



F.No.89-655/E-89908/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of B.Ed. Vibhag Ganpat Sahai Post Graduate College, Payagipur, Prayagraj, Sadar, Uttar Pradesh dated 17.09.2018 is against the Order No. NRC/NCTE/NRCAPP-9377/261<sup>st</sup> Meeting/2016/163699-05 dated 27/12/2016 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the following grounds: -

- *The institution has not submitted the reply of show cause notice dated 02.12.2015 issued by the NRC, NCTE in stipulated time period.*


**AND WHEREAS** Sh. Ashish Pandey, Representative and Sh. Arun Kumar Tiwari, Representative, B.Ed. Vibhag Ganpat Sahai Post Graduate College, Payagipur, Prayagraj, Sadar, U.P. presented the case of the appellant institution on 28/01/2018. In the appeal and during personal presentation the appellant submitted the following:-

*"The institution applied for recognition of course B.Ed. through online method on dated 31st December 2012. The inspection of institution was conducted by NRC, NCTE through inspection expert team. The inspection report was considered by NRC, NCTE and LOI 7(13) was issued. The requirement for nominate expert for selection of teaching faculty was sent to university by institution but university did not appoint subject expert for selection of the faculty. Due to non-support of university faculty could not be appointed by the institution therefore compliance was not submitted to office of NRC, NCTE. Due to non-awareness of appeal rules and regulations the appeal could not be submitted within time limit. You are requested to condone the delay in submission of appeal."*

**AND WHEREAS** Appeal Committee noted that Letter of Intent (LOI) under Clause 7(13) dated 14.09.2015 was issued to appellant institution seeking compliance on certain points within two months. Non-compliance to the requirements further resulted in issue of a Show Cause Notice (SCN) dated 02.12.2015 and appellant institution was required to submit its representation within 30 days. The appellant institution neither submitted compliance to LOI nor did reply to the SCN which resulted in issue of impugned refusal order dated 27.12.2016. Last para of the impugned refusal order clearly mentioned the time limit of 60 days within which appellant was entitled to prefer appeal in case it was not satisfied with the grounds of impugned order.

**AND WHEREAS** Appeal Committee noted that appeal filed by appellant institution is delayed by one year and seven months over and above the permissible time limit and the reason of non-awareness of appeal rules/regulation does not hold good in view of what is stated in the last para of impugned refusal order. Appeal Committee, therefore, decided not to condone the delay. Appeal is accordingly denied as not admitted.

**AND WHEREAS** after perusal of the Memorandum of appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that appeal submitted by appellant is time barred and therefore, not admitted.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, B.Ed. Vibhag Ganpat Sahai Post Graduate College, Payagipur, Prayagraj NH-330, Sadar – 228001, 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.

3



F.No.89-667/E-90818/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of St. Basil College of Education for Women, Mahendrapuri Chinnathirupathi Post, Yercaud Maind Road, Salem, Tamil Nadu dated 03.10.2018 is against the Order No. SRO/NCTE/APSO6232/B.Ed./TN/2017-18/94860 dated 12/09/2017 of the Southern Regional Committee, reducing the intake from 2 units to one unit in the B.Ed. Course on the request of the institution itself.

**AND WHEREAS** Dr. Jayarat Krishnav, Chairman, Dr. David Livingston, Administrative St. Basil College of Education for Women, Mahendrapuri Chinnathirupathi Post, Yercaud Maind Road, Salem, Tamil Nadu presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted that "Appellant institution had informed SRC by its letter dated 17.12.2016 that it had admitted only 50 students during the academic year 2015-16 but from the academic year 2016-17 it would admit students for two basic units".

**AND WHEREAS** Appeal Committee noted that appellant institution by its letter dated 29.10.2015 which was received in the office of SRC on 05.11.2015 had simply informed SRC that for the academic session 2015-16 they had admitted 50 students. The appellant institution nowhere in this letter requested for reduction of the sanctioned intake of 100 seats.

**AND WHEREAS** on verification, Appeal Committee noted that averments made in para 3 of the impugned order dated 12.09.2017 are not correct and there may be some misunderstanding on part of SRC. Appeal Committee, therefore, decided that impugned order dated 12.09.2017 deserves to be set aside.

**AND WHEREAS** after perusal of the memorandum of Appeal, affidavit, documents on record and oral arguments advanced during the hearing. Appeal Committee concluded to set aside the impugned order dated 12.09.2017 issued by SRC.

**NOW THEREFORE**, the Council hereby remands back the case of St. Basil College of Education for Women, Mahendrapuri Chinnathirupathi Post, Yercaud Maind Road, Salem, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Chairman, St. Basil College of Education for Women, Mahendrapuri Near Housing Board, Chinnathirupathi Post, Yercaud Maind Road, Salem – 636008, Tamil Nadu.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu, Chennai.



F.No.89-669/E-90717/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of The Ankur STC College, Talion Ka Talab, Nathdwara – 313301, Rajasthan dated 23.08.2018 is against the letter dated 30.01.2009 of the Northern Regional Committee, thereby retuning its application for conducting D.El.Ed. course due to ban imposed by the State Government of Rajasthan.

**AND WHEREAS** Sh. Vipul Kaushik, Director and Sh. Kiran Vyas, Treasurer, The Ankur STC College, Talion Ka Talab, Nathdwara – 313301, Rajasthan presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- *We have not received any letter regarding refusal or returning of our application. After some time when we approached the regional office, we found that our application has been returned on the ground that the State Government has imposed ban on the subject course. We then approached the State Government and your Regional Office several times. Having no hearing from the Departments, we ultimately went to the Court and simultaneously filed appeal against the rejection of our application. As no time was being informed from your office for filing appeal so we waited for the State Government decision and court decision to file appeal. Also, a letter dt. 01.01.2018 was written by Department of Primary Education, Government of Rajasthan addressed to NCTE wherein State Government has taken a policy decision to allow D.El.Ed. programme in new institution for the academic session 2019-20.*

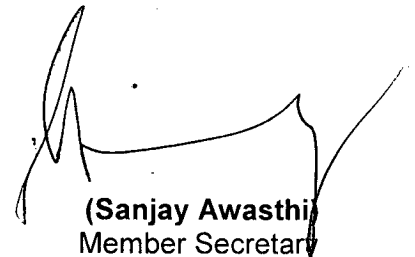
**AND WHEREAS** the Committee noted that the submission of the appeal has been delayed by almost nine years beyond the prescribed period of sixty days. The Committee noted that according to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under Section 14, Section 15 or Section 17 of

the NCTE Act, 1993 may prefer an appeal to the Council within sixty days of issue of such orders. According to the Proviso to Rule 10, an appeal may be admitted after the expiry of the said period of sixty days, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the period of limitation of sixty days.

**AND WHEREAS** the Committee noted that the letter dated 30.01.2009 of the NRC returning the application of the appellant is not an Order issued under any of the Sections of the NCTE Act, 1993 mentioned in para 3 above. Notwithstanding this position, the appellant inordinately delayed making their appeal. The reason given by appellant and as mentioned in para-2 the inordinate delay of about 9 years in preferring appeal are not convincing keeping in view the proportionate delay of nine years. The Committee further noted that, a plain reading of the appeal reveals that, all the submissions made therein have no relevance to the contents of the letter dated 30.01.2009 of N.R.C.

**AND WHEREAS** the Committee, in view of the position stated in para 4 above, decided not to condone the delay in submission of the appeal. Hence the appeal is not admitted.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to condone the delay in submission of the appeal. Hence the appeal is not admitted.



(Sanjay Awasthi)  
Member Secretary

1. The Director, The Ankur STC College, Talion Ka Talab, 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.89-672/E-91032/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Kamla Kelvani Mandal GBTC College, Pilvai – 382850, Gujarat dated 23.07.2018 is against the Order No. WRC/APW02256/323252/GUJ./294<sup>th</sup>/2018/199030 dated 09/07/2018 of the Western Regional Committee, refusing recognition for conducting B.Ed. course on the following grounds: -

“Consequent to the issue of Show Cause Notice dated 18.08.2017 and reply received on 23.02.2018 and 18.03.2018. The staff list shows that the approval of almost all the faculty members is “under process”. Building Completion Certificate from a Government Engineer not submitted. FDRs have also not been submitted. Hence, Recognition is withdrawn.”

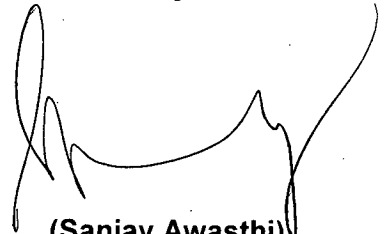
**AND WHEREAS** Dr. Hemlata Talesra, Director, Kamla Kelvani Mandal GBTC College, Pilvai – 382850, Gujarat presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted copies of list of faculty, Building Completion Certificate, Change of Land Use Certificate and FDRs.

**AND WHEREAS** Appeal Committee noted that appellant institution was recognized for conducting B.Ed. programme by issue of orders in the year 2008, 2011 and 2015. The impugned withdrawal order dated 09.07.2018 issued by WRC was on the ground that the staff list submitted by appellant institution indicated that approval of affiliating body is under process and BCC and FDRs are not submitted.

**AND WHEREAS** appellant institution during the course of appeal presentation submitted list of faculty containing the names of Principal and faculty members approved by Registrar Hemchandracharya North Gujarat University. Appellant had submitted copies of FDRs and BCC signed by Dy. Ex. Engineer, R&B Subdivision, Vijapur. Appellant institution is required to submit authenticated copies of i) list of faculties, ii) BCC and iii) FDRs to WRC within 15 days of the issue of Appeal order. Appeal Committee decided that the case deserves to be remanded back to WRC for revisiting the matter considering the submission of relevant documents by the appellant institution.

**AND WHEREAS** after perusal of the Memorandum of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that the case deserves to be remanded back to WRC for revisiting the matter considering the submission of relevant documents by the appellant institution.

**NOW THEREFORE, the Council hereby remands back the case of Kamla Kelvani Mandal GBTC College, Pilvai – 382850, Gujarat to the WRC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Secretary/Appellant, Kamla Kelvani Mandal GBTC College, Pilvai – 382850, Gujarat.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.



7



F.No.89-678/E-91209/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of M.D. College of Education, Gadaipur, Incchapuri Road, Gurugram – 122502, Haryana dated 02.10.2018 is against the Order No. NRC/NCTE/NRCAPP-15431/288<sup>th</sup> Meeting/2018/196908 dated 13.09.2018 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the following grounds: -

- “• *NOC from the District Town Planner regarding land use has not been submitted.*
- *The institution has not submitted the Non-Encumbrance Certificate issued by the Competent Authority indicating that the land is free from all encumbrances.*
- *Building plan is in the name of M.D. College of Education, which is nowhere mentioned in online application.*
- *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** Shri Bhagwan, Chairman, M.D. College of Education, Gadaipur, Incchapuri Road, Gurugram – 122502, Haryana presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- “i) *Please find the attached NOC dated 18.08.2016 of District Town Planner Gurgaon, NOC reissued by DTP after five years period.*
- ii) *Please find the attached Non-Encumbrance Certificate issued by Sub-Registrar, Pataudi indicating the land is free from all Encumbrance.*

- iii) *Building Plan is in the name of M.D. College of Education, by mistake in online application we have write Society name at the college name & college name at the society name. It is an clerical mistake, Please consider it."*

**AND WHEREAS** Appeal Committee noted that in the online application dated 30/06/2015 the name of applicant society and applicant institution was uniformly mentioned as "Gramin Uthan Shiksha Samiti." The forwarding Letter by which the society submitted printout of the online application and the Building Completion Certificate enclosed with the application, however, mentioned the name of M.D. College of Education. Appeal Committee therefore, considers that the building plan bearing the name of M.D. College of Education and submitted by appellant institution in reply to Show Cause Notice is an acceptable document provided it would have been approved by appropriate authority.

**AND WHEREAS** Appeal Committee further noted that appellant institution failed to submit with its reply dated 28/08/2018 to S.C.N. the Non- Encumbrance Certificate and Change of Land Use Certificate issued by Competent Authorities. Committee further noted that appellant institution submitted copies of a Letter dated 18/08/2016 purported to have been issued by Dist Town Planner, Gurgaon and an Encumbrance Certificate dated 14/09/2018 issued by Tehsildar Pataudi. On being asked by the Committee the appellant could not submit for verification the originals of these documents. Committee therefore is of the view that:-

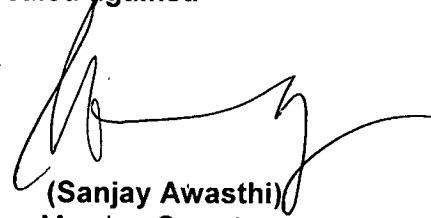
- (i) Building Plan is not approved by Competent Authority.
- (ii) N.E.C. and C.L.U. are not verifiable.

**AND WHEREAS** Appeal Committee on perusal of the regulatory file further observed that appellant institution had not submitted N.O.C. of affiliating body and pertaining to the issue there is Court case no. W.P. 5150/2018 & C.M. No. 20000/2018 in which case Hon'ble High Court of Delhi had issued order dated 15/05/2018.

**AND WHEREAS** Appeal Committee decided that impugned refusal order dated 13/09/2018 deserves to be confirmed as appellant institution is still deficient and during appeal proceedings have evasively avoided verification of original documents.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that impugned refusal order dated 13/09/2018 deserves to be confirmed as appellant institution is still deficient and during appeal proceedings have evasively avoided verification of original documents.

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



**(Sanjay Awasthi)**  
Member Secretary

1. **The Chairman, M.D. College of Education, Gadaipur, Incchapuri Road, Gurugram – 122502, Haryana.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.



8



F.No.89-679/E-91243/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Shri Kanwartara Institute for Teachers Training, Mandleshwar, Shri Nagar Colony, Maheshwar – 451221, Madhya Pradesh dated 17.09.2018 is against the Order No. WRC/APW03556/223477/B.Ed./296th/2018/199971 dated 07.09.2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the following grounds: -

*“Compliance letter was issued to the institution on 29.12.2017 regarding submission of staff list in the prescribed format approved by the Registrar and Building Completion Certificate. The institution replied on 09.02.2018 but has not furnished information as required.”*

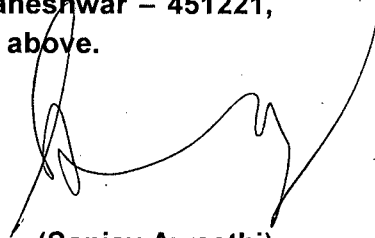
**AND WHEREAS** Shri Krishna Mishra, Principal, Sh. Badri Yadav, Asst. Professor, Shri Kanwartara Institute for Teachers Training, Mandleshwar, Shri Nagar Colony, Maheshwar – 451221, Madhya Pradesh presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted the list of Teaching Staff approved by the affiliating body and Building Completion Certificate.

**AND WHEREAS** Appeal Committee noted that appellant institution is an institution recognised for conducting B.Ed. course since 2006. The appellant institution in its reply dated 08/02/2018 to Show Cause Notice (SCN) dated 29/12/2017 had submitted (i) List containing the names of 16 faculty one of which was a Reader/Professor approved by Registrar Devi Ahilya Vishwavidyalaya, Indore (ii) Building Completion Certificate issued by Sectional Officer, P.W.D. and (iii)

F.D.Rs, Appeal Committee noted that whereas list of faculty and B.C.C. were submitted in original by the appellant institution, F.D.Rs were only the zerox copies. Impugned order of withdrawal dated 07/09/2018 does not specifically mention as to what was the actual deficiency which was not complied by the appellant institution and was required to be rectified. Appellant has further submitted a list containing the names of Incharge Principal and 15 faculty approved by affiliating body and (ii) B.C.C., As regards F.D.Rs the amount of deposit need not be enhanced in case of already recognised institutions. Appellant institution is required to submit once again to the W.R.C. authenticated copies of (i) list of faculty approved by affiliating body (ii) B.C.C., (iii) F.D.Rs within 15 days of the issue of appeal order. Appeal Committee decided to remand back the case to W.R.C. for revisiting the matter in context of the submission made by appellant.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to W.R.C. for revisiting the matter after the appellant submits (i) List of faculty approved by affiliating body (ii) B.C.C. and (iii) F.D.Rs within a period of 15 days from the date of issue of Appeal order.

