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F.No.89-690/E-72184/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/11/18

ORDER

WHEREAS the appeal of J.P. College of Education, Biyabani, Bihar Sharif, Bihar dated 03/04/2018 is against the Order No. ERC/249.6.26/10912/D.El.Ed./ERCAPP201646220/2017/56036 dated 14/02/2018 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "(a) Show Cause Notice was issued on 14.11.2017 on the following grounds: i. As the B.Ed. course (ID No. 10915) applied by this institution has been refused as decided in 239th ERC Meeting, hence, the application for D.El.Ed. course becomes standalone which is not permissible. (b) in response, the institution submitted reply dated 30.11.2017 without any supporting documents, hence the same is not accepted. In view of the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP201646220 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. Dharmendra, Representative, J.P. College of Education, Biyabani, Bihar Sharif, Bihar presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that "Hon'ble High directed the University to consider our case for grant of affiliation in accordance with law well before commencement of next academic session."

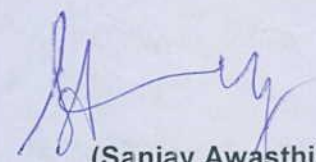
AND WHEREAS the Submission in the appeal relates to B.Ed. course. The Committee noted that on an appeal against refusal of recognition for that course preferred by the appellant, the Council in their appellate order dt. 12/07/2018, remanded the matter to the ERC to consider the NOC issued for that course and take further action. The appellant, in the course of presentation, with their letter dt.

16.11.2018, enclosed a copy of the Letter of Intent dt. 17/09/2018 for B.Ed. course issued by the ERC.

AND WHEREAS the Committee noted that with the issue of the Letter of Intent for B.Ed. course, the appellant institution, for the D.El.Ed. course under consideration ceased to be a standalone institution. In these circumstances, the Committee concluded that the matter deserved to be remanded to the ERC with a direction to take further action according to the NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand the matter to the ERC with a direction to take further action according to the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of J.P. College of Education, Biyabani, Bihar Sharif, Bihar to the ERC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, J.P. College of Education, Biyabani, NH-31, Bihar Sharif – 803101, 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.39-634/E-88420/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/11/2018

ORDER

WHEREAS the appeal of Shri Hari College of Education, Hanumangarh Road, Sardar Shahar, Rajasthan dated 05/09/2018 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No.36/Raj./2009 dated 07/03/2009 of the Northern Regional Committee, returning their application for grant of recognition for conducting B.Ed. course on the grounds that "The NCTE Hqrs. Has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed./STC/Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 21297/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 18/09/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal available 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 would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Pawan Kumar Sharma, Secretary, Shri Hari College of Education, Hanumangarh Road, Sardar Shahar, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that they submitted their application for B.Ed. course in 2008 and that application was returned in original to the institution. The NRC's decision to return the file of the institution without processing vide letter dated 04 Mar 2009 is bad, perverse and illegal and thus same cannot be sustained in the eyes of law. The Hon'ble

Supreme Court in SLP No. 4247-4248/2009 Rashtasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held. *"Those who are desirous of establishing teacher education colleges / institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations."* A copy of the order dated 10.09.2013 passed by the Hon'ble Supreme Court shall be kept ready for perusal of the Hon'ble Court at the time of arguments. Thus, when Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot treat such application nullity and reject them by saying that same were not in on-line mode. Once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application contrary to judgment of Supreme Court. The Hon'ble Rajasthan High Court, Jaipur has also directed the NRC in the case of Murli Singh Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L. Indoria in a non-discriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The decision of the Hon'ble High Court is binding on NRC and it is not desirable to approach the Hon'ble High Court when the court has already passed order in a similar case. The application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate Authority in the case of Shri Shakti Saraswati Shikshak Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/ 1st Mtg. 2018/1st & 2nd Feb., 2018 dated 27.2.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. The petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution

and it has been continuously litigating for securing its rights and for running teacher education course, but respondent is illegally blocking it from running the course which is clearly unwarranted and unlawful. Under Regulations, 2014 the "Council" has "powers to relax" any condition/regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies norms and standards under Regulations, 2014. Online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated/objected appellant to submit the same online during stipulated period. The respondents have failed to carry out the compliance of Adarsh Shikshan Prashikshan Case decided by Hon'ble High Court on 26.09.2013 and the law laid down therein. The decision has been taken by NRC-NCTE without application of mind and without appreciating the reply submitted by institution. Because action on part of respondent NRC-NCTE is illegal and irrational and same violates Article 14, 19 & 21 of the Constitution of India.


