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F.No.89-504/E-82624/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of B.R. Memorial T.T. School, Durjaniyawas, Jaipur, Jhotwara, Rajasthan dated 18/07/2018 is against the Letter No. New Appl/RF/Raj./NRCAPP-7168/2013-14/51114 dated 21/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/NSS 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

The appellant filed a S.B. Civil Writ Petition No. 18871/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal dated 18/07/2018 preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 24/08/2018 directed the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner.

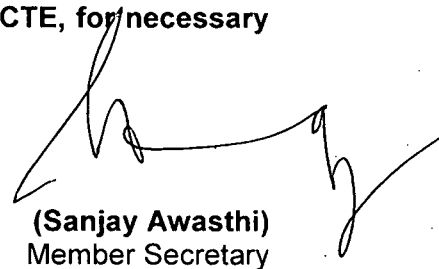
AND WHEREAS Sh. Narain Lal, Secretary, B.R. Memorial T.T. School, Durjaniyawas, Jaipur, Jhotwara, Rajasthan presented the case of the appellant institution on 29/09/2018. In the appeal and during personal presentation and in a letter dt. 29/09/2018 it was submitted that (i) they applied for D.El.Ed. course online on 30/12/2012 and the application was received in the N.R.C. on 07/01/2013; (ii) the N.R.C. returned their application with their letter dt. 21/06/2013 in the absence of recommendations of State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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). Once applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.' Appeal order is annexed.; (iv) the respondent had already granted recognition to several institutions ignoring the above said shortcomings vide recognition order 26/08/2016 for D.El.Ed., copy enclosed; (v) the respondent, before

returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; (vi) the appellant had made all necessary arrangements with regard to physical and other facilities; and (vii) the State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20. Copy of the letter is enclosed. The Regulatory file of the Institution is not available.

AND WHEREAS the Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of B.R. Memorial T.T. School, Durjaniyawas, Jaipur, Jhotwara, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, B.R. Memorial T.T. School, Durjaniyawas, Jaipur, Jhotwara – 303706, 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.89-508/E-82589/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Saraswati STC College, Sardar, Sahar, Rajasthan dated 17/07/2018 is against the Letter No. Old App/RJ-----/241 /2017/169501 dt. 23/03/2017 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "In cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by N.R.C., all such applications be returned to the institutions alongwith all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS the appellant aggrieved by the Letter of the N.R.C. dt. 23/03/2017 returning their application, filed a S.B. Civil Writ Petition No. 18490/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 20/08/2018, disposed of the petition granting liberty to the petitioner institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of two months.

AND WHEREAS Sh. Om Prakash, Secretary, Saraswati STC College, Sardar, Sahar, Rajasthan presented the case of the appellant institution on 29/09/2018. In the appeal and during personal presentation it was submitted that at the time of filing application, State Government imposed ban on B.Ed. and D.El.Ed., Now the State Government has given NOC for the subject course for the session 2019-20, So, we are going for the appeal to process our application.

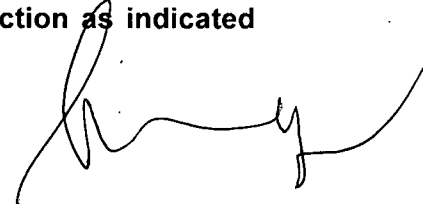
AND WHEREAS the Committee noted from the papers submitted by the appellant, that they initially applied for STC course in the year 2008. The N.R.C. in their letter dt. 20/03/2009 returned the application on the ground that the NCTE independently decided to re-iterate the decision already taken by NCTE not to grant recognition for B.Ed./STC/Shiksha Shastri course to any institution in Rajasthan for the academic session 2009-10. The appellant, in pursuance of the order of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 06/10/2016 in S.B. Civil Writ Petition No. 14182/2016 filed by them, resubmitted their application to N.R.C. with their letter dt. 15/10/2016. The N.R.C. returned the application with their letter dt. 23/03/2017 on the ground mentioned therein.

AND WHEREAS the Committee noted that the ground mentioned in the N.R.C.'s letter dt. 23/03/2017 returning the application of the appellant, that is Clause 5, was introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the letter returning the applications. The Regulatory file of the Institution is not available.

AND WHEREAS the Committee, in view of the position stated in para 5 above, concluded that the ground mentioned in the letter dt. 23/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Saraswati STC College, Sardar, Sahar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Saraswati STC College, Sardar, Sahar – 331403, 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.89-512(A)/E-82939/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Maharaja Surajmal Teachers Training College for STC, Ajabpura Jamwaramgarh, Jaipur, Rajasthan dated 18/07/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-3614/2013-14/513520 dated 25/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 18895/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal dated 18/07/2018 preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 27/08/2018 directed the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner.

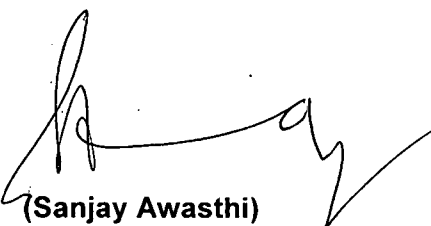
AND WHEREAS Sh. Raghuveer Singh Choudhary, Director, Maharaja Surajmal Teachers Training College for STC, Ajabpura Jamwaramgarh, Jaipur, Rajasthan presented the case of the appellant institution on 29/09/2018. In the appeal and during personal presentation and in a letter dt. 29/09/2018 it was submitted that (i) they applied for D.El.Ed. course online on 23/12/2012 and the application was received in the N.R.C. on 28/12/2012; (ii) the N.R.C. returned their application with their letter dt. 25/06/2013 in the absence of recommendations of State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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). Once applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.' Appeal order is annexed.; (iv) the respondent had already granted recognition to several institutions ignoring the above said shortcomings vide recognition order 26/08/2016 for D.El.Ed., copy enclosed; (v) the respondent, before

returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; (vi) the appellant had made all necessary arrangements with regard to physical and other facilities; and (vii) the State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20. Copy of the letter is enclosed. The Regulatory file of the Institution is not available.

AND WHEREAS the Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Maharaja Surajmal Teachers Training College for STC, Ajabpura Jamwaramgarh, Jaipur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Director, Maharaja Surajmal Teachers Training College for STC, Ajabpura Near NH-11A, Jamwaramgarh, Jaipur – 303120, 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.89-527/E-83609/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Shri Seva Teacher Training College, Virat Nagar, Rajasthan dated 27/07/2018 is against the Letter No. New Appl/RF/Raj./NRCAPP-5565/2013-14/48225 dated 11/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 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 application so received be returned to the respective institution. Also the application fees be refunded to the applicants."

AND WHEREAS the Regulatory file of the Institution is not available. The appellant filed a S.B. Civil Writ Petition No. 18945/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal dated 27/07/2018 preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 27/08/2018 directed the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner.

AND WHEREAS Sh. Virendra Prasad Sood, Secretary, Shri Seva Teacher Training College, Virat Nagar, Rajasthan presented the case of the appellant institution on 29/09/2018. In the appeal and during personal presentation and in a letter dt. 29/09/2018 it was submitted that (i) they applied for D.El.Ed. course online on 29/12/2012 and the application was received the N.R.C. on 02/01/2013; (ii) N.R.C. returned their application with their letter dt. 21/06/2013 in the absence of recommendations of the State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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 in to account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year (s). Application are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.' Appeal order is annexed.; (iv) the respondent had already granted recognition to several institutions ignoring the above said shortcomings vide

recognition order 26/08/2016 for D.El.Ed., copy enclosed; (v) the respondent, before returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; (vi) the appellant had made all necessary arrangement with regard to physical and other facilities; and (vii) the State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20. Copy of the letter is enclosed.

AND WHEREAS the Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Shri Seva Teacher Training College, Virat Nagar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary/Appellant, Shri Seva Teacher Training College, Virat Nagar – 303102, 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.89-531/E-84161/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of S.K.N. School of Teachers Training, Bhadhadar, Sikar, Rajasthan dated 29/07/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-4768/2013-14/50759 dated 21/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 19220/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur praying issue of direction to the N.R.C. of the NCTE to process the appeal preferred by the petitioner on 29/07/2018 in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 28/08/2018 directed the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner.

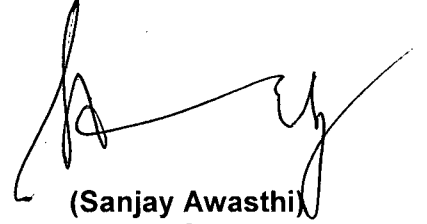
AND WHEREAS Sh. Ram Niwas Dhaka, Representative, S.K.N. School of Teachers Training, Bhadhadar, Sikar, Rajasthan presented the case of the appellant institution on 29/09/2018. In the appeal and during personal presentation it was submitted that at the time of filing Application, State Government has imposed ban on D.El.Ed. and B.Ed. courses, Now, since the Government has given NOC for the subject course for the year 2019-20. Hence, we are applying for appeal for further processing of our application. The appellant in a letter dt. 29/09/2018 further submitted that (i) they submitted an application online on 27/12/2012 for grant of recognition for D.El.Ed. course, which was received in the N.R.C. on 28/12/2012; (ii) the N.R.C. returned their application in the absence of the recommendations of the State Government of Rajasthan on 21/06/2013; (iii) the controversy about the recommendations of the State Government 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 dtd. 27/11/2017 titled "J.B.M. College of Education" directed the N.R.C. 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." A Copy of the appeal order dt. 27/11/2017 is annexed; (iv) the respondent had already granted recognition to several institutions, ignoring the above shortcomings vide order dt. 26/08/2016, copy enclosed. The act of the respondent giving recognition to various institutions and rejecting their application is faulty and discriminatory in nature; (v) the N.R.C. did not issue any show cause notice to the appellant institution as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993, providing a reasonable opportunity for making a written representation; (vi) the appellant made all necessary arrangements with regard to physical infrastructure and other facilities but their application has been returned in a most arbitrary manner making it bad in the eyes of law; and (vii) Government of Rajasthan in their letter dt. 01/01/2018 addressed to the NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20. A copy of that letter is enclosed. The appellant requested that the N.R.C.'s letter dt. 21/06/2013 returning their application be quashed and set aside.

AND WHEREAS the Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of S.K.N. School of Teachers Training, Bhadhadar, Sikar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Manager, S.K.N. School of Teachers Training, Bhadhadar, NH-11, Sikar – 332315, 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.89-532/E-84151/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Prince STC College, Palwas, Shya Rasta, Sikar, Rajasthan dated 28/07/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-3365/2013-14/50247 dated 19/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 19228/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur praying issue of direction to the N.R.C. of the NCTE to process the appeal preferred by the petitioner on 28/07/2018 in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 28/08/2018 directed the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner.

AND WHEREAS Sh. Ashok Kumar, Principal, Prince STC College, Palwas, Shya Rasta, Sikar, Rajasthan presented the case of the appellant institution on 29/09/2018. In the appeal and during personal presentation it was submitted that at the time of filing Application, State Government has imposed ban on D.El.Ed. and B.Ed. courses, Now, since the Government has given NOC for the subject course for the year 2019-20. Hence, we are applying for appeal for further processing of our application. The appellant in a letter dt. 29/09/2018 further submitted that (i) they submitted an application online on 20/12/2012 for grant of recognition for D.El.Ed. course, which was received in the N.R.C. on 21/12/2012; (ii) the N.R.C. returned their application in the absence of the recommendations of the State Government of Rajasthan on 19/06/2013; (iii) the controversy about the recommendations of the State Government 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 dtd. 27/11/2017 titled "J.B.M. College of Education" directed the N.R.C. 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

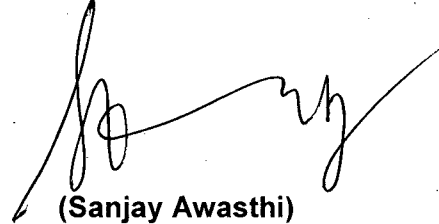
general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year (s). applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government." A Copy of the appeal order dt. 27/11/2017 is annexed; (iv) the respondent had already granted recognition to several institutions, ignoring the above shortcomings vide order dt. 26/08/2016, copy enclosed. The act of the respondent giving recognition to various institutions and rejecting their application is faulty and discriminatory in nature; (v) the N.R.C. did not issue any show cause notice to the appellant institution as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993, providing a reasonable opportunity for making a written representation; (vi) the appellant made all necessary arrangements with regard to physical infrastructure and other facilities but their application has been returned in a most arbitrary manner making it bad in the eyes of law; and (vii) Government of Rajasthan in their letter dt. 01/01/2018 addressed to the NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20. A copy of that letter is enclosed. The appellant requested that the N.R.C.'s letter dt. 21/06/2013 returning their application be quashed and set aside.

AND WHEREAS the Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

-4-

NOW THEREFORE, the Council hereby remands back the case of Prince STC College, Palwas, Shya Rasta, Sikar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Prince STC College, Palwas, Shya Rasta, Sikar – 332042, 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.89-533/E-84147/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Prince Academy STC, Nani, Palwas Rod, Sikar, Rajasthan dated 28/07/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-4592/2013-14/52075 dated 19/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 19223/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur praying issue of direction to the N.R.C. of the NCTE to process the appeal preferred by the petitioner on 28/07/2018 in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 28/08/2018 directed the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner.

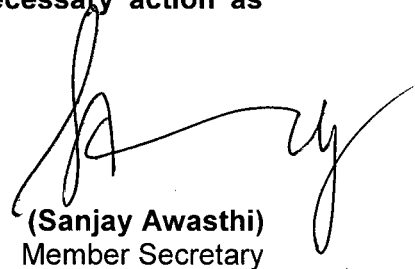
AND WHEREAS Sh. Ashok Kumar, Principal, Prince Academy STC, Nani, Palwas Rod, Sikar, Rajasthan presented the case of the appellant institution on 29/09/2018. In the appeal and during personal presentation it was submitted that at the time of filing Application, State Government has imposed ban on D.El.Ed. and B.Ed. courses, Now, since the Government has given NOC for the subject course for the year 2019-20. Hence, we are applying for appeal for further processing of our application. The appellant in a letter dt. 29/09/2018 further submitted that (i) they submitted an application online on 27/12/2012 for grant of recognition for D.El.Ed. course, which was received in the N.R.C. on 28/12/2012; (ii) the N.R.C. returned their application in the absence of the recommendations of the State Government of Rajasthan on 19/06/2013; (iii) the controversy about the recommendations of the State Government 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 dtd. 27/11/2017 titled "J.B.M. College of Education" directed the N.R.C. 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." A Copy of the appeal order dt. 26/08/2016 is annexed; (iv) the respondent had already granted recognition to several institutions, ignoring the above shortcomings vide order dt. 26/08/2016, copy enclosed. The act of the respondent giving recognition to various institutions and rejecting their application is faulty and discriminatory in nature; (v) the N.R.C. did not issue any show cause notice to the appellant institution as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993, providing a reasonable opportunity for making a written representation; (vi) the appellant made all necessary arrangements with regard to physical infrastructure and other facilities but their application has been returned in a most arbitrary manner making it bad in the eyes of law; and (vii) Government of Rajasthan in their letter dt. 01/01/2018 addressed to the NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20. A copy of that letter is enclosed. The appellant requested that the N.R.C.'s letter dt. 21/06/2013 returning their application be quashed and set aside.

AND WHEREAS the Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

**NOW THEREFORE, the Council hereby remands back the case of Prince Academy
STC, Nani, Palwas Rod, Sikar, Rajasthan to the NRC, NCTE, for necessary action as
indicated above.**



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Prince Academy STC College, Nani Palwas Rod, Sikar – 332001, 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.89-534/E-84121/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of M.D. T.T. College, Nohar Road, Rawatsar, Rajasthan dated 24/07/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-8897/2013-14/46857 dated 04/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 18872/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur praying issue of direction to the N.R.C. of the NCTE to process the appeal preferred by the petitioner on 24/07/2018 in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 24/08/2018 directed the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner.

AND WHEREAS Sh. Kailash Sinwar, Secretary and Sh. Ranjeet Singh, Chairman, M.D. T.T. College, Nohar Road, Rawatsar, Rajasthan presented the case of the appellant institution on 29/09/2018. In the appeal and during personal presentation it was submitted that at the time of filing Application, State Government has imposed ban on D.El.Ed. and B.Ed. courses, Now, since the Government has given NOC for the subject course for the year 2019-20. Hence, we are applying for appeal for further processing of our application. The appellant in a letter dt. 29/09/2018 further submitted that (i) they submitted an application online on 31/12/2012 for grant of recognition for D.El.Ed. course, which was received in the N.R.C. on 04/01/2013; (ii) the N.R.C. returned their application in the absence of the recommendations of the State Government of Rajasthan on 04/06/2013; (iii) the controversy about the recommendations of the State Government 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 dtd. 27/11/2017 titled "J.B.M. College of Education" directed the N.R.C. 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.

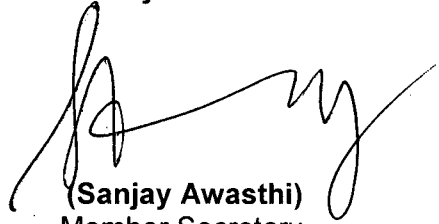
Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year (s). applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government." A Copy of the appeal order dt. 26/08/2016 is annexed; (iv) the respondent had already granted recognition to several institutions, ignoring the above shortcomings vide order dt. 26/08/2016, copy enclosed. The act of the respondent giving recognition to various institutions and rejecting their application is faulty and discriminatory in nature; (v) the N.R.C. did not issue any show cause notice to the appellant institution as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993, providing a reasonable opportunity for making a written representation; (vi) the appellant made all necessary arrangements with regard to physical infrastructure and other facilities but their application has been returned in a most arbitrary manner making it bad in the eyes of law; and (vii) Government of Rajasthan in their letter dt. 04/06/2013 addressed to the NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20. A copy of that letter is enclosed. The appellant requested that the N.R.C.'s letter dt. 21/06/2013 returning their application be quashed and set aside.

AND WHEREAS the Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

-4-

NOW THEREFORE, the Council hereby remands back the case of M.D. T.T. College, Nohar Road, Rawatsar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, M.D. T.T. College, Chak 7 BPSM, Nohar Road, Rawatsar – 335524, 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.89-538/E-84498/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

21/10/18

ORDER

WHEREAS the appeal of Sanskaar Teacher Training College, Peeploo, Rajasthan dated 19/07/2018 is against the Order No. NRC/NCTE/Recognition/2016/154382-86 dated 25/07/2016 of the Northern Regional Committee, granting recognition for conducting one unit (50 intake) of B.A. B.Ed./B.Sc. B.Ed. Course. The appellant wants recognition for two units (100 intake).

AND WHEREAS the appellant filed a S.B. Civil Writs No. 9081/2017 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur for revising the recognition order dt. 25/07/2016. The Hon'ble High Court in their order dt. 17/05/2018 disposed of the petition by granting liberty to the petitioner to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of two months.

AND WHEREAS Sh. Devendra Choudhary, Manager, Sanskaar Teacher Training College, Peeploo, Rajasthan presented the case of the appellant institution on 29/09/2018. In the appeal, the appellant enclosed copies of two letters dt. 01/09/2016 and 15/12/2016 written to the Regional Director, N.R.C. and one letter dt. 25/01/2018 written to the Member Secretary, NCTE requesting grant of recognition for two units.

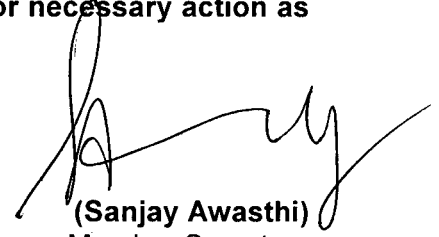
AND WHEREAS the Committee noted that the appellant in their letter dt. 07/07/2015 forwarding their online application dt. 30/06/2015 and in the affidavit enclosed to the application stated that they are applying for an intake of 100 students (two units) in B.A. B.Ed. course. The Visiting Team in their report dt. 26/04/2016 noted that the application was for two units (100) of 4 year B.A. B.Ed. course and

recommended for grant of recognition for two units. The N.R.C. in their 252nd meeting held from 19th April to 2nd May, 2016 (Part – 7) decided to issue a Letter of Intent to the appellant. While formal Letter of Intent is not found in the file, the minutes of the meeting do not indicate the number of units for which a decision was taken to issue the L.O.I. The appellant, in their letter dt. 01/05/2016, replying to the decision to issue the Letter of Intent, inter-alia submitted a faculty list of 16 persons countersigned by the Registrar, Maharshi Dayanand Saraswati University, Ajmer. The N.R.C. in Part – 14 of their 252nd Meeting held on 02/05/2016 decided to issue recognition for one unit (50 students) of B.A. B.Ed./B.Sc. B.Ed. course from the academic session 2016-17 and issued the recognition order on 25/07/2016.

AND WHEREAS the Committee, noting that no reasons have been recorded in the file for granting recognition for one unit only, concluded that the matter deserved to be remanded to the N.R.C. with a direction to issue a speaking communication to the appellant on their request for grant of recognition for two units (100 intake).

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to N.R.C. with a direction to issue a speaking communication to the appellant on their request for grant of recognition for two units (100 intake).

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary/Appellant, Sanskaar Teacher Training College, Peeploo – 304801, 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.89-547/E-85247/2018 'Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Shri Raghunath Bishnoi Memorial College, Raniwara, Rajasthan dated 04/08/2016 is against the Order No. NRC/NCTE/NRCAPP-10928/254th/Meeting/2016/155448 dated 10/08/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the reply of the institution to the Show Cause Notice dated 15.12.2015 was considered by the Committee. The institution has failed to submit NOC from the affiliating body as required under clause 5(3) of the NCTE Regulations, 2014."

AND WHEREAS the appellant filed a S.B. Civil Writ No. 9863/2017 before the Hon'ble High Court of Judicature for Rajasthan, Jodhpur. The Hon'ble High Court in their order dt. 30/07/2018 disposed of the petition granting liberty to the petitioner to file statutory appeal provided under the Rules within one week. In case, the same is filed within the stipulated period, the Hon'ble High Court directed that the appropriate authority shall decide the appeal as expeditiously as possible in accordance with law within two weeks thereafter.