**NOW THEREFORE, the Council hereby remands back the case of Shri Kanwartara Institute for Teachers Training, Mandleshwar, Shri Nagar Colony, Maheshwar – 451221, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Principal, Shri Kanwartara Institute for Teachers Training, Mandleshwar, Shri Nagar Colony, Maheshwar – 451221, Madhya Pradesh.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

9



F.No.89-687/E-91811/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Asha Singh Mahavidhyalaya, Vill. – Shahpur Titiha, PO – Kirihrapur, Tehsil – Belthra Road, Distt. – Ballia – 221716, Uttar Pradesh dated 23.09.2018 is against the Order No. NRC/NCTE/NRCAPP-3361/246<sup>th</sup> Meeting/2015/132484 dated 30.12.2015 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the following grounds: -

- *"The institution has not submitted approved faculty of Health and Physical Education, Fine Arts and Education performing Arts."*

**AND WHEREAS** Sh. Angad Kumar Singh, Manager, Asha Singh Mahavidhyalaya, Vill. – Shahpur Titiha, PO – Kirihrapur, Tehsil – Belthra Road, Distt. – Ballia – 221716, Uttar Pradesh presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

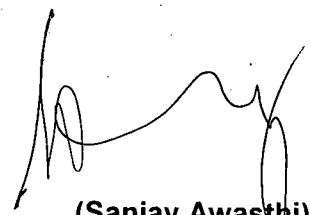
*"The recognition was refused by the Northern Regional Committee vide order dated 30.12.2015 on the ground that the institution has not submitted approved faculty of Health and Physical Education, Fine Arts Education Performing Arts reply LOI."*

**AND WHEREAS** Appeal Committee noted that appeal dated 23/09/2018 preferred by appellant institution is delayed by more than 2 years and 7 months over and above the prescribed time limit of 60 days prescribed in Appeal Rules and mentioned in the last para of impugned order dated 30/12/2015. Appellant in its letter dated nil received in NCTE (HQ) in September, 2018 has stated that due to illness of the mother of

Manager appeal could not be filed and also the questionnaire was delivered late by the postal authorities.

**AND WHEREAS** Appeal Committee considered the submission made by appellant and observed that reasons for delay in preferring appeal are not convincing and do not justify the inordinate delay of 2 years and seven months. Appeal filed by appellant institution is therefore, not admitted.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee considered the submission made by appellant and observed that reasons for delay in preferring appeal are not convincing and do not justify the inordinate delay of 2 years and seven months. Appeal filed by appellant institution is therefore, not admitted.



(Sanjay Awasthi)  
Member Secretary

1. The Manager, Asha Singh Mahavidhyalaya, Vill. – Shahpur Titiha, PO – Kirihrapur, Tehsil – Belthra Road, Distt. – Ballia – 221716, 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.



10



F.No.89-691/E-91974/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Matru Shri Kesarben Savaniya B.Ed. College, Run and Managed by Late Matru Shri Kesarben V. Savaniya Education Trust, Dabhor, Veraval Somnath Bye pass Road, Veraval – 362265, Gujarat dated 05.10.2018 is against the Order No. WRC/APW02709/323331/B.Ed./295<sup>th</sup>/Guj/2018/199606 dated 17.08.2018 of the Western Regional Committee, refusing recognition for conducting B.Ed. course on the following grounds: -

- *"In the light of the directions of Hon'ble Supreme Court of India, the WRC considered the matter in 295<sup>th</sup> meeting held on July 30-31, 2018. After considering the Visiting Team report, the explanation offered by the institution, other documents on record and the provisions of NCTE Act and its Regulations, 2014, it was appreciated that "Temporary Structures" in institutional buildings cannot be permitted. Hence, the WRC decided that the institution did not fulfil the statutory requirements for grant of recognition u/s 14(3)(a) of the NCTE Act and recognition cannot be granted to the institution."*

**AND WHEREAS** Sh. Ramesh, President and Sh. Galav C. Sharma, Representative, Matru Shri Kesarben Savaniya B.Ed. College, Run and Managed by Late Matru Shri Kesarben V. Savaniya Education Trust, Dabhor, Veraval Somnath Bye pass Road, Veraval – 362265, Gujarat presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- "i) *The deficiencies raised for the very first time by the Visiting Team of the WRC, Bhopal in its i) Show Cause Notice dated 03.05.2018 and ii) Show*

*Cause Notice dated 21.05.2018 wherein objections were raised with regard to the wooden partitions of the classrooms terming them as temporary structures. The Appellant institution gave detailed replies to the said Show Cause Notices pursuant to which the WRC, Bhopal referred the issue to the Under Secretary, Regulations, NCTE Hqrs vide letter dated 11.07.2018 to examine the issue with reference to the Sub clause 7 of clause 8 which mandates the building shall be permanent structure.*

- ii) Consequently, the WRC, Bhopal misinterpreting the opinion dated 24.07.2018 of the Under-Secretary Regulations, NCTE, Hqrs as well as the provisions of the NCTE Act, 1993 and more particularly sub Clause 7 of Clause of the NCTE Regulations, 2014 and without giving opportunities to the Appellant institution refused to grant recognition to the Appellant institution. sub Clause 7 of clause 8 of the NCTE Regulations 2014 states as under at the time of inspection, the building of the institution shall be complete in the form of a permanent structure on the land possessed by the institution, equipped with all necessary amenities and fulfilling all such requirements as prescribed in the norms and standards. The applicant institution shall produce the original completion certificate issued by the competent Authority, approved building plan in proof of the completion of building and built up area and other documents to the visiting team for verification. No temporary structure or asbestos roofing shall be allowed in the institution, even if it is in addition to the prescribed built up area. Analysing the requirements of Sub Clause 7 of Clause 8 of the NCTE Regulations, 2014, it is evident that the Appellant institution is in compliance with all its requirements and for which all the necessary and relevant documentary proofs have also been provided to the Visiting Team WRC, Bhopal at the relevant time.*
- iii) Admittedly, there are neither any external temporary structures or asbestos roofing in the Appellant institution. So far as the wooden partition of classrooms are concerned, Sub Clause 7 of Clause 8 of the NCTE Regulations, 2014 nowhere prohibits wooden partitioning of classrooms. The*

clause only prohibits temporary structure or asbestos roofing in the institution, even if it is in addition to the prescribed built up area. Further, temporary in the present context may be commonly defined as in not permanent ii) not lasting iii) makeshift iv) brief v) short lived etc. Therefore, temporary may be implied as a structure established with no thought of continuance but with the idea of being changed soon. It may also not be out of context to refer to Section 3 of the Transfer of Property Act, 1882 wherein attached to the earth has been defined as to mean a. rooted to the earth, as in the case of trees and shrubs b. imbedded in the earth, as in the case of walls or buildings or c. attached to what is so imbedded for the permanent beneficial enjoyment of that to which it is attached. As such, even according to other statutory legislations, a wall attached to a building by its very nature is permanent in nature. It may be noted that neither the Act nor the Rules and Regulations thereunder provide for any or all structures of an educational building to be constructed of only concrete or any other specific material. As such, in the absence of any law/rules calling for a partition wall constructed of only concrete materials between classrooms, a wooden partition of a permanent nature set up to separate classrooms and being a convenient, well established and accepted practice of separating rooms, cannot be termed as a deficiency under the applicable Act or the rules thereunder. As such, a strong and sturdy wooden partition, cannot by any stretch of imagination be said to be a temporary structure. It is common knowledge that globally, as also in India, there are various buildings including government buildings, courtrooms, schools, colleges, hospitals, offices etc. which have setup wooden walls as a means of permanent partition and it being an established and proven method of permanently partition, therefore, the same has also been put up at the institution for permanently partitioning classrooms. It may also be trite to emphasize that in many regions having extreme cold weather, including in certain regions of India, entire houses are constructed of wood, where such houses are pucca and/or permanent houses and are not considered to be a kuccha and/or

temporary structure in any manner. In such a scenario, the Appellant institution while having constructed a concrete building and only partitioned the walls of classrooms by strong and sturdy wooden partition, the said wooden partition cannot be termed as a temporary structure. Consequently, the Appellant institution is in compliance with the provisions of the NCTE Act, 1993 and the Rules and Regulations thereunder, more specifically Sub Clause 7 of Clause 8 of the NCTE Regulations, 2014. Deficiency of wooden partition never raised earlier.

- (iv) Further, the Appellant institution submits that the WRC, Bhopal has since inception, sent its Visiting Team VT comprising of its members 1 Prof. Retd. M. C. Jacob and 2 Dr. B. B. Singh hereinafter referred to as same VT on 22.08.2016 and 22.03.2018 separate occasions to the premises of the Appellant institution for the purposes of conducting inspection. However, on none of the earlier occasions has any of the VTs ever raised any objection with regard to a wooden partition wall being a temporary structure. The same VT raised the said objection for the very first time at a belated stage vide its Show Cause Notice dated 03.05.2018 and again vide its Show Cause Notice on 21.05.2018. The Appellant institution submits that while the wooden partition between classrooms was never construed to be a defect earlier, it cannot now be considered as a defect at this stage.
- v) The Hon'ble Supreme Court vide its order dated 29.07.2016 passed in Special Leave Petition CC No. 10488 of 2016 interalia passed the following direction to NCTE. Regard being had to the obtaining factual matrix, we direct the respondent NCTE to inspect the petitioner college within six weeks hence and command the petitioner to cooperate with the inspection. The deficiencies that shall be found during the inspection shall be pointed out to the authorities of the institution within a week therefrom and opportunity shall be afforded to remove the deficiencies. If the deficiencies are removed, the case of the institution shall be considered for grant of recognition for the academic session 2017 2018. Needless to say, the NCTE shall comply with the statutory provisions while carrying out the procedure of inspection. With

*the aforesaid directions, the special leave petition stands disposed of with no order as to costs.*

- vi) *In compliance with the aforesaid order, the WRC, Bhopal sent a VT comprising of its members 1 Prof. Retd. M. C. Jacob and 2 Dr. B. B. Singh to the Appellant institution albeit without any prior intimation in violation of statutory provision under Sub Section 2 of Section 13 of the NCTE Act, 1993 on 22.08.2016. While, the same VT, WRC, Bhopal ought to have raised all the existing deficiencies pursuant to their visit on 22.08.2016 in its very first Show Cause Notice dated 28.09.2016 in compliance with the aforesaid order, they however, chose to selectively raise deficiencies in their first Show Cause Notice dated 28.09.2016. It is submitted that the existence of wooden partition though observed and also recorded in a video CD was however, not raised as a deficiency. Since time was of the essence for the purposes of starting the academic year for the year 2016 to 2017, the Appellant institution promptly rectified all the deficiencies and informed the WRC, Bhopal vide their Reply dated 10.10.2016. However, the WRC, Bhopal under the guise of ascertaining the rectification again sent the same VT on 22.03.2018, which raised fresh and new deficiencies. It is submitted that the said action of raising fresh deficiency which was not raised earlier was only a ploy to unduly harass the Appellant institution and delay the grant of recognition to the Appellant institution. The WRC, Bhopal continued such harassment by sending the same VT on 22.08.2016 and 22.03.2018 separate occasions and serving 3 Show Cause Notices dated 27.09.2016, 03.05.2018 and 21.05.2018. While the Appellant institution vehemently protested such raising of fresh deficiencies in every such Show Cause Notices, it however, in a bonafide manner promptly cured and removed all such deficiencies and intimated the same to the WRC, Bhopal with a view so that it may be granted recognition with immediate effect or as early as possible. However, the WRC, Bhopal on one or the other pretext continued raising fresh deficiency and continued to serve Show Cause Notices and ultimately, vide the impugned letter/order dated 17.08.2018 being F. No.*

*WRC/APW02709/323331B.Ed./295th/Guj/2018/199606 refused to grant recognition to the Appellant institution. It is submitted that the said conduct of the WRC, Bhopal conclusively establishes its malafide conduct in unduly harassing the Appellant institution and ultimately, refusing to grant recognition. Withdrawal of recognition is illegal since WRC, Bhopal could not have refused recognition with immediate effect and could only come into effect from next academic session.*

*It may be noted that neither the Act nor the Rules and Regulations thereunder provide for any or all structures of an educational building to be constructed of only concrete or any other specific material. As such in the absence of any law, rules calling for a partition wall constructed of only concrete materials between classrooms, a wooden partition of a permanent nature set up to separate classrooms and being a convenient, well established and accepted practice of separating rooms cannot be termed as a deficiency under the applicable Act or the rules thereunder. As such, a strong and sturdy wooden partition, cannot by any stretch of imagination be said to be a temporary structure. Even according to other statutory legislations, a wall attached to a building by its very nature is permanent in nature. Deficiency of wooden partition as Temporary Structures never raised by same VT earlier. In compliance with the Hon'ble Supreme Court order dtd 29.7.2016 passed in SLP CC No. 10488 of 2016 and direction to NCTE, the WRC sent a VT comprising of its members Prof. Retd. M. C. Jacob and Dr. B. B. Singh to the institution albeit without any prior intimation in violation of statutory provision under Sub Section 2 of 13 of the NCTE Act, 1993 on 22.08.2016. While, the same VT, ought to have raised all the existing deficiencies pursuant to their visit on 22.8.2016 in its very first Show Cause Notice dtd 28.9.2016 in compliance with the aforesaid order, they however, chose to selectively raise deficiencies in their first Show Cause Notice dtd 28.9.2016.*

*vii) The existence of wooden partition though observed and also recorded in a video CD was however, not raised as a deficiency. Since time was of the essence for the purposes of starting the academic year 2016 2017, the Appellant promptly rectified all the deficiencies and informed the WRC vide their Reply dtd 10.10.2016. However, the*

WRC under the guise of ascertaining the rectification again sent a same VT on 22.03.2018, which raised fresh and new deficiencies. It is submitted that the said action of raising fresh deficiency which was not raised earlier was only a ploy to unduly harass the Appellant and delay the grant of recognition. The WRC continued such harassment by sending the same VT on 22.8.2016 and 22.03.2018 and serving 3 Show Cause Notices. While the Appellant vehemently protested such raising of fresh deficiencies in every such Show Cause Notices, it however, in a bonafide manner promptly cured and removed all such deficiencies and intimated the same to the WRC with a view so that it may be granted recognition with immediate effect. However, in violation of the Rules and Regulations raising such defects subsequently only goes to show the malafide conduct of the WRC, to unduly harass the Appellant. It is submitted that as per Sub Section 3 of Section 17 of the NCTE Act 1993 withdrawing recognition is with effect from the end of the academic session next. However, WRC had taken decision that Order of withdrawal of recognition of the Appellant Institution order dated 18.12.2008 was already set aside by the Hon'ble High Court of Gujarat vide its order dated 14.05.2010 passed in SCA No. 5089 of 2009 and directed the Regional Director not disturb the recognitions previously granted to institution and passed appropriate orders after issuing Show Cause Notices. However, WRC withdrawal of recognition orders dated 18.12.2008 stands as it is on 12.12.2012. The said decision has affected not just the Institution but also thereby affecting the career of about 400 women students from the academic year 2009 to 2012 their B.Ed. degree is invalid therefore as such school could not have been appointed as a teachers who passed out B.Ed. degree. A writ petition being SCA No. 16748 of 2015 on the said subject matter is pending in the High Court of Gujarat. However again without considering the Sub section 3 and 4 of Section 17 of the NCTE, Act 1993, WRC in its 295th meeting took a decision wherein it held that its earlier Order No. WRC/APW02709/ 323331/ 174th/ 2012/ 98096 103 dated 12.12.2012 withdrawing the recognition of the Appellant institution stands. All its subsequent orders, including the present impugned order dtd 17.08.2018, noted that its earlier withdrawal order dt. 12.12.2012 stands. It is submitted that if the earlier order dated 18.12.2008 as also order dated 12.12.2012 itself was bad per se, illegal and non est in law, then all subsequent orders, including

*the present impugned order dated 17.08.2018 referring to the earlier withdrawal order No. WRC/APW02709/323331/174th/2012/98096.103 dated 12.12.2012 is also bad per se, illegal and non est in law and deserves to be quashed and set aside. Deficiency of wooden partition as Temporary Structures never raised by same VT earlier*

*xi) In compliance with the Hon'ble Supreme Court order dtd. 29.7.2016 passed in SLP CC No. 10488 of 2016 and direction to NCTE, the WRC sent a VT comprising of its members Prof. Retd. M. C. Jacob and Dr. B. B. Singh to the institution albeit without any prior intimation in violation of statutory provision under Sub Section 2 of 13 of the NCTE Act, 1993 on 22.08.2016. While, the same VT, ought to have raised all the existing deficiencies pursuant to their visit on 22.8.2016 in its very first Show Cause Notice dtd 28.9.2016 in compliance with the aforesaid order, they however, chose to selectively raise deficiencies in their first Show Cause Notice dtd 28.9.2016.*

*xii) That the existence of wooden partition though observed and also recorded in a video CD was however, not raised as a deficiency. Since time was of the essence for the purposes of starting the academic year 2016 2017, the Appellant promptly rectified all the deficiencies and informed the WRC vide their Reply dtd 10.10.2016. However, the WRC under the guise of ascertaining the rectification again sent a same VT on 22.03.2018, which raised fresh and new deficiencies. It is submitted that the said action of raising fresh deficiency which was not raised earlier was only a ploy to unduly harass the Appellant and delay the grant of recognition. The WRC continued such harassment by sending the same VT on 22.8.2016 and 22.03.2018 and serving 3 Show Cause Notices. While the Appellant vehemently protested such raising of fresh deficiencies in every such Show Cause Notices, it however, in a bonafide manner promptly cured and removed all such deficiencies and intimated the same to the WRC with a view so that it may be granted recognition with immediate effect. However, in violation of the Rules and Regulations raising such defects subsequently only goes to show the malafide conduct of the WRC, to unduly harass the Appellant institution. It is submitted that as per Sub Section 3 of Section 17 of the NCTE Act 1993 withdrawing recognition is with effect from the end of the academic session next. However, WRC had taken decision that order of withdrawal of recognition of the Appellant Institution order dated 18.12.2008 was already set aside by the Hon'ble High Court of Gujarat*



*vide its order dated 14.05.2010 passed in SCA No. 5089 of 2009 and directed the Regional Director not disturb the recognitions previously granted to institution and passed appropriate orders after issuing Show Cause Notices. However, WRC withdrawal of recognition orders dated 18.12.2008 stands as it is on 12.12.2012. the said decision has affected not just the Institution but also thereby affecting the career of about 400 women students from the academic year 2009 to 2012 their B.Ed. degree is invalid therefore as such school could not have been appointed as a teachers who passed out B.Ed. degree. A writ petition being SCA No. 16748 of 2015 on the said subject matter is pending in the High Court of Gujarat. However again without considering the Sub section 3 and 4 of Section 17 of the NCTE, Act 1993, WRC in its 295th meeting took a decision wherein it held that its earlier Order No. WRC/APW02709/ 323331/ 174th/ 2012/ 98096 103 dated 12.12.2012 withdrawing the recognition of the Appellant institution stands. All its subsequent orders, including the present impugned order dtd 17.08.2018, noted that its earlier withdrawal order dt. 12.12.2012 stands. It is submitted that if the earlier order dated 18.12.2008 as also order dated 12.12.2012 itself was bad per se, illegal and non est in law, then all subsequent orders, including the present impugned order dated 17.08.2018 referring to the earlier withdrawal order No. WRC/APW02709/323331/174th/2012/98096.103 dated 12.12.2012 is also bad per se, illegal and non est in law and deserves to be quashed and set aside.”*

**AND WHEREAS** Appeal Committee noted that by issue of impugned letter dated 17/08/2018 W.R.C. has conveyed its refusal to grant recognition under Section 14 (3) (a) of the NCTE Act. Appeal Committee further noted that appellant institution was once granted recognition for conducting B.Ed. course in the year 2007 which was subsequently withdrawn on 18/12/2008 and thereafter there has been a long and repeated spate of litigation. Inspection of the institution was also conducted repeatedly as per directions of the Hon'ble Court. Notwithstanding the earlier reasons of withdrawal/refusal, Appeal Committee is now considering the reason for refusal for recognition as mentioned in para 11 of the impugned letter against which the appellant has submitted its detailed appeal memoranda.