AND WHEREAS the Committee noted that the submission of the appeal has been delayed by nine years and four months 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 of the NRC dt. 07/03/2009 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

N.R.C's letter dt. 07/03/2009. For instance, the NRC's letter dt. 07/03/2009 did not mention anything about the mode of submission of applications. The appellant has not submitted any proof of their institution having been inspected and a report submitted, as claimed in the appeal.

AND WHEREAS the Committee, in view of the position stated in para 5 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 Secretary, Shri Hari College of Education, Sardar Shahar, Hanumangarh Road, Sardar Shahar – 331403, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-641/E-89043/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/12/18

ORDER

WHEREAS the appeal of Vivekanand College of Education, Katar Chhoti, Bidasar, Rajasthan dated 05/09/2018 is against the Letter No. F 7-15/NRC/NCTE/Returning of Application /S.No. 198/Rajasthan/2009 dated 07/03/2009 of the Northern Regional Committee returning their application for grant of recognition for conducting B.Ed. course on the grounds that "The NCTE Hqrs. Has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed./STC/Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned.'

AND WHEREAS the appellant filed a S.B. Civil Writs No. 21304/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 18/09/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal available 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 would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Ramchandra, Secretary, Vivekanand College of Education, Katar Chhoti, Bidasar, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that "they submitted their application for B.Ed. course in 2008 and that application was returned in original to the institution. The NRC's decision to return the file of the institution without processing vide letter dated 04 Mar 2009 is bad, perverse and illegal and thus same cannot be sustained in the eyes of law. The Hon'ble Supreme Court in SLP

No. 4247-4248/2009 Rashtasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held. *"Those who are desirous of establishing teacher education colleges / institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations."* A copy of the order dated 10.09.2013 passed by the Hon'ble Supreme Court shall be kept ready for perusal of the Hon'ble Court at the time of arguments. Thus, when Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot treat such application nullity and reject them by saying that same were not in on-line mode. Once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application contrary to judgment of Supreme Court. The Hon'ble Rajasthan High Court, Jaipur has also directed the NRC in the case of Murli Singh Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L. Indoria in a non-discriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The decision of the Hon'ble High Court is binding on NRC and it is not desirable to approach the Hon'ble High Court when the court has already passed order in a similar case. The application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate Authority in the case of Shri Shakti Saraswati Shikshak Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/ 1st Mtg. 2018/1st & 2nd Feb., 2018 dated 27.2.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. The petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution

and it has been continuously litigating for securing its rights and for running teacher education course, but respondent is illegally blocking it from running the course which clearly unwarranted and unlawful. Under Regulations, 2014 the "Council" has "powers to relax" any condition/regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies norms and standards under Regulations, 2014. Online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated/objected appellant to submit the same online during stipulated period. The respondents have failed to carry out the compliance of Adarsh Shikshan Prashikshan Case decided by Hon'ble High Court on 26.09.2013 and the law laid down therein. The decision has been taken by NRC-NCTE without application of mind and without appreciating the reply submitted by institution. Because action on part of respondent NRC-NCTE is illegal and irrational and same violates Article 14, 19 & 21 of the Constitution of India.

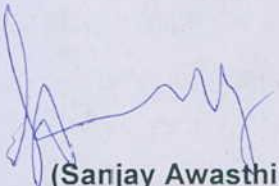
AND WHEREAS the Committee noted that the submission of the appeal has been delayed by nine years and four months beyond the prescribed period of sixty days. The Committee noted that according to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under Section 14, 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 of the NRC dt. 07/03/2009 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

N.R.C's letter dt. 07/03/2009. For instance, the NRC's letter dt. 07/03/2009 did not mention anything about the mode of submission of applications. The appellant has not submitted any proof of their institution having been inspected and a report submitted, as claimed in the appeal.

AND WHEREAS the Committee, in view of the position stated in para 5 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 Secretary, Vivekanand College of Education, Katar Chhoti, Bidasar – 331517, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-651/E-89674/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Vinayak P.G. College, Shivsinghpura, Nawalgarh Road, Sikar, Rajasthan dated 13/09/2013 is against the Order No. NCTE/NRC/NRCAPP201615121/E.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-18/4; dated 08/02/2018 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed. / B.Sc. B.Ed. course on the grounds that "Reply of Show Cause Notice has not been submitted 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 the appellant, aggrieved by the order of the NRC dt. 08/02/2018 filed a S.B. Civil Writs No. 18508/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 20.08.2018, disposed of the petition, granting liberty to the petitioner – institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner – institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of one year.

