approved by the competent authority. Sy. No. & area are not mentioned. It is only a photocopy, not original. Built up area shown is 1930 sq. mts. BCC is duly approved. It does not indicate the type of roofing. The built-up area shown is 1930 sq. mts., Total area required is (B.Ed. 2000 + D.El.Ed. 1500) 3500 sq. mts. The area available is adequate only for one unit of B.Ed. or one unit of D.El.Ed. FDRs are required in original in joint account with a 5 years validity @ Rs. 7+5 lakhs per programme. They have given only Rs. 9 lakhs. The FDRs are not in joint account. Also, their validity has expired. The faculty list is not approved by the Registrar. Nobody has authenticated it. Faculty recruited after 09.06.2017 should have NET or SLET or Ph.D. Obtain latest approved faculty list. The institution did not submit any reply in reference to the Show Cause Notice dt. 29.08.2018 till date. Hence, after thorough examination of all the relevant documents, the Committee decided to withdraw the recognition of B.Ed. course from the academic session 2019-20."

AND WHEREAS Sh. Prakash, Former Principal, Sri Gavisiddeshwara College of Education, Gavimath Road, Koppal, Karnataka presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that "Secretary of Sri. Gavisiddeshwara Vidhyavardhaka Trust i.e.

S.G.V.V.T., Koppal, Karnataka, i.e. Sri. S. Mallikarjun suffered from T2DM/Anemia/pericardial effusion/ Upper Gastrointestinal bleeding, Vascular Ectasia and he was suggested strict bed rest from 20th August 2018 to 17th October 2018. Therefore, for the afore mentioned bonafide reason, we could not obtain requisite permission from him and reply to the show cause notice dated 29.08.2018, effectively. The Medical Certificate dated 10.04.2019 issued by the G.S.R. Multi Speciality Hospital, Gavimath Road, Koppal. The 16th Peethadipati of Sri. Gavisiddeshwara Mutt, i.e. Sri. Mahashantaveer Mahaswamigalu donated the said land to SGVVT, in 1963. The said land is converted into NA purposes in 1988 to 1989. Since then the land is of the exclusive ownership of the SGVVT Trust. The Land was mortgaged with KSFC Bank, Koppal Branch as part of a financial transaction. However, the said loan amount was fully repaid on 10.08.2018 and the No Objection i.e. the Loan Clearance Certificate was issued by KSFC on 14.03.2019. The Loan Clearance Certificate issued by KSFC, Koppal dated 14.03.2019 and the Latest Encumbrance Certificate. The New Building Plan obtained by us, is issued by the Civil Engineer and approved by the Commissioner, City Municipal Council, Koppal. The said copy also shows that the Land measuring 30,227 Sq. Ft i.e. 2811.81 Sq. mts. is used for the propose of construction of the College. Original copy of the Building Plan, approved by the Civil Engineer issued by the Commissioner, City Municipal Council, Koppal, is produced herewith. The New Building Plan clearly depicts that the built-Up area inclusive of Ground and First Floor is 2811.81Sq. mts. i.e. 30,227Sq.Ft., which suffices the requirement for B.Ed. College. According to NCTE the minimum requirement is 2000 Sq. Mts. However, the current Building Plan reflects that the puilt-up area is more than the requirement. The Photographs of the Building along with the CD, will be physically produced. It is submitted that, we had addressed a letter dated 06.09.2016 to the Regional Director, Southern Regional Committee, Bangalore intimating that since there were no sufficient admissions to the D.El.Ed. Course, the same were sought to be suspended temporarily. The New Building Plan clearly depicts that the built-up area inclusive of Ground and First Floor is 2811.81Sq. mts. i.e. 30,227 Sq.Ft., which suffices the requirement for B.Ed. College. According to NCTE the minimum requirement is 2000 Sq. Mts. The current plan of the building will be extended further, when the