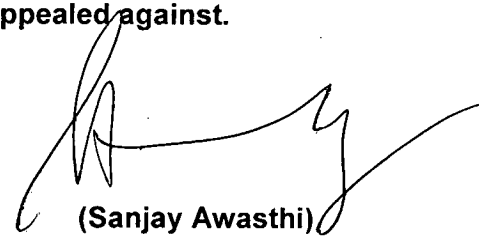
**AND WHEREAS** Appeal Committee noted that the reason for issue of impugned letter dated 17/08/2018 is non-admissibility of 'Temporary structure' determination of which has been done interpreting Clause 8 (7) of the NCTE Regulations, 2014. Appellant holds that the deficiency of having wooden partitions was not pointed out by earlier Visiting Teams and more so wooden partition cannot be treated as temporary structure as such partitions now exist in many Government/Semi Government and private organisations. Appeal Committee on perusal of Clause 8 (7) of the Regulation finds that detailed definition of permanent structure is not given in the regulations but the last sentence of Clause 8 (7) says that 'No temporary or asbestos roofing shall be allowed in the institution.'

**AND WHEREAS** Appeal Committee obviously is now required to differentiate between a permanent structure and temporary structure. Layman definition of permanent structure is a non-movable structure having a concrete roofing and bricks wall. Wooden partition is easily movable and removable. Academically wooden partition are not sound proof and are not conducive academically for the classrooms and teaching/learning processes.

**AND WHEREAS** Appeal Committee on perusal of the regulatory file further observed that by issue of a detailed letter dated 21/05/2018, the appellant institution was given opportunity to rectify certain deficiencies within a period of six weeks. The deficiency pertaining to wooden partitions was not conveyed to appellant institution and as such Appeal Committee was not fully convinced whether the appellant institution while trying to justify the wooden partitions was agreeable to remove the deficiency or not. Appellant during the course of appeal presentation was asked as to whether on being given another opportunity, the institution is prepared to replace the wooden partition with pucca walls. The appellant only made efforts to justify the wooden partitions and gave evasive replies and did not undertake to rectify the deficiency provided an opportunity is given to it. Appeal Committee in all fairness, therefore, decided to confirm the decision taken by W.R.C. in its letter dated 17/08/2018.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the decision taken by W.R.C. in its letter dated 17/08/2018.

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



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Secretary, Matru Shri Kesarben Savaniya B.Ed. College, Run and Managed by Late Matru Shri Kesarben V. Savaniya Education Trust, Dabhor, Veraval Somnath Bye pass Road, Veraval – 362265, Gujarat.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.





F.No.89-692/E-92112/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Vivekanand College of Education, Raipur Ahmedabad, Vivekanand Marg, Raipur – 380022, Gujarat dated 04.10.2018 is against the Order No. WRC/313023/Guj./296<sup>th</sup>/2018/199707-199710 dated 31/08/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the following grounds: -

*"After the issue of Show Cause Notice, compliance letter was issued to the institution on 21.11.2017. The institution vide reply dated 09.12.2017 has submitted as staff profile of 1+4 faculty members approved by the Registrar. However, it has not submitted FDRs for Rs. 12.00 lakhs."*

**AND WHEREAS** Sh. Kantibhai Solanki, Deputy Officer and Sh. Baldev, Representative, Vivekanand College of Education, Raipur Ahmedabad, Vivekanand Marg, Raipur – 380022, Gujarat presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted:-

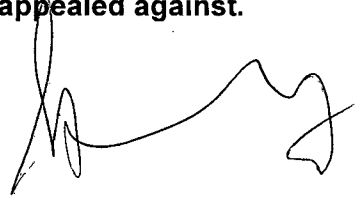
*"Vivekanand College of Education is a Grant-in-aid College receiving 100 % salary grant and as such need not submit F.D.Rs of 12 lakh. Appointment of faculty is controlled by Education Department, Government of Gujarat. Institution is bound by the orders of State Government and has no right to appoint required faculty."*

**AND WHEREAS** Appeal Committee noted that a revised recognition order dated 31/05/2015 was issued which required the appellant institution to abide by the Norms and Standards as prescribed under NCTE Regulations, 2014. Two Show Cause

Notices (SCN) were issued to appellant institution on 10/08/2016 and 21/11/2017 seeking report on compliance. Appeal Committee noted that appellant institution has still neither appointed the required number of faculty nor is in a position to appoint faculty required for conducting the course even for one unit (50 seats). Appeal Committee, therefore, decided to confirm the impugned refusal order dated 31/08/2018.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned refusal order dated 31/08/2018.

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



**(Sanjay Awasthi)**  
Member Secretary

1. The Principal, Vivekanand College of Education, Raipur Ahmedabad, Vivekanand Marg, Raipur – 380022, Gujarat.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.

12



F.No.89-693/E-92106/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Sridutt Singh Institute for Teacher Training, Urph Amahia, Chauri Chaura, Uttar Pradesh dated 30.09.2018 is against the Order No. NRC/NCTE/NRCAPP-14959/287<sup>th</sup> Meeting/2018/196044 dated 03.08.2018 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the following grounds: -

- *"The institution has not submitted the CLU issued by the Competent Authority.*
- *The institution has not submitted the approved Building Plan signed by the Competent Govt. Authority indicating the name of the course, name of the institution, Khasra No./Plot No., total land area, total built-up area and the measurements of the Multi-purpose Hall as well as the other infrastructural facilities such as class rooms etc."*

**AND WHEREAS** Sh. Atul Kumar Singh, Manager, Sridutt Singh Institute for Teacher Training, Urph Amahia, Chauri Chaura, Uttar Pradesh presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted that:-

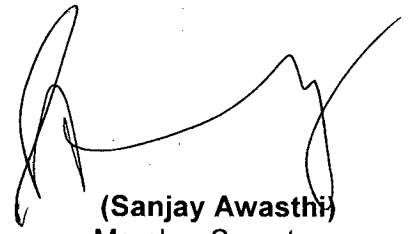
- "(i) Institute has already submitted the CLU.*
- (ii) Institution has already submitted the duly approved Building Plan containing all the desired information."*

**AND WHEREAS** appellant during the course of appeal hearing on 28/01/2018 resubmitted copy of building plan approved by Assistant Engineer, Department of Rural Engineering, Gorakhpur Sub Div. alongwith a certificate of construction dated

27/04/2013. Appeal Committee further noted that appellant institution is recognised for conducting D.El.Ed. programme and address of institution is same as in the present application. The building plan submitted indicates the name of institution and mentioning the name of applied for course on the building plan already approved for D.El.Ed. course is not necessary. Appeal Committee taking into account that a teacher education course is already being conducted at the said premises decided to remand back the case to N.R.C. for revisiting the matter. Appellant is required to submit to N.R.C. Change of Land Use Certificate issued under the relevant provisions by the Revenue Authorities within 30 days of the issue of appeal order.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to N.R.C. for revisiting the matter. Appellant is required to submit to N.R.C. Change of Land Use Certificate issued under the relevant provisions by the Revenue Authorities within 30 days of the issue of appeal order.

**NOW THEREFORE,** the Council hereby remands back the case of Sridutt Singh Institute for Teacher Training, Urph Amahia, Chauri Chaura, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Manager, Sridutt Singh Institute for Teacher Training, 358, Jungle Gauri No.2 Urph Amahia, Chauri Chaura – 273202, 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.



13



F.No.89-697/E-90140/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019  
**NATIONAL COUNCIL FOR TEACHER EDUCATION**  
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of M.Ed. Vibhag Ganpat Sahai Post Graduate College, Payagipur, Prayagraj, Sadar, Uttar Pradesh dated 17.09.2018 is against the Order No. NRC/NCTE/NRCAPP-8767/263<sup>rd</sup> (Part-6) Meeting/2017/167582-88 dated 17.02.2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the following grounds: -

*"The applicant institution has not submitted the reply of the SCN dated 26.12.2016 within the stipulated period."*

**AND WHEREAS** Sh. Ashish Pandey, Representative and Sh. Arun Kumar Tiwari, Representative, M.Ed. Vibhag Ganpat Sahai Post Graduate College, Payagipur, Prayagraj, Sadar, Uttar Pradesh presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted that:-

- "(i) The institution applied for recognition of course D.El.Ed. through online method on dated 31<sup>st</sup> December 2012.*
- (ii) The issuance of NOC requirement was sent to affiliating agency Secretary, examination regulatory authority Allahabad Uttar Pradesh) by institution but Secretary, examination regulatory authority Allahabad, Uttar Pradesh did not issue NOC.*

- (iii) *Due to non-support of Secretary, examination regulatory authority Allahabad, Uttar Pradesh NOC could not be found by the institution therefore compliance was not submitted to office of NRC, NCTE.*

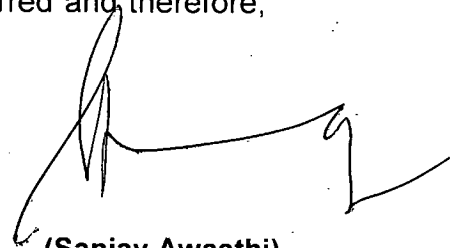
*Due to non-awareness of appeal Rules and Regulation the appeal could not be submitted within time limit. You are requested to condone the delay in submission of appeal, as the institution has already spent a huge amount on the land, fund, and building year marked for D.El.Ed."*

**AND WHEREAS** Appeal Committee noted that a Show Cause Notice (SCN) dated 26/12/2016 was issued to appellant institution seeking written representation within a period of 30 days for non-submission of (i) Proof of composite institution, (ii) N.O.C. issued by affiliating body and (iii) Non-Encumbrance Certificate. Committee further noted that appellant did not submit reply to S.C.N. which resulted in issue of impugned refusal order dated 17/02/2017. Last para of impugned refusal order clearly mentioned the time limit by which applicant institution was entitled to make an appeal in case it was not satisfied with the order.

**AND WHEREAS** appellant during the course of appeal hearing on 28/01/2019 pleaded that due to non-awareness of appeal rules it could not prefer appeal on time. The reason given for delay is not convincing as impugned order contained a para intimating the applicant the provision of appeal under Section 18 of the NCTE Act, 1993. Moreover, appellant institution had earlier availed of the appeal provision in 2016 and an appeal order was issued in the case on 02/09/2016. The reason for not submitting reply to S.C.N. dated 26/12/2016 and delay in preferring appeal are no way justified. Appeal Committee decided not to admit the appeal on delay of about one year and five months over and above the admissible period.

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

Committee concluded that appeal submitted by appellant is time barred and therefore, not admitted.



**(Sanjay Awasthi)**  
Member Secretary

1. The Secretary, M.Ed. Vibhag Ganpat Sahai Post Graduate College, Payagipur, Prayagraj, NH-330, Sadar – 228001, 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.



15



F.No.89-703/E-92591/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Jhamman Lal Shanti Devi Degree College, Jalesar Road, Hathras, Uttar Pradesh dated 07.10.2018 is against the Order No. NRC/NCTE/NRCAPP-4161/239th Meeting/2015/118186 dated 18.07.2015 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the following grounds: -

- *"Institution was given SCN for not submitting reply of LOI. Letter submitted by the institution is not accepted Recognition is refused."*

**AND WHEREAS** Dr. R.S. Sharma, President, Jhamman Lal Shanti Devi Degree College, Jalesar Road, Hathras, Uttar Pradesh presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- *"Appeal is delayed as Registrar of Dr. B.R. Ambedkar University failed to appoint "Expert" within prescribed time specified by NCTE as per letter issued on 5/02/2015. Registrar handed over list of "Experts" on 18/02/2018 and list of teachers appointment approved by University is received by college on 09/04/2018. After receiving list of approved Teachers College has submitted FDR worth Rs.500000 and Rs. 700000 with list of approved Teachers and Form-A duly signed by bank authorities to Regional office of NCTE Jaipur on 13/04/2018. for permission of B.Ed course. Decision is still pending with regional office of NCTE."*

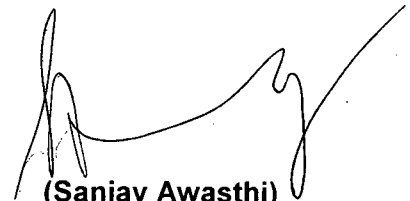
**AND WHEREAS** Appeal Committee noted that a Letter of Intent (L.O.I.) dated 05/02/2015 was issued to appellant institution seeking compliance on certain points inter-alia the list of faculty duly approved by the affiliating body. Appellant institution was required to submit compliance report in response to L.O.I. within a period of 2

months. Appellant institution did not submit any compliance to the office of N.R.C. which resulted in issue of a Show Cause Notice (SCN) dated 11/05/2015 seeking written representation from the applicant within 30 days. Applicant in its reply dated 10/06/2015 to the S.C.N. sought extension of time for submitting compliance to the L.O.I. Applicant, however, did not specify the period for which extension was sought.

**AND WHEREAS** Appeal Committee further noted that impugned refusal order dated 18/07/2015 mentioned about the opportunity made available to the applicant for making an appeal against the impugned order within 60 days. Appellant did not make any appeal within the prescribed time limit.

**AND WHEREAS** the present appeal filed by appellant is delayed by more than 3 years over and above the prescribed time limit for preferring appeal. Reason for delay as mentioned by appellant i.e. 'failure of Registrar of B.R. Ambedkar University to appoint expert within specified time' may be true but it could not have prevented preferring appeal on time. The delay of more than 3 years is inordinate considering the reason given by appellant. Appeal Committee decided not to condone the delay. Hence appeal is not admitted.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee decided not to condone the delay. Hence appeal is not admitted.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Jhamman Lal Shanti Devi Degree College, Jalesar Road, Hathras – 204101, 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.89-710/E-92893/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of AXIS Institute of Higher Education, 117/N/88 Kakadev, Raniganj, Kanpur Sadar – 208005, Uttar Pradesh dated 30.08.2018 is against the Order No. NRC/NCTE/NRCAPP-10658/253<sup>rd</sup> Meeting (Part-2)/2016/154867 dated 28.07.2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the following grounds: -

- *"The reply submitted by the institution in response to the show cause notice dt. 18.04.2016 issued by the NRC, NCTE is not acceptable. BBA and BCA courses do not make that applicant institution a "Composite institution" as per the clause 2(b) of the NCTE Regulations, 2014."*

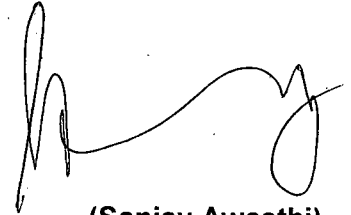
**AND WHEREAS** Sh. R.K. Sharma, Director and Emroj, Admin. Officer, AXIS Institute of Higher Education, 117/N/88 Kakadev, Raniganj, Kanpur Sadar – 208005, Uttar Pradesh presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted that:-

- *"The institution i.e. Axis Institute of Higher Education has obtained approval from Chhatrapati Shahu Ji Maharaj University for Courses namely B.Sc. and B.Com. affiliation. Copy attached."*

**AND WHEREAS** Appeal Committee noted that impugned refusal order dated 28/07/2016 was issued duly intimating the applicant institution about the provision of making appeal within 60 days of the issue of order. Appellant institution as on the date of issue of impugned order did not qualify for grant of recognition on 'Composite' grounds as per Clause 2 (b) of NCTE Regulations, 2014.