AND WHEREAS Dr. R.L. Seth, Vice Principal, Vinayak P.G. College, Shivsinghpura, Nawalgarh Road, Sikar, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation the appellant, enclosing a copy of the Show Cause Notice dt. 14/12/2017, has mentioned that this was not in the knowledge of the appellant institution. The refusal order was issued on account of non-submission of a reply to this Show Cause Notice. The appellant submitted that they preferred an appeal against an earlier refusal order dt.

11/04/2017 and the Council in their Appellate order dt. 16/10/2017 remanded the matter to the N.R.C. While remanding, the Appellate Authority, noting that the appellant had already submitted the LUC dt. 03/02/2014 for Khasra No. 645/1 and a Non – Encumbrance Certificate (NEC) dt. 03/02/2014 issued by the SDM, Sikar, observed that the NEC being that of the year 2014, the appellant ought to have submitted a latest copy of the NEC. The appellant, submitting that the language of SCN dt. 14/12/2017 and the previous SCN is the same, enclosed a copy of NEC dt. 23/05/2018. The appellant also submitted that there is no provision to issue a second LUC and once a LUC is issued it shall be in effect for long life unless converted for other purpose.

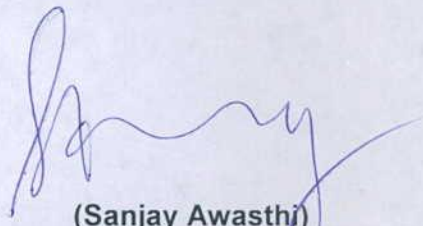
AND WHEREAS the Committee noted from the earlier Appellate order dt. 16/10/2017, that the matter was remanded to the N.R.C. for giving another chance to the appellant to submit the latest NEC, which shall be subjected to due verification. The N.R.C. was also advised to take due care to ensure that the appellant institution fulfils the conditions laid down in para 1.1 of Appendix – 13 of the NCTE Regulations, 2014 i.e. Norms and Standards for B.A. B.Ed./B.Sc. B.Ed. course.

AND WHEREAS the Committee noting that the appellant has submitted a copy of the NEC dt. 23/05/2018 for Khasra No. 645/1 issued by the Tahsildar, Sikar concluded that the matter deserved to be remanded to the N.R.C. with a direction to consider this latest NEC to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. While doing so they should ensure that the conditions of para 1.1 of Appendix – 13 to the NCTE Regulations, 2014 are also fulfilled by the appellant. The appellant is directed to forward to the N.R.C., a copy of the NEC dt. 23/05/2018 within 15 days of receipt of the orders on the appeal.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to consider this latest NEC to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. While doing so they should ensure

that the conditions of para 1.1 of Appendix – 13 to the NCTE Regulations, 2014 are also fulfilled by the appellant. The appellant is directed to forward to the N.R.C., a copy of the NEC dt. 23/05/2018 within 15 days of receipt of the orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Vinayak P.G. College, Shivsinghpura, Nawalgarh Road, Sikar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Vinayak P.G. College, Shivsinghpura, Nawalgarh Road, Sikar – 332001, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy Shastri Bhawan, New De hi.
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.89-652/E-89753/2018 Appeal/20th Mic.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Dr. Radhakrishan T.T. College, Bansli, Nangal Saliya Road, Mundawar, Rajasthan dated 20/09/2018 is against the Order No. F.No. NCTE/NRC/NRCAPP201616169/B.A. B.Ed./B.Sc. B.Ed. – 4 Year Integrated/RJ/2017-18/2; dated 27/02/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds that “the institution was issued SCN dt. 19/01/2017. Reply submitted on 16/02/2017 was considered. The institution did not submit, NOC from affiliating body. Land Use Certificate issued by the Competent Authority to use the land for educational purpose. 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 the appellant filed a S.B. Civil Writs No. 20851/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 12/09/2018, 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. Rajpal, Secretary, Dr. Radhakrishan T.T. College, Bansli, Nangal Saliya Road, Mundawar, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation and in a letter dt. 17/11/2018 it was submitted that “according to the policy of the State Government of Rajasthan vide their Notification No. F.6(26)/Rev.6/2014/33 dt. 06/10/2016, no permission for conversion shall be required where a Khatedar tenant desires to use land on area not exceeding one acre, inter-alia for the purpose of institutional, medical facilities or public utility. The appellant, with their letter dt.

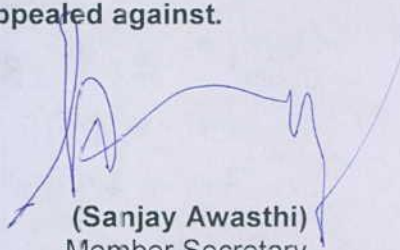
17/11/2018, submitted a copy of the No Objection Certificate dt. 02/11/2013 issued by the Registrar, Raj Rishi Bhartrihari Matsya University, Alwar.