AND WHEREAS Sh. Rohit Bishnoi, President and Sh. Bhagirath Bishnoi, Secretary, Shri Raghunath Bishnoi Memorial College, Raniwara, Rajasthan presented the case of the appellant institution on 29/09/2018. In the appeal and during personal presentation it was submitted that the file of Shri Raghunath Bishnoi Memorial College Raniwara Jalore Rajasthan was rejected on basis that district Jalore was not included in the NOC issued by State Govt of Rajasthan. Criterion set for NOC was districts having less than 5 BSTC in particular district was included whereas Jalore district had

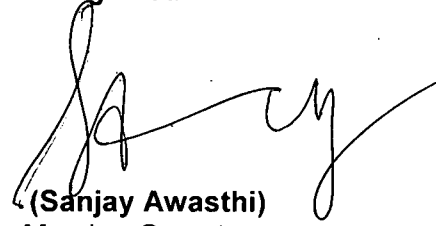
only one. As the matter came into Notice of State Govt. Jalore district also got included vide order dated 12 August, 2016. Global education society Sanchoe Jalore and Shri Raghunath Bishnoi Memorial College Raniwara Jalore filed a civil writ in Hon'ble High Court Jodhpur in the above matter as petitioner No1 and petitioner No2 respectively. Meanwhile Global education Society appeal was also pending in NCTE in the same matter. The appellant presented the copies of communication from Govt of Rajasthan and NCTE adjudicated in favour of appellant. Since the matter of both colleges is same in respect of NOC of same year and it had already been accepted by NCTE, Petitioner No. 2 Shri Raghunath Bishnoi Memorial College Raniwara Jalore filed an application Appl No. 1864 18 praying that matter be remanded back to NRC NCTE for a fresh consideration in the same terms as has been done in case of petitioner No1. The Hon'ble High Court Jodhpur vide Judgment order dated 30 July, 2018 accepted the prayer with liberty to file statutory appeal within stipulated time. Hence it is our request that in view of NOC issued by Govt of Rajasthan our case also be considered and be remanded back to NRC NCTE with appropriate directions.

AND WHEREAS the Committee noted that the appeal of Global Education, Dedwa Khurd, Sanchoe, Rajasthan decided by the Council was against the order of the N.R.C. dt. 10/03/2017 refusing recognition for conducting D.El.Ed. course on two grounds, namely, (i) khasra no. has not been mentioned in the building plan; and (ii) the institution has not submitted any proof/evidence to prove that it is a composite institution as per Clause 2 (b) of NCTE Regulations, 2014. NOC from the affiliating body was not a ground for refusal. Therefore, the analogy drawn by the appellant is not correct.

AND WHEREAS the Committee noted that the appellant has not submitted the NOC in response to the Show Cause Notice and refusal order was also issued on 10/08/2016 i.e. before the Rajasthan Government issued their letter dt. 12/08/2016. In these circumstances, the Committee concluded that the N.R.C. was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the N.R.C. confirmed.

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

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



(Sanjay Awasthi)
Member Secretary

1. **The Secretary, Shri Raghunath Bishnoi Memorial College, Badgaon Road, Raniwara – 343040, 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.89-551/E-85832/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Monika Virmani Teachers Training College, (Little Flower Shiksha Samiti) Main Road, Baladera, Near Vijay Mandir Gram Panchayat – Shapur, Tehsil – Alwar, Rajasthan dated 09/08/2018 is against the Order No. New Appl./RF/Raj/NRCAPP-7794/2013-14/48388-389 dated 11/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that “the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon’ble Supreme Court:- The Hon’ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant, aggrieved by the Letter of the N.R.C. dt. 11/06/2013 returning their application, filed a S.B. Civil Writs No. 17082/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble Court in their order dt. 03/08/2018 disposed of the petition granting liberty to the petitioner institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court observed that if the petitioner institution files an appeal under Section 18 of the Action of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same expeditiously.

AND WHEREAS Sh. Sunil Kumar Virmani, Secretary and Sh. Arvind, Director, Monika Virmani Teachers Training College, (Little Flower Shiksha Samiti) Main Road, Baladera, Near Vijay Mandir Gram Panchayat – Shapur, Tehsil – Alwar, Rajasthan presented the case of the appellant institution on 29/09/2018. In the appeal and during personal presentation it was submitted that "the State Government of Rajasthan vide order No. P.7.1 training, a yojana, 2017 dated 01.01.2018 has recommended NCTE to set up new D.El.Ed. institutions/additional intake in all the districts of state for session 2019.20. (copy enclosed)".

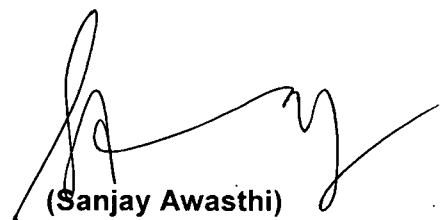
AND WHEREAS the appellant, in a memorandum submitted during personal presentation, submitted that (i) they applied for D.El.Ed. course online on 31/12/2012 vide application I.D. No. NRC/APP/7794; (ii) the N.R.C. returned their application file on the ground of non-recommendation of the Rajasthan State Government for setting up of new D.El.Ed. institutions; (iii) they also applied afresh vide application no. NRCAPP11788 dt. 29/05/2015, but due to undetermined policy of the State Government for the session 2016-17, they failed to submit hard copy of online application; (iv) they requested the State Government vide letter dt. 30/12/2016 to consider the institution for recognition of D.El.Ed. course; (v) the N.R.C. rejected their application without providing an opportunity or show cause notice, which is totally

faulty; (vi) Rajasthan Government in the meanwhile allowed the institutions for D.El.Ed. in the session 2015-16; (vii) the Rajasthan State Government vide their letter dt. 01/01/2018 has now allowed the institutions to set up new D.El.Ed. institutions and additional intake in D.El.Ed. course and (viii) the appellant made necessary arrangements with regard to physical infrastructure and other facilities and the rejection of their application in arbitrary manner is bad in the eyes of law and liable to be set aside.

AND WHEREAS the Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of **Monika Virmani Teachers Training College, (Little Flower Shiksha Samiti) Main Road, Baladera, Near Vijay Mandir Gram Panchayat – Shapur, Tehsil – Alwar, Rajasthan** to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, **Monika Virmani Teachers Training College, (Little Flower Shiksha Samiti) Main Road, Baladera, Near Vijay Mandir Gram Panchayat – Shapur, Tehsil – Alwar – 301023, 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.89-552/E-85844/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Shri Rameshwar Lal Dhani Devi T.T. School, Sujangarh, Rajasthan dated 04/08/2018 is against the Letter No. New Appl./RJ/NRCAPP-7636/2013-14/50893 dated 21/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/NSS 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant, aggrieved by the Letter of the N.R.C. dt. 21/06/2013 returning their application, filed a S.B. Civil Writs No. 16766/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 01/08/2018 disposed of the petition granting liberty to the petitioner institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same expeditiously.

AND WHEREAS Sh. Narendra Singh, Secretary, Shri Rameshwar Lal Dhani Devi T.T. School, Sujangarh, Rajasthan presented the case of the appellant institution on 29/09/2018. 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 courses had been invited from all stake holders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. Copy of public notice is annexed. This institution has applied online for grant of recognition of D.El.Ed. course (2 units) to NCTE from 2013-14 on 31.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 31.12.2012. Copy of receipt letter, Demand Draft for processing fees and online application is annexed. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (2 units), NRC, NCTE has returned the application of this institution on 21.06.2013 on arbitrary, unjustified, illegal and unconstitutional basis. Copy of returning letter is annexed. Being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 16766/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 01.08.2018 and

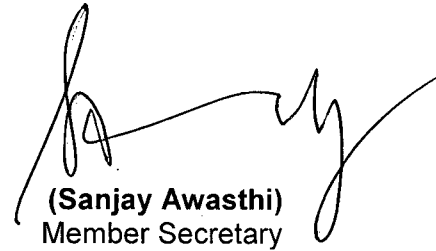
directed to petitioner to file an appeal u/s 18 of NCTE Act, 1993 and Appellate Authority is directed to decide the same expeditiously. Copy of the order of Hon'ble High Court is annexed. The Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the Regional Committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." Copy of Appeal order is annexed. The Appellant Authority, NCTE had already 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. Copy of Appeal order dated 05.06.2018 is annexed. 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. 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 (2 units) through online electronically mode and required processing fees of Rs. 50100/- has been submitted to NRC, NCTE on 31.12.2012 vide Challan No. M3195395 dated 31.12.2012. Thus, NRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course (2 units) on illegal, unlawful, unjustified and unconstitutional basis. So, it is prayed that the rejection order issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course (2 units).

AND WHEREAS the Committee, noting the submission of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

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

concluded to remand back the case to N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Shri Rameshwar Lal Dhani Devi T.T. School, Sujangarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Shri Rameshwar Lal Dhani Devi T.T. School, Sujangarh – 331507, 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.89-553/E-85845/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Shekhawati Shikshan Sansthan, Tehandesar, Bidasar, Churu, Rajasthan dated 04/08/2018 is against the Letter No. New Appl./RF/Raj/NRCAPP-5575/2013-14/50208 dated 19/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant, aggrieved by the Letter of the N.R.C. dt. 19/06/2013 returning their application, filed a S.B. Civil Writs No. 17038/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 03/08/2018, disposed of the petition granting liberty to the petitioner – institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same expeditiously.

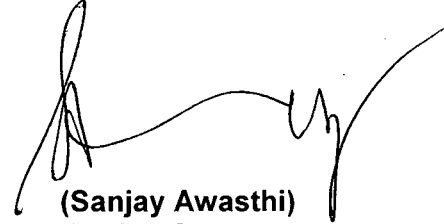
AND WHEREAS Sh. Vijendra Kumar, Secretary, Shekhawati Shikshan Sansthan, Tehandesar, Bidasar, Churu, Rajasthan presented the case of the appellant institution on 29/09/2018. In the appeal and during personal presentation it was submitted that NCTE, New Delhi had issued a public notice on 27.11.2012 through which applications for grant of recognition for various Teacher Education courses had been invited from all stake holders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. Copy of public notice is annexed. This institution has applied online for grant of recognition of D.El.Ed. course (2 units) to NCTE from 2013-14 on 29.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 31.12.2012. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (2 units), NRC, NCTE has returned the application of this institution on 19.06.2013 on arbitrary, unjustified, illegal and unconstitutional basis. Copy of returning letter is annexed. Being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 17083/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 03.08.2018 and directed the petitioner to file an appeal u/s 18 of NCTE Act, 1993 and Appellate Authority is directed to decide the same expeditiously. Copy of the order of Hon'ble

High Court is annexed. The Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the Regional Committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." Copy of Appeal order is annexed. The Appellant Authority, NCTE had already 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. Copy of Appeal order dated 05.06.2018 is annexed. 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. The 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 (2 units) through online electronically mode and required processing fees of Rs. 50100/- has been submitted to NRC, NCTE on 31.12.2012. Thus, NRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course (2 units) on illegal, unlawful, unjustified and unconstitutional basis. So, it is prayed that the rejection order issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course (2 units).

AND WHEREAS the Committee, noting the submission of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Shekhawati Shikshan Sansthan, Tehandesar, Bidasar, Churu, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Shekhawati Shikshan Sansthan, Tehandesar, S.H. 20, Bidasar, Churu – 331517, 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.89-556/E-85987/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Bhinmal BSTC College, Jalore Road, Bhinmal, Rajasthan dated 11/08/2018 is against the Letter No. New Appl./RF/Raj/NRCAPP-9171/2013-14/48150 dated 10/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 application so received be returned to the respective institution. Also the application fees be refunded to the applicants."

AND WHEREAS the appellant, aggrieved by the Letter of the N.R.C. dt. 10/06/2013 returning their application filed a S.B. Civil Writs No. 17736/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 09/08/2018 disposed of the petition granting liberty to the petitioner institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petition – institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same expeditiously.

AND WHEREAS Sh. Gajendra Singh, President, Bhinmal BSTC College, Jalore Road, Bhinmal, Rajasthan presented the case of the appellant institution on 29/09/2018. 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 courses had been invited from all stake holders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. Copy of public notice is annexed. This institution has applied online for grant of recognition of D.El.Ed. course (2 units) to NCTE from 2013-14 on 31.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 07.01.2013. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (2 units), NRC, NCTE has returned the application of this institution on 10.06.2013 on arbitrary, unjustified, illegal and unconstitutional basis. Copy of returning letter is annexed. Being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 17736/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 09.08.2018 and directed to petitioner to file an appeal u/s 18 of NCTE Act, 1993 and Appellate

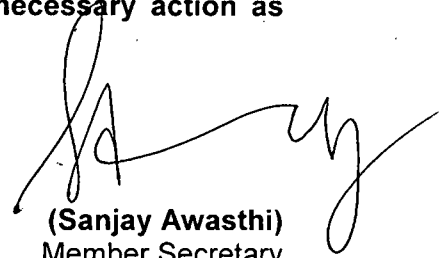
Authority is directed to decide the same expeditiously. Copy of the order of Hon'ble High Court is annexed. The Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the Regional Committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." Copy of Appeal order is annexed. The 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. Appellant 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. Copy of Appeal order dated 05.06.2018 is annexed. The 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. Appellant 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 had applied before the enactment of Regulations 2014. Copy of Appeal order dated 05.06.2018 is annexed. The NRC, NCTE had conducted inspection of SRN School of Education, Neem Ka Thana, Sikar (Raj.) who had applied for D.El.Ed. course in 2012. After inspection of the institution NRC, NCTE had rejected the application. Appellant 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. Copy of Appeal order dated 24.07.2018 is annexed. That NRC, NCTE had conducted inspection of Swami Vivekanand T.T. College, Gothara, Bassi (Raj.) who had applied for D.El.Ed. course in 2012. After inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal order dated 24.07.2018 is annexed. That NRC, NCTE had conducted inspection of Annpurana BSTC School, Neem Ka Thana, Sikar (Raj.) who had applied

for D.El.Ed. course in 2012. After inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal order dated 24.07.2018 is annexed. 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 2019-20. Copy of letter is annexed. The 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 (2 units) through online electronically mode and required processing fees of Rs. 50100/- has been submitted to NRC, NCTE on 07.01.2013 vide D.D. No. 701951, 701952, 701953 dated 31.12.2012. Thus, NRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course (2 units) on illegal, unlawful, unjustified and unconstitutional basis. So, it is prayed that the rejection order issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course (2 units).

AND WHEREAS the Committee noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Bhinmal BSTC College, Jalore Road, Bhinmal, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The President, Bhinmal BSTC College, Jalore Road, Bhinmal – 343029, 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.89-557/E-85986/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of S.G. STC College, Jaore Road, Bhinmal, Rajasthan dated 11/08/2018 is against the Letter No. New Appl./RF/Raj/NRCAPP-8320/2013-14/50559 dated 21/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 application so received be returned to the respective institution. Also the application fees be refunded to the applicants.”

AND WHEREAS the appellant, aggrieved by the Letter of the N.R.C. dt. 21/06/2013 returning their application, filed a S.B. Civil Writs No. 17718/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 09/08/2018 disposed of the petition by granting liberty to the petitioner institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner – institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same expeditiously.

AND WHEREAS Sh. Gajendra Singh, President, S.G. STC College, Jaore Road, Bhinmal, Rajasthan presented the case of the appellant institution on 29/09/2018. 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 courses had been invited from all stake holders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. Copy of public notice is annexed. This institution has applied online for grant of recognition of D.El.Ed. course (2 units) to NCTE from 2013-14 on 31.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 07.01.2013. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (2 units), NRC, NCTE has returned the application of this institution on 21.06.2013 on arbitrary, unjustified, illegal and unconstitutional basis. Copy of returning letter is annexed. Being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 17718/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 09.08.2018 and directed to petitioner to file an appeal u/s 18 of NCTE Act, 1993 and Appellate

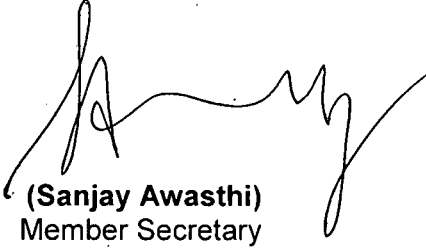
Authority is directed to decide the same expeditiously. Copy of the order of Hon'ble High Court is annexed. The Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the Regional Committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." Copy of Appeal order is annexed. The 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. Appellant 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. Copy of Appeal order dated 05.06.2018 is annexed. The 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. Appellant 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 had applied before the enactment of Regulations 2014. Copy of Appeal order dated 05.06.2018 is annexed. The NRC, NCTE had conducted inspection of SRN School of Education, Neem Ka Thana, Sikar (Raj.) who had applied for D.El.Ed. course in 2012. After inspection of the institution NRC, NCTE had rejected the application. Appellant 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. Copy of Appeal order dated 24.07.2018 is annexed. The 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. Copy of Appeal order dated 24.07.2018 is annexed. The NRC, NCTE had conducted inspection of Annpurana BSTC School, Neem Ka Thana, Sikar (Raj.) who had applied

for D.El.Ed. course in 2012. After inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal order dated 24.07.2018 is annexed. 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 2019-20. Copy of letter is annexed The 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 (2 units) through online electronically mode and required processing fees of Rs. 50100/- has been submitted to NRC, NCTE on 07.01.2013 vide D.D. No. 701938, 701939 dated 29.12.2012. Thus, NRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course (2 units) on illegal, unlawful, unjustified and unconstitutional basis. So, it is prayed that the rejection order issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course (2 units).

AND WHEREAS the Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of S.G. STC College, Jaore Road, Bhinmal, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The President, S.G. STC College, Jaore Road, Bhinmal – 343029, 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.89-559/E-86088/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Maharaja Agarsain T.T. College, Opp. Railway Station, Bhadra, Rajasthan dated 13/08/2018 is against the Letter No. Old App/Rj-----/2017/169528 dated 23/03/2017 of the Northern Regional Committee, returning their application for grant of recognition for conducting B.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS the appellant, aggrieved by the letter of the N.R.C. dt. 23/03/2017 returning their application, filed a S.B. Civil Writs No. 17380/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 07/08/2018 disposed of the petition granting liberty to the petition – institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner – institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of three months.

AND WHEREAS Sh. Anubhav Bansal, Secretary, Maharaja Agarsain T.T. College, Opp. Railway Station, Bhadra, Rajasthan presented the case of the appellant institution on 29/09/2018. In the appeal and during personal presentation it was submitted that they submitted an application for B.Ed. course on 20/10/2008. The N.R.C. returned their application in the absence of recommendation of the State Government of Rajasthan on 09/03/2009. On the directions of the Hon'ble Court in similar / identical files, they again submitted their application. Thereafter the N.R.C. without giving reasonable opportunity of hearing, returned their application on

23/03/2017. The NRC erred in deciding the matter and did not make any effort to even look at the application in consonance of NCTE's Regulation under which the application was submitted offline. Further, it is also reiterated here that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court given in another identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institutions submitted his application along with in reference to another identical/similar matters, but the respondent Committee did not consider the matter as per reference. On the grounds discussed and narrated above, the ground of rejection of their application is solely baseless. Further, in similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E-8922/2017/Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal." A copy of order dt. 16.10.2017 is annexed. Appellate Authority passed similar orders in respect of Sorabh College of Teacher Training Sawai Madhopur, Rajasthan on 05/06/2018, copy of order enclosed. The N.R.C. had already granted recognition to several institutions ignoring the above said shortcomings vide order dt. 26/08/2016, copy enclosed. The N.R.C. did not issue any show cause notice before passing the adverse order as required under Section 14 (3) (b) of the NCTE Act, 1993. The appellant made all necessary arrangements with regard to physical infrastructure and other facilities. The N.R.C. returned their application in a most arbitrary manner making it bad in the eye of law. The appellant requested quashing and setting aside the order of N.R.C.

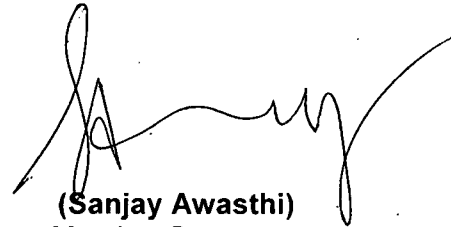
AND WHEREAS the Committee noted that the ground mentioned in the N.R.C's Order dt. 23/03/2017 returning the application of the appellant, that is Clause 5, was introduced for the first time, in the NCTE Regulations, 2014, the requirements of which are to be fulfilled when the applications are invited pursuant to these Regulations and

which can be filed only during the period when the NCTE Portal is open and not any other time. The appellant submitted their application in the year 2012 and the then existing Regulations did not contain the requirements mentioned in the Letter returning the application.

AND WHEREAS the Committee noted that in view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the Letter dt. 23/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action as per NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action as per NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Maharaja Agarsain T.T. College, Opp. Railway Station, Bhadra, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Maharaja Agarsain T.T. College, Ward No.4, Opp. Railway Station, Bhadra – 335501, 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.89-560/E-86118/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

21/10/18

ORDER

WHEREAS the appeal of Sant Meera BSTC College, Kera Pura, Sheoganj, Rajasthan dated 11/08/2018 is against the Letter No. New Appl./RF/Raj/NRCAPP-8373/2013-14/49789 dated 18/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 application so received be returned to the respective institution. Also the application fees be refunded to the applicants."

AND WHEREAS the appellant, aggrieved by the letter of the N.R.C. dt. 18/06/2013 returning their application, filed a S.B. Civil Writs No. 17739/2018 before the Hon'ble High Court of Judicature for Rajasthan. The Hon'ble High Court in their order dt. 09/08/2018 disposed of the petition granting liberty to the petitioner-institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner – institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same expeditiously.

AND WHEREAS Dr. Hanwant Singh, Secretary, Sant Meera BSTC College, Kera Pura, Sheoganj, Rajasthan presented the case of the appellant institution on 29/09/2018. 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 courses had been invited from all stake holders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. Copy of public notice is annexed. This institution has applied online for grant of recognition of D.El.Ed. course (2 units) to NCTE from 2013-14 on 31.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 07.01.2013. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (2 units), NRC, NCTE has returned the application of this institution on 18.06.2013 on arbitrary, unjustified, illegal and unconstitutional basis. Copy of returning letter is annexed. Being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 17739/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 09.08.2018 and

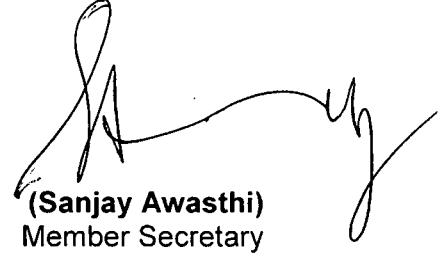
directed to petitioner to file an appeal u/s 18 of NCTE Act, 1993 and Appellate Authority is directed to decide the same expeditiously. Copy of the order of Hon'ble High Court is annexed. The Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the Regional Committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." Copy of Appeal order is annexed. The 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. Appellant 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. Copy of Appeal order dated 05.06.2018 is annexed. The 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. Appellant 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 had applied before the enactment of Regulations 2014. Copy of Appeal order dated 05.06.2018 is annexed. The NRC, NCTE had conducted inspection of SRN School of Education, Neem Ka Thana, Sikar (Raj.) who had applied for D.El.Ed. course in 2012. After inspection of the institution NRC, NCTE had rejected the application. Appellant 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. Copy of Appeal order dated 24.07.2018 is annexed. The 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. Copy of Appeal order dated 24.07.2018 is annexed. The NRC, NCTE had conducted

inspection of Annpurana BSTC School, Neem Ka Thana, Sikar (Raj.) who had applied for D.El.Ed. course in 2012. After inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal order dated 24.07.2018 is annexed. 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 2019-20. Copy of letter is annexed. The 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 (2 units) through online electronically mode and required processing fees of Rs. 50100/- has been submitted to NRC, NCTE on 07.01.2013 vide D.D. No. 916275 and 916276 dated 31.12.2012. Thus, NRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course (2 units) on illegal, unlawful, unjustified and unconstitutional basis. So, it is prayed that the rejection order issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course (2 units).