**AND WHEREAS** Appeal Committee noted that present appeal preferred by appellant institution is delayed by more than 2 years over and above the period of 60 days allowed under the Rules. The delay is inordinate and not justifiable as per reason given by appellant. Appeal Committee decided not to condone the delay. Hence appeal is not admitted.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded decided not to condone the delay. Hence appeal is not admitted.



**(Sanjay Awasthi)**  
Member Secretary

1. The Director, **AXIS Institute of Higher Education, 117/N/88 Kakadev, Raniganj, Kanpur Sadar – 208005, 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.



17



F.No.89-716/E-92822/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Vivekanand Shikshak Prashikshan Sansthan, Sarendhi, Kheragath, Uttar Pradesh dated 15.10.2018 is against the Letter No. NRC/NCTE/NRCAPP-14422/287<sup>th</sup> Meeting/2018/196017 dated 03.08.2018 of the Northern Regional Committee, confirming its earlier order dated 02/05/2017 withdrawing recognition for conducting D.El.Ed. course on the following grounds: -

- *"NRC considered the reply of the institution dated 11.07.2018 of the SCN and observed that the institution has not submitted any evidence with respect to required size of the library. Hence, NRC decided that the withdrawal order dated 02.05.2017 stand as such."*

In terms of above decision of NRC the withdrawal order dated 02.05.2017 stand as such.

**AND WHEREAS** Sh. Pramod Sharma, Manager, Vivekanand Shikshak Prashikshan Sansthan, Sarendhi, Kheragath, Uttar Pradesh presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted that:-

- “(i) The NRC issued a show cause notice on 10.03.2017 pointing out deficiencies of (i) The size of library room is much less than the required one and (ii) There is no electricity connection. The reply to the show cause notice was submitted but the recognition was withdrawn on the ground that the faculty appointed is fake. Which is other than given in the Show Cause Notice.

- (ii) *The matter was brought to the Appeal Committee which passed an order dated 27.02.2018 remanding the matter NRC. (copy enclosed). The NRC again (same show cause notice earlier on 10.03.2017) issued a show cause notice and reply was submitted to that. The reply was considered by NRC and it was observed that the institution has not submitted any evidence in respect of the required size of library. Hence, decision of the NRC of withdrawal order dated 02.05.2017 stands.*
- (iii) *The NCTE Regulation 2014 under which the recognition was granted to our institution did not make any mention about size of the Library required for D.El.Ed. course. Since there is no explicit mention of size of the Library in the Regulation 2014 the question of required size of library remains unanswered. While we have rooms."*

**AND WHEREAS** on perusal of the regulatory file Appeal Committee noticed that appellant institution was first granted recognition for conducting D.El.Ed. programme with an intake of 50 seats by issue of an order dated 31/05/2015. Appellant institution submitted another application dated 28/06/2015 seeking increase in intake with an additional intake of 2 units. Applicant while filling up online performa mentioned the date of earlier recognition as 13/05/2015 instead of 31/05/2015. As online application was submitted on 28/05/2015 it is surprising that how the recognition order details were filed in the online application.

**AND WHEREAS** Appeal Committee noted that N.R.C. granted recognition to the applicant institution by issue of a combined recognition order dated 03/03/2016. The name of appellant institution appears at serial no. 353 thereof and recognition was granted for 100 seats (2 units) without mentioning whether these 100 seats will be in addition to the earlier 50 seats for which recognition was granted on 31/05/2015.

**AND WHEREAS** Appeal Committee is further surprised to note that compliance report submitted by appellant institution contains an affidavit purported to have been sworn by Sh. C.L. Sharma in the capacity of Vyavasthapak contains a lot of cuttings and overwriting's and is not authenticated by Notary though a seal is annexed on the

affidavit. The compliance contains a letter dated 03/03/2016 purported to have been issued by Pariksha Niyamak Adhikari, Allahabad. Incidentally the recognition order was also issued on 03/03/2016. Letter of Intent (L.O.I.) was issued on 01/03/2016 and it is surprising as to how the appellant institution could have (i) received the L.O.I., (ii) completed selection process of faculty, (iii) obtained and submitted the approved list of faculty for consideration of the Regional Committee within 2 days.

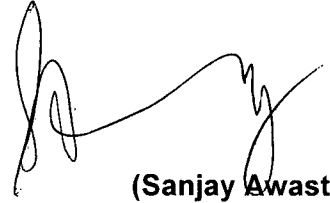
**AND WHEREAS** Appeal Committee had also an opportunity to go through the Visiting Team Report dated 18/02/2016. In its overall assessment the V.T. had recommended only 50 seats. The V.T. report reveals that size of library is 4735 sq. feet which does not tally with the deficiency as reported in the Show Cause Notice (SCN) dated 15/06/2018. Appeal Committee also observed that Visiting Team in its report failed to mention that applicant institution does not have electricity connection. Without a regular electrical connection, it is difficult to conceive of facilities like internet, OHP, T.V. VCR, Projector, ROT, SIT, WIFI facility which were stated to be available. Few photographs enclosed with the V.T. report also do not indicate that appellant institution had electricity fittings.

**AND WHEREAS** appellant has submitted copies of (i) Demand notice dated 03/07/2018 issued by Dakshinanchal Vidyut Vitran Nigam, Kheragarh for seeking electricity connection. Another receipt dated 20/04/2017 is an O.M. sanctioning a 2 K.W. load in respect of school run by the Trust. By submitting photographs of generating sets appellant has admitted that the institution did not have an electricity connection earlier.

**AND WHEREAS** Appeal Committee considering all aspects of the case does not find any reason to reverse the withdrawal order and rather the matter may be investigated as to how the compliance submitted by appellant was assessed to be satisfactory for grant of recognition without verifying the quality of infrastructure and approvals of the affiliating body.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the decision conveyed by N.R.C. by issue of impugned letter dated 03/08/2018.

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



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Secretary, Vivekanand Shikshak Prashikshan Sansthan, Sarendhi, Kheragath – 283119, 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.

18



F.No.89-723(A)/E-93065/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Ichcha Ram Singh Mahavidyalaya, Dobhiyara, Milkpur – 224001, Uttar Pradesh dated 06.09.2017 is against the Order No. NRC/NCTE/NRCAPP-14356/253<sup>rd</sup> (Part-1) Meeting/2016/150042-45 dated 08/06/2016 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the following grounds: -

- *"Non-submission of NOC from the affiliating body as required under clause 5(3) of the NCTE Regulations, 2014."*

**AND WHEREAS** Sh. Sanjay Srivastav, Registrar and Sh. Manoj Kumar Singh, Manager, Ichcha Ram Singh Mahavidyalaya, Dobhiyara, Milkpur – 224001, Uttar Pradesh presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- *"Institution has obtained NOC from affiliating body for B.Ed. programme."*

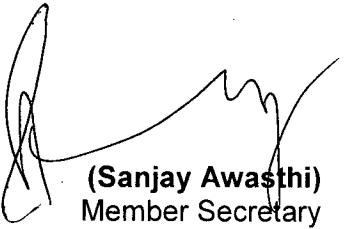
**AND WHEREAS** Appeal Committee noted that applicant institution submitted online application dated 28/06/2015 seeking recognition for B.Ed. course. Committee further noted that a Show Cause Notice (SCN) dated 02/11/2015 was issued requiring the applicant to submit N.O.C. of affiliating body as required under Clause 5 (3) of the NCTE Regulations, 2014. The appellant institution did not respond to the S.C.N. till impugned refusal order dated 08/06/2016 was issued.

**AND WHEREAS** Appeal Committee further observed that appellant had submitted to N.R.C. by its forwarding letter dated 26/08/2016 received in the office on

05/09/2016 a copy of N.O.C. dated 20/02/2016. The above N.O.C. pertained to general degree classes and was not meant for B.Ed. course.

**AND WHEREAS** appellant institution has also failed to prefer appeal against the impugned order dated 08/06/2016 within 60 days of issue of the refusal order. Present Appeal is delayed by more than a year without any reason given by the appellant. Appeal Committee, therefore, decided that delay in preferring appeal cannot be condoned. Hence appeal is not admitted.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee decided that delay in preferring appeal cannot be condoned. Hence appeal is not admitted.



(Sanjay Awasthi)  
Member Secretary

1. The Manager, Ichcha Ram Singh Mahavidyalaya, Dobhiyara, Milkipur – 224001, 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.89-723(B)/E-93066/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Urmila Gramin Shikshan Sansthan, Kotsarai, Sohawal, Faizabad, Uttar Pradesh dated 06.09.2017 is against the Order No. NRC/NCTE/NRCAPP-14367/253<sup>rd</sup> (Part-1) Meeting/2016/149985-88 dated 07/06/2016 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the following grounds: -

- *"Non-submission of NOC from the affiliating body as required under clause 5(3) of the NCTE Regulations, 2014."*

**AND WHEREAS** Sh. Ajay Kumar, Representative, Urmila Gramin Shikshan Sansthan, Kotsarai, Sohawal, Faizabad, Uttar Pradesh presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- *"Institution has obtained NOC from affiliating body for B.Ed. programme."*

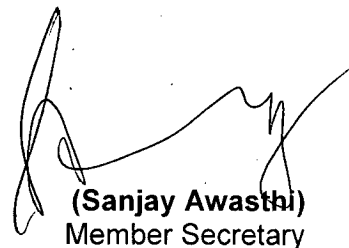
**AND WHEREAS** Appeal Committee noted that applicant institution submitted online application dated 28/06/2015 seeking recognition for B.Ed. course. Committee further noted that a Show Cause Notice (SCN) dated 02/11/2015 was issued requiring the applicant to submit N.O.C. of affiliating body as required under Clause 5 (3) of the NCTE Regulations, 2014. The appellant institution did not respond to the S.C.N. till impugned refusal order dated 08/06/2016 was issued.

**AND WHEREAS** Appeal Committee further observed that appellant had submitted to N.R.C. by its forwarding letter dated 26/08/2016 received in the office on

05/09/2016 a copy of N.O.C. dated 20/02/2016. The above N.O.C. pertained to general degree classes and was not meant for B.Ed. course.

**AND WHEREAS** appellant institution has also failed to prefer appeal against the impugned order dated 08/06/2016 within 60 days of issue of the refusal order. Present Appeal is delayed by more than a year without any reason given by the appellant. Appeal Committee, therefore, decided that delay in preferring appeal cannot be condoned. Hence appeal is not admitted.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee decided that delay in preferring appeal cannot be condoned. Hence appeal is not admitted.



**(Sanjay Awasthi)**  
Member Secretary

1. **The Manager, Urmila Gramin Shikshan Sansthan, Kotsarai, NH-28, Sohawal, Faizabad – 224001, 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.



21



F.No.89-743/E-93432/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Ample Dreams Institute of Education, Udpura, Sehore – 466001, Madhya Pradesh dated 05.10.2018 is against the Order No. WRC/APP201660051/B.A.B.Ed./294<sup>th</sup>/M.P./2018/199156 dated 10/07/2018 of the Western Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the following grounds: -

- *"Reply of Show Cause Notice was not received, the matter was placed before WRC in its 294<sup>th</sup> Meeting held on July 04-05, 2018 and the Committee decided that "...LOI was issued to the institution on 21.04.2017 followed by a Show Cause Notice dated 20.02.2018."*

**AND WHEREAS** Sh. S.K. Verma, Director and Dr. Alpana Verma, Secretary, Ample Dreams Institute of Education, Udpura, Sehore – 466001, Madhya Pradesh presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- *Show cause notice from NCTE was not received by the institute till date neither physically nor by emails. We have received refusal letter directly, so we could not get the chance for submitting the explanation for delay.*
- *I was suffering from critical illness during the stipulated time so I couldn't complete the formalities in time. Medical certificate is enclosed.*
- *We have already applied in University for Staff Selection in code 28 which is still in process because of long strike in Barkatullah University. We will submit the list of teachers immediately when the strike will over.*
- *In between my daughter's marriage was settled so due to excess work I couldn't pursue from my end regarding show cause notice when I didn't receive any."*

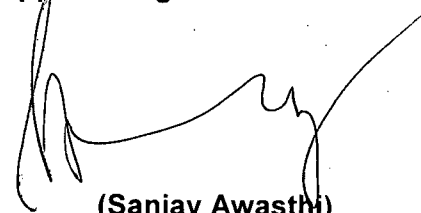
**AND WHEREAS** Appeal Committee noted that Letter of Intent (L.O.I.) dated 21/04/2017 was issued to appellant institution. Non-compliance of the requirements as mentioned in the L.O.I. resulted in issue of a Show Cause Notice (SCN) dated 20/02/2018. Appeal Committee further noted that S.C.N. was addressed at the proposed address of institution as well as at society's address. One of the copy of SCN is observed to have been returned undelivered by postal authority. It is therefore presumed that other copy of the S.C.N. was either delivered at the address of college or society.

**AND WHEREAS** Appeal Committee, on perusal of regulatory file, found that appellant neither made any effort to intimate the Regional Committee about the delay in submitting compliance nor sought extension of time beyond the prescribed time limit of 60 days after issue of L.O.I. dated 21/04/2017.

**AND WHEREAS** Appellant was asked about the present status of selection and approval of faculty. Appellant was still not ready with the approval of affiliating body for appointment of faculty. Appeal Committee, therefore, decided to confirm the impugned refusal order dated 10/07/2018.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned refusal order dated 10/07/2018.

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



**(Sanjay Awasthi)**  
Member Secretary

1. The Secretary, Ample Dreams Institute of Education, Udpura, Sehore – 466001, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

22



F.No.89-743(A)/E-93293/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Ram Narayan Institute of Education, Kinana, Rohtak Road, Jind – 126102, Haryana dated 17.10.2018 is against the Order No. NRC/NCTE/NRCAPP-11582/285<sup>th</sup> Meeting/2018/196266 dated 20/08/2018 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the following grounds: -

- *"The institution has not submitted the Non-Encumbrance Certificate issued by the Competent Authority indicating that the land is free from all encumbrances."*

**AND WHEREAS** Sh. Rajesh Goyal, Secretary, Ram Narayan Institute of Education, Kinana, Rohtak Road, Jind – 126102, Haryana presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted that:-

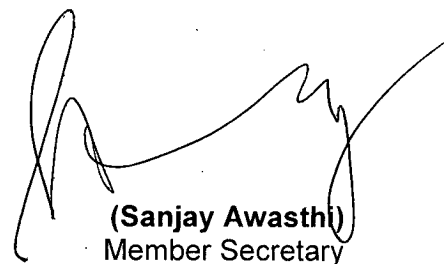
- *"The institution has submitted the Non-Encumbrance Certificate issued by the Competent Authority indicating that the land is free from all Encumbrances on dated 13.08.2018 vide letter no. RN/BD/18/897 by hand in the Dwarka Delhi Office."*

**AND WHEREAS** Appeal Committee noted that a Show Cause Notice (SCN) dated 16/07/2018 was issued to appellant institution on the ground that Non Encumbrance Certificate issued by Competent Authority has not been submitted. Appeal Committee further noted that in reply to the above S.C.N., appellant by its

reply dated 01/08/2018 (received in the office of N.R.C. on 13/08/2018) submitted a Non Encumbrance Certificate (NEC) dated 27/06/2018 issued by Tehsildar, Jind. Appeal Committee noted that impugned refusal order dated 20/08/2018 is in pursuance of a decision taken by N.R.C. in its 285<sup>th</sup> Meeting held on 5-8 June, 2018 and the S.C.N. dated 16/07/2018 which might have been issued erroneously was also shown cancelled in the impugned order.

**AND WHEREAS** Appeal Committee noted that refusal order is mainly on ground of non-submission of N.E.C. and the N.E.C. was submitted by appellant well before the issue of impugned order complying with the S.C.N. dated 16/07/2018. Though the above S.C.N. dated 16/07/2018 was treated to be cancelled on 20/08/2018, appellant had already complied with the requirement and removed the deficiency. Appeal Committee, therefore, decided to set aside the impugned refusal order dated 20/08/2018. The matter needs to be revisited by N.R.C.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to set aside the impugned refusal order dated 20/08/2018. The matter needs to be revisited by N.R.C.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Ram Narayan Institute of Education, Kinana, Rohtak Road, Jind – 126102, Haryana.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.