AND WHEREAS the Committee noted that according to the provisions of Clause 5(3) of the NCTE Regulations, 2014, the application shall be submitted online electronically alongwith processing fee and scanned copies of required documents including No Objection Certificate (N.O.C) issued by the concerned affiliating body. The Committee also noted that the appellant, who submitted the print out of their online application for B.A. B.Ed./B.Sc. B.Ed. course on 31/05/2016, could obtain the required NOC only on 02/11/2018 i.e. almost one year and eight months after the issue of refusal order.

AND WHEREAS in the above circumstances, the Committee concluded that the appeal deserved to be rejected and the order of the NRC dt. 27/02/2017 confirmed on the ground that the appellant did not submit the NOC as per the requirements of the NCTE Regulations, 2014.

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

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


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Dr. Radhakrishan T.T. College, Bansri, Nangal Saliya Road, Mundawar – 301401, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No 89-660/E-90745/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Udai Singh Prakshikshan Sansthan, Udairamsar, Bikaner, Rajasthan dated 29/09/2018 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No.685/Raj/2009 dated 02/03/2009 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. course on the grounds that "The NCTE Hqrs. Has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed./STC/Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 21330/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 18/09/2018 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. Kuldeep Yadav, Representative, Udai Singh Prakshikshan Sansthan, Udairamsar, Bikaner, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that "the decision of returning the applications is bad, arbitrary, perverse and illegal and thus same cannot be sustained in the eyes of law. The decision of return/rejection is liable to be quashed and set aside. Rejection of file on the ground of ban of State government is unjust and illegal unless decided on merit. The NCTE issued a Public Notice inviting application from the institutions desirous of running

teacher training courses and this public notice had no ban with respect to State of Rajasthan. In furtherance of this public notice, the appellant institution made an application dated 11/06/2008 in prescribed form and along with processing fee and other requisite documents, as required in accordance with Regulations, 2007 as at the time of making of application they were in force. The application of the appellant was returned because of State Ban and the recommendations of the State government cannot be the only compelling ground to reject the file. The appellant, aggrieved by the letter of returning their application, filed a S.B. Civil Writs No. 21330/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dated 15/9/2018 disposed of the petition by remitting the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. The respondent NRC-NCTE, has acted in highly discriminatory manner and has processed the other similar files, which were returned by NRC in 2009 & 2012-13 in view of ban imposed by State Government, and had been granted recognition. NRC have granted recognition to many such cases and never raised any objection of State ban or negative recommendations of State government. The respondent NRC-NCTE, while issuing refusal order, acted in most arbitrary by not providing an opportunity of hearing to the institution. The Council have decided the appeal in similar matters, whereby it has been clearly decided by the Council that once the applications are invited, the Regional Committee has no right to reject it on the grounds of ban subsequently. The Council has remanded back all such applications to NRC. The Council directed NRC to process those applications and NRC also processed that applications and granted recognition to such institutions. The controversy was settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 appeal/ 17th Meeting-2017 dt. 27/11/2017 titled "J.B.M. College of Education" directed the NRC to process further the application of the institution. The appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee has already held in this case 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

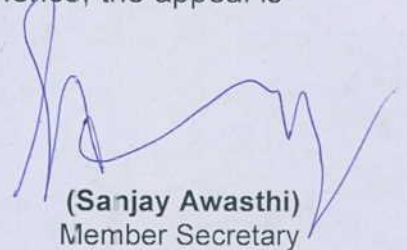
prospective academic year(s), and once applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government. Some cases to mention are Choudhary teacher training institution, Ganesh college, etc. which has been remanded back to NRC. The applications of these institutions were made in 2008 & 2012 and were returned because of negative recommendations of State. The Council remanded back all such applications and were processed by NRC and our institution needs to get similar treatment. A copy of appeal orders annexed. In many other cases also pertaining to State of Haryana with similar issue are remanded back to NRC by Hon'ble High Court of Delhi. All such files which were returned due to state ban are being processed in view of direction of Appellate Authority and Hon'ble Court and some are given recognition also. Similar treatment should be meted out to the appellant also and should be remanded back to NRC. The petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which is clearly unwarranted and unlawful. Under Regulations, 2014 the "Council" has "powers to relax" any condition/regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies norms and standards under Regulations, 2014. The decision has been taken by NRC-NCTE without application of mind and without providing any opportunity of hearing to the institution. The action on the part of respondent NRC-NCTE is illegal and irrational and same violates Article 14, 19 & 21 of the Constitution of India and the same needs to be quashed and set aside.