AND WHEREAS the Committee, noting the submission of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the orders of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Sant Meera BSTC College, Kera Pura, Sheoganj, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Sant Meera BSTC College, Kera Pura, Sheoganj – 307027, 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.89-561/E-86120/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Vijaya Raje Mahila STC School, Baran Road, Aklera, Rajasthan dated 09/08/2018 is against the Order No. NRC/NCTE/RJ-----/278th Meeting/2018/186946 dated 08/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the Petitioner Society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner Society alongwith the application. The institution has not submitted any proof/evidence of its being a composite institution as required under Clause 2(b) of NCTE Regulations, 2014."

AND WHEREAS the appellant, aggrieved by the order of the N.R.C dt. 08/01/2018, filed a S.B. Civil Writs No. 4858/2018 before the Hon'ble High Court of Judicature of Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 09/07/2018 disposed of the petition granting liberty of the petitioner – institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner – institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of three months.

AND WHEREAS Sh. Mahendra Nagar, Secretary and Sh. Banty Soni, U.D.C., Vijaya Raje Mahila STC School, Baran Road, Aklera, Rajasthan presented the case of the appellant institution on 29/09/2008. In the appeal and during personal presentation it was submitted that (i) they submitted an application for grant of recognition for D.El.Ed. course from 2009-10 to N.R.C. on 30/10/2008; (ii) as no action was taken on

their application, they filed a S.B. Civil Writ No. 8070/2015 before the Hon'ble High Court of Rajasthan, Jaipur. (iii) the Hon'ble High Court passed an order on 24/09/2015 directing the respondent to act as stated by the Counsel appearing for NCTE i.e. N.R.C. will take a decision in its next meeting in case the application is pending; (iv) they submitted an application along with the copy of the Hon'ble Court order; (v) N.R.C. called for some documents from the appellant and thereafter conducted an inspection of the institution on 30/04/2016; (vi) N.R.C. instead of granting recognition, refused it on arbitrary, unjustified illegal and unconstituted basis without giving any show cause notice in their order dt. 08/01/2018; (vii) the institution is running B.Ed. course in the college campus and thus it is a composite institution; (viii) the Appellate Authority in their order dt. 16/10/2017 (copy enclosed) held that the ground of non-submission of application online cannot be held against the appellant at this stage and remanded the matter to the N.R.C. for taking further action; (ix) the Hon'ble High Court of Rajasthan, Jodhpur in their order dt. 17/02/2018 directed the N.R.C to reconsider the application of the petitioner dt. 17/10/2008 in their meeting of 20-21.02.2018; (x) the Appellate Authority in their order dt. 16/03/2018 (copy enclosed) held that S.C.N. dt. 18/03/2017 on the ground that the application was not submitted online was not justified as there was no way the appellant, whose application was pending since September, 2008 could not have done so when the NCTE portal for registering fresh applications was not open; (xi) Department of Elementary Education (Ayojana) Department Government of Rajasthan had sent a letter to the Member Secretary, NCTE, New Delhi on 01/01/2018 (copy enclosed) in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-20; (xii) the grounds mentioned in the refusal order should be raised before processing of the application and conduct of inspection and raising of these grounds at this stage is illegal, unlawful, unjustified and unconstitutional; and (xiii) N.R.C had not given any show cause notice before rejection. The appellant has prayed that the NRC's order be set aside and direction issued for further processing of their application.

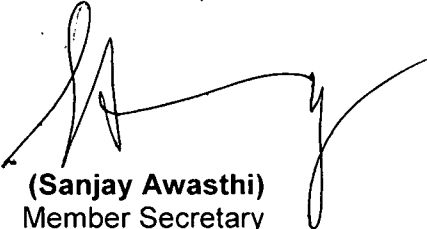
AND WHEREAS the Committee noted that the grounds mentioned in the N.R.C's refusal order dt. 08/01/2018 were introduced, for the first time, in the NCTE

Regulations, 2014, the requirements of which are to be fulfilled when the applications are invited pursuant to those Regulations and which can be filed only during the period when the NCTE portal is open and not at any other time. The appellant submitted their application in the year 2008 and the then existing Regulations, did not contain the requirements mentioned in the refusal order.

AND WHEREAS the Committee in view of the position stated in para 3 above and the submission of the appellant, concluded that the grounds mentioned in the order dt. 08/01/2018 cannot be held against the appellant and the matter, therefore, deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Vijaya Raje Mahila STC School, Baran Road, Aklera, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Vijaya Raje Mahila STC School, Baran Road, Aklera – 326033, 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.89-562/E-86090/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of J.V.M. Girls T.T. College, Niwaru Road, Jhotwara, Rajasthan dated 09/08/2018 is against the Letter No. Old App/Rj----/199/2017/169483 dated 23/03/2017 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS the appellant, aggrieved by the letter of the N.R.C. dt. 23/03/2017 returning their application, filed a S.B. Civil Writs No. 14131/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 09/07/2018 disposed of the petitioner granting liberty to the petitioner institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner – institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of three months.

AND WHEREAS Dr. Shyam Shekhawati, Ad. Secretary and Sh. R.S. Sharma, Member, J.V.M. Girls T.T. College, Niwaru Road, Jhotwara, Rajasthan presented the case of the appellant institution on 29/09/2018. In the appeal and during personal presentation it was submitted that (i) the appellant submitted their application for D.El.Ed. course vide letter 31/10/2008; (ii) N.R.C. returned their application in the absence of the recommendations of the State Government of Rajasthan; (iii) the

appellant, in compliance of the orders of the Hon'ble High Court of Judicature for Rajasthan, Jaipur Bench dt. 02/06/2016 in S.B. Civil Writ Petition No. 6802/2016 submitted a representation dt. 15/06/2016, along with Court's order; (iv) the N.R.C. again returned their application on 23/03/2017 without giving a reasonable opportunity of hearing; (v) the Appellate Authority in their order dt. 16/10/2017 (copy enclosed) held that the appellant could not have submitted the application online, which is a virtual impossibility due to closures of NCTE portal; (vi) the Appellate Authority in another order dt. 05/06/2018 (copy) settled this controversy; (vii) the N.R.C. did not issue a Show Cause Notice before passing the adverse order as required under Section 14 (3) (b) of the NCTE Act, 1993; (viii) the impugned order is neither reasoned nor speaking; (ix) N.R.C. has granted recognition to several institutions ignoring the above said short comings vide their order dt. 26/08/2016 (copy enclosed). The act of respondent giving recognition to various others and rejecting their application is faulty and discriminatory in nature; and (x) The appellant made all necessary arrangements with regard to physical infrastructure and other facilities. The appellant prayed that the rejection order is bad in the eye of law and liable to quashed and set aside.

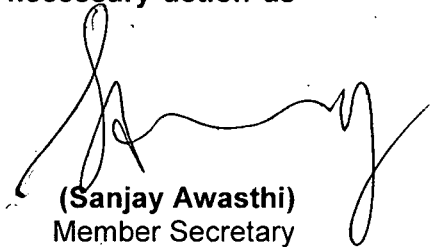
AND WHEREAS the Committee noted that the ground mentioned in the N.R.C's Letter dt. 23/03/2017 returning the application of the appellant, that is Clause 5, was introduced for the first time, in the NCTE Regulations, 2014, the requirements of which are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE Portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the Letter returning the application.

AND WHEREAS the Committee noted that in view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the Letter dt. 23/03/2017 cannot be held against the appellant and the matter deserved to be

remanded to the N.R.C. for taking further action as per NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action as per NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of J.V.M. Girls T.T. College, Niwaru Road, Jhotwara, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Director, J.V.M. Girls T.T. College, Plot No. 396, Niwaru Road, Jhotwara – 302012, 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.89-563/E-86050/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of J.V.M. Girls College, Udhog Nagar, Niwaru Road, Jhotwara, Jaipur, Rajasthan dated 09/08/2018 is against the Order No. NCTE/NRC/NRCAPP201616034/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-18/2; dated 27/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that “reply of SCN issued by NRC to the institution has not been received within stipulated time. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.”

AND WHEREAS Dr. Shyam Shekhawati and Sh. Ramashankar Sharma, Member, J.V.M. Girls College, Udhog Nagar, Niwaru Road, Jhotwara, Jaipur, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that “Detailed reply to Show Cause Notice was submitted on 15/02/2017 alongwith desired documents. Some delay might have occurred due to illness of the Secretary.”

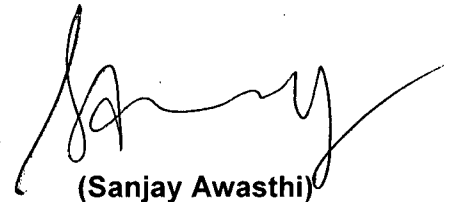
AND WHEREAS Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 14033 of 2018 in the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble High Court by issue of order dated 06/07/2018 has said that if the petitioner files appeal under Section 18 of the NCTE Act, it is expected that Appellate Authority will decide the same within a period of three months.

AND WHEREAS Appeal Committee noted that delay in filing appeal is condonable by virtue of the Court's order dated 06/07/2018. Committee further noted that impugned refusal order dated 27/04/2017 was on the ground that ‘reply of S.C.N. issued by N.R.C. to the institution has not been received within stipulated time.’

Committee further noted that relevant regulatory file neither contains the reply dated 15/02/2017 said to have been sent belatedly by the appellant institution nor impugned order dated 27/04/2017 which was issued online. From the records available on regulatory file, Committee finds it difficult to verify as to when the reply to S.C.N. was received and what documents were enclosed with this reply. Appeal Committee decided that the case deserves to be remanded back to N.R.C. for completing its regulatory file by placing hardcopy of all documents in place. Appellant is required to submit to N.R.C. a complete copy of its reply dated 15/02/2017 with enclosures within 15 days of the issue of Appeal order. In the event of appellant's submitting required documents within 15 days, N.R.C. will be required to consider the reply to S.C.N. and take appropriate decision afresh intimating the appellant institution accordingly.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that Appellant is required to submit to N.R.C. for completing its regulatory file by placing hardcopy of all documents in place. Appellant is required to submit to N.R.C. a complete copy of its reply dated 15/02/2017 with enclosures within 15 days of the issue of Appeal order. In the event of appellant's submitting required documents within 15 days, N.R.C. will be required to consider the reply to S.C.N. and take appropriate decision afresh intimating the appellant institution accordingly.

NOW THEREFORE, the Council hereby remands back the case of J.V.M. Girls College, Udhyog Nagar, Niwaru Road, Jhotwara, Jaipur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Director, J.V.M. Girls College, 396, Udhyog Nagar, Niwaru Road, Jhotwara, Jaipur – 302012, 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.89-564/E-86057/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Shree Jee Teachers Training School, Bus Stand, Bijoliya, Rajasthan dated 12/08/2018 is against the Order No. Old App/Rj----- 264/2017/169589 dated 23/03/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS Appeal Committee noted that appellant institution has filed a S.B. Civil Writ No. 17738 of 2018 in the High Court of Judicature for Rajasthan, Bench at Jaipur and the Hon'ble Court passed an order dated 09/08/2018 directing the appellate authority to decide the appeal within a period of three months.

AND WHEREAS Ms. Ritu Raj Panday, Secretary and Ms. Vandana Panday, Member, Shree Jee Teachers Training School, Bus Stand, Bijoliya, Rajasthan presented the case of the appellant institution on 01/10/2018. 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 had been 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 (2 units) to NCTE from 2013-14 on 24.12.2012. NRC, NCTE returned the application for grant of recognition of D.El.Ed. (2 units) submitted by this institution vide letter 05.06.2013. This institution filed a S.B. Civil Writ No. 16331/2016 in the Hon'ble High court of Rajasthan, Jaipur. Hon'ble Court

had passed an order on 24.11.2016 in which court had directed the petitioner to move an application before NRC, NCTE for grant of recognition of D.El.Ed. course (02 units) and also directed to NRC, NCTE to decide the recognition application in accordance with Regulations 2014. Copy of order of Hon'ble High Court is annexed. In compliance to the order of Hon'ble High Court of Rajasthan dated 24.11.2016 this institution has submitted the required documents and processing fees in the office of NRC, NCTE on 29.11.2016. copy of receipt and demand draft for processing fees are annexed and marked as Annexure-8. NRC, NCTE again returned the application of this institution for grant of recognition of D.El.Ed. course. Copy of returning letter is annexed. That being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil writ Petition No. 17738/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 09.08.2018 and directed to petitioner to file an appeal u/s 18 of NCTE Act. 1993 and Appellate Authority is directed to dispose the appeal filed by the petitioner within 03 months. Copy of the order of Hon'ble High Court is annexed. Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." Appellate Authority, NCTE had 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. "It is pertinent to mention here that Deptt. of Elementary Education (Ayojana) Deptt., Govt. of Rajasthan had sent a letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020. That NRC, NCTE had considered the application of above institution and conducted inspection for granting recognition for D.El.Ed. course after Order of the Hon'ble High Court but the application of this institution for grant of recognition for D.El.Ed. course was returned despite of order of Hon'ble High Court. 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 (02 units) through online electronically mode and required processing fees of Rs. 50100/- has been submitted to NRC, NCTE on

26.12.2012 vide challan No. M3319019 dated 24.12.2012. The receipt, challan and online application is already annexed at Annexure-5. Thus, NRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course (2 units) on illegal, unlawful, unjustified and unconstitutional basis. So, it is prayed that the rejection order issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing of the application.”

AND WHEREAS Appeal Committee noted from the contents of impugned letter dated 23/03/2017 that the application submitted online by the appellant institution on 24/12/2012 was returned on the assumption that it was made on offline mode. Committee therefore, observed that N.R.C's decision to return the application treating it as 'offline' was not correct and not substantiated. Moreover, no Show Cause Notice (SCN) was issued to appellant institution seeking written representation from the appellant.

AND WHEREAS the Committee noted that in view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years 2012 preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the Letter dt. 23/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

- 4 -

NOW THEREFORE, the Council hereby remands back the case of Shree Jee Teachers Training School, Bus Stand, Bijoliya, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shree Jee Teachers Training School, Bus Stand, Bijoliya – 311602, 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.89-565/E-86089/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Sandesh College of Education, Deh Road, Amarpura, Nagaur, Rajasthan dated 14/08/2018 is against the Letter No. New Appl./RF/Raj/NRCAPP-7438/2013-14/50857 dated 21/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 16302/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal dated 27/07/2018 preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 30/07/2018 directed the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner.

AND WHEREAS Sh. Meghraj Sankhla, Chairman and Sh. Rakesh Sankhla, Secretary, Sandesh College of Education, Deh Road, Amarpura, Nagaur, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that "Appeal submitted should be considered in view of the order dated 30/07/2018 of the Hon'ble High Court."

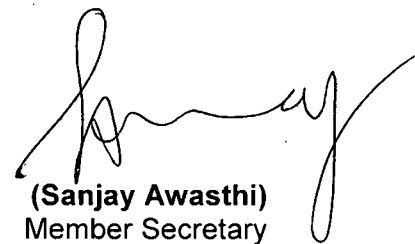
AND WHEREAS in the appeal and during personal presentation on 01/10/2018 it was submitted that (i) they applied for D.El.Ed. course online on 31/12/2012 and the application was received in the N.R.C.; (ii) the N.R.C. returned their application with their letter dt. 21/06/2013 in the absence of recommendations of State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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 in to account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year (s). Once applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.' The respondent had already granted

recognition to several institutions ignoring the above said shortcomings. The respondent, before returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation. The State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20. The Regulatory file of the Institution is not available.

AND WHEREAS the Regulatory file of the Institution is not available. The Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Sandesh College of Education, Deh Road, Amarpura, Nagaur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Sandesh College of Education, Deh Road, Amarpura, Nagaur – 341001, 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.89-568/E-86006/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Bhartiya Teachers Training College, Jatka, Alwar – Bhiwadi Mega Highway, Kishangarh Bas, Rajasthan dated 09/08/2018 is against the letter No. New Appl./RF/Raj./NRCAPP-6259/2013-14/51368 dated 25/06/2013 of the Northern Regional Committee, returning the application seeking grant of recognition for conducting D.El.Ed. Course on the grounds that “the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon’ble Supreme Court:- The Hon’ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 16755/2018 in the High Court of Judicature for Rajasthan Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 01/08/2018 directed that if the petitioner institution files an appeal, the Appellate Authority to expeditiously decide the appeal under Section 18 of NCTE Act.

AND WHEREAS Dr. Ritesh Kumar Sharma, Secretary and Dr. Arvind Agarwal, Member, Bhartiya Teachers Training College, Jatka, Alwar – Bhiwadi Mega Highway, Kishangarh Bas, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that "Appeal submitted should be considered in view of the order dated 01/08/2018 of the Hon'ble High Court."

AND WHEREAS in the appeal and during personal presentation on 01/10/2018 it was submitted that (i) they applied for D.El.Ed. course online on 29/12/2012 and the application was received in the office of N.R.C. (ii) the N.R.C. returned their application with their letter dt. 25/06/2013 in the absence of recommendations of State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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 in to account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year (s). Once applications, are invited, the Regional Committee has no right to reject it on grounds of ban

imposed subsequently by the State Government.' The respondent had already granted recognition to several institutions ignoring the above said shortcomings. The respondent, before returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; The State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20.

AND WHEREAS the Regulatory file of the Institution is not available. The Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of **Bhartiya Teachers Training College, Jatka, Alwar – Bhiwadi Mega Highway, Kishangarh Bas, Rajasthan** to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, **Bhartiya Teachers Training College, Jatka, Alwar – Bhiwadi Mega Highway, Kishangarh Bas, Rajasthan - 301405.**
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.89-569/E-86064/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Ravindra Pal Singh Parmar Mahila T.T. College, Kaman, Rajasthan dated 09/08/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-4783/2013-14/60667 dated 25/09/2013 of the Northern Regional Committee, returning application seeking grant of recognition for conducting D.E.C.Ed. Course on the grounds that "in this regard it is to inform you the NRC, NCTE is in receipt of the letter from Additional Director (Education), Primary Education, Bikaner, Rajasthan intimating therein the decision taken by the State Govt. not to allow running of Pre-primary (Nursery) programmes in the State."

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 14032 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 06/07/2018 directed that if the petitioner institution files an appeal the Appellate Authority to expeditiously decide the pending appeal under Section 18 of NCTE Act.

AND WHEREAS Sh. Ravindra Pal Singh, Director and Sh. Shaukin, Member Ravindra Pal Singh Parmar Mahila T.T. College, Kaman, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that "Rejection of file on the ground ban of State government is unjust and illegal unless decided on merit. Because the NCTE issued a Public Notice dated 26/11/2012 inviting application from the institutions desirous of running teacher training courses and this public notice had no ban for D.El.Ed (STC) with respect to State of Rajasthan. In furtherance of this public notice, the appellant

institution applied vide online application dated 27/12/2012. The petitioner had submitted a valid online application no. NRCAPP 4783 in 2012 for BSTC course in the prescribed form, and along with processing fee and other requisite documents, as required in accordance with Regulations, 2009 as at the time of making of application they were in force. Application of the appellant was initially returned because of State Ban and the recommendations of the State government cannot be the only compelling ground to reject the file. Issue regarding NOC from State Government was raised in SLP titled as LBS vs. State of Rajasthan. In this case issue was regarding NOC from State Government. In this case the Hon'ble court established the principles of law which are required to be followed by the Regional Committee of the National Council for Teacher Education. The Hon'ble Supreme Court vide order dated 8th September 2016 disposed of the SLP No. 5282-89/14 clearly defining role of State Government as under: 14. *As we find from the aforesaid authorities as well as the Regulations framed by the NCTE, the State has a say, may be a limited one. We are inclined to use the word 'limited' because the State's say is not binding on the NCTE. However, the NCTE is required to take the same into consideration, for the State a vital role to offer proper comments supported by due reasoning. It needs no special emphasis to say that final authority rests with the NCTE. It is clear legal position.* 15. *In course of hearing, we have been apprised that the NCTE has granted recognition to some of the institutions. As the recognition has already been granted, the controversy with regard to the said institutions shall stand closed. Needless to say, in future, whenever an application is received under the Regulations for grant of recognition, the NCTE shall be guided by its own Regulations and the judgements of this Court and the State shall remain bound by the Principles set out herein above. Needless to say, the NCTE shall take into consideration the recommendations and views of the State despite the fact that it has the final say."* Because the respondent NRC-NCTE, has acted in highly discriminatory manner and have processed the other similar files, which were returned by NRC in 2009 & 2012-13 in view of ban imposed by State Government, and had been granted recognition. NRC have granted recognition to many institutions and is still giving recognition to such institutions and never raised any objection of State ban or negative recommendations of State government. A copy of

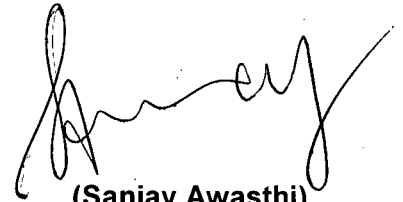
recognition order dated 26/8/16 in similar situated files is annexed herewith and marked as Enclosure-5. Because the State Government of Rajasthan have vide letter dated 1/1/2018, withdrew ban on BSTC course for Session 2019-2020, thereby curing the only deficiency in our application. At, present there is no ban in the state of Rajasthan for D.El.Ed. course. Council have decided the appeal in similar matters pertaining to State of Haryana, where by it has been clearly decided by the council that once the applications are invited, the Regional Committee has no right to reject it on the grounds of ban subsequently. The application of Haryana institution was also made in 2012 which was returned due to ban of State Government of Haryana. The Council directed NRC to process that application and NRC also processed that application and granted recognition to such institution. One such order is attached herewith as Enclosure- 7. Because in many other cases also pertaining to State of Haryana with similar issue are remanded back to NRC by Hon'ble High court of Delhi. More than 100 files, which were returned due to state ban are being processed in view of direction of Appellate authority and Hon'ble court and some are given recognition also. Similar treatment should be meted out to the appellant also and should be remanded back to NRC. Because petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which clearly unwarranted and unlawful. Because under Regulations,2014 the "Council" has "powers to relax" any condition/regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies norms and standards under Regulations,2014. Because respondents have failed to carry out the compliance of Adarsh Shikshan Prashikshan Case decided by Hon'ble High Court on 26.09.2013 and the law laid down therein. Because the decision has been taken by NRC-NCTE without application of mind and without proving any opportunity of hearing to the institution. The action on part of respondent NRC-NCTE is illegal and irrational and same violates Article 14,19 & 21 of the Constitution of India. Because other grounds will be urged at the time of arguments. Further, appellant reserves its right to place on record relevant pronouncement and documents at the time of arguments.