23



F.No.89-744/E-93435/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of DML (Dr. Mohammad Luqman) B.Ed. College, Chandanbara, Dhaka, Bihar dated 19.10.2018 is against the Order No. ERC/259.6.11/ERCAPP3961/B.Ed./2018/57779 dated 23/08/2018 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. course on the following grounds: -

- *"LOI u/c 7(13) was issued on 01.01.2018 giving 60 days time. Reply awaited.*
- *Due to non-compliance of LOI, Show Cause Notice u/s 14(3)(b) was issued on 12.07.2018 giving 21 days time.*
- *The institution submitted reply vide letter dated 02.08.2018 seeking extension of one-month time for compliance of LOI.*
- *The Committee has not accepted the request of the institution."*

**AND WHEREAS** Sh. Zafar Iqbal, Clerk, DML (Dr. Mohammad Luqman) B.Ed. College, Chandanbara, Dhaka, Bihar presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- "(i) The institution was issued LOI on 1<sup>st</sup> Jan 2018 and since the issue of LOI, we are regularly following up with the affiliating University i.e. Baba Saheb Bhimrao Ambedkar University for nominating the University representative for the Selection Committee.*
- ii) The University vide letter dated 11<sup>th</sup> May 2018 had nominated its nominee. As the University nominee did not turn up, we again followed*

*up with the University and the University nominated Dr. P.K. Sharan as its nominee vide letter dated 3<sup>rd</sup> July 2018.*

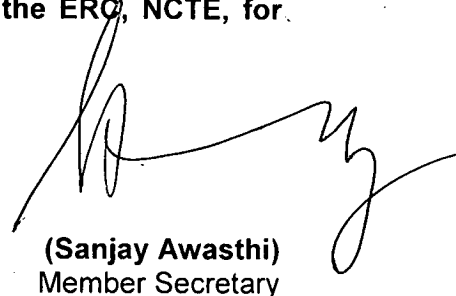
- iii) Despite our regular follow up and requests, Dr. P.K. Sharan has not given the date for the Selection Committee, who informed that he had submitted his denial to the University.*
- iv) We again represented to the University to nominate its nominee in the Selection Committee vide letter dated 16<sup>th</sup> August 2018, however, till date no response has been received from the University.*
- v) It is submitted that the delay in submitted the reply to LOI is not because of our institution, but due to the reasons as explained above, which are beyond our control.*
- vi) The Appellate Authority may kindly reverse the order of ERC and direct the ERC to wait till the submission of approved staff list by our institution."*

**AND WHEREAS** Appeal Committee noted that in reply to Show Cause Notice (SCN) dated 12/07/2018 appellant institution submitted reply dated 02/08/2018 seeking extension of time of submitting compliance to L.O.I. Appeal Committee also noted that appellant institution has continuously made efforts to get nominees/subject experts from the university for finalising the selection of faculty.

**AND WHEREAS** onus lies on the applicant to finalise selection process and submit full and final compliance of the L.O.I., Appeal Committee is of the opinion that Regional Committee shall liberally allow reasonable extension of time provided applicant is making sincere efforts with the affiliating university and seeks extension of time for submitting compliance. There shall however, be no inordinate delay. Appeal Committee decided that appellant institute is required to submit a complete and comprehensive compliance report to E.R.C. within 30 days of the issue of appeal order in which case E.R.C. will be required to revisit the matter.

**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 institute is required to submit a complete and comprehensive compliance report to E.R.C. within 30 days of the issue of appeal order in which case E.R.C. will be required to revisit the matter.

**NOW THEREFORE**, the Council hereby remands back the case of DML (Dr. Mohammad Luqman) B.Ed. College, Chandanbara, Dhaka, Bihar to the ERO, NCTE, for necessary action as indicated above.



**(Sanjay Awasthi)**  
Member Secretary

1. The Chairman, DML (Dr. Mohammad Luqman) B.Ed. College, Plot No. 7027, Chandanbara, Bairagania Road, Dhaka – 845304, Bihar.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.



F.No.89-745/E-93442/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of DML (Dr. Mohammad Luqman) B.Ed. College, Chandanbara, Dhaka, Bihar dated 19.10.2018 is against the Order No. ER/7-259.6.4/D.El.Ed./(ERCAPP3959)/2018/57777 dated 23/08/2018 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. course on the following grounds: -

- "(i) LOI u/c 7(13) was issued on 01.01.2018 giving 60 days time. Reply awaited.
- (ii) Due to non-compliance of LOI, Show Cause Notice u/s 14(3)(b) was issued on 06.06.2018 giving 21 days time.
- (iii) The institution submitted reply vide letter dated 30.06.2018 seeking extension of one-month time for compliance of LOI.
- (iv) The Committee has not accepted the request of the institution.

*The Committee is of the opinion that application bearing Code No. ERCAPP3959 of the institution regarding recognition of applied D.El.Ed. Programme is refused under Section 14(3)(b) of NCTE Act 1993."*

**AND WHEREAS** Sh. Zafar Iqbal, Clerk, DML (Dr. Mohammad Luqman) B.Ed. College, Chandanbara, Dhaka, Bihar presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- "(i) The institution was issued LOI on 1<sup>st</sup> Jan 2018 and since the issue of LOI, we are regularly following up with the affiliating body i.e. BSEB, Bihar for



*nominating the University representative for the Selection Committee and approval of staff list.*

- ii) *The Deputy Secretary, BSEB vide letter dated 29<sup>th</sup> September 2018 had approved the staff list of our institution (copy of approval attached).*

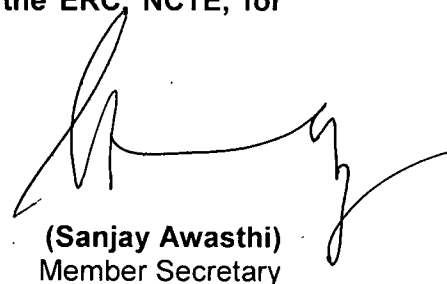
*It is submitted that the delay in submitted the reply to LOI is not because of our institution, but due to the reasons that the staff list was not approved by the BSEB, Patna, which are beyond our control."*

**AND WHEREAS** Appeal Committee noted that appellant institution in reply to a Show Cause Notice (SCN) dated 06/06/2018 informed E.R.C. on 30/06/2018 that selection process of faculty in consultation with the Bihar School Examination Board is expected to be finalised within a month and compliance to L.O.I. will be submitted thereafter. The appellant sought one month's time to submit required report. Appellant during the course of appeal hearing on 28/01/2019 submitted copy of the affiliating body's letter dated 29/09/2018 conveying approval for appointment of faculty.

**AND WHEREAS** Appeal Committee decided that appellant institution is required to submit to E.R.C. a complete and comprehensive compliance report within 15 days of the issue of appeal order. Appeal Committee further decided to remand back the case to E.R.C. for revisiting the matter considering the submissions which the appellant is required to make within 15 days.

**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 institution is required to submit to E.R.C. a complete and comprehensive compliance report within 15 days of the issue of appeal order. Appeal Committee further decided to remand back the case to E.R.C. for revisiting the matter considering the submissions which the appellant is required to make within 15 days.

NOW THEREFORE, the Council hereby remands back the case of DML (Dr. Mohammad Luqman) B.Ed. College, Chandanbara, Dhaka, Bihar to the ERC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Chairman, DML (Dr. Mohammad Luqman) B.Ed. College, Plot No. 70, 27, Chandanbara, Bairagania Road, Dhaka – 845304, Bihar.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.



F.No.89-746/E-93485/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Induben Trivedi B.Ed. College, Valad, Karai Road, Near Chiloda Octroinak, Gandhinagar – 382355, Gujarat dated 15.10.2018 is against the Order No. WRC/APW01356/323209/124<sup>th</sup>/2009/60171 dated 31/08/2009 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the following grounds: -

- *“According to the lease deed, the P.T.C., B.Ed. and M.Ed. courses are being run in the built-up area of 688 sq. mts. It is grossly inadequate as per the NCTE Norms”.*

**AND WHEREAS** Sh. Hareshbhai D. Trivedi, Director and Dipal, Principal, Induben Trivedi B.Ed. College, Valad, Karai Road, Near Chiloda Octroinak, Gandhinagar – 382355, Gujarat presented the case of the appellant institution on 28/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- “i) Show Cause Notice issued by the Authorities to the Appellant was in relation to the two deficiencies 1 Land Documents submitted were not valid, and 2 Approved Building Plan is in the name of the School and not in the name of the institute. However, the order withdrawing the recognition was passed on the ground that land size is grossly inadequate to run the institute. Under the circumstances, recognition of the Appellant institute was withdrawn on the*

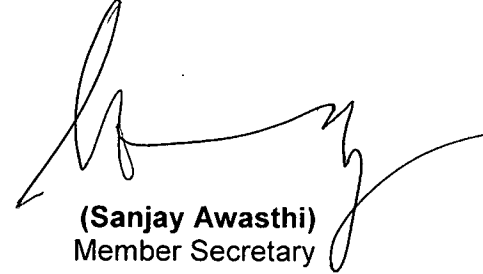
*ground which was not listed in the show cause notice and based on totally new grounds not germane to the show cause notice the recognition was cancelled, which is without jurisdiction and against the law and natural justice.*

- ii) Impugned withdrawing the recognition of the Appellant was passed on the ground of inadequate build up area of the Appellant Institute, however, during the inspection of the institute and during the 120th meeting of the committee, no such deficiency was pointed out and hence the ground which was never in existence or in consideration before the committee, on such extraneous grounds the order impugned has been passed, which is nothing but absolutely illegal and against the provision of NCTE Act and Rules and hence the order impugned deserves to be quashed.*
- iii) Order impugned was passed withdrawing the recognition of the Appellant was on the ground of inadequate build up area of the Appellant Institute, for which no show cause notice was ever issued by Authority to the Appellant Institute, and hence the Appellant no opportunity was ever granted to the Appellant to represent its case, or meet with the ground of withdrawal of recognition.*
- iv) No opportunity was ever given to the Appellant to cure the defect."*

**AND WHEREAS** Appeal Committee noted that impugned order withdrawing recognition for conducting B.Ed. course was issued on 31/08/2009. Appellant institution was allowed 60 days time for making appeal in case it was not satisfied with the impugned order.

**AND WHEREAS** Appeal Committee further noted that the present appeal is delayed by more than 9 years. Appellant has stated that there is no institute in the vicinity and there is demand for good institute. The reason for condoning the inordinate delay is not convincing. Appeal Committee decided that delay does not deserved to be condoned. Appeal is not admitted, therefore.

**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 decided that delay does not deserve to be condoned. Appeal is not admitted.



**(Sanjay Awasthi)**  
Member Secretary

1. **The Manager, Induben Trivedi B.Ed. College, Valad, Karai Road, Near Chiloda Octroinak, Gandhinagar – 382355, Gujarat.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.



F.No.89-747/E-93636/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Deep International Education Society, Jharka, 01, Kotkasim, Alwar – 301403, Rajasthan dated 24.10.2018 is against the Order No. NRC/NCTE/NRCAPP-1713/279<sup>th</sup>/Meeting/2018/196356 dated 30/08/2018 of the Northern Regional Committee, refusing recognition for conducting M.Ed. course on the following grounds: -

- *"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 Sh. Ramavtar, Treasurer, Deep International Education Society, Jharka, 01, Kotkasim, Alwar – 301403, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

*"NRC erred in deciding the matter and did not make any effort to even look on the application of our institution which surely is an online application bearing application ID no NRCAPP1713 which was submitted online on 10/01/2010. Proof of Processing fees was also submitted along with all requisite documents as requested by the respondent. Had the institution been provided opportunity*

to file afresh, 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. NRCAPP1713 was considered by the NRC and proceeded further. 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 15<sup>th</sup>/Meeting 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". A copy of order dated 16.10.2017 is annexed. In sequence the appellant submitted a formal letter to NCTENRC Jaipur in pursuance of their letter dated 13 May, 2016 vide letter number DIES/2017/651 dated 2/3/2017 that we have been persistently trying to get our Faculty Approval done from the Affiliating Body but they are not completing the procedure and we shall make it available to NRC NCTE as soon as the university makes it available to us. That in sequence of appellant's persistent efforts finally. the affiliating body has issued the NOC and approved list of Staff Panel on 23/10/2018 vide letter number RRBM/AI/Academic 22<sup>nd</sup> 12018/195. The institution is already running the B.Ed. and D.El.Ed. courses. 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 the 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."

**AND WHEREAS** Appeal Committee noted that appellant institution had submitted its online application dated 10/01/2010 seeking recognition for M.Ed. programme. Appellant had further mentioned at page 4 of its application that institution is recognised for conducting BSTC and B.Ed. programmes since 2008.

**AND WHEREAS** Appeal Committee further observed that by its order dated 08/12/2015. Hon'ble High Court of Judicature for Rajasthan, Jaipur Bench in case no. 18306/2015 required fresh application to be submitted by appellant institutions. The order of the Hon'ble High Court was misinterpreted or misread by the Regional Committee and the old application of the appellant institution was allowed to be resubmitted and was processed. Committee further noted that appellant institution was inspected on 29/04/2016 and a Letter of Intent (L.O.I.) was issued on 13/05/2016.

**AND WHEREAS** impugned refusal order dated 30/08/2018 is not sustainable on two of the grounds mentioned in the impugned order i.e. (i) online application (ii) Composite institution as per Clause 2 of Regulation, 2014. Appellant had submitted online application and is also a composite institution. There was no requirement to obtain and submit N.O.C. from the affiliating body at a time when application was submitted initially in 2010.

**AND WHEREAS** the Committee noted that the question of making a fresh application was raised first during the disposal of the appellant's S.B. Civil Writ Petition No. 18461/2015 by the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. After hearing the submissions of the counsels for the petitioner and the respondent, the Hon'ble High Court in the order dt. 10.12.2015 said that in case application complete in all respects along with requisite fee and documents is submitted by the petitioner within one month, the respondent shall take a decision thereupon within three months by passing a detailed speaking order. The appellant thereafter resubmitted application on 19.12.2015 off-line. The appellant has explained



the reasons for their inability to submit the application on-line as at that time the NCTE portal for submitting applications on-line was closed.

**AND WHEREAS** Appeal Committee noted that appellant institution has not submitted list of faculty approved by affiliating university even after two years of the issue of L.O.I. dated 13/05/2016. Had the appellant institution submitted the list of faculty approved by affiliating body before issue of impugned order dated 30/08/2018, it could have been treated as ex-post-facto N.O.C. of affiliating body. This has not been the case and as such appellant institution cannot be even presumed to have complied with the NCTE Regulations, 2014 in so far as submission of N.O.C. of affiliating body is concerned. Appeal Committee, therefore, decided to confirm the impugned refusal order dated 30.08.2018.

**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 confirm the impugned refusal order dated 30.08.2018.

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



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Deep International Education Society, Jharka, 01, Kotkasim, Alwar – 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.

27



F.No.89-748/E-93716/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Bhabha College of Education, Jatkhedi, Hoshangabad Road, Huzur, Madhya Pradesh dated 26.10.2018 is against the Order No. WRC/APW05453/225078/297<sup>th</sup>/2018/200257 dated 24/09/2018 of the Western Regional Committee, refusing recognition for conducting M.Ed. course on the following grounds: -

*"Consequent to the issue of Revised Recognition order, Show Cause Notice dated 13.01.2017 was issued. The institution replied on 17.02.2017 and has submitted a staff profile of eight faculty members which is not approved by the Registrar as against the requirement to two Professors, two Associate Professors and six Assistant Professors as per Appendix-V of NCTE Regulations, 2014. Most of the faculty members do not have the Ph.D./NET qualifications. Building Completion Certificate is also not submitted in proper format. Hence, Recognition is withdrawn from the end of the academic session."*

**AND WHEREAS** Sh. Prasad Pillai, Coordinator and Sh. Sher Singh, A.O. Bhabha College of Education, Jatkhedi, Hoshangabad Road, Huzur, Madhya Pradesh presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation the appellant submitted that:-

- *"Bhabha College of Education has appointed teaching staff as per NCTE Regulations, 2014 for each course. College is having joint F.D.Rs for each course. Occupation Certificate issued by Bhopal Municipal Corp. is enclosed."*

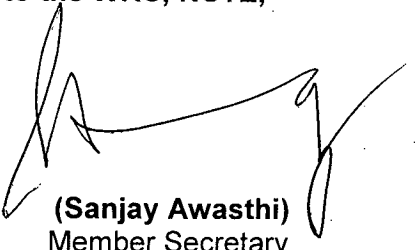
**AND WHEREAS** Appeal Committee noted that appellant submitted before Appeal Committee on 29/01/2019:-

- (i) Copy of Occupation Certificate dated 26/12/2017 issued by Bhopal Municipal Corp., (ii) Copies of separate F.D.Rs pertaining to different education courses. Appeal Committee further noted that appellant institution has also submitted a copy of notification dated 16/08/2016 issued by Bhabha University, Bhopal. The notification contains the names of one Professors, two Associate Professors and 6 Assistant Professors. List containing the names of faculty selected by university has also been submitted by appellant.

**AND WHEREAS** Appeal Committee noting that (i) appellant institution is conducting M.Ed. programme since 2011 and is a composite institution decided that the matter needs to be revisited by W.R.C. keeping in view the submissions made by appellant. Appellant institution is required to submit to W.R.C. within 15 days of the issue of appeal order a copy each of the list of faculty approved by affiliating university, F.D.Rs and Occupation Certificate. Appeal Committee decided to remand back the case to W.R.C. for revisiting the matter considering the submissions made by appellant.

**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 decided to remand back the case to W.R.C. for revisiting the matter considering the submissions made by appellant.