AND WHEREAS the submission of the appeal has been delayed by nine years and five months 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, may prefer an appeal to the Council within sixty days of issue of such order. 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 N.R.C. dt. 02/03/2009 is not an order as such under any one of the Sections of the NCTE Act, 1993 mentioned above. Notwithstanding this position, the appellant inordinately delayed making the appeal. The reason for delay given by the appellant is 'due to court case.' It is not clarified which 'Court case' prevented the appellant from filing an appeal for nine years and five months. The Committee concluded that the reason given by the appellant is not a sufficient cause for not preferring an appeal for such a long period. In these circumstances, the Committee decided not to condone the delay. 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. Hence, the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. **The Manager, Udai Singh Prakshikshan Sansthan, Udairamsar, Bikaner – 334402, 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.89-661/E-90740/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Udai Singh Prakshikshan Sansthan, Udairamsar, Bikaner, Rajasthan dated 29/09/2018 is against the Order No. 7-15/NRC/NCTE/Returning of Application/S.No.685/Raj./2009 dated 02/03/2009 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The NCTE Hqrs. Has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed./STC/Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 21332/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 18/09/2018, 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. Kuldeep Yadav, Representative, Udai Singh Prakshikshan Sansthan, Udairamsar, Bikaner, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that "the decision of returning the applications is bad arbitrary, perverse and illegal and thus same cannot be sustained in the eyes of law. The decision of return/rejection is liable to be quashed and set aside. Rejection of file on the ground of ban of State government is unjust and illegal unless decided on merit. The NCTE issued a Public Notice inviting application from the institutions desirous of running

teacher training courses and this public notice had no ban with respect to State of Rajasthan. In furtherance of this public notice, the appellant institution made an application dated 11/06/2008 in the prescribed form and alongwith processing fee and other requisite documents, as required in accordance with Regulations, 2007 as at the time of making of application they were in force. The application of the appellant was returned because of State Ban and the recommendations of the State government cannot be the only compelling ground to reject the file. The appellant, aggrieved by the letter of returning their application, filed a S.B. Civil Writs No. 21332/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dated 15/09/2018 disposed of the petition by remitting the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. The respondent NRC-NCTE, has acted in highly discriminatory manner and have processed the other similar files, which were returned by NRC in 2009 & 2012-13 in view of ban imposed by State Government, and had been granted recognition. NRC have granted recognition to many such institutions and never raised any objection of State ban or negative recommendations of State Government. The respondent NRC-NCTE while issuing refusal order acted in most arbitrary by not providing an opportunity of hearing to the institution. The Council have decided the appeal in similar matters, whereby it has been clearly decided by the Council that once the applications are invited, the Regional Committee has no right to reject it on the grounds of ban subsequently. The Council has remanded back all such applications to NRC. The Council directed NRC to process those application and NRC also processed those applications and granted recognition to such institutions. The controversy was settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 appeal/ 17th Meeting-2017 dt. 27/11/2017 titled "J.B.M. College of Education" directed the NRC to process further the application of the institution. The appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee has already held in this case 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. Some cases to mention are Chchuchary teacher training institution, Ganesh college, etc. which has been remanded back to NRC. The applications of these institutions were made in 2008 & 2012 and were returned because of negative recommendations of State. The Council remanded back all such applications and were processed by NRC and our institution needs to get similar treatment. A copy of appeal orders annexed. In many other cases also pertaining to State of Haryana with similar issue are remanded back to NRC by Hon'ble High Court of Delhi. All such files which were returned due to state ban are being processed in view of direction of appellate authority and Hon'ble Court and some are given recognition also. Similar treatment should be meted out to the appellant also and should be remanded back to NRC. The petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which clearly unwarranted and unlawful. Under Regulations, 2014 the "Council" has "powers to relax" any condition/regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies norms and standards under Regulations, 20 14. The decision has been taken by NRC-NCTE without application of mind and without providing any opportunity of hearing to the institution. The action on part of respondent NRC-NCTE is illegal and irrational and same violates Article 14,19 & 21 of the Constitution of India and the same needs to be quashed and set aside."