Therefore, it is humbly prayed and requested that instant appeal be considered and decided on merits, delay (if any) be condoned and the refusal order dated 25/9/2013 be quashed and set aside."

AND WHEREAS the Regulatory file of the Institution is not available. The Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases. Regional Committee (N.R.C.) may further note that appellant had applied for D.E.C.Ed. programme whereas in its appeal memoranda the name of course is mentioned as D.El.Ed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases. Regional Committee (N.R.C.) may further note that appellant had applied for D.E.C.Ed. programme whereas in its appeal memoranda the name of course is mentioned as D.El.Ed.

NOW THEREFORE, the Council hereby remands back the case of Ravindra Pal Singh Parmar Mahila T.T. College, Kaman, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Manager, Ravindra Pal Singh Parmar Mahila T.T. College, Kaman – 321022, 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.89-571/E-86022/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Shree Bal Vikas Shikshak Prashikshan School, Somke, Nagar, Rajasthan dated 11/08/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-5704/2013-14/47096 dated 05/06/2013 of the Northern Regional Committee, returning the application seeking grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 20254 of 2018 in the High Court for Judicature for Rajasthan Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal dated 11/08/2018 preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 07/09/2018 directed the Appellate Authority to expeditiously, preferably within 6 weeks, decide the pending appeal filed by the petitioner under Section 18 of NCTE Act.

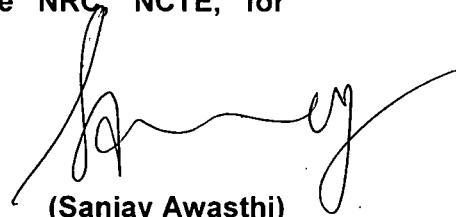
AND WHEREAS Sh. Harbeer Singh, Secretary, Shree Bal Vikas Shikshak Prashikshan School, Somke, Nagar, Rajasthan appeared before the Appeal Committee. In the appeal and during personal presentation on 01/10/2018 it was submitted that "(i) they applied for D.El.Ed. course online on 29/12/2012 and the application was received in the office of N.R.C. (ii) the N.R.C. returned their application with their letter dt. 05/06/2013 in the absence of recommendations of State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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 in to account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year (s). Once applications, are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.' The respondent had already granted recognition to several institutions ignoring the above said shortcomings. The respondent, before returning the application did not issue any show cause notice to

the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; The State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20."

AND WHEREAS the Regulatory file of the Institution is not available. The Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Shree Bal Vikas Shikshak Prashikshan School, Somke, Nagar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shree Bal Vikas Shikshak Prashikshan School, Somke, Nagar – 321205, 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.89-574/E-86376/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Shree Ji STC Institute, Nathdwara, Rajasthan dated 11/08/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-8128/2013-14/46890 dated 04/06/2013 of the Northern Regional Committee, returning the application seeking grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/NSS 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants.”

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 16750 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in its order dt. 30/08/2018 directed that if the petitioner institution files an appeal, the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner under Section 18 of NCTE Act.

AND WHEREAS Sh. Ashutosh Audicmya, Secretary and Sh. Amit Jain, Representative, Shree Ji STC Institute, Nathdwara, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that “Appeal submitted should be considered in view of the order dated 03/08/2018 of the Hon'ble High Court.”

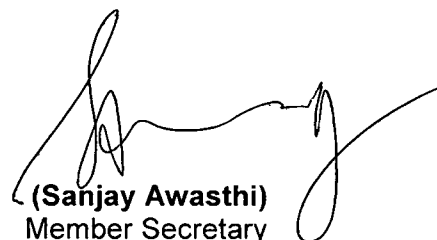
AND WHEREAS in the appeal and during personal presentation on 01/10/2018 it was submitted that (i) they applied for D.El.Ed. course online on 31/12/2012 and the application was received in the office of N.R.C. (ii) the N.R.C. returned their application with their letter dt. 04/06/2013 in the absence of recommendations of State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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 in to account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year (s). Once applications,

are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.' The respondent had already granted recognition to several institutions ignoring the above said shortcomings. The respondent, before returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; The State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20.

AND WHEREAS the Regulatory file of the Institution is not available. The Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Shree Ji STC Institute, Nathdwara, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shree Ji STC Institute, NH-8, Nathdwara – 313301, 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.89-575/E-86340/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

21/10/18

ORDER

WHEREAS the appeal of Nagfani Institute of STC College, Khandi Obri, Kherwara, Rajasthan dated 11/08/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-7959/2013-14/50059 dated 19/06/2013 of the Northern Regional Committee, returning application seeking grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants.”

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 16752 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal preferred by them in expeditious manner and within stipulated time frame. The Hon’ble High Court in their order dt. 03/08/2018 directed the that if the petitioner institution files an appeal Appellate Authority to expeditiously decide the pending appeal filed by the petitioner.

AND WHEREAS Sh. Amit Jain, President and Sh. Ashutosh, Representative, Nagfani Institute of STC College, Khandi Obri, Kherwara, Rajasthan presented the case of the appellant institution on 01/10/2018 In the appeal and during personal presentation it was submitted that “Appeal submitted should be considered in view of the order dated 03/08/2018 of the Hon’ble High Court.”

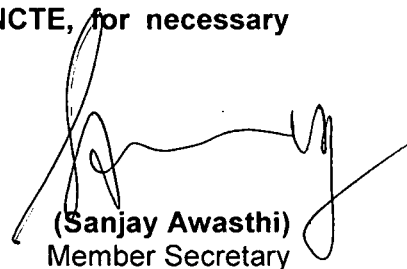
AND WHEREAS in the appeal and during personal presentation on 01/10/2018 it was submitted that (i) they applied for D.El.Ed. course online on 31/12/2012 and the application was received in the office of N.R.C. (ii) the N.R.C. returned their application with their letter dt. 09/06/2013 in the absence of recommendations of State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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 in to account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year (s). Once applications, are invited, the Regional Committee has no right to reject it on grounds of ban

imposed subsequently by the State Government.' The respondent had already granted recognition to several institutions ignoring the above said shortcomings. The respondent, before returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; The State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20.

AND WHEREAS the Regulatory file of the Institution is not available. The Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Nagfani Institute of STC College, Khandi Obri, Kherwara, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The President, Nagfani Institute of STC College, Khandi Obri, Upla Fala, NH-8, Kherwara – 313803, 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.89-576/E-86336/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Shri Aadinath T.T. College, Tonk, Rajasthan dated 14/08/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-7791/2013-14/48193 dated 11/06/2013 of the Northern Regional Committee, returning the application seeking grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 17372 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 07/08/2018 directed that if the petitioner institution files an appeal, the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner under Section 18 of NCTE Act.

AND WHEREAS Sh. Lokesh Sharma, Member and Sh. Vivek Kala, President, Shri Aadinath T.T. College, Tonk, Rajasthan presented the case of the appellant institution on 01/10/2018 In the appeal and during personal presentation it was submitted that "Appeal submitted should be considered in view of the order dated 07/08/2018 of the Hon'ble High Court."

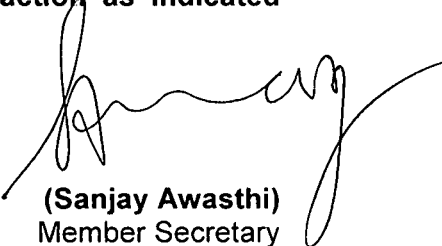
AND WHEREAS in the appeal and during personal presentation on 01/10/2018 it was submitted that (i) they applied for D.El.Ed. course online on 31/12/2012 and the application was received in the office of N.R.C. on 31/12/2012; (ii) the N.R.C. returned their application with their letter dt. 11/06/2013 in the absence of recommendations of State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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 in to account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year (s). Once

applications, are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.' The respondent had already granted recognition to several institutions ignoring the above said shortcomings. The respondent, before returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; The State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20.

AND WHEREAS the Regulatory file of the Institution is not available. The Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Shri Aadinath T.T. College, Tonk, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Manager, Shri Aadinath T.T. College, Tonk – 304001, 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.89-577/E-86260/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Regional Girls College, Bagora, Shakambhari Road, Udaipurwati, Rajasthan dated 15/08/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-9509/2013-14/54841 dated 28/06/2013 of the Northern Regional Committee, returning the application seeking recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 17796/2018 in the High Court of Judicature for Rajasthan Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 10/08/2018 directed the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner under Section 18 of NCTE Act.

AND WHEREAS Dr. J.P. Saini, Secretary, Regional Girls College, Bagora, Shakambhari Road, Udaipurwati, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that "Appeal submitted should be considered in view of the order dated 10/08/2018 of the Hon'ble High Court."

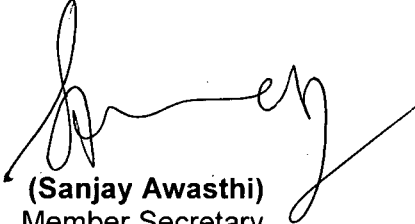
AND WHEREAS in the appeal and during personal presentation on 01/10/2018 it was submitted that (i) they applied for D.El.Ed. course online on 31/12/2012 and the application was received in the office of N.R.C.; (ii) the N.R.C. returned their application with their letter dt. 28/06/2013 in the absence of recommendations of State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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 in to account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year (s). Once applications, are invited, the Regional Committee has no right to reject it on grounds of ban

imposed subsequently by the State Government.' The respondent had already granted recognition to several institutions ignoring the above said shortcomings. The respondent, before returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; The State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20.

AND WHEREAS the Regulatory file of the Institution is not available. The Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Regional Girls College, Bagora, Shakambhari Road, Udaipurwati, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Regional Girls College, Bagora, Shakambhari Road, Udaipurwati – 333307, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-578/E-86387/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Birbal Memorial T.T. College, Narayanpur Road, Bansur, Rajasthan dated 22/08/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-7422/2013-14/61164 dated 26/09/2013 of the Northern Regional Committee, returning the application seeking recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants.”

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 17788/2018 in the High Court of Judicature for Rajasthan Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 10/08/2018 directed the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner under Section 18 of NCTE Act.

AND WHEREAS Sh. Jai Singh Meena, Managing Director, Birbal Memorial T.T. College, Narayanpur Road, Bansur, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that “Appeal submitted should be considered in view of the order dated 10/08/2018 of the Hon'ble High Court.”

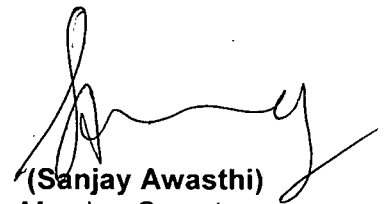
AND WHEREAS in the appeal and during personal presentation on 01/10/2018 it was submitted that (i) they applied for D.El.Ed. course online on 31/12/2012 and the application was received in the office of N.R.C. on 31/12/2012; (ii) the N.R.C. returned their application with their letter dt. 26/09/2013 in the absence of recommendations of State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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 in to account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year (s). Once applications, are invited, the Regional Committee has no right to reject it on grounds of

ban imposed subsequently by the State Government.' The respondent had already granted recognition to several institutions ignoring the above said shortcomings. The respondent, before returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; The State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20.

AND WHEREAS the Regulatory file of the Institution is not available. The Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Birbal Memorial T.T. College, Narayanpur Road, Bansur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Birbal Memorial T.T. College, Narayanpur Road, Bansur – 301402, 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.89-579/E-86386/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Birbal Memorial T.T. College, Bansur, Rajasthan dated 20/08/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-7401/2013-14/47265 dated 07/06/2013 of the Northern Regional Committee, returning the application seeking recognition for conducting D.El.Ed. (Sanskrit) Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/NSS 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 17780/2018 in the High Court for Judicature for Rajasthan Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 10/08/2018 directed the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner under Section 18 of NCTE Act.

Sh. Jai Singh Meena, Managing Director, Birbal Memorial T.T. College, Bansur, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that "Appeal submitted should be considered in view of the order dated 10/08/2018 of the Hon'ble High Court."

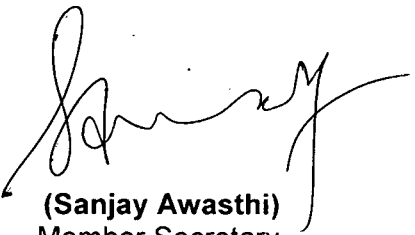
AND WHEREAS in the appeal and during personal presentation on 01/10/2018 it was submitted that (i) they applied for D.El.Ed. course online on 31/12/2012 and the application was received in the office of N.R.C. on 04/01/2013; (ii) the N.R.C. returned their application with their letter dt. 07/06/2013 in the absence of recommendations of State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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 in to account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year (s). Once applications, are invited, the Regional Committee has no right to reject it on grounds of

ban imposed subsequently by the State Government.' The respondent had already granted recognition to several institutions ignoring the above said shortcomings. The respondent, before returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; The State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20.

AND WHEREAS the Regulatory file of the Institution is not available. The Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Birbal Memorial T.T. College, Bansur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Birbal Memorial T.T. College, Bansur – 301402, 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.89-582/E-86215/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Rajasthan STC College, Pallu, Rawatsar, Rajasthan dated 16/08/2018 is against the letter no. New Appl/RF/Raj./NRCAPP-7994 dated 13/06/2013 of the Northern Regional Committee, returning the application seeking grant of recognition for conducting D.El.Ed. course on the grounds that "The N.R.C. 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 recommendation of the State Government of Rajasthan as well as the Demand and supply study of Teachers conducted by the NCTE and also the judgements of the Hon'ble Supreme Court :-

The Hon'ble Supreme Court vide its judgement dated 31/01/2011, S.L.P. 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 judgement dated 06/01/2012 in SLP (C) No. 14020/2009, has held that the State Government /UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulations 7 (2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7 (3) of the Regulations.

The N.R.C. 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 judgement of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the N.R.C. decided that the recommendations of the State Government 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 the appellant filed a S.B. Civil Writ Petition No. 20392/2018 in the High Court of Judicature for Rajasthan Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal preferred by them on 16/08/2018 in expeditious manner and within stipulated time frame. The Hon'ble High Court in the order dt. 10/09/2018 directed the Appellate Authority to decide the pending appeal within six weeks filed by the petitioner under Section 18 of NCTE Act.

AND WHEREAS Sh. Jai Kishan, Secretary, Rajasthan STC College, Pallu, Rawatsar, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that "Appeal submitted should be considered in view of the order dated 10/09/2018 of the Hon'ble High Court."

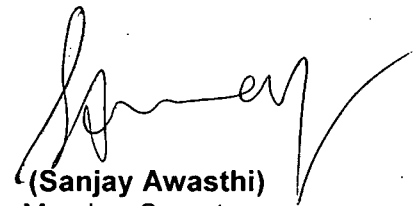
AND WHEREAS in the appeal and during personal presentation on 01/10/2018 it was submitted that (i) they applied for D.El.Ed. course online on 31/12/2012 and the application was received in the office of N.R.C. (ii) the N.R.C. returned their application with their letter dt. 13/06/2013 in the absence of recommendations of State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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 in to account by NCTE only before issuing any notification inviting applications for teacher education

course in a particular state for the prospective academic year (s). Once applications, are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.' The respondent had already granted recognition to several institutions ignoring the above said shortcomings. The respondent, before returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; The State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20.

AND WHEREAS the Regulatory file of the Institution is not available. The Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Rajasthan STC College, Pallu, Rawatsar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. **The Secretary, Rajasthan STC College, Pallu, Rawatsar – 335524, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-586/E-86483/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of R.K. T.T. College, Ratanpura Road, Makrana, Borawar, Rajasthan dated 25/08/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-3791/2013-14/50651 dated 21/06/2013 of the Northern Regional Committee, returning the applicable seeking grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants.”

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 18780/2018 in the High Court of Judicature for Rajasthan Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal preferred by them in expeditious manner and within stipulated time frame. The Hon’ble High Court in their order dt. 23/08/2018 directed the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner under Section 18 of NCTE Act.

AND WHEREAS Sh. Lal Mohhamad Khan, Secretary and Sandhya Sharma, Member, R.K. T.T. College, Ratanpura Road, Makrana, Borawar, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that “Appeal submitted should be considered in view of the order dated 23/08/2018 of the Hon’ble High Court.”

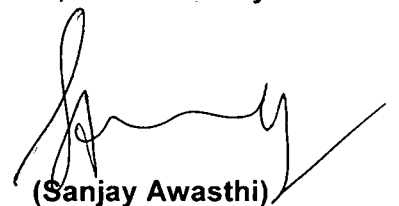
AND WHEREAS in the appeal and during personal presentation on 01/10/2018 it was submitted that (i) they applied for D.El.Ed. course online on 24/12/2012 and the application was received in the office of N.R.C. on 28/12/2012; (ii) the N.R.C. returned their application with their letter dt. 21/06/2013 in the absence of recommendations of State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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 in to account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year (s). Once applications, are invited, the Regional Committee has no right to reject it on grounds of

ban imposed subsequently by the State Government.' The respondent had already granted recognition to several institutions ignoring the above said shortcomings. The respondent, before returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; The State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20.

AND WHEREAS the Regulatory file of the Institution is not available. The Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of R.K. T.T. College, Ratanpura Road, Makrana, Borawar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, R.K. T.T. College, Ratanpura Road, Makrana, Borawar – 341502, 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.89-588/E-86654/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of J.S.M. T.T. College STC, Jhab, Ranjeetpura, Chitalwana, Rajasthan dated 18/08/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-6800/2013-14/47352 dated 07/06/2013 of the Northern Regional Committee, returning the applicable seeking grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 18202/2018 in the High Court of Judicature for Rajasthan Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 23/08/2018 directed the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner under Section 18 of NCTE Act.

AND WHEREAS Sh. Gajendra Singh, Secretary, J.S.M. T.T. College STC, Jhab, Ranjeetpura, Chitalwana, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that "Appeal submitted should be considered in view of the order dated 16/08/2018 of the Hon'ble High Court."

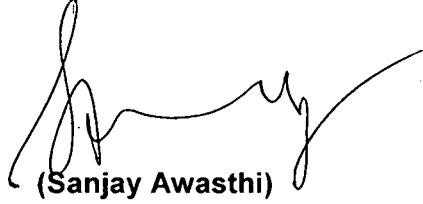
AND WHEREAS in the appeal and during personal presentation on 01/10/2018 it was submitted that (i) they applied for D.El.Ed. course online on 31/12/2012 and the application was received in the office of N.R.C. on 07/01/2013; (ii) the N.R.C. returned their application with their letter dt. 07/06/2013 in the absence of recommendations of State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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 in to account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year (s). Once applications, are invited, the Regional Committee has no right to reject it on grounds of

ban imposed subsequently by the State Government.' The respondent had already granted recognition to several institutions ignoring the above said shortcomings. The respondent, before returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; The State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20.

AND WHEREAS the Regulatory file of the Institution is not available. The Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of J.S.M. T.T. College STC, Jhab, Ranjeetpura, Chitalwana, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, J.S.M. T.T. College STC, Jhab, Ranjeetpura, Chitalwana – 343040, 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.

(42)



F.No.89-589/E-86645/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Vivekanand T.T. College, Tembapada, Gandhi Basti, Ghatol, Rajasthan dated 17/05/2018 is against the Order No. NCTE/NRC/NRCAPP201616188/B.A. B.Ed./B.Sc. B.Ed. 4 Year Integrated/SCN/RJ/2017-18/LSG Sl. No. dated Nil of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "the institution submitted application online on 31.05.2016 and hard copy of the application received in NRC on 27.07.2016. As per clause 7(2)(b) of NCTE Regulations, 2014, the hard copy of the application is to be submitted within 15 days of the submission of the online application. As per NCTE Hqrs. Direction, the hard copy was acceptable up-to 15th July which was the last date for submission of hard copy irrespective of online submission. The hard copy of the application has been received in NRC on 27.07.2016 i.e. beyond 15th July, 2017. Hence, the Committee decided that the application is Summarily rejected."

AND WHEREAS Dr. Nisha, Principal, Vivekanand T.T. College, Tembapada, Gandhi Basti, Ghatol, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that we had sent hard copy of application file on 05.07.2016 by Speed Post, but NCTE did not consider our application. On enquiry from N.R.C. it was revealed that hardcopy of our application was not traceable. So, we sent hardcopy of application by speed post on 25/07/2016 which was received in the office of N.R.C. on 27/07/2016.

AND WHEREAS Appeal Committee noted that it is a case of summary rejection of the application under Clause 7(2) (b) of the NCTE Regulation. Appellant submitted online application on 31/05/2016 seeking recognition for 4 year integrated course of

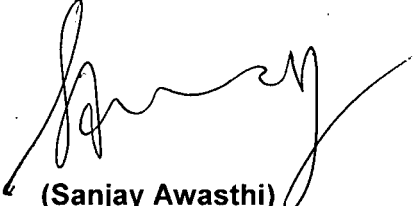
B.A. B.Ed./B.Sc. B.Ed. From the regulatory file and envelope of Speed Post placed on the regulatory file it is revealed that hard copy of the application was despatched by appellant institution on 25/07/2016 (14:30 Hrs). The last date for submission of hard copy of application was 15/07/2016 irrespective of the date of online application.

AND WHEREAS Appeal Committee further noted that appellant in its appeal memoranda has mentioned the date of impugned refusal order as 24/02/2017. Appeal dated 17/05/2018 is therefore, delayed by more than 13 months. Appellant has, however, filed a S.B. Civil Writ No. 9410/2018 in the High Court of Judicature for Rajasthan, Bench at Jaipur and Hon'ble High Court vide its order dated 03/05/2018 has said that if petitioner institution files an appeal under Section 18 of the Act, it is expected of Appellate Authority to decide the same preferably within a period of 2 months.

AND WHEREAS appellant during the course of appeal presentation on 01/10/2018 submitted before the Committee a zerox copy of speed post receipt bearing no. ER 602894943 IN dated 05/07/2016 (14:30 Hrs). It is however not possible to obtain track report of the consignment after a gap of two years and Committee has no other option but to rely on the documentary evidence and the written statement of the appellant as mentioned in para 2 on prepage mentioning that hardcopy of application was submitted on 05/07/2016. There was also no Show Cause Notice (SCN) issued to appellant institution before rejecting the application. Appeal Committee, therefore decided to remand back the case to N.R.C. for processing the application as three printouts of application are now found available on the regulatory file.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for processing the application as three printouts of application are now found available on the regulatory file.