**NOW THEREFORE, the Council hereby remands back the case of Bhabha College of Education, Jatkhedi, Hoshangabad Road, Huzur, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.**



(Sanjay Awasthi)  
Member Secretary

1. The Principal, Bhabha College of Education, Jatkhedi, NH-12, Hoshangabad Road, Huzur – 462026, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-749/E-93984/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of S.K.S. College of Education, Plot No. 50, 51, Kirmach Road, Thanesar – 136119, Haryana dated 25.10.2018 is against the Order No. NRC/NCTE/NRCAPP-14850/289<sup>th</sup>/Meeting/2018/197589 dated 12/10/2018 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the following grounds: -

- *"The institution has not submitted the reply of Show Cause Notice issued to it within the stipulated time."*

**AND WHEREAS** Sh. Gurpreet Singh, Chairman, S.K.S. College of Education, Plot No. 50, 51, Kirmach Road, Thanesar – 136119, Haryana presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

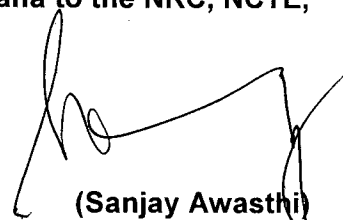
- i) *After the issue of order of the Appellate Authority dated 05th June 2018, the NRC issued a Show Cause Notice dated 31st July 2018 directing to submit a fresh staff list approved by the affiliating body.*
- ii) *After issue of SCN, we approached the affiliating body i.e. Kurukshetra University for approval of staff list.*
- iii) *After following due procedures of the University, the staff for B.A. B.Ed./B.Sc. B.Ed. was approved by the Kurukshetra University on 09th October 2018 and the same was submitted to the NRC on 12th October 2018.*
- iv) *It may also be added that one of the reasons for not approval of staff list was the strike in Kurukshetra University.*
- v) *It is submitted that the delay in submission of approved staff list is due to the reasons beyond our control.*

Since the staff list has been approved, it is requested that the Appellate Authority may review the decision of NRC and direct NRC to process our application further.”

**AND WHEREAS** Appeal Committee noted that a Show Cause Notice (SCN) dated 31/07/2018 was issued to appellant institution seeking compliance of L.O.I. within 30 days. Committee further noted that appellant institution submitted compliance report which included the list of faculty approved by Kurukshetra University on 09/10/2018. Appellant submitted that the delay in submission of compliance report has occurred due to cumbersome procedure and a strike in the affiliating university. Appeal Committee is of the opinion that the period of delay is nominal and condonable. Appeal Committee decided to remand back the case to N.R.C. for consideration of the compliance report dated 09/10/2018 which is 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 to remand back the case to N.R.C. for consideration of the compliance report dated 09/10/2018 which is available on the regulatory file.

**NOW THEREFORE, the Council hereby remands back the case of S.K.S. College of Education, Plot No. 50, 51, Kirmach Road, Thanesar – 136119, Haryana to the NRC, NCTE, for necessary action as indicated above.**



(Sanjay Awasthi)  
Member Secretary

1. The Chairman, S.K.S. College of Education, Plot No. 50, 51, Kirmach Road, Thanesar – 136119, Haryana.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.



F.No.89-750/E-94397/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Tau Devi Lal Memorial College of Education, VPO – Manana, Samalkha, Haryana dated 29.10.2018 is against the Order No. NRC/NCTE/NRCAPP-14194/289<sup>th</sup>/Meeting/2018/197664 dated 12/10/2018 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the following grounds: -

- *"The institution has not submitted the reply of Show Cause Notice issued to it within the stipulated time."*

**AND WHEREAS** Dr. Kavita Rana, Off. Principal and Sh. Narender, Accountant, Tau Devi Lal Memorial College of Education, VPO – Manana, Samalkha, Haryana presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- *"NRC / NCTE issued show cause notice on behalf of repeated staff members in two courses. University takes 40 to 60 days for Staff Selection, whereas NRC/NCTE provides 30 days for that purpose. So, we, requested NRC / NCTE through our letter no tdlm/3052 dated 25/08/2018 to provide more time. Now we have selected the staff."*

**AND WHEREAS** Appeal Committee noted that a Letter of Intent (L.O.I.) dated 04/07/2018 was issued to appellant institution seeking compliance on certain points inter-alia the requirement to submit list of faculty approved by affiliating university. Compliance was required to be submitted within 2 months.

**AND WHEREAS** Appeal Committee noted that appellant institution submitted a compliance report which was received in the office of N.R.C. on 05/07/2018. On consideration of the list of faculty submitted by appellant institution it was found that names of 11 faculty members were common to be appearing in the list of faculty on some other file bearing number NRCAPP 14187. Appeal Committee noted that a Show Cause Notice (SCN) dated 31/07/2018 was issued to appellant institution to submit written representation on the observations made in the S.C.N.

**AND WHEREAS** Appeal Committee noted that appellant submitted reply dated 25/08/2018 to the S.C.N. and sought extension of seven weeks time to complete the selection process to submit list of faculty.

**AND WHEREAS** impugned refusal order dated 12/10/2018 is issued on the ground that 'Institution has not submitted reply to S.C.N. within stipulated time'. Appeal Committee further noted that appellant submitted before Appeal Committee on 29/01/2019 a list of 11 Assistant Professors recommended by affiliating university on 08/10/2018 subject to approval from Director of Higher Education, Haryana.

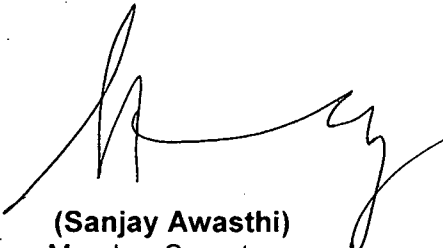
**AND WHEREAS** Appeal Committee noted that list of faculty submitted by appellant institution on 05/07/2018 has admittedly been containing 11 members pertaining to some other institute. This is a gross misconduct on the part of appellant institution which is visible when the Committee observes that date of issue of L.O.I. is 04/07/2018 and compliance report dated 03/07/2018 is received in the office of N.R.C. on 05/07/2018. The list of faculty approved by affiliating university on 16/05/2018 is even before the date of decision to issue a L.O.I. Prima-facie appellant institution is guilty of a misconduct otherwise it would not have sought extension of seven week's time on 25/08/2018 to complete selection process.

**AND WHEREAS** Appeal Committee considering the facts of the case decided to remand back the case to N.R.C. to thoroughly examine all the documents submitted by appellant institution and after verification if the documents are found to be genuine,

revisit the matter. The appeal order remanding back the case is required only because the reason for refusal is not sustainable keeping in view that reply to S.C.N. dated 31/07/2018 is found received and diarised in the office of N.R.C. on 31/08/2018.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to N.R.C. for revisiting the matter as observed in para 8 above.

**NOW THEREFORE**, the Council hereby remands back the case of Tau Devi Lal Memorial College of Education, VPO – Manana, Samalkha, Haryana to the NRC, NCTE, for necessary action as indicated above.



**(Sanjay Awasthi)**  
Member Secretary

1. The President, Tau Devi Lal Memorial College of Education, NH-1, VPO – Manana, Manana Road, Samalkha – 132101, Haryana.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh..





F.No.89-751/E-94390/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Institute of Professional Studies, Shivpuri Link Road, Gwalior, Madhya Pradesh dated 24.10.2018 is against the Order No. WRC/APW01267/224093/296<sup>th</sup>/{M.P.}/2018/199665 dated 30/08/2018 of the Western Regional Committee, withdrawing recognition for conducting B.P.Ed. course on the following grounds: -

- *"Reply received from the institution was placed in 296<sup>th</sup> WRC meeting held on August 28-29, 2018 and the Committee observed that "...Show Cause Notice was issued to the institution on 08.02.2017 and reply received on 20.02.2017. The institution has submitted a staff profile of seven faculty members, none of whom are qualified. Hence, Recognition is withdrawn."*

**AND WHEREAS** Sh. Jitendra Srivastava, Coordinator, Institute of Professional Studies, Shivpuri Link Road, Gwalior, Madhya Pradesh presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- "i) In the first revised order number WRC APW01267 224093 Revised Order M.P. 2015 35099 dated 15.05.2015 the basic unit was mentioned as of 100 students with two sections of 50 students each. For the same we complied with our letter number IPS ADM 2016 2155 dated 27.02.2016 and submitted the documents.*
- ii) We received a show cause notice vide letter no. WRC APW01267 224093 225<sup>th</sup> M.P. 179942 dated 08.02.2017 where the profile of staff and infrastructure of additional intake was required. In this show cause notice the version of units was different as two basic units of 50 students each*

*from the previous order mentioning one basic unit of 100 students with two sections of 50 students each. Considering this new version of intake we requested the NCTE to withdraw one unit of 50 students and allow us to run only one unit of 50 students, mentioning there in that staff list, verified by Jiwaji University, Gwalior, submitted to NCTE, is as per norms.*

- iii) *Now we have received the withdrawal order WRC APW01267 224093 296th M.P. 2018 199665 dated 30.08.2018 with the reason that the institution has submitted staff profile of seven faculty members none of whom are qualified. We wish to clarify that we have not submitted any such list of seven faculty members who were not qualified.*
- iv) *We received this withdrawal order after a gap of 18 months without considering our reply request vide letter no. IPS ADM 2017 18 dated 15.02.2017. And also, the reason given for withdrawal does not match our replies as we have never submitted list of seven unqualified faculty members.*

*We are NAAC A grade Department of Physical Education and having best sports infrastructure. You are requested to consider our reply request vide letter no. IPS ADM 2017 18 dated 15.02.2017 for the show cause notice issued on 08.02.2017 and allow us to run the course by quashing the withdrawal order."*

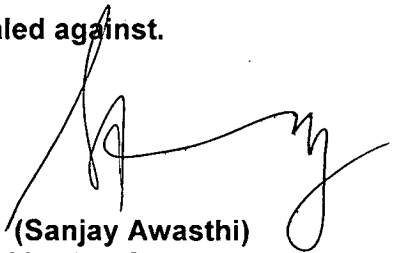
**AND WHEREAS** Appeal Committee noted that initially recognition for conducting B.P.Ed. programme was granted on 09/08/2005 for an intake of 50 seats. The revised recognition order dated 15/05/2015 was for an intake of 100 seats. Appeal Committee further noted that a Show Cause Notice (SCN) dated 08/02/2017 was issued requiring the appellant institution to submit (i) original staff profile (1 Principal + 15 faculty) (ii) C.L.U., N.E.C., Building Plan & Building Completion Certificate. Appeal Committee noted that appellant institution submitted reply dated 15/02/2017 wherein it was stated that there was no admission in the session 2015-16 and only 5 students were admitted in 2016-17. It also transpires from the reply of appellant institution that they proposed an intake of 50 seats (one unit). Other requirements of S.C.N. were not addressed in the reply.

**AND WHEREAS** Appeal Committee noted that Norms and Standards as per Appendix 7 of the NCTE Regulations, 2014 prescribe for an intake of 100 seats (with 2 Sections of 50 each). There cannot be a lesser intake for which recognition can be granted irrespective of the admissions in any particular academic year. The unit size for B.P.Ed. course is 100. Appellant during the course of appeal hearing on 29/01/2019 submitted profile of one Principal, 2 Associate Professors and 6 Assistant Professors approved by affiliating body. Appellant did not make any mention about the appointment of Sport Trainer, Yoga Teacher and Dietician. Appellant also failed to submit Change of Land Use Certificate, Non-Encumbrance Certificate, Building Plan and Building Completion Certificate as was required in the S.C.N. Appellant also did not submit any explanation relevant to the submission of these documents.

**AND WHEREAS** Appeal Committee noting that all the requirements needed to be complied by appellant institution have not been fulfilled by appellant institution, decided to confirm the impugned withdrawal order dated 30/08/2018.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned withdrawal order dated 30/08/2018.

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

  
(Sanjay Awasthi)  
Member Secretary

1. The Principal, Institute of Professional Studies, Shivpuri Link Road, Gwalior – 474001, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

31



F.No.89-752/E-94388/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Maa B.Ed. College, Ratangarh, Rajasthan dated 25.10.2018 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No.650/Raj/2009/79994 dated 07/03/2009 of the Northern Regional Committee, returning application of the institution for recognition for conducting B.Ed. course on the following grounds:-

- *"The NCTE Hqrs. Has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."*

**AND WHEREAS** the appellant filed a S.B. Civil Writs No. 23739 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 23/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

**AND WHEREAS** Sh. Bijendra Kumar, Secretary, Maa B.Ed. College, Ratangarh, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- i) *"The Appellate Authority, NCTE had already decided by its order dated 16.10.2017 that the ground of non-submission of application online cannot be held against the appellant at this stage and therefore, the matter deserves to be*

*remanded back to the NRC for taking further action as per the NCTE Regulations 2014.*

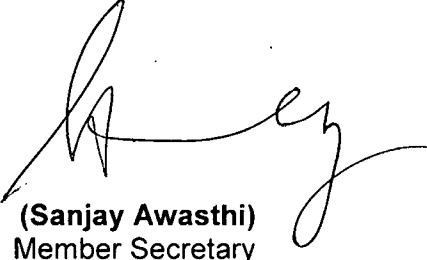
- ii) The Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt.*
- iii) The Appellate Authority, NCTE had already decided by its order dated 16.03.2018 that the Show Cause Notice (S.C.N.) dated 18.03.2017 on the ground that Appellant had not submitted online application was not justified as there was no way the appellant, whose application was pending since Sept. 2008, could have complied with the requirement of submitting application online more so when the NCTE Portal for registering fresh applications was not open. Appeal Committee, therefore, decided to remand back the case to NRC."*

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

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

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

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to condone the delay in submission of the appeal. Hence the appeal is not admitted.



**(Sanjay Awasthi)**  
Member Secretary

1. **The Secretary, Maa B.Ed. College, Ratangarh – 23345, 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.

32



F.No.89-753/E-94386/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Tagore Teacher Training College, Kalyanpura (Thoi), Sri Madhopur, Rajasthan dated 27.10.2018 is against the Order No. NCTE/NRC/NRCAPP201616417/B.A.B.Ed./B.Sc.B.Ed. – 4 Years 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 following grounds: -

- *"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. Arvind Yadav, Secretary and Sh. Bhoop Singh, Lecturer, Tagore Teacher Training College, Kalyanpura (Thoi), Sri Madhopur, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

*"NRC, NCTE issued a Show Cause Notice on 27.02.2017 in which certain deficiencies were mentioned and 21 days time was given for making reply of Show Cause Notice. Secretary, Shri Arvind Yadav was hospitalized from 20.02.2017 to 18.04.2017 and he had to be kept on complete bed rest during this period. Copy of Medical Sickness and Fitness Certificate is annexed. Due to Hospitalization of Shri Arvind Yadav, Secretary, this institution has not seen the email and did not make reply of Show Cause Notice to NRC, NCTE. In many other cases, NRC, NCTE had issued second Show Cause Notice and given*

another 21 days time for making reply of Show Cause Notice. But in case of this institution, NRC, NCTE had rejected the application of this institution due to non-submission of reply of SCN vide letter No. NCTE/NRC/NRCAPP201616417/B.A. B.Ed./B.Sc. B.Ed. – 4 Years Integrated/RJ/2017-18/2 date 17.04.2017. This institution filed a S.B. Civil Writ Petition NO. 21858/2018 in the Hon'ble High Court of Rajasthan, Jaipur against the rejection order issued by the NRC, NCTE on 17.04.2017. The Hon'ble High Court of Rajasthan, Jaipur passed an order directing the Petitioner to file an Appeal u/s 18 of NCTE Act. 1993 to Appellate Authority and Appellate Authority is directed to dispose the said Appeal as expeditiously as possible, in accordance with law. Copy of order of Hon'ble High Court of Rajasthan, Jaipur is annexed. This College is running B.Ed. course recognized from NCTE since 2008. This fact was already mentioned in the application form and copy of recognition letter and affiliation letter was already submitted to NRC, NCTE along with application form. This college is Composite Institution as per clause 2(b) of NCTE Regulations, 2014. 7,000.00 Sq. Meter land is available on ownership basis in the name of society of Khasra No. 15/1 and 15/2 at Surani (Kalyanpura), Tehsil Shrinadhapur Distt. Sikar (Raj). Copy of registered land documents has been submitted to NRC, NCTE along with application form. That this society possesses 7,000.00 Sq. Meter land on ownership basis of Khasra No. 15/1 and 15/2 at Surani (Kalyanpura), Tehsil Shrinadhapur Distt. Sikar (Raj). 4000.00 Sq. Meter land out of 7,000.00 Sq. Meter total land has been demarcated for running of Tagore Teacher Training College, Kalyanpura (Thoi), Tehsil Shrinadhapur, Distt.-Sikar (Raj.). Revenue (Group-6) Deptt. Govt. of Rajasthan had issued a Notification on 06.10.2016 regarding amendment of Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) Rules, 2007. In point No. 04 and Point No. 06 (2), it is clearly stated that no Change of Land Use is required for Educational Purpose if the institution is running in the land up to 4000.00 Sq. meter (1 Acre). The new Non-Encumbrance Certificate issued by Tehsildar, Shrinadhapur, Sikar (Raj.) is annexed and marked as **Annexure 14**. Copy of approved building map on which all required information as per NCTE



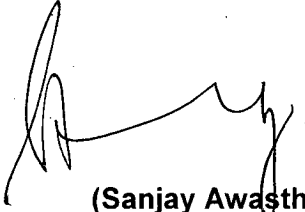
*Regulations 2014 has been mentioned, was submitted to NRC, NCTE along with hard copy of application. Land on which Tagore Teacher Training College is running is not mortgaged to any financial institution. It is free from all Encumbrances."*

**AND WHEREAS** Appeal Committee noted that a Show Cause Notice (SCN) dated 27/02/2017 was issued online to appellant institution pointing out certain deficiencies and seeking written representation from appellant institution within 21 days. Appeal Committee further noted that appellant did not submit any reply to S.C.N. on the pretext of illness of secretary of the organisation. In support of illness, appellant has submitted 4 OPD slip certificates certifying illness from 20/02/2017 to 18/04/2017 and a fitness certificate on 19/04/2017. Appeal Committee further noted that non-submission of reply to S.C.N. resulted in issue of impugned refusal order dated 17/04/2017.