Management decides to run D.El.Ed. Course. As stated above, the Management vide its letter dated 06.09.2016 has intimated the Regional Director, Southern Regional Committee, Bangalore regarding temporary suspension of D.El.Ed Course, since there was scarcity of admissions. Therefore, the current Built Up area is adequate for running of 2 Units of B.Ed. Course. The FDR receipts clearly show that the FDR receipts drawn on Pragathi Krishna Gramin Bank, bearing No. 176920 and 176921, both bearing value date 29.10.2015 are valid upto 29.10.2025 and the FDR receipt drawn on State Bank of India, Jawahar Road, Koppal bearing No. 20206 dated 11.04.2019, is valid upto 11.04.2024. It is humbly submitted that, the request of approval of the Faculty List was sent to the affiliated University i.e. Vijayanagara Sri Krishnadevaraya University, Bellary. Thereafter, on 27.02.2016 the new list was sent for approval to the University and several reminders were issued. However, the University did not positively reply to the requests or the correspondences issued by us, till date. That, on 03.05.2019, the University has communicated the new approved list authenticated by the Registrar. The new list approved on 03.05.2019, by the Registrar, Vijayanagara Sri Krishnadevaraya University, Bellary, is annexed herewith. The new staff approved by the Registrar, are very well qualified with the requisite qualifications i.e. NET or SLET or Ph.D. The same is visible in the new list annexed herewith."

AND WHEREAS Appeal Committee noted that appellant institution was granted recognition for conducting B.Ed. course on 25/11/2004, subsequently after the NCTE Regulation, 2014 came into force with revised Norms and Standards enhancing the duration of course, a revised recognition order dated 15/05/2015 was issued which was subject to the appellant institution complying with certain conditions in a time bound manner. Appeal Committee noted that appellant's non reporting the required compliance resulted in issue of letter dated 29/08/2018 by S.R.C. seeking compliance with 21 days.

AND WHEREAS appellant in its appeal memoranda and written submission admitted that reply to SRC's letter dated 29/08/2018 was not submitted due to illness of Secretary. A medical certificate dated 10/04/2019 has been submitted by appellant

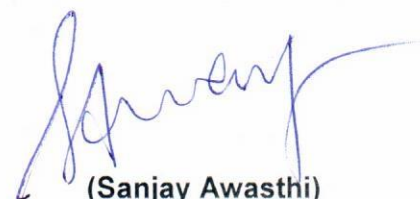
certifying advice of bed rest from 20/08/2018 to 17/10/2018 to Mr. Mallikarjun, Secretary.

AND WHEREAS Appeal Committee noted that appellant institution did not submit any reply to the letter dated 29/08/2018 of S.R.C. even after the date of bed rest advised to Sh. Mallikarjun. The obvious reason for this is that appellant institution was not in a position to submit the list of faculty approved by affiliating body. Affiliating body has approved a list of faculty only on 08/06/2019. Eight of above faculty is observed to have their appointment dates in the year 2019 which means that the appellant institution was not having required faculty approved by affiliating body during the preceding years.

AND WHEREAS Appeal Committee decided to confirm the impugned order of withdrawal dated 06/03/2019 for the reason of its failure to submit even a belated reply to Show Cause Notice dated 29/08/2018.

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 withdrawal dated 06/03/2019 issued by N.R.C. for the reason of its failure to submit even a belated reply to Show Cause Notice dated 29/08/2018.

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


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Sri Gavisiddeshwara College of Education, Gavimath Campus, Gavimath Road, Koppal – 583231, Karnataka.
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 Karnataka, Bengaluru.



F.No.89-175/E-116353/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

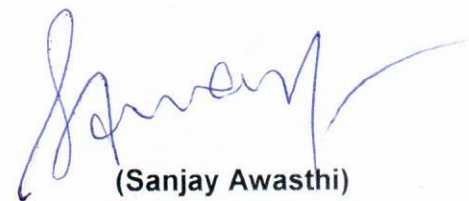
WHEREAS the appeal of Haladhar Mahato Teachers Training Institute, Dighi, Jangal Mahal, Manbazar, West Bengal dated 04/05/2019 is against the Order No. ERC/NCTE/(ERCAPP736)/B.Ed.(Revised Order)/2015/32258 dated 27.05.2015 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "total build up area in the Building Completion Certificate mentioned as 1995 sq. mts. which is less then as required under NCTE Regulation 2014. Faculty list comprising only 1 plus 1, instead of 1 plus 15, as per NCTE Regulation 2014 for running 2 units 100 intake of B.Ed. course."

AND WHEREAS Sh. Hiralal Mahato, President and Sh. Chandan Dey, Off. Staff, Haladhar Mahato Teachers Training Institute, Dighi, Jangal Mahal, Manbazar, West Bengal presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that "our institution completed additional build-up area i.e. 1955 sq. mts. plus 104 sq. mts. Total 2059 sq. mts. documents here with attached in support of our explanation. Last 3 year our institution run the B.Ed. Course with 1 unit 50 intake. Prayer letter for reduce intake capacity to NCTE here with attached. Now our willingness to run the B.Ed. course for 1 unit 50 intake."