NOW THEREFORE, the Council hereby remands back the case of Vivekanand T.T. College, Tembapada, Gandhi Basti, Ghatol, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Vivekanand T.T. College, Tembapada, Gandhi Basti, Ghatol – 327023, 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.89-590/E-86644/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Vivekanand T.T. College, Tembapada, Gandhi Basti, Ganoda Ghatol, Rajasthan dated 17/05/2018 is against the Order No. NCTE/NRC/NRCAPP201616363/B.Ed./SCN/RJ/2017-18 (LSG) dated 24/02/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "the institution submitted application online on 17.06.2016 and hard copy of the application received in NRC on 27.07.2016. As per clause 7(2)(b) of NCTE Regulations, 2014, the hard copy of the application is to be submitted within 15 days of the submission of the online application. As per NCTE Hqrs. Direction, the hard copy was acceptable up-to 15th July which was the last date for submission of hard copy irrespective of online submission. The hard copy of the application has been received in NRC on 27.07.2016 i.e. beyond 15th July, 2017. Hence, the Committee decided that the application is Summarily rejected."

AND WHEREAS Dr. Nisha, Vivekanand T.T. College, Tembapada, Gandhi Basti, Ganoda Ghatol, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that we had already sent hard copy of application file on 05.07.2016 by Speed Post, but NCTE did not consider and reject our application file. The appellant further stated that when it was known from N.R.C. that hardcopy of application sent on 05/07/2016 is not received, we submitted another copy on 25/07/2016."

AND WHEREAS Appeal Committee noted that it is a case summary rejection of the application under Clause 7(2) (b) of the NCTE Regulation. Appellant submitted online application on 31/05/2016 seeking recognition for 4 year integrated course of B.A. B.Ed./B.Sc. B.Ed. From the regulatory file and envelope of Speed Post placed

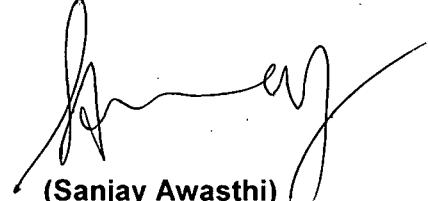
on the regulatory file it is revealed that hard copy of the application was despatched by appellant institution on 25/07/2016 (14:30 Hrs). The last date for submission of hard copy of application was 15/07/2016 irrespective of the date of online application.

AND WHEREAS Appeal Committee further noted that appellant in its appeal memoranda has mentioned the date of impugned refusal order as 24/02/2017. Appeal dated 17/05/2018 is therefore, delayed by more than 13 months. Appellant has, however, filed a S.B. Civil Writ No. 9409/2018 in the High Court of Judicature for Rajasthan, Bench at Jaipur and Hon'ble High Court vide its order dated 03/05/2018 has said that if petitioner institution files an appeal under Section 18 of the Act, it is expected of Appellate Authority to decide the same preferably within a period of 2 months.

AND WHEREAS appellant during the course of appeal presentation on 01/10/2018 submitted before the Committee zerox copy of speed post receipt bearing no. ER 602894951 IN dated 05/07/2016 (14:30 Hrs). It is however not possible to obtain track report of the consignment after a gap of two years and Committee has no other option but to rely on the documentary evidence and the written statement of the appellant as mentioned in para 2 on prepage mentioning that hardcopy of application was submitted on 05/07/2016. There was also no Show Cause Notice (SCN) issued to appellant institution before rejecting the application. Appeal Committee, therefore decided to remand back the case to N.R.C. for processing the application as three printouts of application are now found available on the regulatory file.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for processing the application as three printouts of application are now found available on the regulatory file.

NOW THEREFORE, the Council hereby remands back the case of Vivekanand T.T. College, Tembapada, Gandhi Basti, Ganoda Ghatol, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Vivekanand T.T. College, Tembapada, Gandhi Basti, Ganoda Ghatol – 327023, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-591/E-86636/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Sanskar Girls College, Jeen Mata, Danta Ramgarh, Rajasthan dated 21/08/2018 is against the Order No. NRC/NCTE/Application No.-2016-15323 (ID No.8707)272nd Meeting/2018/189595-600 dated 23/02/2018 of the Northern Regional Committee, refusing recognition for conducting B.A.B.Ed./B.Sc.B.Ed. Course on the grounds that "in reply to SCN submitted by the institution on 24.06.2017, the deficiencies mentioned in SCN have not been removed by the institution."

AND WHEREAS Sh. Harsh Kumar, Member and Sh. Dhanraj, Representative, Sanskar Girls College, Jeen Mata, Danta Ramgarh, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that "NRC, NCTE issued a SCN dated 28.03.2017, in response to SCN dated 28.03.2017 the respondents constituted VT members in order to inspect the premises, but the members of VT have not appreciated the documents available and properly evaluate the infrastructure and amenities available in premises, the reason best known to them. They prepared the report without even measuring the library, multipurpose hall etc., even otherwise the petitioner submitted a detail reply to SCN on 24.06.2017.

AND WHEREAS Appeal Committee noted that appellant institution has filed a S.B. Civil Writ No. 17843/2018 in the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur and the Hon'ble Court vide order dated 10/08/2018 has ordered that "if the petitioner institution files an appeal under Section 18 before the Appellate Authority, it is expected of the Appellate Authority to decide the same within 3 months."

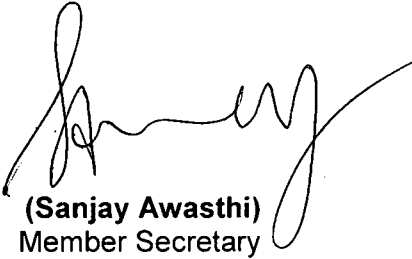
AND WHEREAS appellant institution preferred appeal dated 21/08/2018 which is now being considered by the Appellate Authority. Appeal Committee noted that Visiting Team (V.T.) conducted inspection of the appellant institution on 20/05/2017 and 21/05/2017 and submitted its report to N.R.C. on 25/05/2017. The V.T. in its assessment report was very critical of the facilities available with the appellant institution and the proposed site was found to be utilised for running a school and Degree College. Whereas existence of a Degree College facilitates conducting the B.A. B.Ed./B.Sc. B.Ed. programme, the existence of a school in the premises is unwarranted. NRC in its 271st Meeting held on 7-9th June, 2017 decided to issue a Show Cause Notice (SCN) on several points which indicated deficiencies found by V.T. in the Multipurpose hall, Library, Labs, Furniture etc. It was also stated by V.T. that original land documents were not shown by the management during the course of inspection.

AND WHEREAS Appeal Committee noted that appellant institution submitted a reply dated 24/06/2017 to the S.C.N. stating that deficiencies noticed during inspection have been rectified. Certain documentary evidence was also enclosed with this reply.

AND WHEREAS Appeal Committee noted that N.R.C. after considering the reply submitted by appellant issued impugned order dated 23/02/2018 on the ground that deficiencies mentioned in the S.C.N. have not been removed by the institution. Appeal Committee noted that inspection of an institution is conducted to physically verify the preparedness of an institution to conduct the programme applied for as on the date of inspection. In the present case, appellant institution had a number of deficiencies which cannot be certified to have been rectified without proper physical verification. Appeal Committee, therefore, decided that the case deserved to be remanded to N.R.C. for specifying the deficiencies which seems to have not been rectified. Physical verification of the removal of deficiencies can be done by conducting another inspection at the cost of appellant institution.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for specifying the deficiencies which seems to have not been rectified. Physical verification of the removal of deficiencies can be done by conducting another inspection at the cost of appellant institution.

NOW THEREFORE, the Council hereby remands back the case of Sanskar Girls College, Jeen Mata, Danta Ramgarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Manager, Sanskar Girls College, Jeen Mata Bypass Road, Danta Ramgarh – 332702, 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.89-596/E-86632/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Vivekanand Girls T.T. College, Harsoli Road, Palpur, Birbirani, Kotkasim, Rajasthan dated 19/08/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-3884/2013-14/47398 dated 07/06/2013 of the Northern Regional Committee, returning the application seeking grant of recognition for conducting D.El.Ed. Course on the grounds that "In cases where the institutions have submitted the applications by offline mode alongwith Court's order and where no processing has been initiated by N.R.C. all such applications be returned to the institutions alongwith all documents as they have not submitted the applications as per Clause 5 documents as they have not submitted the applications as per Clause 5 of the NCTE Regulations, 2014.

AND WHEREAS Sh. Narpal Singh Yadav, Secretary, Vivekanand Girls T.T. College, Kotkasim, Rajasthan presented the case of appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that "Appeal submitted should be considered in view of the precedent cases and order dated 10/08/2018 of Hon'ble High Court."

AND WHEREAS Appeal Committee noted that appellant institution has filed a S.B. Civil Writ No. 17842/2018 in the High Court of Judicature for Rajasthan, Bench at Jaipur and the Hon'ble Court passed an order dated 10/08/2018 directing the appellate authority to decide the appeal within a period of three months.

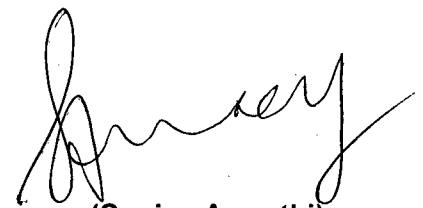
AND WHEREAS relevant regulatory file is not available. Appeal Committee noted from the contents of impugned order/letter dated 15/03/2017 that the application submitted online by the appellant institution on 25/12/2012 was returned on the

assumption that it was made on offline mode. Committee therefore, observed that N.R.C.'s decision to return the application treating it as 'offline' was not correct and not substantiated. Moreover, no Show Cause Notice (SCN) was issued to appellant institution seeking written representation from the appellant.

AND WHEREAS the Committee noted that in view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years 2012 preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the Letter dt. 15/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Vivekanand Girls T.T. College, Harsoli Road, Palpur, Birbirani, Kotkasim, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Vivekanand Girls T.T. College, Harsoli Road, Palpur, Birbirani, Kotkasim – 301702, 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.89-598/E-87062/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of M.D. College of Education, Hanumangarh Junction, Rajasthan dated 29/08/2018 is against the Order No. Old App/RJ-----/2017/169595 dated 23/03/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS Sh. Vinod Kumar, Treasurer, M.D. College of Education, Hanumangarh Junction, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that "It is stated here that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above 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 another identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institutions submitted his application along with in reference to another identical/similar matters, but the respondent Committee not considered the matter as per reference. On the grounds discussed and narrated above, the ground of rejection of our application is solely baseless. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E-8922/2017/Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the

application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal."

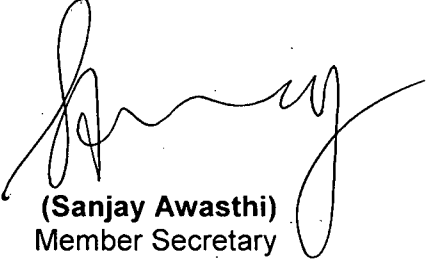
AND WHEREAS Appeal Committee noted that appellant institution has filed a S.B. Civil Writ No. 17798/2018 in the High Court of Judicature for Rajasthan, Bench at Jaipur and the Hon'ble Court passed an order dated 10/08/2018 directing the appellate authority to decide the appeal within a period of three months.

AND WHEREAS relevant regulatory file is not available. Appeal Committee noted from the contents of impugned order/letter dated 23/03/2017 that the application submitted by the appellant institution on 06/06/2008 was returned for the reason that it was made on offline mode. Committee observed that no Show Cause Notice (SCN) was issued to appellant institution seeking written representation from the appellant before .

AND WHEREAS the Committee noted that in view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the year 2008 preceding the advent of NCTE Regulation, 2014, deserved to be accepted. Without NCTE portal having been opened there was no way that appellant on resubmission also could have submitted online application . In these circumstances, the Committee concluded that the ground mentioned in the Letter dt. 23/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of M.D. College of Education, Hanumangarh Junction, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Manager, M.D. College of Education, Plot No.213, Sector-9, Extension, Hanumangarh Junction – 335512, 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.89-599/E-87065/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Gramotthan Shikshan Sansthan, Parihara Near Mega Highway, Ratangarh, Rajasthan dated 15/08/2018 is against the Order No. Old App/NRCAPP-8689/237/2017/170554 dated 06/04/2017 of the Northern Regional Committee, returning application seeking grant of recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS Sh. Anil Kumar, President, Gramotthan Shikshan Sansthan, Parihara Near Mega Highway, Ratangarh, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that "No reasonable opportunity of hearing was given to the appellant. The controversy has already resolved vide order dated 9.09.2016 in WP NO. 12660/2016 whereby the Hon'ble court directed the Respondent to process the application of institution. Hence, not initiating action in the light of supra judgment is illegal and unjust. The action of the respondents by not considering the file of petitioner for recognition, on merit for BSTC/D.EL.Ed. course for forth coming academic session is highly illegal and unjust, arbitrary and malafide. Because the NCTE issued a Public Notice dated 26/11/2012 inviting application from the institutions desirous of running teacher training courses and this public notice had no ban for D.El.Ed. (STC) with respect to State of Rajasthan. In furtherance of this public notice, the appellant institution applied vide online application dated 31/12/2012. The petitioner had submitted a valid online application no. NRCAPP 8689 in 2012 for BSTC course in the

prescribed form, and along with processing fee and other requisite documents, as required in accordance with Regulations, 2009 as at the time of making of application they were in force. Copy of Public Notice Eclousure-5. Appellant is not required to make duplicate application/second application online when its initial application made in accordance with Regulation 2009, was still valid. Further, at the time when court directed institution to make representation, there was no time schedule existed for making online application. For making online application the portal of NCTE opens for a very limited period. Because rejection of file second time, on the ground that the institution has not submitted the application as per clause 5, of the NCTE Regulations 2014 is unjust and illegal unless decided on merit. "

AND WHEREAS Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 17393/2018 in the High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble Court vide order dated 07/08/2018 has granted liberty to the petitioner to avail the remedy of statutory appeal under Section 18 of the NCTE Act of 1993.

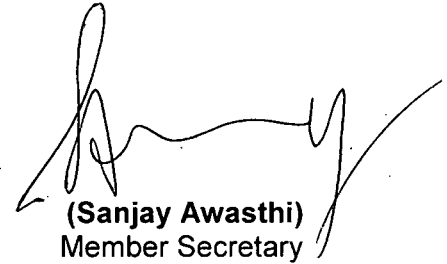
AND WHEREAS the regulatory file has not been made available to Appeal Committee. The Committee noted that the ground mentioned in the N.R.C's letter dt. 06/04/2017 returning the application of the appellant, that is Clause 5, was introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE Portal is open and not any other time. The appellant submitted its application in the year 2012 and the then existing Regulations did not contain the requirements mentioned in the order returning the application. Moreover the application submitted by appellant was made online and return of application on the ground that it was made offline is not substantiated.

AND WHEREAS the Committee noted that in view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years preceding

the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the Letter dt. 06/04/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Gramotthan Shikshan Sansthan, Parihara Near Mega Highway, Ratangarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Gramotthan Shikshan Sansthan, Parihara Near Mega Highway, Ratangarh – 331507, 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.89-600/E-86978/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Bharti Teachers Training School, Nadbai, Rajasthan dated 28/08/2018 is against the Order No. Old App/NRCAPP-5293/190/2017/169093 dated 14/03/2017 of the Northern Regional Committee, returning the application seeking grant of recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS Sh. Govind Singh, Secretary, Bharti Teachers Training School, Nadbai, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that "the application of the institution is summarily rejected only on the ground that office application was submitted along with order of the Hon'ble High Court. The controversy regarding non processing the application of the Institution was the recommendation of the State Government. The Rajasthan Government has already taken a decision and allows Institutions to start D.El.Ed. course in the State from 2019-20. Thus the key controversy does not exist this point of time. The Hon'ble Appeal Committee of the NCTE has already taken a stand on such type of applications and directed the Northern Regional Committee of NCTE to process the applications further. The application of Several Institutions of similar nature has already being processed by the Northern Regional Committee of NCTE."

AND WHEREAS Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 17397/2018 in the High Court of Judicature for Rajasthan Bench at

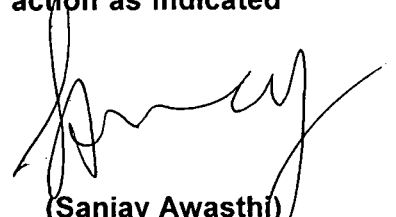
Jaipur and the Hon'ble Court vide order dated 07/08/2018 has granted liberty to the petitioner to avail the remedy of statutory appeal under Section 18 of the NCTE Act of 1993.

AND WHEREAS the regulatory file has not been made available to Appeal Committee. The Committee noted that the ground mentioned in the N.R.C's Letter dt. 14/03/2017 returning the application of the appellant, that is Clause 5, was introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE Portal is open and not any other time. The appellant submitted their application in the year 2012 and the then existing Regulations did not contain the requirements mentioned in the order returning the application. Moreover, the application submitted by appellant institution on 28/12/2012 was made online and return of application on the ground that it was made offline is not substantiated.

AND WHEREAS the Committee noted that in view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the order dt. 14/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Bharti Teachers Training School, Nadbai, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Bharti Teachers Training School, Ward 18, 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.**



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F.No.89-601/E-86983/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Monika Virmani Teachers Training College (Proposed), Baladera Main Road, Gram Panchayat – Shapur Near Vijay Mandir, Alwar, Rajasthan dated 28/08/2018 is against the Letter No. NRC/NCTE/NRCAPP-11760/2018/196260 dated 20/08/2018 of the Northern Regional Committee, returning/ refusing recognition for conducting BA B.Ed./B.Sc. B.Ed Course on the ground of “non-receipt of hard copy for setting up new B.A. B.Ed./B.Sc. B.Ed. four year integrated institution.”

AND WHEREAS Sh. Sunil Kumar Virmani, Secretary, Monika Virmani Teachers Training College (Proposed), Baladera Main Road, Gram Panchayat – Shapur Near Vijay Mandir, Alwar, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that “The institution has filed online application no. NRCAPP11760 dated 29.05.2015 to the NRC for setting up new B.Ed. B.Ed./B.Sc. B.Ed. four year course in the session 2016-17. At that the time Rajasthan Govt. wide order no. P.10.4. Shiksha, 01/04/2008 part dated 28.05.2015 has cleared the view that Govt. has not decided to open the ban on Teacher Training courses. That is why the institution has not submitted the hard copy and prescribed fees to NRC. The reason for non-submission of hard copy and fees is that the fees deposit with application is not refundable according to NCTE Regulations. After some month the Rajasthan Govt. has open the ban on four year B.A. B.Ed., B.Sc. B.Ed. course. Due to Govt. indetermined policy the institution has failed to submit the application. We have a reference of the judgement of the Hon’ble High

Court, Jaipur Bench on Civil Writ Petition No. 18781/2018 Monika Virmani Teacher Training College vs NCTE NRC. Hon'ble High Court has ordered that the institution could make a appeal before the Appellate Authority of the NCTE copy enclosed. This appeal made before your kind self to please decide this issue and resolve the matter."

AND WHEREAS Appeal Committee noted that appellant in its appeal memoranda has referred to an impugned letter dated 20/08/2018 of N.R.C. which was in response to a letter dated 13/08/2018 of the appellant addressed to N.R.C. The impugned letter dated 20/08/2018 is a very brief communication informing the appellant that hardcopy of its application bearing code number NRCAPP-11760 was never received in the office of N.R.C. and as such there was no possibility of its consideration.

AND WHEREAS Appeal Committee noted that appellant institution filed a S.B. Civil Writ No. 18781/2018 in the High Court of Judicature for Rajasthan at Jaipur and the Hon'ble Court vide its order dated 23/08/2018 granted liberty to the petitioner to avail the remedy of appeal which is to be decided by Appellate Authority within 3 months.

AND WHEREAS Appeal Committee noted that regulatory file is not available. Committee further noted that appellant in its appeal memoranda has admitted that it neither submitted hard copy of online application dated 29/05/2015 nor paid the prescribed fee to N.R.C. **Appeal Committee after considering the circumstances narrated by appellant in its appeal memoranda and written submission decided that as appellant has not been able to complete the process of making application which included submission of processing fee and three hard copies of application before 15/07/2015, there is no way that N.R.C. could have processed the application. Without processing fee, online data submitted by appellant on 29/05/2015 is not a valid application for issue of order under**

Section 14 or 15 of the NCTE Act. Appeal filed by appellant is dismissed as not admitted.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Monika Virmani Teachers Training College (Proposed), Baladera Main Road, Gram Panchayat – Shapur Near Vijay Mandir, Alwar – 301023, 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.89-602/E-87032/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of T.S.K. T.T. College, Chandela, Abu Road, Rajasthan dated 21/08/2018 is against the Order No. NRC/NCTE/NRCAPP-10283/258th (Part-1) Meeting/2016/160925 dated 18/10/2016 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "the institution was given show cause notice vide letter dt. 09.11.2015 with direction to submit the reply within 30 days. The institution did not submit any reply of show cause notice till date."

AND WHEREAS Sh. Jabar Singh Charan, Secretary, T.S.K. T.T. College, Chandela, Abu Road, Rajasthan presented the case of the appellant institution on 01/10/2018. In the appeal and during personal presentation it was submitted that "Due to non-issuance of the NOC by affiliating body without any justified reasons is arbitrary and unreasonable and unjust. Appellant submitted an application before affiliating body for grant of N.O.C. Despite this the file was not considered by the affiliating body within time which seems to be unreasonable and arbitrary whereas the NCTE has extended the time to deposit the hard copy and fixed the date for the same 15.07.2015. The Appellant who has pursuing his matter considered for grant of NOC from the day beginning but it is highly surprising and lethargic action of the respondents the NOC could not be issued within time, hence the action of the respondents is illegal and unjust. Because once the general letter was issued for granting NOC for the area then there was no need to take separate NOC for each and every college, the said letter dated 15.04.2015 may be treated as NOC and if after scrutiny any deficiency is found then same may be considered at the time. But the respondents have issued a show cause notice on 09.11.2015 wherein they have specifically averred that the Appellant has not submitted a NOC of affiliating body, rejecting the file side order dated 18.10.2016 is illegal and unjust. The NCTE while

refusing the file has mentioned that the Appellant has not submitted reply to the show cause notice well time. In this regard. It is mentioned that a show cause notice was issued on 09.11.2015 and the reply to show cause notice was filed on 18.12.2015 much prior to the rejection of the application."

AND WHEREAS Appeal Committee noted that impugned refusal order was issued on 18/10/2016 allowing the appellant 60 days time to prefer appeal in case institution was not satisfied with the order. Committee noted that appellant has preferred online appeal dated 21/08/2018 which is delayed by more than one year and eight months. No reason for this inordinate delay is given by appellant.

AND WHEREAS Appeal Committee further noted that appellant has filed a S.B. Civil Writ No. 17379/2018 in the High Court of Judicature for Rajasthan Bench at Jaipur and Hon'ble High Court vide order dated 07/08/2018 granted liberty to the petitioner to avail the statutory remedy of appeal under Section 18 of the NCTE Act. Appellate Authority is to decide the appeal preferably within three months. Appeal Committee, on orders of Hon'ble Court admits the appeal which otherwise would not have been admitted in normal course for limitation reasons.