**AND WHEREAS** Appeal Committee noted that the present appeal filed by the appellant on 27/10/2018 is delayed by 1 year and 4 months. As per extant appeal rules appellant is allowed 60 days time to prefer appeal against the orders issued under Section 14, 15 & 17. Appellant has not stated any reason for this long and inordinate delay in preferring appeal except that an order dated 26/09/2018 passed by Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. Hon'ble Court has granted liberty to the petitioner to avail remedy of appeal.

**AND WHEREAS** appellant has neither apprised the Hon'ble High Court of the reasons for not preferring timely appeal nor has stated any reason for the delay in the appeal memoranda. Reply to S.C.N. was not submitted to N.R.C. even belatedly. Analogy of other cases cannot be accepted as a valid reason for delay. Appeal Committee, therefore, decided not to condone the delay of more than one year and four months over and above the permissible time for filing appeal. Appeal committee decided not to condone the delay and accordingly appeal is disposed of as Not Admitted.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee decided not to condone the delay and accordingly appeal is disposed of as Not Admitted.



**(Sanjay Awasthi)**  
Member Secretary

1. **The Secretary, Tagore Teacher Training College, State Highway No.-13, Kalyanpura (Thoi), Sri Madhopur – 332719, 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.89-754/E-94393/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Mothers Mission T.T. College, Basani, Mukundgarh Road, Laxmangarh, Rajasthan dated 26.10.2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-7336/2013-14/54545 dated 18/06/2013 of the Northern Regional Committee, returning application for recognition for conducting D.El.Ed. course on the following grounds: -

- *"The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-*
- *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

**AND WHEREAS** the appellant filed a S.B. Civil Writs No. 23848 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 24/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

**AND WHEREAS** Sh. Bhagirath Singh Dhaka, Secretary and Sh. Tarachand, President, Mothers Mission T.T. College, Basani, Mukundgarh Road, Laxmangarh, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation, it was submitted that *"The controversy was settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17<sup>th</sup> Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for*

*the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."*

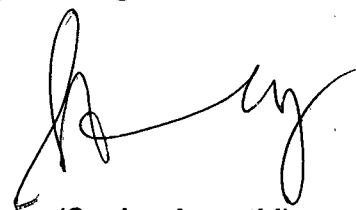
**AND WHEREAS** the relevant file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018,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

**AND WHEREAS** the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition

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

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

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



**(Sanjay Awasthi)**  
Member Secretary

1. **The Secretary, Mothers Mission T.T. College, Basani, Mukundgarh Road, 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.



34

F.No.89-755/E-94360/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Maa B.Ed. College, Ratangarh, Rajasthan dated 25.10.2018 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No.-650/Raj./2009/79494 dated 09/03/2009 of the Northern Regional Committee, returning application for recognition for conducting D.El.Ed. course on the following grounds: -

- *"The NCTE Hqrs. has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned.*

**AND WHEREAS** the appellant filed a S.B. Civil Writs No. 23736 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 23/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

**AND WHEREAS** Sh. Bijendra Kumar, Secretary, Maa B.Ed. College, Ratangarh, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- *"(i) The Appellate Authority, NCTE had already decided by its order dated 16.10.2017 that the ground of non-submission of application online cannot*

*be held against the appellant at this stage and therefore, the matter deserves to be remanded back to the NRC for taking further action as per the NCTE Regulations 2014.*

- (ii) 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.*
- (ii) The Appellate Authority, NCTE had already decided by its order dated 16.03.2018 that the Show Cause Notice (S.C.N.) dated 18.03.2017 on the ground that Appellant had not submitted online application was not justified as there was no way the appellant, whose application was pending since Sept. 2008, could have complied with the requirement of submitting application online more so when the NCTE Portal for registering fresh applications was not open. Appeal Committee, therefore, decided to remand back the case to NRC."*

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

**AND WHEREAS** the Committee noted that the letter of the NRC returning the application of the appellant was issued in the year 2009 and is not an Order issued under any one of the Sections of the NCTE Act, 1993 mentioned in para 4 above. Notwithstanding this position, the appellant inordinately delayed making their appeal.



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

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

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to condone the delay in submission of the appeal. Hence the appeal is not admitted.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Maa B.Ed. College, Ratangarh – 23345, 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.89-756/E-94546/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of B.R. Teacher Training Institute, Medhpur, Buhana Road, Buhana, Rajasthan dated 30.10.2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-6576/2013-14/60673 dated 25/09/2013 of the Northern Regional Committee, returning application for recognition for conducting D.El.Ed. course on the following grounds: -

- "The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-
- *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.
- In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."

**AND WHEREAS** The appellant filed a S.B. Civil Writs No. 24090 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 26/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

**AND WHEREAS** Sh. Vikas Kumar, Director and Sh Yeshpal Yadav, Ad. Clerk, B.R. Teacher Training Institute, Medhpur, Buhana Road, Buhana, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- "(i) 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.*
- (ii) That NRC, NCTE had conducted inspection of Royal Shikshak Prashikshan Center, Chomu, Jaipur (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application.*

*Appellate Authority, NCTE had decided by its Order dated 05.06.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014.*

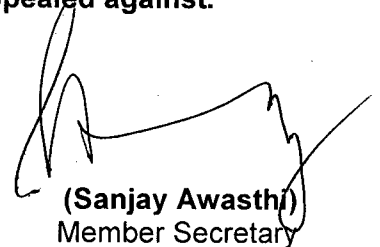
- (iii) *The Department of Elementary Education (Ayojana) Deptt., Govt. of Rajasthan had sent a letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020."*

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

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

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

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



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, B.R. Teacher Training Institute, Medhpur, Buhana Road, Buhana – 333515, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

36



F.No.89-757/E-94545/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Lakshya Deep Teachers Training College, Chatrapura, Devpura, Bundi – 323001, Rajasthan dated 28.10.2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-5049/2013-14/47215 dated 06/06/2013 of the Northern Regional Committee, returning application for recognition for conducting D.El.Ed. course on the following grounds: -

- *"The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-*
- *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

**AND WHEREAS** the appellant filed a S.B. Civil Writs No. 23860 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 24/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

**AND WHEREAS** Sh. Manish Nagpal, Director, Lakshya Deep Teachers Training College, Cchatrapura, Devpura, Bundi – 323001, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation, it was submitted that *the controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17<sup>th</sup> Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s),*

*applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."*

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

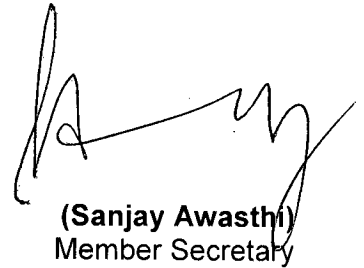
**AND WHEREAS** the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took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



achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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

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



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Lakshya Deep Teachers Training College, Cchatrapura, Devpura, Bundi – 323001, 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.89-758/E-94544/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Ambika Teachers Training College, Ward No. 13, Near Goushala, Malsisar, Jhunjhunu – 331028, Rajasthan dated 31.10.2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-9422/2013-14/48106 dated 10/06/2013 of the Northern Regional Committee, returning application for recognition for conducting D.El.Ed. course on the following grounds: -

- *"The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-*
- *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

**AND WHEREAS** the appellant filed a S.B. Civil Writs No. 23288 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 11/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

**AND WHEREAS** Sh. Santosh Kumar Sharma, Director, Ambika Teachers Training College, Ward No. 13, Near Goushala, Malsisar, Jhunjhunu – 331028, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation, it was submitted that *"The controversy was settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17<sup>th</sup> Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee*

*has no right to reject it on grounds of ban imposed subsequently by the State Government."*

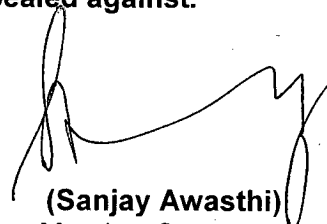
**AND WHEREAS** the relevant file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018,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

**AND WHEREAS** the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout

the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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

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



**(Sanjay Awasthi)**  
Member Secretary

1. The Secretary, Ambika Teachers Training College, Ward No. 13, Near Goushala, Malsisar, Jhunjhunu – 331028, 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.

39



F.No.89-760/E-94797/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of R.K. Teachers & Training College, Shri Ramnagar, Ranoli, Danta Ramgarh – 332403, Rajasthan dated 04.11.2018 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No.-526/Rajasthan/2009/70841 dated 09/03/2009 of the Northern Regional Committee, returning application for recognition for conducting B.Ed. course on the following grounds: -

- *"The NCTE Hqrs. has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."*

**AND WHEREAS** the appellant filed a S.B. Civil Writs No. 23858 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 24/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

**AND WHEREAS** Sh. Ramnarayan Singh, Secretary and Sh. B. Chand, President, R.K. Teachers & Training College, Shri Ramnagar, Ranoli, Danta Ramgarh – 332403, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation, the appellant submitted that:-

*“(i) That Appellate Authority, NCTE vide its Order dated 27.11.2017 had already decided 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. The Appellate Authority, NCTE had already decided by its order dated 16.03.2018 that "The Show Cause Notice (S.C.N.) dated 18.03.2017 on the ground that Appellant had not submitted online application was not justified as there was no way the appellant, whose application was pending since Sept. 2008, could have complied with the requirement of submitting application online more so when the NCTE Portal for registering fresh applications was not open. Appeal Committee, therefore, decided to remand back the case to NRC for restarting the processing of application form the stage where it was decided to issue L.O.I.”*

Appellant in its written submission submitted before Appeal Committee on 29/01/2019 stated that unlike similar cases pertaining to Haryana, the Government of Rajasthan has issued no objection for increase in intake by its letter dated 01/01/2018 and N.R.C. has also issued recognition order as per decision taken in its 288<sup>th</sup> Meeting held from 5-7 September, 2018.

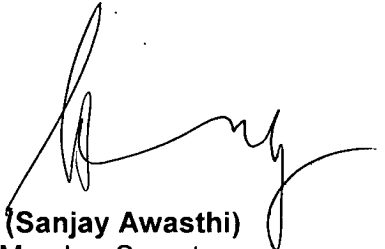
**AND WHEREAS** the Committee noted that the submission of the appeal has been delayed by almost nine years beyond the period of sixty days prescribed under the Appeal Rules. The Committee noted that according to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made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

**AND WHEREAS** relevant regulatory file is not available for verification. The Committee noted that the impugned letter of the NRC returning the application of the

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

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

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to condone the delay in submission of the appeal. Hence the appeal is not admitted.



**(Sanjay Awasthi)**  
Member Secretary

1. The Secretary, R.K. Teachers & Training College, Shri Ramnagar, Ranoli, Danta Ramgarh – 332403, 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.



40



F.No.89-761/E-94782/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Rameshwar Lal Dhani Devi Barala B.Ed. College, Sujangarh, Sujangarh – 331507, Rajasthan dated 25.10.2018 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No.-653/Raj./2009/79909 dated 09/03/2009 of the Northern Regional Committee, returning application for recognition for conducting B.Ed. course on the following grounds: -

- *"The NCTE Hqrs. has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."*

**AND WHEREAS** the appellant filed a S.B. Civil Writs No. 23741 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 23/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

**AND WHEREAS** Sh. Narendra Singh, Secretary, Rameshwar Lal Dhani Devi Barala B.Ed. College, Sujangarh, Sujangarh – 331507, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation the appellant submitted that:-

- *"That Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt."*
- *That Appellate Authority, NCTE had already decided by its order dated 16.03.2018 that "The Show Cause Notice (S.C.N.) dated 18.03.2017 on the ground that Appellant had not submitted online application was not justified as there was no way the appellant, whose application was pending since Sept. 2008, could have complied with the requirement of submitting application online more so when the NCTE Portal for registering fresh applications was not open. Appeal Committee, therefore, decided to remand back the case to NRC for restarting the processing of application form the stage where it was decided to issue L.O.I."*

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

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

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

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to condone the delay in submission of the appeal. Hence the appeal is not admitted.



**(Sanjay Awasthi)**  
Member Secretary

1. . The Secretary, Rameshwar Lal Dhani Devi Barala B.Ed. College, Sujangarh, 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.89-761(A)/E-94822/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Mariya Adhyapak Mahavidhyalay, Chandrapur – 442401, Maharashtra dated 28.09.2018 is against the Order No. WRC/APW05047/123620/B.Ed./297<sup>th</sup>/2018/200361 to 200368 dated 28/09/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the following grounds: -

- *"Consequent to the issue of Revised Recognition order, Show Cause Notice dated 28.03.2017 was issued. Reply not submitted by the institution.*
- *Subsequently, the institution wrote letter dated 08.08.2017 for reducing the intake from two units to one unit. However, the institution has not submitted the staff profile approved by the affiliating body and additional FDRs for Rs. 4.00 lakhs.*
- *Hence, Recognition is withdrawn from the end of the academic session."*

**AND WHEREAS** Sh. Rajesh Baburao, Professor, Mariya Adhyapak Mahavidhyalay, Chandrapur – 442401, Maharashtra presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

*"Details of staff profile already submitted on 12/04/2017 vide letter No. MAM/2017/30. Additional FDR of 4 lacks not submitted because management want to reduce one unit from 2 unit."*

**AND WHEREAS** Appeal Committee noted that on the basis of an affidavit dated 14/01/2015 submitted by appellant institution, a revised recognition order dated 12/08/2015 was issued permitting the institution to have 2 basic units of 50 students each subject to fulfilment of certain conditions. Appeal Committee further noted that a Show Cause Notice (SCN) dated 28/03/2017 was issued requiring the appellant institution to submit (i) staff profile approved by affiliating body (ii) C.L.U., (iii) N.E.C., (iv) Building Plan and (v) B.C.C.

**AND WHEREAS** Appeal Committee noted that appellant institution submitted a letter dated 08/08/2018 to W.R.C. requesting for reduction in the intake to one unit. Appellant alongwith this letter submitted copies of two communications dated 17/07/2014 and 07/06/2018 which conveyed approval of 2 Assistant Professors each. The number of faculty is not enough even for conducting one unit of B.Ed. programme. Appellant during the course of appeal presentation on 29/01/2019 submitted copy of another letter dated 29/11/2017 which contains the names of 6 faculty for academic session 2017-18. Appeal Committee observed that appellant has failed to submit a combined and comprehensive list of faculty approved by affiliating university and the piecemeal approval letters of the university spread over different academic years from 2014 to 2018 may be for replacement appointments.

**AND WHEREAS** Appeal Committee noted that appellant institution had submitted a letter dated 08/08/2017 requesting W.R.C. to reduce the intake from 100 seats to 50 seats. Committee further observed that W.R.C. has not taken a decision to amend the recognition order reducing the intake from 2 units to 1 unit. Appeal Committee further observed that appellant institution has failed to submit a consolidated list of faculty approved by affiliating body which may be considered adequate for running one unit. Appeal Committee decided to confirm the impugned refusal order dated 28/09/2018.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned refusal order dated 28/09/2018.

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



**(Sanjay Awasthi)**  
Member Secretary

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

42



F.No.89-762/E-94783/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Rameshwar Lal Dhani Devi Barala B.Ed. College, Sujangarh – 331507, Rajasthan dated 25.10.2018 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No.-653/Raj./2009/79990 dated 09/03/2009 of the Northern Regional Committee, returning application for recognition for conducting D.El.Ed. course on the following grounds: -

- *The NCTE Hqrs. has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned.*

**AND WHEREAS** the appellant filed a S.B. Civil Writs No. 23737 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 23/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

**AND WHEREAS** Sh. Narendra Singh, Secretary, Rameshwar Lal Dhani Devi Barala B.Ed. College, Sujangarh, Sujangarh – 331507, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- *"That Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt."*
- *That Appellate Authority, NCTE had already decided by its order dated 16.03.2018 that "The Show Cause Notice (S.C.N.) dated 18.03.2017 on the ground that Appellant had not submitted online application was not justified as there was no way the appellant, whose application was pending since Sept. 2008, could have complied with the requirement of submitting application online more so when the NCTE Portal for registering fresh applications was not open. Appeal Committee, therefore, decided to remand back the case to NRC for restarting the processing of application form the stage where it was decided to issue L.O.I."*

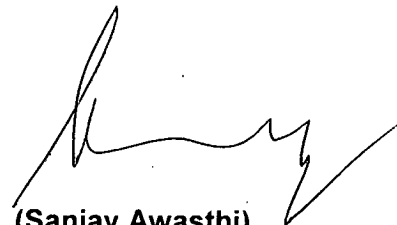
**AND WHEREAS** relevant regulatory file is not available. The Committee noted that the submission of the appeal has been delayed by almost nine years beyond the period of sixty days prescribed under the Appeal Rules. The Committee noted that according to the provisions of Rule 10 of the NCTE Rules,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

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



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

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to condone the delay in submission of the appeal. Hence the appeal is not admitted.