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 21/05/2019 was issued to appellant institution seeking reply within 21 days on certain points of deficiencies. Appellant has preferred appeal after noticing the minutes of 271st meeting of E.R.C. held on 24-25 April, 2019. Appellant during the course of appeal hearing was apprised that the institution had an opportunity to submit required clarifications to E.R.C. and appeal in its case is unwarranted and premature at this stage. As no order under Section 14, 15 or 17 of NCTE Act has been issued or

even decided to be issued in the case of appellant institution, the appeal filed by appellant is held as infructuous and 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 being infructuous.



(Sanjay Awasthi)
Member Secretary

1. **The President, Haladhar Mahato Teachers Training Institute, Dighi, Jangal Mahal, Manbazar – 723131, West Bengal.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.



F.No.89-176/E-116344/2019 Appeal/16th Mtg.-2019/11th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/07/2019

ORDER

WHEREAS the appeal of Govt. Teacher Training College, Gopeshwar Nagar, Chapra, Bihar dated 26/03/2019 is against the Order No. ERC/268.14(i).53/ERCAPP1237/B.Ed./2019/59646 dated 03.03.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "show cause notices were issued on 27.11.2018 and 24.01.2019. Faculty comprising 10 (05 full-time + 05 part-time) instead of 1+15 as per NCTE Regulations, 2014. Part-time faculties are not accepted. Building completion certificate in the NCTE prescribed proforma duly approved by Govt. Engineer not submitted. 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. ERCAPP1237 is withdrawn under section 17(1) of NCTE Act, 1993 with effect from the academic session 2019-20."

AND WHEREAS Dr. Deepa Rani Sahoo, Principal, Govt. Teacher Training College, Gopeshwar Nagar, Chapra, Bihar presented the case of the appellant institution on 11/06/2019. In the appeal and during personal presentation it was submitted that "we have 1 plus 9 faculty members. All working on regular basis. Appointment of 6 more are under process by the Director, Research and Training, Education Department, Govt. of Bihar. Four buildings are under construction. We will be able to provide building completion certificate by the end of this month. Within 3 months we will be able to provide building completion certificate of 2 buildings."

AND WHEREAS Appeal Committee noted that appellant during the course of appeal presentation submitted a Building Completion Certificate (BCC) indicating built

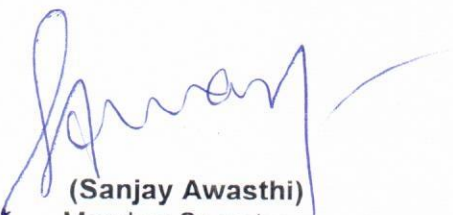
up area of 12046, 10716 and 10716 sq. feet in the new building numbered 1,2 and 3. The B.C.C. in prescribed Performa is signed by Executive Engineer, BSEIDC, Saran Division. Appeal Committee noted that whereas built up area is mentioned building wise in column 16 of the B.C.C. the total built up area of the institution is mentioned as 12046.95 sq. feet. As regards faculty, Appeal Committee noted that in the list of faculty approved on 06/04/2019 by Registrar, J.P. University, Chapra, some faculty members which are reflected to have joined in 2019 are neither possessing Ph.D. nor are NET qualified.

AND WHEREAS from the regulatory file, Appeal Committee further observed that initial inspection under Section 14 of the NCTE Act of the appellant institution, which is a Government College was conducted on 05/06/2012. Inspite of some adverse remarks in the Inspection Report regarding inadequacy of facilities, recognition was granted on the recommendation of Principal Secretary, Department of Education, Bihar. Essential Data Sheet submitted by appellant college at the time of inspection revealed a built up area which was much less than what is prescribed under the Norms and Standards for the course. Obviously the State Government had failed to comply with the assurance given by Principal Secretary in its letter dated 04/07/2012. The new built up area unless inspected by a Visiting Team, duly constituted by Regional Committee, could have not been considered to be suitable and adequate.

AND WHEREAS In the existing circumstances, Appeal Committee finds that appellant institution has failed to comply with the terms and conditions laid down in the revised recognition order dated 23/05/2015 and Show Cause Notice (SCN) issued on 27/11/2018 and 24/01/2019. Appeal Committee, decided to confirm the impugned order of withdrawal dated 03/03/2019.

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 03/03/2019 issued by E.R.C.

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



(Sanjay Awasthi)
Member Secretary

1. The Principal, Govt. Teacher Training College, Near Govt. Bus Stand, Gopeshwar Nagar, Chapra – 841301, Bihar.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.