AND WHEREAS the submission of the appeal has been delayed by nine years and five months beyond the prescribed period of sixty days. The Committee noted that according to Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under Section 14, Section 15 or Section 17, 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 N.R.C. dt. 02/03/2009 is not an order as such under any one of the Sections of the NCTE Act mentioned above. Notwithstanding this position, the appellant inordinately delayed making of the appeal. The reason for delay given by the appellant is 'due to court case.' It is not clarified which 'Court case' prevented the appellant from filing an appeal for nine years and five months. The Committee concluded that the reason given by the appellant is not a sufficient cause for not preferring an appeal for such a long period. In these circumstances, the Committee decided not to condone the delay. 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. Hence, the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. The Manager, Udai Singh Prakshikshan Sansthan, Udairamsar, Bikaner – 334402, 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.89-664/E-90729/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Savitri Devi Prakshikshan Sansthan, Udairamsar, Bikaner, Rajasthan dated 28/09/2018 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No.693/Raj./2009 dated 02/03/2009 of the Northern Regional Committee, returning their application for grant of recognition for conducting B.Ed. course on the grounds that "The NCTE Hqrs. Has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 21976/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 26/09/2018, 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. Kuldeep Yadav, Representative, Savitri Devi Prakshikshan Sansthan, Udairamsar, Bikaner Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that "the decision of returning the applications is bad, arbitrary, perverse and illegal and thus same cannot be sustained in the eyes of law. The decision of return/rejection is liable to be quashed and set aside. Rejection of file on the ground of ban of State government is unjust and illegal unless decided on merit. The NCTE issued a Public Notice inviting application from the institutions desirous of running

teacher training courses and this public notice had no ban with respect to State of Rajasthan. In furtherance of this public notice, the appellant institution made an application dated 11/06/2008 in prescribed form and along with processing fee and other requisite documents, as required in accordance with Regulations, 2007 as at the time of making of application they were in force. The application of the appellant was returned because of State Ban and the recommendations of the State government cannot be the only compelling ground to reject the file. The appellant, aggrieved by the letter of returning their application, filed a S.B. Civil Writs No. 21976/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dated 24/9/2018 disposed of the petition by remitting the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. The respondent NRC-NCTE, has acted in highly discriminatory manner and have processed the other similar files, which were returned by NRC in 2009 & 2012-13 in view of ban imposed by State Government, and had been granted recognition. NRC have granted recognition to many such and never raised any objection of State ban or negative recommendations of State government. The respondent NRC-NCTE while issuing refusal order acted in most arbitrary manner by not providing an opportunity of hearing to the institution. The Council have decided the appeals in similar matters, whereby it has been clearly decided by the Council that once the applications are invited, the Regional Committee has no right to reject it on the grounds of ban subsequently. The Council has remanded back all such applications to NRC. The Council directed NRC to process those applications and NRC also processed those applications and granted recognition to such institutions. The controversy was settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the Appellate Authority of NCTE vide order No. 89-488/E-9740/2017 appeal/17th Meeting-2017 dt. 27/11/2017 titled "J.B.M. College of Education" directed the NRC to process further the application of the institution. The appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee has already held in this case that the blanket/ general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification

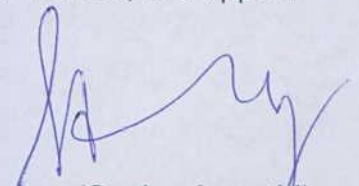
inviting applications for teacher education course in a particular State for the prospective academic year(s), and once applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government. Some cases to mention are Choudhary teacher training institution, Ganesh college, etc. which has been remanded back to NRC. The application of these institution was made in 2008 & 2012 and were returned because of negative recommendations of State. The Council remanded back all such applications and were processed by NRC and our institution needs to get similar treatment. A copy of appeal orders is annexed. In many other cases also pertaining to State of Haryana with similar issue are remanded back to NRC by Hon'ble High Court of Delhi. All such files which were returned due to State ban are being processed in view of direction of appellate Hon'ble court and some are given recognition also. Similar treatment should be meted out to the appellant also and should be remanded back to NRC. The petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which clearly unwarranted and unlawful. Under Regulations, 2014 the "Council" has "powers to relax" any condition/regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies norms and standards under Regulations, 2014. The decision has been taken by NRC-NCTE without application of mind and without providing any opportunity of hearing to the institution. The action on part of respondent NRC-NCTE is illegal and irrational and same violates Article 14, 19 & 21 of the Constitution of India and the same needs to be quashed and set aside.

AND WHEREAS the submission of the appeal has been delayed by nine years and five months 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, 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 dt. 02/03/2009 is not an order as such under any one of the Sections of the NCTE Act, 1993 mentioned above. Notwithstanding this position, the appellant inordinately delayed making of the appeal. The reason for delay given by the appellant is 'due to Court case'. It is not clarified which 'Court case' prevented the appellant from filing an appeal for nine years and five months. The Committee concluded that the reason given by the appellant is not a sufficient cause for not preferring an appeal for such a long period. In these circumstances, the Committee decided not to condone the delay. 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. Hence, the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. The Manager, Savitri Devi Prakshikshan Sansthan, Udairamsar, Bikaner – 334402, 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.89-665/E-90728/2018 Appeal /20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Savitri Devi Prakshikshan Sansthan, Udairamsar, Bikaner, Rajasthan dated 28/09/2018 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No.691/Raj./2009 dated 02/03/2009 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. course on the grounds that "The NCTE Hqrs. Has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."