**(Sanjay Awasthi)**  
Member Secretary

1. The Secretary, Rameshwar Lal Dhani Devi Barala B.Ed. College, Sujangarh, 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.

43



F.No.89-763/E-95023/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Maa Bharti Teachers Training College, Khasra No. 507, Dundlod, Nawalgarh – 333702, Rajasthan dated 31.10.2018 is against the Letter No. New Appl./RF/Raj./NRCAPP No.-2942/2013-14/46921 dated 04/06/2013 of the Northern Regional Committee, returning the application for recognition for conducting D.El.Ed. course on the following grounds: -

- *"The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-*
- *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

**AND WHEREAS** the appellant filed a S.B. Civil Writs No. 23841 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 24/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

**AND WHEREAS** Sh. Vinod Kumar Sharma, Secretary and Dr. Subhash Chandra Saini, Principal, Maa Bharti Teachers Training College, Khasra No. 507, Dundlod, Nawalgarh – 333702, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation, it was submitted that *"The controversy was settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17<sup>th</sup> Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s),*

*applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."*

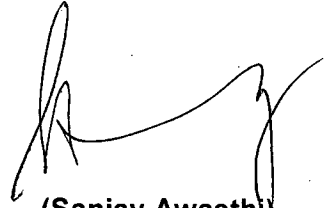
**AND WHEREAS** the relevant file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018,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

**AND WHEREAS** the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout

the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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

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



**(Sanjay Awasthi)**  
Member Secretary

1. The Principal, Maa Bharti Teachers Training College, Khasra No. 507, Dundlod, Nawalgarh – 333702, 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.

44



F.No.89-764/E-95027/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Shree Ji B.Ed. Institute, Nathuwas, Nathdwara – 313301, Rajasthan dated 29.10.2018 is against the Letter No. Old App/RJ-----/2017/169568 dated 23/03/2017 of the Northern Regional Committee, returning application for recognition for conducting B.Ed. course on the following grounds: -

- *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 Writs No. 18201 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 16/08/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal provided under Section 18 of the NCTE Act, 1993. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority is expected to decide the same preferably within a period of three months.

**AND WHEREAS** Sh. Ashutosh Audichya, Secretary, Shree Ji B.Ed. Institute, Nathuwas, Nathdwara – 313301, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation, it was 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 institution submitted his application along with in reference to another identical/similar matters, but the respondent committee not considered the matter as per reference. Further, in a similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide its Order No. 89-534/E-8922/2017 Appeal/15<sup>th</sup> 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** the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 27/12/2018 that the Council, in their letter NO. F. 67/19/2018 – US (Legal) – HQ dt. 18/12/2018, addressed to all their Regional Committees, in the context of the various orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India referred to therein, directed ensuring compliance of the orders of the Hon'ble Courts and adherence to the provisions of the Regulations 5 (3), 7(4), 7 (5) and 7 (6) of the NCTE Regulations, 2014, irrespective of its stage of processing of application, course, year of application and State it pertains.

**AND WHEREAS** in view of the above categorical decision of the Council, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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



**(Sanjay Awasthi)**  
Member Secretary

1. The Secretary, Shree Ji B.Ed. Institute, Nathuwas, Nathudwara – 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.89-765/E-95031/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Bharti Education Institute, Dhanota, 556/1, Shahpura – 303804, Rajasthan dated 06.11.2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-6558/2013-14/47192 dated 06/06/2013 of the Northern Regional Committee, returning application for recognition for conducting D.El.Ed. course on the following grounds: -

- "The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-
- *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.
- In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."

**AND WHEREAS** the appellant filed a S.B. Civil Writs No. 24842 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 03/11/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

**AND WHEREAS** Sh. Ashok Yadav, Treasurer, Bharti Education Institute, Dhanota, 556/1, Shahpura – 303804, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation, it was submitted that *"The controversy was settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17<sup>th</sup> Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s),*

*applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.”*

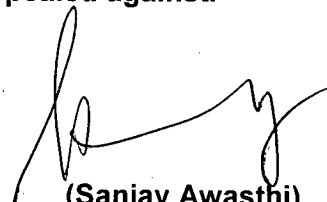
**AND WHEREAS** the relevant file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018,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

**AND WHEREAS** the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout

the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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

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



(Sanjay Awasthi)  
Member Secretary

1. The Manager, Bharti Education Institute, Dhanota, 556/1, Shahpura – 303804, 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.89-766/E-94999/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Narmada Education Society College of Education, Near SNG School, Hoshangabad – 461001, Madhya Pradesh dated 31.10.2018 is against the Order No. WRC/APW01401/224092/296<sup>th</sup>{M.P.}/2018/199749-199756 dated 04/09/2018 of the Western Regional Committee, withdrawing recognition for conducting B.P.Ed. course on the following grounds: -

- *"Committee observed that "...Show Cause Notice was issued to the institution on 31.10.2017. Since no reply was received again Show Cause Notice was issued on 23.02.2018. The institution has submitted only a staff profile of three lecturers, which is not as required as per Appendix-VII of NCTE Regulations, 2014. Hence, Recognition is withdrawn."*

**AND WHEREAS** Sh. Ravishankar Mishra, Asst. Professor, Narmada Education Society College of Education, Near SNG School, Hoshangabad – 461001, Madhya Pradesh presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation the appellant submitted that:-

- i) *The Regional Director, WRC, Bhopal vide its letter no. WRC/224092/271<sup>st</sup>{M.P.}/2017/183023, 3024, 3025, 3026, 3027, date 03/04/2017 had recommended that the recognition be continued to the institution.*
- ii) *The institution had filed an application for shifting of premises on u/s 8(9), show cause notice was issued date 23/02/2018 for submission of land documents, which were submitted on 15/03/2018 vide letter No. NES/35.*

- iii) However, a withdrawal order dt. 04/09/2018 has been passed by the R.D. WRC, Bhopal on a totally different ground stating that the institution has submitted only a staff profile of three lecturers.
- iv) For appointment of staff the advertisement was published by the institution on 13/02/2017 for selection in college code 28 for the post of Assistant Professor. After the publication of advertisement, the Selection Committee selected 5 faculty members on 03/03/2017 under college code 28.
- v) After the selection of faculty member Barkatullah University published the notification No. 604/Academy/Selection Committee/2017 dated 06/04/2017. This notification was received by the institution on 25/06/2017. The notification dated 04/06/2017 was attached with the reply on 15/03/2018.
- vi) At present three assistant professors in B.P.Ed. course are working in code 28 and the other five assistant professors have been selected and appointed. Number of students admitted in the last three years has been very low. Year No. of Student 15-16, 01, 16-17, 04, 17-18, 09 the teacher student ratio as per U.G.C. Norms are being followed.
- vii) The assistant professors were selected and this information was sent to the University in appendix VII of NCTE on 15/07/2017.
- viii) Signed list by the University was not received till March 2018. When contacted the University, dealing clerk said that the process documents should be re-submitted.
- ix) On 21/10/2017, the institution again submitted the documents to the University. On receiving of the duly signed list by the University, college will submit the list to the NCTE.
- x) The selection process under code 28 and the staff profile is attached here with for ready reference.
- xi) The appellant therefore prays that the order appealed against may be set aside and appropriate relief granted to the appellant and be permitted to give admission for the session 2019-20."

**AND WHEREAS** Appeal Committee noted that impugned order of withdrawal dated 04/09/2018 is on the ground that "Show Cause Notice (SCNs) dated 31/10/2017 and 23/02/2018 were issued. The institution has submitted a staff profile of three lecturers which is not as per Appendix VII of NCTE Regulations, 2014."

**AND WHEREAS** Appeal Committee noted that Show Cause Notices dated 31/10/2017 and 23/02/2018 related to the requirement of submission of land, building documents, NEC and B.C.C. as well as latest list of faculty.

**AND WHEREAS** Appeal Committee further noted that in reply to another previous S.C.N. dated 03/09/2016 appellant institution had informed W.R.C. to reduce the intake to one unit. Appeal Committee observed that unit size for B.P.Ed. programme is 100 seats and there is no way that appellant institution could have been allowed to conduct the programme with an intake of 50 seats.

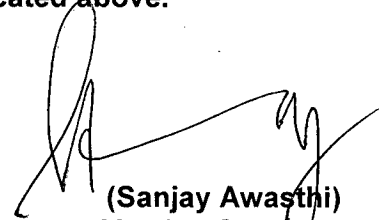
**AND WHEREAS** Appeal Committee, per chance, observed from the regulatory file that appellant institution had submitted an application in October, 2015 seeking permission for shifting of the premises from its existing place to a new premises. It is also observed that required fee of Rs. 1,50,000/- was also paid by appellant institution vide receipt no. 16672 dated 30/10/2015. The S.C.N. dated 23/02/2018 makes a mention that 'Shifting is refused and why recognition should not be withdrawn.' There is a corresponding reply dated 15/03/2018 from the applicant institution enclosing therewith certain land and building documents. Appellant on the date of appeal hearing on 29/01/2019 submitted that at present the institution is shifted to new campus.

**AND WHEREAS** Appeal Committee after going through the related documents on the regulatory file observes that in the impugned order the Regional Committee has not addressed all the points including deficiency of staff and the shifting of premises without proper approval of the Regional Committee.

**AND WHEREAS** Appeal Committee decided to remand back the case to W.R.C. for revisiting the matter and issuing an appropriate order keeping in view all the deficiencies and violations committed by appellant institution including the shifting of premises without prior approval.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to W.R.C. for revisiting the matter and issuing an appropriate order keeping in view all the deficiencies and violations committed by appellant institution including the shifting of premises without prior approval.

**NOW THEREFORE**, the Council hereby remands back the case of Narmada Education Society College of Education, Near SNG School, Hoshangabad – 461001, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.



**(Sanjay Awasthi)**  
Member Secretary

1. The Principal, Narmada Education Society College of Education, Near SNG School, Hoshangabad – 461001, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



47



F.No.89-767/E-94998/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of A One Shikshan Prashikshan Sansthan, VPO – Mandha Bhinda, Chomu, Jaipur – 303712, Rajasthan dated 01.11.2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-8055/2013-14/48062 dated 10/06/2013 of the Northern Regional Committee, returning application for recognition for conducting D.El.Ed. course on the following grounds: -

- *"The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-*
- *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

**AND WHEREAS** The appellant filed a S.B. Civil Writs No. 24469 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 31/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

**AND WHEREAS** Sh. Omeshwar Prasad Yadav, Secretary, A One Shikshan Prashikshan Sansthan, VPO – Mandha Bhinda, Chomu, Jaipur – 303712, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation, it was submitted that *"The controversy was settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17<sup>th</sup> Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee*

*has no right to reject it on grounds of ban imposed subsequently by the State Government."*

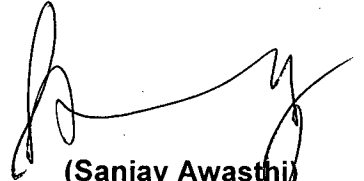
**AND WHEREAS** The relevant file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018,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

**AND WHEREAS** the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout

the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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

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



**(Sanjay Awasthi)**  
Member Secretary

1. The Secretary, A One Shikshan Prashikshan Sansthan, VPO – Mandha Bhinda, Chomu, Jaipur – 303712, 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.89-768/E-95001/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of D.R. Womens College of Education, Chak 3 RTP (I), HMH Road, Sangaria – 335063, Rajasthan dated 31.10.2018 is against the Letter No. New Old App/RJ -----/194/2017/169452 dated 23/03/2017 of the Northern Regional Committee, returning application for recognition for conducting D.El.Ed. course on the following grounds: -

- *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 Writs No. 24324 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 30/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

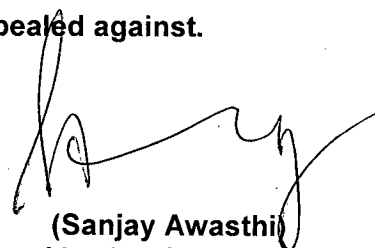
**AND WHEREAS** Sh. Khetpal Beniwal, Secretary, D.R. Womens College of Education, Chak 3 RTP (I), HMH Road, Sangaria – 335063, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation, it was submitted that "The Appellate Authority, NCTE 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."

**AND WHEREAS** the relevant regulatory file of the N.R.C. is not available. Appellant has however, submitted a copy of its online application dated 27/12/2012 which was first returned on grounds of the general negative recommendations of the State Government and a judgement of the Supreme Court. The applicant resubmitted its application which was again returned by a letter dated 23/03/2017. It has been brought to the notice of the Committee in the meeting held on 27/12/2018 that the Council, in their letter NO. F. 67/19/2018 – US (Legal) – HQ dt. 18/12/2018, addressed to all their Regional Committees, in the context of the various orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India referred to therein, directed ensuring compliance of the orders of the Hon'ble Courts and adherence to the provisions of the Regulations 5 (3), 7(4), 7 (5) and 7 (6) of the NCTE Regulations, 2014, irrespective of its stage of processing of application, course, year of application and State it pertains.

**AND WHEREAS** in view of the above categorical decision of the Council, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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



(Sanjay Awasthi)  
Member Secretary

1. The Managing Director, D.R. Womens College of Education, Chak 3 RTP (I), HMH Road, Sangaria – 335063, 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.

49



F.No.89-769/E-95004/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Saraswati Girls Teachers Training School, Mahoharpur, Delhi Highway NH-8, Shahpura – 303104, Rajasthan dated 01.11.2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-7282/2013-14/62499 dated 15/10/2013 of the Northern Regional Committee, returning application for recognition for conducting D.El.Ed. course on the following grounds: -

- "The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-
- *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 / SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

**AND WHEREAS** the appellant filed a S.B. Civil Writs No. 24474 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 31/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

**AND WHEREAS** Sh. Surendra Kumar Yadav, Office Assistant, Saraswati Girls Teachers Training School, Mahoharpur, Delhi Highway NH-8, Shahpura – 303104, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation, it was submitted that *"The controversy was settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17<sup>th</sup> Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for*



*the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."*

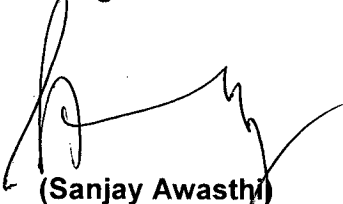
**AND WHEREAS** the relevant file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018,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

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

achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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

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



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Saraswati Girls Teachers Training School, Mahoharpur, Delhi Highway NH-8, Shahpura – 303104, 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.89-770/E-94995/2018 Appeal/1<sup>st</sup> Mtg.-2019/28<sup>th</sup> & 29<sup>th</sup> January, 2019

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 18/02/2019

**ORDER**

**WHEREAS** the appeal of Nagfani B.Ed. College, Plot No. 16, Mahaveer Colony, Khandi Obri, Upla Fala, Kherwara – 313803, Rajasthan dated 29.10.2018 is against the Letter No. Old App/RJ-----/2017/169562 dated 23/03/2017 of the Northern Regional Committee, returning application for recognition for conducting B.Ed. course on the following grounds: -

- *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 Writs No. 18161 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 16/08/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal provided under Section 18 of the NCTE Act, 1993. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority is expected to decide the same preferably within a period of three months.

**AND WHEREAS** Sh. Amit Jain, President, Nagfani B.Ed. College, Plot No. 16, Mahaveer Colony, Khandi Obri, Upla Fala, Kherwara – 313803, Rajasthan presented the case of the appellant institution on 29/01/2019. In the appeal and during personal presentation, it was submitted that "*The NRC erred in deciding the matter and did not*

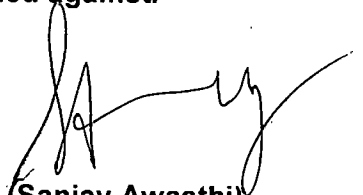
*make any effort to even look on the application in consonance of NCTE's Regulation under which the application was submitted offline. Further, it is also reiterated here that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above the 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 institution submitted his application along with in reference to another identical/similar matter, but the respondent committee not considered the matter as per reference. 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/15<sup>th</sup> 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** the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 27/12/2018 that the Council, in their letter NO. F. 67/19/2018 – US (Legal) – HQ dt. 18/12/2018, addressed to all their Regional Committees, in the context of the various orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India referred to therein, directed ensuring compliance of the orders of the Hon'ble Courts and adherence to the provisions of the Regulations 5 (3), 7(4), 7 (5) and 7 (6) of the NCTE Regulations, 2014, irrespective of its stage of processing of application, course, year of application and State it pertains.

**AND WHEREAS** in view of the above categorical decision of the Council, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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



**(Sanjay Awasthi)**  
Member Secretary

1. The President, Nagfani B.Ed. College, Plot No. 16, Mahaveer Colony, Khandi Obri, Upla Fala, 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.