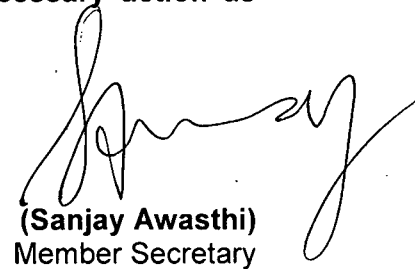
AND WHEREAS Appeal Committee noted that impugned refusal order dated 18/10/2016 is on the ground that "Institution did not submit any reply to Show Cause Notice (SCN) dated 09/11/2015 till date." Committee further noted that appellant during the appeal proceedings on 01/10/2018 submitted copy of its reply to S.C.N. which was received and acknowledged in N.R.C. vide Diary No. 127256 dated 18/12/2015.

AND WHEREAS relevant regulatory file is not available to verify the facts. Appeal Committee decided that appellant is required to submit to N.R.C. a copy of its letter said to have been received / acknowledged in N.R.C. on 18/12/2015 within 15 days of the issue of appeal orders. Appeal Committee further decided to remand

back the case to N.R.C. to consider the case on receipt of the copy of reply dated 18/12/2015 and take appropriate decision under NCTE Regulations, 2014.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. to consider the case on receipt of the copy of reply dated 18/12/2015 and take appropriate decision under NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of T.S.K. T.T. College, Chandela, Abu Road, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, T.S.K. T.T. College, Chandela, Abu Road – 307026, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-603/E-87059/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Baby Happy Modern Shikshak Prashikshan Mahavidyalaya, Hanumangarh Junction, Rajasthan dated 29/08/2018 is against the Letter No. Old App/RJ----/2017/169492 dated 23/03/2017 of the Northern Regional Committee, returning their application for grant of recognition for conducting B.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS the appellant, aggrieved by the Letter of the N.R.C. dt. 23/03/2017 returning their application, filed a S.B. Civil Writs No. 17787/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Courts in their order dt. 10/08/2018 disposed of the petition by granting liberty to the petitioner institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of three months."

AND WHEREAS Sh. Mahendra Kaushik, Secretary, Baby Happy Modern Shikshak Prashikshan Mahavidyalaya, Hanumangarh Junction, Rajasthan presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that they applied for additional intake in B.Ed. on 11/10/2008 and the application was received in N.R.C. on 24/10/2008. The N.R.C.

returned their application on 07/03/2009. In consonance of the orders of the Hon'ble High Court they submitted a representation to N.R.C. The NRC erred in deciding the matter and did not make any effort to even look at the application in consonance of NCTE's Regulation under which the application was submitted offline. Further, it is also reiterated here that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court given in another identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institutions submitted his application along with in reference to another identical/similar matters, but the respondent Committee not considered the matter as per reference. On the grounds discussed and narrated above, the ground of rejection of our application is solely baseless. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E-8922/2017/Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal." A copy of order dt. 16.10.2017 is annexed herewith. N.R.C. had already granted recognition to several institutions ignoring the above said shortcomings vide order dt. 26/08/2016 (copy enclosed). The act of respondent giving recognition to various institutions and rejecting their application is faulty and discriminatory in nature. The N.R.C. did not issue a Show Cause Notice before passing an adverse order as required under Section 14 (3) (b) of the NCTE Act, 1993. The appellant has made necessary arrangements with regard to physical infrastructure and other facilities but their application was returned in a most arbitrary manner; which is bad in the eye of law and is liable to be quashed and set aside.

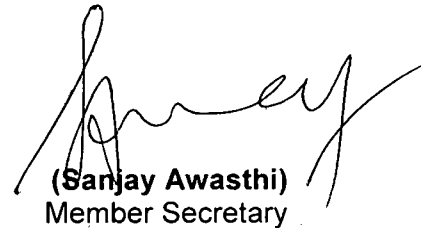
AND WHEREAS the Committee noted that the ground mentioned in the N.R.C's Letter dt. 23/03/2017 returning the application of the appellant, that is Clause 5, was

introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE Portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the letter returning the application.

AND WHEREAS the Committee noted that view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the Letter dt. 23/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Baby Happy Modern Shikshak Prashikshan Mahavidyalaya, Hanumangarh Junction, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Manager, Baby Happy Modern Shikshak Prashikshan Mahavidyalaya, Plot No.6, Abohar Bypass Road, Hanumangarh Junction – 335512, 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.89-605/E-87305/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Deendayal Kiran Teachers Training College, Bari Road, Fatehpur, Sikar, Rajasthan dated 22/08/2018 is against the Letter No. New App/RF/Raj./NRCAPP-8409/2013-14/49789 dated 18/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 application so received be returned to the respective institution. Also the application fees be refunded to the applicants."

AND WHEREAS the appellant, aggrieved by the Letter of the NRC dt. 18/06/2013 returning their application, filed a S.B. Civil Writs No. 17763/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 10/08/2018 disposed of the petition granting liberty to the petitioner – institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner – institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same expeditiously.

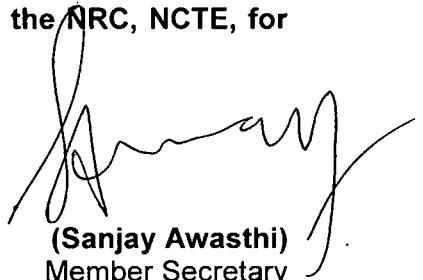
AND WHEREAS Sh. Deen Dayal, Secretary, Deendayal Kiran Teachers Training College, Bari Road, Fatehpur, Sikar, Rajasthan presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation and in a letter dt. 28/08/2018 it was submitted that (i) they applied online for grant of recognition for D.El.Ed. course on 31/12/2012 and requisite documents were submitted in NRC on 04/01/2013; (ii) NRC returned their application on 18/06/2013 in the absence of the recommendation of the State Government of Rajasthan; (iii) the controversy about the recommendations of the State Government 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." A copy of Appeal Order dated 27.11.2017 is annexed herewith (iv) the respondent already granted recognition to various institutions ignoring the above stated shortcomings vide order dt. 26/08/2016 copy annexed. The act of giving recognition to various other institutions and rejecting their application is faulty and discriminatory in nature; (v) No Show Cause Notice was issued before passing the adverse order as required under Section 14 (3) (b) of the NCTE Act; (vi) the appellant made necessary arrangements with regard to physical infrastructure and other facilities; and (vii) the rejection order is arbitrary and is liable to be quashed and set aside.

AND WHEREAS the Committee, noting the submission of the appellant, concluded that the matter deserved to be remanded to the N.R.C for taking further action as per NCTE Regulations, 2014 and in accordance with the decisions/orders of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memoranda of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded to be remanded to the N.R.C. N.R.C for taking further action as per NCTE Regulations, 2014 and in accordance with the decisions/orders of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Deendayal Kiran Teachers Training College, Bari Road, Fatehpur, Sikar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Deendayal Kiran Teachers Training College, Bari Road, Fatehpur, Sikar – 332301, 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.89-606/E-87307/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Deendayal Shikshak Prashikshan Mahavidhyalaya, Bari Road, Fatehpur Shekhawati, Rajasthan dated 28/08/2018 is against the Order No. Old App/RJ-----/2017/170544 dated 05/04/2017 of the Northern Regional Committee, returning their application for grant of recognition for conducting M.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS the appellant, aggrieved by the Letter of the N.R.C. dt. 05/04/2017 returning their application, filed a S.B. Civil Writs No. 17791/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 10/08/2018 disposed of the petitioner granting liberty to the petitioner – institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of three months.

AND WHEREAS Sh. Deen Dayal, Secretary, Deendayal Shikshak Prashikshan Mahavidhyalaya, Bari Road, Fatehpur Shekhawati, Rajasthan presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation and in a letter dt. 29/08/2018 it was submitted that they submitted the application for grant of recognition for M.Ed. course on 28/10/2008; the application was returned on 02/03/2009; in reference to the Hon'ble High Court's decision in respect of B.Ed.

(Shiksha Shastri) course, they submitted a representation on 02/05/2016; and N.R.C. without giving an opportunity of hearing returned the application on 05/04/2017. It was also submitted that the 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 offline. Further, it is also reiterated here that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court given in another identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institutions submitted his application along with in reference to another identical/similar matters, but the respondent Committee not considered the matter as per reference. On the grounds discussed and narrated above, the ground of rejection of our application is solely baseless. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E-8922/2017/Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal." A copy of order dt. 16.10.2017 is annexed. NRC had already granted recognition to several institutions ignoring the above said shortcomings vide order 26/08/2016 (copy enclosed). The act of respondent giving recognition to various institutions and rejecting their application is faulty and discriminatory in nature. The N.R.C. did not issue a Show Cause Notice before passing the adverse order as required under Section 14 (3) (b) of the NCTE Act, 1993. The appellant has made necessary arrangements with regard to physical infrastructure and other facilities but their application was returned in a most arbitrary manner, which is bad in the eye of law and is liable to be quashed and set aside.

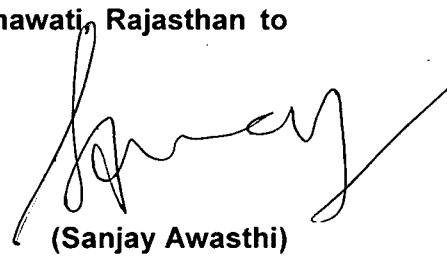
AND WHEREAS the Committee noted that the ground mentioned in the N.R.C's Letter dt. 05/04/2017 returning the application of the appellant, that is Clause 5, was

introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE Portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the letter returning the application.

AND WHEREAS the Committee noted that view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the Letter dt. 05/04/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Deendayal Shikshak Prashikshan Mahavidhyalaya, Bari Road, Fatehpur Shekhawati, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Deendayal Shikshak Prashikshan Mahavidhyalaya, Bari Road, Fatehpur Shekhawati – 332301, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-607/E-87192/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Shri Madhav College, Pabolav, Megha Highway, Ladnun, Rajasthan dated 28/08/2018 is against the Letter No. New Appl./RF/Raj/NRCAPP-5303/2013-14 dated 21/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 application so received be returned to the respective institution. Also the application fees be refunded to the applicants."

AND WHEREAS the appellant, aggrieved by the Letter of the N.R.C. dt. 21/06/2013 returning their application, filed a S.B. Civil Writs No. 18491/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 20/08/2018 disposed of the petition granting liberty to the petitioner institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner – institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same expeditiously.

AND WHEREAS Sh. Gajendra Singh, Secretary, Shri Madhav College, Pabolav, Megha Highway, Ladnun, Rajasthan presented the case of the appellant institution on 03/10/2018. 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 courses had been invited from all stake holders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. Copy of public notice is annexed. This institution has applied online for grant of recognition of D.El.Ed. course (02 units) to NCTE from 2013-14 on 28.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 31.12.2012. Copy of receipt letter and online application is annexed. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (02 units), NRC, NCTE had returned the application of this institution on 21.06.2013 on arbitrary, unjustified, illegal and unconstitutional basis. Copy of returning letter is annexed. Being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 18491/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 20.08.2018 and directed to petitioner to

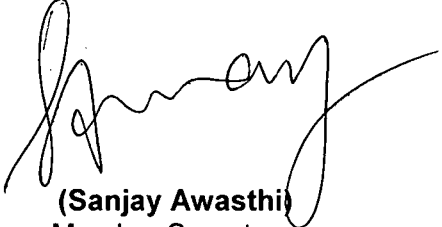
file an appeal u/s 18 of NCTE Act. 1993 and Appellate Authority is directed to decide the same expeditiously. Copy of the order of Hon'ble High Court is annexed. The Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." Copy of Appeal Order is annexed. The 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. Copy of Appeal Order dated 05.06.2018 is annexed. 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. Copy of Appeal Order dated 05.06.2018 is annexed. The NRC, NCTE had conducted inspection of SRN School of Education, Neem Ka Thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 24.07.2018 is annexed. The 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. Copy of Appeal Order dated 24.07.2018 is annexed. The NRC, NCTE had conducted inspection of Annpurana BSTC School, Neem Ka

Thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 24.07.2018 is annexed. 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. The 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 (02 units) through online electronically mode and required processing fees of Rs. 50100/- has been submitted to NRC, NCTE on 31.12.2012. Thus, NRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course (02 units) on illegal, unlawful, unjustified and unconstitutional basis. So, it is prayed that the rejection order issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course (02 units).

AND WHEREAS the Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions/orders of the Appellate Authority in similar cases.

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 to remand the case to N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions/orders of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Shri Madhav College, Pabolav, Megha Highway, Ladnun, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Shri Madhav College, Pabolav, Megha Highway, Ladnun – 341304, 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.89-420/E-79154/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Shri Rajasthan Rishikul STC School, Jhunjhuna Road, Bissau, Malsisar, Ratangarh, Rajasthan dated 13/06/2018 is against the letter No. New Appl./RF/Raj/NRCAPP6288/2013-14/46869 dated 04/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 application so received be returned to the respective institution. Also the application fees be refunded to the applicants."

AND WHEREAS Dr. Sanjay Kumar Sharma, Secretary, Shri Rajasthan Rishikul STC School, Jhunjhuna Road, Bissau, Malsisar, Ratangarh, Rajasthan presented the case of the appellant institution on 01/08/2018. As there was some confusion in the documents submitted, it was decided to give the appellant another opportunity i.e. the second opportunity to present the case.

AND WHEREAS the appellant filed a S.B. Civil Writs No. 19220/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur praying issue of directions to the N.R.C. of the NCTE to process the appeal preferred by the petitioner on 29/07/2018 in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 28/08/2018 disposed of the petition directing the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner.

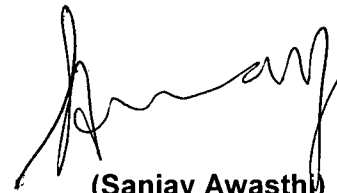
AND WHEREAS Dr. Sanjay Kumar, Member, Shri Rajasthan Rishikul STC School, Jhunjhuna Road, Bissau, Malsisar, Ratangarh, Rajasthan presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that NOC from State Government was not there at the time of filing application and thereafter but now since now the State Government has issued NOC so the reason for filing appeal. The appellant, in a letter dt. 03/10/2018 further submitted that (i) they applied for D.El.Ed. course on line on 29/12/2012, which was received the N.R.C. on 02/01/2013; (ii) N.R.C. returned their application in the absence of recommendations of the State Government of Rajasthan on 04/06/2013; (iii) 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. 89-448/E-9740/2017 Appeal/17th Meeting 2017 dtd. 27/11/2017 titled "J.B.M. College of Education" directed the N.R.C. 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." A copy of the Appeal order dated 27/11/2017 is annexed; (iv) the respondent had already granted recognition to several institutions ignoring the above said shortcomings vide order dt. 26/08/2016, copy enclosed; (v) the act of the respondent giving recognition to various institutions and rejecting their application is faulty and discriminatory in nature; (vi) the respondent did not issue any show cause notice, as required under Section 14 (3) (b) of the NCTE Act, 1993, providing a reasonable opportunity for making a written representation; (viii) Government of Rajasthan in their letter dt. 01/01/2018 (copy enclosed) informed NCTE that they have decided to allow D.El.Ed. programme in new institutions for the academic session 2019-20; and (viii) they made arrangement with regard to physical infrastructure and other facilities, but N.R.C. returned their application in a most arbitrary manner, which is bad in the eye of law and is liable to be quashed and set aside.

AND WHEREAS the Committee noting the submissions of the appellant concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions/orders of the Appellate Authority in similar cases.

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 to remand the case to N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions/orders of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Shri Rajasthan Rishikul STC School, Jhunjhuna Road, Bissau, Malsisar, Ratangarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Shri Rajasthan Rishikul STC School, Bissau, Jhunjhuna Road, Bissau, Malsisar, Ratangarh – 331022, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-610/E-87635/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of G.R. College of Education, Ganpati Nagar, Jhunjhunu, Rajasthan dated 28/08/2018 is against the Letter No. Old App/RJ-----/66/2017/169082 dated 14/03/2017 of the Northern Regional Committee, returning their application for grant of recognition for conducting B.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS the appellant, aggrieved by the letter of the N.R.C. dt. 14/03/2017 returning their application, filed a S.B. Civil Writs No. 17797/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 10/08/2018 disposed of the petition granting liberty to the petitioner – institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner prefers an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of three months.

AND WHEREAS Sh. Atul Choudhary, Member, G.R. College of Education, Ganpati Nagar, Jhunjhunu, Rajasthan presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that "they applied for B.Ed. course on 31/10/2008; N.R.C. returned their application on 08/03/2009; on the directions of the Hon'ble High Court dt. 25/03/2014 in S.B. C.W.P. No. 3235/14, the appellant submitted a representation to N.R.C. on 28/04/2014; and the N.R.C. returned their application on 14/03/2017. The appellant further submitted that the NRC erred in deciding the matter and did not make any effort to even look at

the application in consonance of NCTE's Regulation under which the application was submitted offline. Further, it is also reiterated here that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court given in another identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institutions submitted his application along with in reference to another identical/similar matters, but the respondent Committee has not considered the matter as per reference. On the grounds discussed and narrated above, the ground of rejection of their application is solely baseless. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E-8922/2017/Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal." A copy of order dt. 16.10.2017 is annexed. The controversy has been settled by the Appellate Authority vide order dt. 05/06/2018 (copy enclosed). The respondent had already granted recognition to several institutions ignoring the above said shortcomings vide order dt. 26/08/2016 (copy enclosed). The act of the respondent giving recognition to various institutions and rejecting their application is faulty and discriminatory in nature. The N.R.C. before passing the adverse order did not issue any show cause notice, as required under Section 14 (3) (b) of the NCTE Act, 1993, providing a reasonable opportunity for making a written representation. They made necessary arrangements with regard to physical infrastructure and other facilities and returning their application in a most arbitrary manner is bad in the eye of law and is liable to be quashed and set aside.

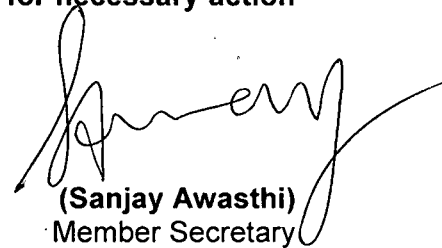
AND WHEREAS the Committee noted that the ground mentioned in the N.R.C's Letter dt. 14/03/2017 returning the application of the appellant, that is Clause 5, was

introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE Portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the letter returning the application.

AND WHEREAS the Committee noted that view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the Letter dt. 14/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of G.R. College of Education, Ganpati Nagar, Jhunjhunu, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Manager, G.R. College of Education, Ganpati Nagar, Mandawa 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.

(58)



F.No.89-611/E-87634/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Trilok Singh T.T. College, Trilok Singh Nagar Near Narodra Bus Stand Laxmangarh, Rajasthan dated 31/08/2018 is against the Letter No. Old App/RJ-----/232/2017/169599 dated 23/03/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS the appellant, aggrieved by the Letter of the N.R.C. dt. 23/03/2017 returning their application, filed a S.B. Civil Writs No. 18943/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 27/08/2018 disposed of the petition granting liberty to the petitioner institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner – institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of three months.

AND WHEREAS Sh. Bhupendra Singh, Representative, Trilok Singh T.T. College, Trilok Singh Nagar Near Narodra Bus Stand Laxmangarh, Rajasthan presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that they applied for D.El.Ed. course on 04/02/2008; N.R.C. returned the application in 2009; on the directions of the Hon'ble High Court dt. 03/08/2016 in S.B. C.W.P. No. 10283/16, the appellant submitted a representation to N.R.C. on 16/08/2016. The appellant further submitted that the 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 offline. Further, it is also reiterated here that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court given in another identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institutions submitted his application along with in reference to another identical/similar matters, but the respondent Committee not considered the matter as per reference. On the grounds discussed and narrated above, the ground of rejection of our application is solely baseless. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E-8922/2017/Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal." A copy of order dt. 16.10.2017 is annexed. The controversy has been settled by the Appellate Authority vide order dt. 05/06/2018 (copy enclosed). The respondent had already granted recognition to several institutions ignoring the above said shortcomings vide order dt. 26/08/2016 (copy enclosed). The act of the respondent giving recognition to various institutions and rejecting their application is faulty and discriminatory in nature. The N.R.C. before passing the adverse order did not issue any show cause notice, as required under Section 14 (3) (b) of the NCTE Act, 1993, providing a reasonable opportunity for making a written representation. They made necessary arrangements with regard to physical infrastructure and other facilities and returning their application in a most arbitrary manner is bad in the eye of law and is liable to be quashed and set aside.

AND WHEREAS the Committee noted that the ground mentioned in the N.R.C's Letter dt. 23/03/2017 returning the application of the appellant, that is Clause 5, was introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to

be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE Portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the letter returning the application.

AND WHEREAS the Committee noted that view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the Letter dt. 23/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Trilok Singh T.T. College, Trilok Singh Nagar Near Narodra Bus Stand Laxmangarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Trilok Singh T.T. College, 444 & 445 Comreda, Trilok Singh Nagar Near Narodra Bus Stand Laxmangarh – 332311, 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.89-612/E-87777/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of S.R. Degree College of Science and Management, Hardi, Mahsi, Bahraich, Uttar Pradesh dated 27/08/2018 is against the Order No. NRC/NCTE/NRCAPP-15142/274th Meeting/2017/181916 dated 11/09/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the institution has not submitted the reply of Show Cause Notice till date."

AND WHEREAS the appellant, aggrieved by the order of the N.R.C. dt. 11/09/2017, filed a Misc. Single No. 21303 of 2018 before the Hon'ble High Court, Lucknow Bench, Lucknow. The Hon'ble High Court in their order dt. 26/07/2018 dismissed the petition on the ground of alternative remedy. The Hon'ble High Court also observed that "it is however, provided that the appellate authority shall endeavour to decide the appeal, if preferred by the petitioner, within a period of sixty days from the date of preferring the same alongwith a certified copy of this order, in accordance with law.

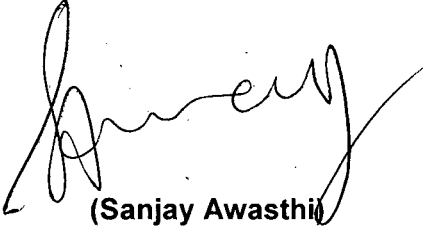
AND WHEREAS Sh. Paras Nath Pandey, President and Sh. R.S. Pandey, Manager, S.R. Degree College of Science and Management, Hardi, Mahsi, Bahraich, Uttar Pradesh presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that "neither any show cause notice dated 31 Jan, 2017 as mentioned in the impugned order dated 11 Sept., 2017 was received to applicant institution nor any information either through online or internet or in any manner or on email id was sent by Regional Director to applicant institution or applicant regarding issuance of show cause notice as such without any show cause notice to applicant the order issued refusing application of the applicant for permission recognition is altogether arbitrary illegal and against the rule That once

the show cause notice as mentioned in the impugned order itself has not been received to applicant through any mode either email or through message or through net or online or by written so there was no occasion to give reply of the show cause notice as such the observations made in the impugned order that the reply has not been submitted against the show cause notice issued dated 31 Jan., 2017 is illegal and arbitrary. That on the NCTE website the show cause notice issued to various institutions till 8 Feb 2018 by the Regional Director which has been downloaded by the applicant institution which does not indicate anywhere of the applicant institution for issuance of the show cause notice.