AND WHEREAS the appellant filed a S.B. Civil Writ No. 21973/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 26/09/2018, 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. Kuldeep Yadav, Representative, Savitri Devi Prakshikshan Sansthan, Udairamsar, Bikaner, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that "the decision of returning the applications is bad, arbitrary, perverse and illegal and thus same cannot be sustained in the eyes of law. The decision of return/rejection are liable to be quashed and set aside. Rejection of file on the ground of ban of State government is unjust and illegal unless decided on merit. The NCTE issued a Public Notice inviting application from the institutions desirous of running

teacher training courses and this public notice had no ban with respect to State of Rajasthan. In furtherance of this public notice, the appellant institution made an application dated 11/06/2008 in prescribed form and along with processing fee and other requisite documents, as required in accordance with Regulations, 2007 as at the time of making of application they were in force. The application of the appellant was returned because of State Ban and the recommendations of the State government cannot be the only compelling ground to reject the file. The appellant, aggrieved by the letter of returning their application, filed a S.B. Civil Writs No. 21973/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dated 24/9/2018 disposed of the petition by remitting the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. The respondent NRC-NCTE, has acted in highly discriminatory manner and have processed the other similar files, which were returned by NRC in 2009 & 2012-13 in view of ban imposed by State Government, and had been granted recognition. NRC have granted recognition to many such and never raised any objection of State ban or negative recommendations of State government. The respondent NRC-NCTE while issuing refusal order acted in most arbitrary manner by not providing an opportunity of hearing to the institution. The Council have decided the appeal in similar matters, whereby it has been clearly decided by the Council that once the applications are invited, the Regional Committee has no right to reject it on the grounds of ban subsequently. The Council has remanded back all such applications to NRC. The Council directed NRC to process those applications and NRC also processed those applications and granted recognition to such institutions. 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 vice order No. 89-488/E-9740/2017 appeal/ 17th Meeting-2017 dt. 27/11/2017 titled "J.B.M. College of Education" directed the NRC to process further the application of the institution. The appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee has already held in this case 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

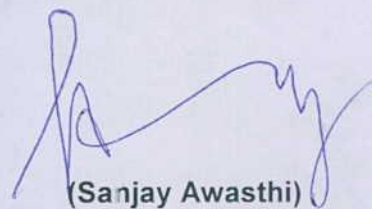
prospective academic year(s) and once applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government. Some cases to mention are Choudhary teacher training institution, Ganesh college, etc. which has been remanded back to NRC. The application of these institution was made in 2008 & 2012 and were returned because of negative recommendations of State. The Council remanded back all such applications and were processed by NRC and our institution needs to get similar treatment. A copy of appeal orders annexed. In many other cases also pertaining to State of Haryana with similar issue are remanded back to NRC by Hon'ble High Court of Delhi. All such files which were returned due to state ban are being processed in view of direction of appellate Hon'ble court and some are given recognition also. Similar treatment should be meted out to the appellant also and should be remanded back to NRC. The petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which clearly is unwarranted and unlawful. Under Regulations, 2014 the "Council" has "powers to relax" any condition/regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies not-ins and standards under Regulations, 2014. The decision has been taken by NRC-NCTE without application of mind and without providing any opportunity of hearing to the institution. The action on part of respondent NRC-NCTE is illegal and irrational and same violates Article 14, 19 & 21 of the Constitution of India and the same needs to be quashed and set aside.

AND WHEREAS the submission of the appeal has been delayed by nine years and five months 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, 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 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 N.R.C. dt. 02/03/2009 is not an order as such under any one of the Sections of the NCTE Act, 1993, mentioned above. Notwithstanding this position, the appellant inordinately delayed making of the appeal. The reason for delay given by the appellant is 'due to Court case'. It is not clarified which 'Court case' prevented the appellant from filing an appeal for nine years and five months. The Committee concluded that the reason given by the appellant is not a sufficient cause for not preferring an appeal for such a long period. In these circumstances, the Committee decided not to condone the delay, 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. Hence, the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. The Manager, Savitri Devi Prakshikshan Sansthan, Udairamsar, Bikaner – 334402, 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 89-668/E-90647/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/11/18