AND WHEREAS the Committee, noting the submission of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to re-issue their show cause notice dt. 31/01/2017 and take further action as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded to remand the case to N.R.C. with a direction to re-issue their show cause notice dt. 31/01/2017 and take further action as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of S.R. Degree College of Science and Management, Hardi, Mahsi, Bahraich, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Manager, S.R. Degree College of Science and Management, Hardi, Mahsi, Bahraich – 271825, 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.89-613/E-87766/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Choudhary Megharam Shiksha Samiti, Angasar Road, Jhunjhunu dated 27/08/2018 is against the Letter No. New App/RF/Raj/NRCAPP-5269/2013-14/52895 dated 21/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 application so received be returned to the respective institution. Also the application fees be refunded to the applicants."

AND WHEREAS the appellant, aggrieved by the Letter of the N.R.C. dt. 21/06/2013 returning their application filed a S.B. Civil Writs No. 18509/2018 before the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur. The Hon'ble High Court in their order dt. 20/08/2018 disposed of the petition granting liberty to the petitioner – institution the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner – institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same expeditiously.

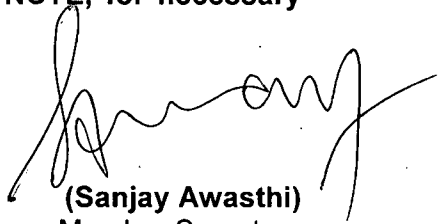
AND WHEREAS Sh. Harsh Kumar, Representative and Sh. Dhanraj, Representative, Choudhary Megharam Shiksha Samiti, Angasar Road, Jhunjhunu presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that they submitted application online for D.El.Ed. course on 28/12/2012; the N.R.C. returned their application in the absence of the recommendations of the State Government of Rajasthan on 21/06/2013; 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 N.R.C. 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." A Copy of Appeal order dated 27/11/2017 is annexed; the

respondent had already granted recognition to several institutions ignoring the above said shortcomings, vide order dt. 26/08/2016 (copy enclosed); the act of the respondent giving recognition to various institutions and rejecting their application is faulty and discriminatory in nature; the N.R.C. did not issue any show cause notice to the appellant of Section 14 (3) (b) of the NCTE Act, 1993; and the appellant has made necessary arrangements with regard to physical infrastructure and other facilities, their application was returned in a most arbitrary manner, thereby making it bad in the eye of law and liable to be quashed and set aside.

AND WHEREAS the Committee noting the submissions of the appellant concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions/orders of the Appellate Authority in similar cases.

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 to remand the case to N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions/orders of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Choudhary Megharam Shiksha Samiti, Angasar Road, Jhunjhunu to the nRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Manager, Choudhary Megharam Shiksha Samiti, Plot No. 221, Angasar Road, Jhunjhunu – 333001.
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.89-615/E-87845/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Shri Rameshwar Lal Dhani Devi B.Ed. College, Kishan Colony, Sujangarh, Rajasthan dated 25/08/2018 is against the Letter No. Old App/RJ-- ----/2017/169028 dated 14/03/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS the appellant, aggrieved by the Letter of the N.R.C. dt. 14/03/2017 returning their application, filed a S.B. Civil Writs No. 18342/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 20/08/2018 disposed of the petition granting liberty to the petitioner institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period by two months.

AND WHEREAS Sh. Narendra Singh, Secretary, Shri Rameshwar Lal Dhani Devi B.Ed. College, Kishan Colony, Sujangarh, Rajasthan presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that they applied for B.Ed. course on 22/07/2008; the N.R.C. informed that the same had been returned with their letter dt. 09/03/2009; in consonance with orders passed by the Hon'ble High Court in identical matters, they submitted a representation alongwith the application; and N.R.C. without giving a reasonable opportunity of hearing returned their application on 23/03/2017) (it should be 14/03/2017). The appellant also submitted that the NRC erred in deciding the matter

and did not make any effort to even look at the application in consonance of NCTE's Regulation under which the application was submitted offline. Further, it is also reiterated here that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court given in another identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institutions submitted his application along with in reference to another identical/similar matters, but the respondent Committee not considered the matter as per reference. On the grounds discussed and narrated above, the ground of rejection of our application is solely baseless. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E-8922/2017/Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal." A copy of order dt. 16.10.2017 is annexed. The appellant further submitted that the controversy was settled by the Appellate Authority in their order dt. 05/06/2018, recognition to several institutions, ignoring the above said shortcomings in their order dt. 26/08/2016, (copy enclosed); the act of the respondent giving recognition to various institutions and rejecting their application is faulty and discriminatory in nature; the N.R.C. did not any show cause notice to the appellant before passing the adverse order in violation of the provisions of Section 14 (3) (b) of the NCTE Act, 1993; they have made necessary arrangements with regard to physical infrastructure and other facilities, but their application has been returned in a most arbitrary manner, thereby making it bad in the eyes of law and liable to be quashed and set aside.

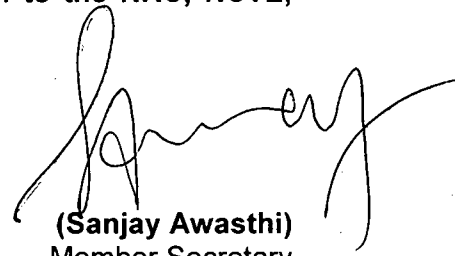
AND WHEREAS the Committee noted that the ground mentioned in the N.R.C's Letter dt. 14.03.2017 returning the application of the appellant, that is Clause 5, was introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to

be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE Portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the order returning the application.

AND WHEREAS the Committee noted that view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the Letter dt. 14.03.2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action in accordance with the NCTE Regulations, 2014.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action in accordance with the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Shri Rameshwar Lal Dhani Devi B.Ed. College, Kishan Colony, Sujangarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shri Rameshwar Lal Dhani Devi B.Ed. College, Ward No.3, Kishan Colony, Sujangarh – 331507, 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.89-616/E-87814/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Deep International T.T. School, Harsauli, Kotkasim, Khairthal, Rajasthan dated 02/09/2018 is against the Order No. NRC/NCTE/NRCAPP-2854/278th Meeting/2018/187990 dated 23/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the Petitioner Society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner Society alongwith the application. The institution has not submitted any proof/evidence of its being a composite institution as required under Clause 2(b) of NCTE Regulations, 2014."

AND WHEREAS the appellant, aggrieved by the order of the N.R.C. dt. 23/01/2018 filed a S.B. Civil Writs No. 17398/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 07/08/2018 disposed of the petition granting liberty to the petitioner – institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner – institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of three months.

AND WHEREAS Dr. Vinod Kumari, Secretary and Sh. Ramavtar, Representative, Deep International T.T. School, Harsauli, Kotkasim, Khairthal, Rajasthan presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that they applied for B.Ed. course

online on 31/12/2012; the N.R.C. returned their application in the absence of recommendations of the State Government of Rajasthan on 04/06/2013; on the directions of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 30/10/2015 in S.B. W.C.P. No. 15976/2015, the appellant resubmitted their application to N.R.C. on 04/12/2015; an inspection of the institution was conducted by the Visiting Team on 30/04/2016; N.R.C issued a Letter of Intent prior to grant of recognition on 13/05/2016; N.R.C. issued a Show Cause Notice on 31/03/2017 and the appellant replied on 17/04/2017; and without giving any further Show Cause Notice N.R.C. rejected their application on the grounds mentioned in their order dt. 23/01/2018. The appellant further submitted that the NRC erred in deciding the matter and did not make any effort to even look at the application of their institution which surely is an online application bearing application OD no NRCAPP2854 which was submitted online on 04/12/2012. Annexure-9. Proof of Processing fees was also submitted along with all requisite documents as requested by the respondent. The fact was also submitted in their written representation response vide letter no DIES/2016/ 78 against SCN. Once again the facts were ignored by the NRC. If the institution were provided opportunity to file afresh as per the directions of the Hon. High Court, it would have been done but due to the virtual impossibility afresh submission of the application online was totally impossible. The opportunity to file afresh was not provided at all and the same application bearing ID no. NRCAPP 854 was considered by the NRC and proceeded further. Refusal order was issued by NRC NCTE and in response the Appellant went to the Hon. High Court Jaipur which has directed the Appellant Authority to decide the appeal within 3 months. Hence on the grounds discussed and narrated above the ground of rejection of our application is solely baseless. Further in the similar matter while disposing the appeal u/s 18 of NCTE Act, 1993 the appellate authority of NCTE vide order no.89- 534/ E-922/2017Appeal 15th Meeting 2017 dt. 16/10/2017 titled. "St. Meera TT College directed the NRC to process further the application on the ground that, "the committee noted that the applicant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE Portal" A copy of order dated 16.10.2017 is annexed. At the time of submission of response to SCN vide ur

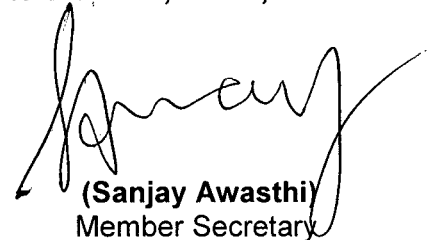
letter number DIES/2017/518 we had mentioned that the Affiliating Body has asked for Guidance from State Government regarding staff approval/NOC and their response is awaited. Now in response to the query of Affiliating Body and Letter No NCTE REG1011/326/2017-US (Regulation HQ/612 Dt. 7/12/2017 of NCTE HQ State Government Rajasthan has issued a NOC for Session 2019-20 vide letter number Edu/2017 Dt. 01/01/2018. On the grounds discussed and narrated above the ground of rejection of our application do not have any foundation. The NRC totally mistreated the matter as the institution is already running the following courses. B.Ed. Course vide NRC NCTE Order No 80683 Dt. 3 July 2007 Annexure 13. D.El.Ed. Course vide NRC NCTE Order No 59974 Dt. 2 Sep 2008 Annexure 14. It is further added as per clause 2(b) of NCTE Regulations, 2014 provides that "Composite Institute means a duly recognized higher education institution offering undergraduate or post graduate programmes of study in their field of liberal arts or humanities or social sciences or sciences or commerce or mathematics, as the case may be, at the time of applying for recognition of teacher Education programmes, or an institution offering multiple education programmes". Meaning thereby that the definition of composite institution includes the application of additional intake in itself. The NRC beyond doubt erred in deciding the matter and it seems that even it forgot to throw a glance on the application and provisions of NCTE Regulation. The fact was also submitted in response to the SCN. On the grounds discussed and narrated above ground of rejection of their application does not have foundation.

AND WHEREAS the Committee noted that the grounds mentioned in the N.R.C's refusal order dt. 08/01/2018 were introduced, for the first time, in the NCTE Regulations, 2014, the requirements of which are to be fulfilled when the applications are invited pursuant to those Regulations and which can be filed only during the period when the NCTE portal is open and not at any other time. The appellant submitted their application in the year 2008 and the then existing Regulations, did not contain the requirements mentioned in the refusal order.

AND WHEREAS the Committee in view of the position stated in para 3 above and the submission of the appellant, concluded that the grounds mentioned in the order dt. 08/01/2018 cannot be held against the appellant and the matter, therefore, deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Deep International T.T. School, Harsauli, Kotkasim, Khairthal, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Deep International T.T. School, Harsauli, 417, Kotkasim, Khairthal – 301403, 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.89-617/E-87811/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Lakshya Teacher Training College, Harsauli, Kotkasim, Khairthal, Rajasthan dated 02/09/2018 is against the Order No. NRC/NCTE/NRCAPP-7821/278th Meeting/2018/187841 dated 22/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the Petitioner Society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner Society alongwith the application. The institution has not submitted any proof/evidence of its being a composite institution as required under Clause 2(b) of NCTE Regulations, 2014."

AND WHEREAS Dr. Vinod Kumari, Secretary and Mr. Ramavtar, Treasurer, Lakshya Teacher Training College, Harsauli, Kotkasim, Khairthal, Rajasthan presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that "application of our institution is an online application bearing application ID no. NRCAPP-7821 which was submitted online on 31/12/2012. If the institution were provided opportunity to file afresh as per the directions of the Hon'ble High Court, it would have been done but due to the virtual impossibility, afresh submission of the application online was totally impossible. The opportunity to file afresh was not provided at all and the same application bearing ID no. NRCAPP-7821 was considered by the NRC and proceeded further. Refusal order was issued by NRC NCTE and in response the Appellant went to the Hon'ble High Court Jaipur which has directed the Appellant Authority to decide upon the appeal within 3 months. Hence on the grounds discussed and narrated above the ground of rejection of our application is solely baseless. Further in the similar matter while

disposing the appeal u/s 18 of NCTE Act, 1993 the appellate authority of NCTE vide order no.89-534/E-8922/2017Appeal 15th Meeting 2017 dt. 16/10/2017 titled. "St. Meera T.T. College directed the NRC to process further the application on the ground that, "the committee noted that the applicant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month. At the time of submission of response to SCN vide our letter number CPSM/2017/022 on dt. 17/04/2017 we had mentioned that the Affiliating Body has asked for Guidance from State Government regarding NOC and their response is awaited. Now in response to the query of Affiliating Body and Letter No NCTE REG1011/326/2017-US (Regulation HQ/612 Dt. 7/12/2017 of NCTE HQ State Government Rajasthan has issued a NOC for Session 2019-20 vide letter number p7(1)/El. Edu/2017 Dt. 01/01/2018. On the grounds discussed and narrated above the ground of rejection of our application do not have any foundation."

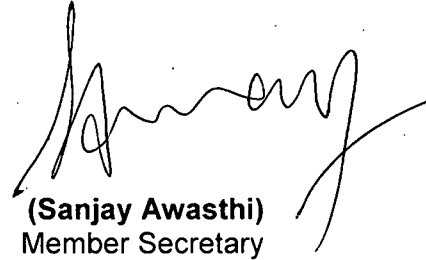
AND WHEREAS Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 17396 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble Court vide order dated 07/08/2018 has granted liberty to the petitioner to avail the remedy of statutory appeal under Section 18 of the NCTE Act of 1993. Appellate Authority is to decide the appeal within a period of 3 months.

AND WHEREAS the Committee noted that the ground mentioned in the N.R.C's order dt. 22/01/2018 rejecting the application of the appellant, that is Clause 5, was introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE Portal is open and not any other time. The appellant submitted the application in the year 2012 and the then existing Regulations did not contain the requirements mentioned in the order rejecting the application. Appellant has further stated that it has applied for B.A. B.Ed./B.Sc. B.Ed. programme.

AND WHEREAS the Committee noted that in view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the order dt. 22/01/2018 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions / orders of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions / orders of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Lakshya Teacher Training College, Harsauli, Kotkasim, Khairthal, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Lakshya Teacher Training College, Harsauli, 366, Kotkasim, Khairthal – 301403, 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.89-618/E-87813/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Aadhaar Teacher Training College, Harsauli, Kotkasim, Khairthal, Rajasthan dated 02/09/2018 is against the Order No. Old App/NRCAPP-7842/67/2017/169168 dated 15/03/2017 of the Northern Regional Committee, returning the application seeking grant of the application seeking grant of recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS Dr. Vinod Kumari, Secretary and Mr. Ramavtar, Treasurer, Aadhaar Teacher Training College, Harsauli, Kotkasim, Khairthal, Rajasthan presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that "The opportunity to file afresh was not provided at all and the same application bearing ID no. NRCAPP-7842 was considered by the NRC and proceeded further. Refusal order was issued by NRC NCTE and in response the Appellant went to the Hon'ble High Court Jaipur which has directed the Appellant Authority to decide upon the appeal within 3 months. Further in the similar matter while disposing the appeal u/s 18 of NCTE Act, 1993 the appellate authority of NCTE vide order no. 89-534/E-8922/2017 Appeal 15th Meeting 2017 dt. 16/10/2017 titled. "St. Meera T.T. College directed the NRC to process further the application on the ground that, "the committee noted that the applicant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE Portal".

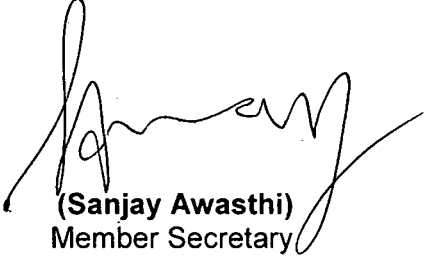
AND WHEREAS Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 17394 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble Court vide order dated 07/08/2018 has granted liberty to the petitioner to avail the remedy of statutory appeal under Section 18 of the NCTE Act of 1993. Appellate Authority is expected to decide the appeal within 3 months.

AND WHEREAS the regulatory file has not been made available to Appeal Committee. The Committee noted that the ground mentioned in the N.R.C's Letter dt. 15/03/2017 returning the application of the appellant, that is Clause 5, was introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE Portal is open and not any other time. The appellant submitted their application in the year 2012 and the then existing Regulations did not contain the requirements mentioned in the order returning the application. Moreover, the application dated 31/12/2012 was made online and returning the application on the ground that it was made offline is not substantiated.

AND WHEREAS the Committee noted that in view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the letter dt. 15/03/2018 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions / orders of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action as per the NCTE Regulations, 2014 and in accordance with the decisions / orders of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of Aadhaar Teacher Training College, Harsauli, Kotkasim, Khairthal, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Aadhaar Teacher Training College, Harsauli, 367, Kotkasim, Khairthal – 301403, 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.89-619/E-88139/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of S.V.C. Memorial Teacher Training College, Dabli Vas Kutub, Hanumangarh, Rajasthan dated 01/09/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-8686 dated 07/06/2013 of the Northern Regional Committee, returning application seeking grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 application so received be returned to the respective institution. Also the application fees be refunded to the applicants.”

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 17537/2018 in the High Court of Judicature for Rajasthan, Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 30/07/2018 directed the Appellate Authority to expeditiously decide the pending appeal filed by the petitioner under Section 18 of NCTE Act.

AND WHEREAS Sh. Varun Yadav, Member and Sh. Manish, Clerk, S.V.C. Memorial Teacher Training College, Dabli Vas Kutub, Hanumangarh, Rajasthan presented the case of the appellant institution on 03/10/2018 In the appeal and during personal presentation it was submitted that “Appeal submitted should be considered in view of the order dated 09/08/2018 of the Hon'ble High Court and decision taken in other similar cases.”

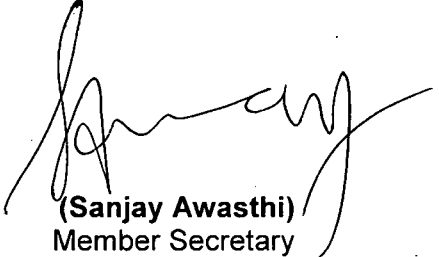
AND WHEREAS in the appeal and during personal presentation on 03/10/2018 it was submitted that (i) they applied for D.El.Ed. course online on 31/12/2012 and the application was received in the office of N.R.C. on 02/01/2013; (ii) the N.R.C. returned their application with their letter dt. 07/06/2013 in the absence of recommendations of State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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 in to account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year (s). Once applications, are invited, the Regional Committee has no right to reject it on grounds of

ban imposed subsequently by the State Government.' The respondent had already granted recognition to several institutions ignoring the above said shortcomings. The respondent, before returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; The State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20.

AND WHEREAS the Regulatory file of the Institution is not available. The Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

NOW THEREFORE, the Council hereby remands back the case of S.V.C. Memorial Teacher Training College, Dabli Vas Kutub, Hanumangarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Manager, S.V.C. Memorial Teacher Training College, Dabli Vas Kutub, Hanumangarh – 335801, 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.89-624/E-87981/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Shri B.L. Indoria Memorial College of Education, Rasoolpur, Ramgarh Shekhawati, Rajasthan dated 22/08/2018 is against the Order No. NCTE/NRC/NRCAPP201616477/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-18/2; dated 17/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that “the applicant institution has not submitted the reply of the SCN issued by the NRC on 27.02.2017 till date. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.”

AND WHEREAS Sh. Om Prakash, Secretary and Sh. Somesh Kumar, Member, Shri B.L. Indoria Memorial College of Education, Rasoolpur, Ramgarh Shekhawati, Rajasthan presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that “The NCTE while refusing the file has mentioned that the applicant has not submitted reply to the show cause notice but the respondent have not considered that the Appellant has already submitted the documents alongwith hard copy well within time but the respondent in a very hyper technical manner rejected the file of Appellant institution which is illegal and unjust. The action of the respondent is contrary to law and the article 14 of the Constitution of India which provides for reasonableness and fairness in State action as a necessary adjourn of the same. It is required from the State to be responsive towards the plight of citizens. The NOC issued by University, is also in favour of Appellant, further, a B.Ed. course is being run by Society. Hence, it is undisputed that the Appellant Institution has not misguided the NRC, NCTE. Further, the letter dated 10.02.2017 clearly transpires that “in clause 8(1) of the Regulations that all stand-alone teacher education

institutions need to gradually move towards becoming composite institution; the 4 years integrated course can also be given to a Teacher Education institution offering a single teacher education programme, provided the affiliating institution agree to regulate the B.A./B.Sc. component of the integrated programme, as per University norms.", in spite of clear directions the NRC, NCTE acted contrary to its own letter, which is illegal further in other Regional Committee they are processing the files but in NRC they have issued such impugned order, illegal. Because the college has been recognised by the NCTE for conducting B.Ed. course and the B.Ed. course is run by the institution since 2016. The definition of a composite institution given under Clause 2(b) of the NCTE Regulation, 2014 covers an institution offering multiple teacher education programme, the college therefore fulfil the requirement of a composite institution. According to the norms and standards for 4 year integrated programme leading to B.Sc. B.Ed. / B.A. B.Ed. degree (appendix 13 of the NCTE Regulation 2014) the programme shall be offered in a composite institution as defined in the Regulation. Hence the impugned order dated 17.04.2017 is liable to be quashed and set aside."

AND WHEREAS Appeal Committee noted that relevant Regulatory file is not available for verification of the submission made by appellant.

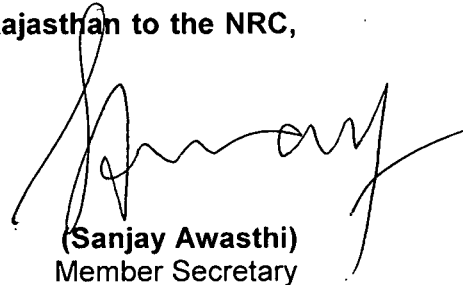
AND WHEREAS Appeal Committee further noted that impugned refusal order was issued on 17/04/2017 and appeal is delayed by more than a year and two months over and above the prescribed time limit for preferring appeal. Appellant had filed a S.B. Civil Writ No. 18341 of 2018 in the High Court of Judicature for Rajasthan, Bench at Jaipur and the Hon'ble court vide order dated 18/08/2018 has granted liberty to the petitioner to file statutory appeal which is required to be decided within 3 months.

AND WHEREAS Appeal Committee noted that impugned refusal order dated 17/04/2017 was issued on the ground that appellant institution has not submitted reply to Show Cause Notice (SCN) dated 27/02/2017. Appellant in its submission made available copy of S.C.N. dated 27/02/2017 which was transmitted online on 13/04/2017. Appellant further submitted that reply to S.C.N. which was received on

13/04/2017 was submitted in the office of N.R.C. on 17/04/2017. Appeal Committee further observed that impugned refusal order dated 17/04/2017 was transmitted online on 31/05/2017. There is no valid reason available justifying the time gap occurred between the date of communication and actual date of the transmission of these communications online to the appellant institution. Hard copy of the communication also does not appear to have been sent by post. Appeal committee, therefore, decided that appellant is required to submit a copy of its reply dated 17/04/2017 alongwith enclosures to N.R.C. within 15 days of the issue of appeal order and on receipt of the copy of this reply N.R.C. shall consider the submissions made by appellant for taking an appropriate decision afresh.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that that appellant is required to submit a copy of its reply dated 17/04/2017 alongwith enclosures to N.R.C. within 15 days of the issue of appeal order and on receipt of the copy of this reply N.R.C. shall consider the submissions made by appellant for taking an appropriate decision afresh.

NOW THEREFORE, the Council hereby remands back the case of Shri B.L. Indoria Memorial College of Education, Rasoolpur, Ramgarh Shekhawati, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shri B.L. Indoria Memorial College of Education, Rasoolpur, Main Road, Ramgarh Shekhawati – 331024, 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.89-628/E-88238/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 31/10/18

ORDER

WHEREAS the appeal of Gyandeeep Shikshak Prashikshan Mahavidyalaya, Hanuman Nagar, Jahajpur, Rajasthan dated 04/09/2018 is against the Order No. NRC/NCTE/Application No. 2016-16364 (ID No. 10717) 279th (Part-I)/2018-187551-56 dated 19/01/2018 of the Northern Regional Committee, granting recognition for conducting B.Ed. Course with an intake of one unit.

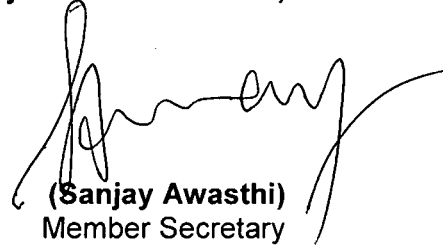
AND WHEREAS Sh. Tarun Malinda, Secretary and Sh. Ramchandra Malinda, President, Gyandeeep Shikshak Prashikshan Mahavidyalaya, Hanuman Nagar, Jahajpur, Rajasthan presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that this institution had applied for grant of recognition for 2 units of B.Ed. course to online NCTE on 18.06.2016. After satisfied from the documents, inspection report and videography, NRC, NCTE had issued letter of intent Under Clause 7 (13) of NCTE Regulations 2014 for B.Ed. course to this institution vide letter No. NCTE/NRC/NRCAPP-201616364/Bachelor of Education [B.Ed.] SCN/RJ/2017-18/2; dated 13/07/2017. That this institution has submitted reply of the LOI for grant of recognition for 2 units of B.Ed. course along with all required documents to NRC, NCTE on 08.01.2018. This institution submitted approval letter from affiliating body and list of staff appointed for B.Ed. course for 2 units to NRC, NCTE along with reply of LOI. No reason was communicated to this institution by the NRC, NCTE for reducing Number of Units in Recognition order. A corrigendum was issued on 08.02.2018 for correction for name of the college. Being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No.19181/2018 in Hon'ble High Court of Rajasthan, Jaipur.

Hon'ble High Court has passed an order on 29.08.2018 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. Copy of the order of Hon'ble High Court is annexed. It is prayed that directions be issued to NRC, NCTE to issued revised recognition order for 2 units of B.Ed. course from the session 2019-20."

AND WHEREAS Appeal Committee noted that appellant institution submitted printout of online application by a forwarding letter dated 30/06/2016. The forwarding letter mentioned that recognition sought is for two units of B.Ed. course. Committee further noted that inspection of the appellant institution was conducted on 20/05/2017 for a proposed intake of 2 units of B.Ed. and D.El.Ed. programmes and the Visiting Team in its overall recommendation stated that permission to run proposed B.Ed. programme with 2 units and D.El.Ed. programme with 2 units' may be granted. Appeal Committee further noted that Letter of Intent (L.O.I.) dated 13/07/2017 was issued in which approved intake was mentioned as 2 units (100 seats). Appellant submitted compliance dated 08/01/2018 enclosing therewith a list containing the names of one Principal and 15 faculty. Appeal Committee noted that Northern Regional Committee (N.R.C.) issued impugned recognition order dated 19/01/2018 for one unit without giving any reason for not granting recognition for two units. Appeal Committee, therefore, decided to remand back the case to NRC for revisiting the case and issuing a reasoned order for either not granting two units or issuing a revised recognition order for two units as per NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to NRC for revisiting the case and issuing a reasoned order for either not granting two units or issuing a revised recognition order for two units as per NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Gyandeep Shikshak Prashikshan Mahavidyalaya, Hanuman Nagar, Jahajpur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Gyandeep Shikshak Prashikshan Mahavidyalaya, Hanuman Nagar, Kota Road, Jahajpur – 311201, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



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F.No.89-629/E-88234/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Gyandeeep Shikshik Prashikshan Mahavidyalaya, Hanuman Nagar, Jahajpur, Rajasthan dated 04/09/2018 is against the Order No. NRC/NCTE/NRCAPP-15437/279th Meeting/2018/187880-85 dated 23/01/2018 of the Northern Regional Committee, granting recognition for conducting D.El.Ed. Course with an intake of one unit (50 seats)."

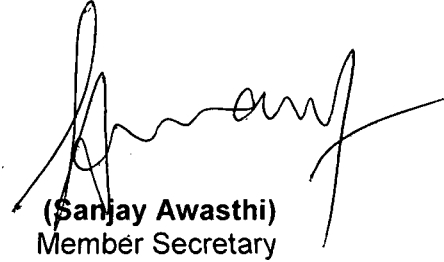
AND WHEREAS Sh. Tarun Malinda, Secretary and Sh. Ramchandra Malinda, President, Gyandeeep Shikshik Prashikshan Mahavidyalaya, Hanuman Nagar, Jahajpur, Rajasthan presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that "This institution had applied for grant of recognition for 2 units of D.El.Ed. course to online NCTE on 30.06.2015. After satisfied from the documents, inspection report and videography, NRC, NCTE had issued letter of intent Under Clause 7 (13) of NCTE Regulations 2014 for D.El.Ed. course to this institution vide letter No. NRC/NCTE/NRCAPP15437/272nd Meeting/2017/178256 dated 13/07/2017. That this institution has submitted reply of the LOI for grant of recognition for 2 units of D.El.Ed. course along with all required documents to NRC, NCTE on 08.01.2018. That this institution has submitted approval letter from affiliating body and list of staff appointed for D.El.Ed. course for 2 units to NRC, NCTE along with reply of LOI. Instead of issuing recognition order for 2 units of D.El.Ed. course, NRC, NCTE has issued recognition letter for 1 unit of D.El.Ed. course to this institution without giving any reason vide order No. NRC/NCTE/Recognition/NRCAPP-15437/279th Meeting/2018 dated 23.01.2018. Being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil

Writ Petition No.19191/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 29.08.2018 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. That from above fact and documents, it is clear that this institution has appointed 1 HOD and 15 Lecturers for 2 units of D.El.Ed. course. Affiliating body had issued approval letter for 1 HOD and 15 Lecturers which was submitted to NRC, NCTE along with reply of LOI. It is prayed that directions be issued to NRC, NCTE to issued revised recognition order for 2 units of D.El.Ed. course from the session 2019-20."

AND WHEREAS Appeal Committee noted that appellant institution submitted printout of online application by a forwarding letter dated 14/07/2015. The forwarding letter mentioned that recognition sought is for two units of D.El.Ed. course. Committee further noted that inspection of the appellant institution was conducted on 04/06/2017 for a proposed intake of 2 units of D.El.Ed. programmes and the Visiting Team in its overall recommendation stated that institution may run D.El.Ed. course for 2 units. Appellant submitted compliance dated 08/01/2018 enclosing therewith a list containing the names of one Principal and 15 faculty. Appeal Committee noted that Northern Regional Committee (N.R.C.) issued impugned recognition order dated 19/01/2018 for one unit without giving any reason for not granting recognition for two units. Appeal Committee, therefore, decided to remand back the case to NRC for revisiting the case and issuing a reasoned order for either not granting two units or issuing a revised recognition order for two units as per NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to NRC for revisiting the case and issuing a reasoned order for either not granting two units or issuing a revised recognition order for two units as per NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Gyandeep Shikshik Prashikshan Mahavidyalaya, Hanuman Nagar, Jahajpur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Gyandeep Shikshik Prashikshan Mahavidyalaya, Hanuman Nagar, Kota Road, Jahajpur – 311201, 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.89-632/E-88425/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

21/10/18

ORDER

WHEREAS the appeal of Apex Institute of Education & Training, Sitapura Industrial Area, Jaipur, Rajasthan dated 05/09/2018 is against the Letter No. Old App/RJ-----/2017/169020 dated 14/03/2017 of the Northern Regional Committee, returning the application seeking grant of recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 19415/2018 in the High Court of Judicature for Rajasthan, Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 30/08/2018 / 29/08/2018. directed the Appellate Authority to prefer appeal under Section 18 of NCTE Act.

AND WHEREAS Sh. Duleh Ram, Representative, Apex Institute of Education & Training, Sitapura Industrial Area, Jaipur, Rajasthan presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that "It is mentioned that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court given in another identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institution resubmitted its earlier

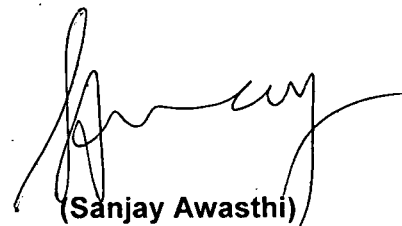
application along with in reference to another identical/similar matters, but the respondent Committee did not consider the matter as per reference. On the grounds discussed and narrated above, the ground of rejection of our application is solely baseless. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E-8922/2017/Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal." It was also submitted that "Appeal submitted should be considered in view of the order dated 30/08/2018 of the Hon'ble High Court."

AND WHEREAS the Committee noted that the ground mentioned in the N.R.C's Letter dt. 14/03/2017 returning the application of the appellant, that is Clause 5, was introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE Portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the order returning the application.

AND WHEREAS the Committee noted that in view of the position stated in para 5 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the Letter dt. 14/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action in accordance with the NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit and Court's order dated 30/08/2018, Appeal Committee concluded that the ground mentioned in the Letter dt. 14/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action in accordance with the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Apex Institute of Education & Training, Sitapura Industrial Area, Jaipur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Apex Institute of Education & Training, ISI-5, Sitapura Industrial Area, Jaipur – 302022, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-633/E-88421/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Apex Institute of Education & Training, Sitapur Industrial Area, Jaipur, Rajasthan dated 05/09/2018 is against the Letter No. Old App/RJ-----/2017/169516 dated 23/03/2017 of the Northern Regional Committee, returning the application seeking grant of recognition for conducting B.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 19332/2018 in the High Court of Judicature for Rajasthan, Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 29/08/2018 / 29/08/2018. directed the Appellate Authority to prefer appeal under Section 18 of NCTE Act.

AND WHEREAS Sh. Duleh Ram, Representative, Apex Institute of Education & Training, Sitapur Industrial Area, Jaipur, Rajasthan presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that "It is mentioned that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court given in another identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institution resubmitted its earlier

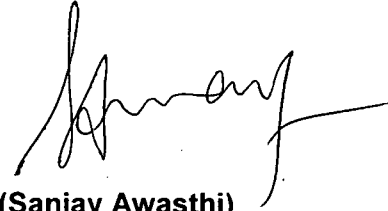
application along with in reference to another identical/similar matters, but the respondent Committee did not consider the matter as per reference. On the grounds discussed and narrated above, the ground of rejection of our application is solely baseless. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E-8922/2017/Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal." It was submitted that "Appeal submitted should be considered in view of the order dated 29/08/2018 of the Hon'ble High Court."

AND WHEREAS the Committee noted that the ground mentioned in the N.R.C's Letter dt. 23/03/2017 returning the application of the appellant, that is Clause 5, was introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE Portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the order returning the application.

AND WHEREAS the Committee noted that in view of the position stated in para 5 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the Letter dt. 14/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action in accordance with the NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit and Court's order dated 29/08/2018, Appeal Committee concluded that the ground mentioned in the Letter dt. 14/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action in accordance with the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Apex Institute of Education & Training, Sitapur Industrial Area, Jaipur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Apex Institute of Education & Training, ISI-5, Sitapur Industrial Area, Jaipur – 302022, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-636/E-88597/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Shri Shyam Teacher Education College, Kot, Udaipurwati, Rajasthan dated 04/09/2018 is against the Letter No. New Appl./RF/RAJ/NRCAPP-6873/2013-14/5048 dated 19/06/2013 of the Northern Regional Committee, returning the application seeking recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N\$S dated 20.03.2013 containing instructions in respect of 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 judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SPL 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 judgement 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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 application so received be returned to the respective institution. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 10090 in the High Court of Judicature for Rajasthan Bench at Jaipur praying for issue of directions to the Appellate Authority for processing the appeal preferred by them in expeditious manner and within stipulated time frame. The Hon'ble High Court in their order dt. 10/05/2018 directed the Appellate Authority to expeditiously decide the appeal filed by the petitioner under Section 18 of NCTE Act within two months.

AND WHEREAS Sh. Subhash Chandra, Secretary, Shri Shyam Teacher Education College, Kot, Udaipurwati, Rajasthan presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that "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 and 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). After the Applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government. During personal presentation it was submitted that "Appeal submitted should be considered in view of the order dated 10/05/2018 of the Hon'ble High Court."

AND WHEREAS in the appeal and during personal presentation on 01/10/2018 it was submitted that (i) they applied for D.El.Ed. course online on 30/12/2012 and the application was received in the office of N.R.C. on 31/12/2012; (ii) the N.R.C. returned

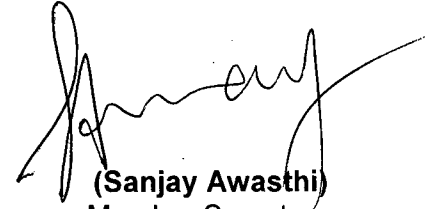
their application with their letter dt. 19/06/2013 in the absence of recommendations of State Government of Rajasthan; (iii) the controversy about State recommendations has been settled by the Appellate Authority in similar matter while disposing of an appeal vide order no. 89-488/E-9740/2017-Appeal/17th Meeting of 2017 dt. 27/11/2017 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 in to account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year (s). Once applications, are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.' The respondent had already granted recognition to several institutions ignoring the above said shortcomings. The respondent, before returning the application did not issue any show cause notice to the appellant as per the provisions of Section 14 (3) (b) of the NCTE Act, 1993 providing an opportunity of making a written representation; The State Government of Rajasthan vide their letter dt. 01/01/2018 written to NCTE has taken a policy decision to allow D.El.Ed. programme in new institutions for the academic session 2019-20.

AND WHEREAS the Regulatory file of the Institution is not available. The Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and in accordance with the decisions of the Appellate Authority in similar cases.

- 4 -

NOW THEREFORE, the Council hereby remands back the case of Shri Shyam Teacher Education College, Kot, Udaipurwati, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shri Shyam Teacher Education College, Kot, Shakambhari Road, Udaipurwati – 333307, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-77/E-63413/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

31/10/18

ORDER

WHEREAS the appeal of Aryan College of Education, Village – Dhaneli Near Ganeshpura Bagia, Morar, Gwalior, Madhya Pradesh dated 03/02/2018 is against the Order No. WRC/APPW01893/223387/B.Ed./285th/2017/10503 dated 08/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution has not submitted approved staff profile. Building Completion Certificate in response to the Show Cause Notice dated 30.08.2016. FDRs of Rs. 12.00 lakhs (in joint name) not submitted in original. Hence, Recognition is withdrawn from the academic session 2018-19.

AND WHEREAS Sh. Anil Jain, Secretary, Aryan College of Education, Village – Dhaneli Near Ganeshpura Bagia, Morar, Gwalior, Madhya Pradesh presented the case of the appellant institution on 03/10/2018. In the appeal and during personal presentation it was submitted that “The Institution has been granted Affiliation Regularly after Inspecting the staff with adequate qualification and the Institution has already submitted staff profile regularly and also submitted the list of staff on 29 SEP. 2016 in respect to show cause notice dated 30 AUG., 2016. The Building completion Certificate has already been submitted from time to time and Building is completed in all respect as per NCTE norms The University and other Government Authorities has inspected the college building from time to time. That regarding Additional FDR of Rupees 4 Lacs in Joint Name The same is in the custody of NCTE the value of the FDR as on date of more than 12 Lacs IN JOINT ACCOUNT. That the Institute has already filed a W.P. 10256/2017 Order dated 20 NOV. 2017 AND 05 DEC., 2017 Before Hon'ble High Court of Delhi and Hon'ble High Court has stayed to take any

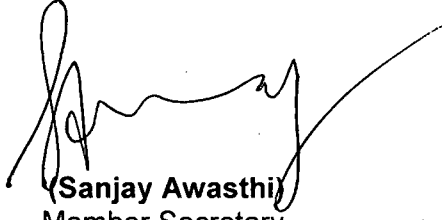
Coercive action till disposal of the cases. Institution has submitted MAS data form in 2017, on 30th June 2016 online form of college submitted. In which teacher, college data has been submitted online. Institution has followed all rules and regulation time to time and submitted various letter for college details."

AND WHEREAS Appeal Committee noted that impugned withdrawal order dated 08/01/2018 was confirmed in the 12th Meeting of Appeal Committee held on 30/05/2018 and appellant thereafter filed a Writ Petition no. 9165 of 2018 in the Hon'ble High Court of Delhi. Appellant in its Writ Petition before the Hon'ble High Court stated that 'Petitioner Institution has duly selected the academic faculty. The approved list of faculty was filed subsequent of the appeal and the same could not be accorded weightage by the said Committee.' Hon'ble High Court by its order dated 05/09/2018 directed Appeal Committee to reconsider the case within a period of four weeks.

AND WHEREAS appellant appeared before Appeal Committee in its 18th Meeting held on 03/10/2018 and submitted (i) a list containing the name of one Principal and 15 faculty members (ii) Building Completion Certificate (iii) Banker's Certificate in support of renewal of F.D.Rs. Appeal Committee prima-facie finding that appellant has rectified the deficiencies leading to withdrawal of recognition, decided to remand back the case to WRC for consideration of the submission made by appellant. Appellant is required to submitted (a) details of approved staff profile; (b) B.C.C. and (c) F.D.Rs to WRC within 15 days of the issue of Appeal orders.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and order dated 05/09/2018 of Hon'ble High Court of Delhi in W.P. (C) no. 9165/2018, Appeal Committee concluded to remand back the case of WRC for consideration of the submission made by appellant. Appellant is required to submitted (a) details of approved staff profile; (b) B.C.C. and (c) F.D.Rs to WRC within 15 days of the issue of Appeal orders.

NOW THEREFORE, the Council hereby remands back the case of Aryan College of Education, Village – Dhaneli Near Ganeshpura Bagia, Morar, Gwalior, Madhya Pradesh to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Aryan College of Education, Plot No. 1291/MIN2, Village – Dhaneli Near Ganeshpura Bagia, Morar, Gwalior – 474006, M.P..**
- 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.89-354/E-74973/2018 Appeal/18th Mtg.-2018/29th September, 1st & 3rd October, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 21/10/18

ORDER

WHEREAS the appeal of Sigma Mahila B.Ed. College, Munderi, Jhalrapatan, Rajasthan dated 03/05/2018 is against the Order No. NRC/NCTE/NRCAPP/255th Meeting/2016/157981 dated 15/09/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the institution has not submitted the valid print-out of the online application."

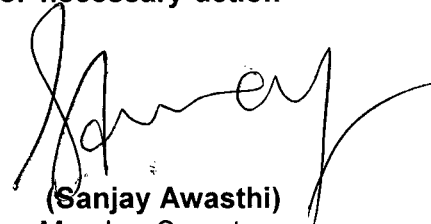
AND WHEREAS Sh. Mubarik Khan, Deputy Secretary and Sh. Maksood Khan, Member, Sigma Mahila B.Ed. College, Munderi, Jhalrapatan, Rajasthan presented the case of the appellant institution on 30/07/2018. In the appeal and during personal presentation it was submitted that "they had filed the application on 29.05.2015 but due to block in the NCTE site their application ID was not generated. They had already submitted the online application and the required fees". In the course of presentation, the appellant stated they had followed up with NRC/NCTE regarding generation of application I.D. But the appellant has not submitted copies of correspondence made with NRC/NCTE in this regard.

AND WHEREAS the Committee noted from a copy of the N.R.C's letter dt. 15/09/2016 against which appeal has been made (belatedly) that it is not an order refusing recognition but is only a Show Cause Notice asking the appellant to submit a representation within 30 days, failing which they will take a decision under Section 14 of the NCTE Act, 1993, as it deemed fit and proper.

AND WHEREAS the relevant file of the N.R.C. has now become available. It is observed that the appellant institution did not respond to the communication dated 15/09/2016. The Show Cause Notice dated 15/09/2016 on grounds of non

submission of valid printout of the online application. Committee further observed that no formal order of refusal was issued by N.R.C. Appeal Committee decided to remand back the case to NRC with a direction that whatever is now stated in the Appeal Memoranda dated 03/05/2018 by the appellant should be considered as reply to SCN for issuing a final order under Section 14/15 of the NCTE Act. Copy of the appeal memoranda dated 03/05/2018 with enclosures is required to be forwarded to N.R.C. alongwith appeal order.

NOW THEREFORE, the Council hereby remands back the case of Sigma Mahila B.Ed. College, Munderi, Jhalrapatan, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Sigma Mahila B.Ed. College, Munderi, Khanpur Road, Jhalrapatan – 326001, 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.