ORDER

WHEREAS the appeal of Saraswati College of Education, Sardarshahar, Rajasthan dated 27/09/2018 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No.1174/Rajasthan/2009/71927 dated 20/03/2009 of the Northern Regional Committee, returning their application for grant of recognition for conducting B.Ed. course on the grounds that "The NCTE Hqtrs. 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. 21331/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 18/09/2018, disposed of the petitioner, 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. Shyamlal, President and Sh. Manoj Kumar, Representative, Saraswati College of Education, Sardarshahar, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that the decision of returning the applications is bad, arbitrary, perverse and illegal and thus same cannot be sustained in the eyes of law. The decision of return/rejection is liable to be quashed and set aside. Rejection of file on the ground of ban of State Government is unjust and illegal unless decided on merit. The NCTE issued a Public Notice inviting application from the institutions desirous of running

teacher training courses and this public notice had no ban with respect to State of Rajasthan. In furtherance of this public notice, the appellant institution made an application dated 22/10/2008 in prescribed form and along with processing fee and other requisite documents, as required in accordance with Regulations, 2007 as at the time of making of application they were in force. The application of the appellant was returned because of State Ban and the recommendations of the State government cannot be the only compelling ground to reject the file. The appellant, aggrieved by the letter of returning their application, filed a S.B. Civil Writs No. 21321/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dated 18/9/2018 disposed of the petition by remitting the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. The respondent NRC-NCTE, has acted in highly discriminatory manner and have processed the other similar files, which were returned by NRC in 2009 & 2012-13 in view of ban imposed by State Government, and had been granted recognition. NRC have granted recognition to many such and never raised any objection of State ban or negative recommendations of State Government. The respondent NRC-NCTE while issuing refusal order acted in most arbitrary manner by not providing an opportunity of hearing to the institution. The Council have decided the appeal in similar matters, whereby it has been clearly decided by the Council that once the applications are invited, the Regional Committee has no right to reject it on the grounds of ban subsequently. The Council has remanded back all such applications to NRC. The Council directed NRC to process those applications and NRC also processed those applications and granted recognition to such institutions. The controversy was settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 appeal/ 17th Meeting-2017 dt. 27/11/2017 titled "J.B.M. College of Education" directed the NRC to process further the application of the institution. The appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee has already held in this case that the blanket/ general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the

prospective academic year(s), once applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government. Some cases to mention are Choudhary teacher training institution, Ganesh college, etc. which has been remanded back to NRC. The application of these institution was made in 2008 & 2012 and were returned because of negative recommendations of State. The Council remanded back all such applications and were processed by NRC and our institution needs to get similar treatment. A copy of appeal orders annexed. In many other cases also pertaining to State of Haryana with similar issue are remanded back to NRC by Hon'ble High Court of Delhi. All such files which were returned due to State ban are being processed in view of direction of appellate Hon'ble Court and some are given recognition also. Similar treatment should be meted out to the appellant also and should be remanded back to NRC. The petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which is clearly unwarranted and unlawful. Under Regulations, 2014 the "Council" has "powers to relax" any condition/regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies Norms and Standards under Regulations, 2014. The decision has been taken by NRC-NCTE without application of mind and without providing any opportunity of hearing to the institution. The action on part of respondent NRC-NCTE is illegal and irrational and same violates Article 14, 19 & 21 of the Constitution of India and the same needs to be quashed and set aside.

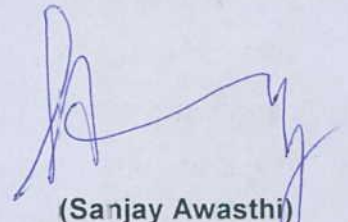
AND WHEREAS the submission of the appeal has been delayed by nine years and five months beyond the prescribed period of sixty days. The Committee noted that according to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under Section 14, Section 15 or Section 17,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

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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 N.R.C. dt. 20/03/2009 is not an order as such under any one of the Sections of the NCTE Act, 1993, mentioned above. Notwithstanding this position, the appellant inordinately delayed making of the appeal. The reason for delay given by the appellant is 'Court order'. It is not clarified which 'Court order' prevented the appellant from filing an appeal for nine years and five months. The Committee concluded that the reason given by the appellant is not a sufficient cause for not preferring an appeal for such a long period. In these circumstances, the Committee decided not to condone the delay. 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. Hence the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Saraswati College of Education, 170/73 or 219/170, Sardarshahar – 331403, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-681/E-91548/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Darshan B.Ed. College, Ralayati, Jhalrapatan, Rajasthan dated 30/09/2015 is against the Order No. NRC/NCTE/Recognition/Common/D.El.Ed./2016/156644-62 dated 26/08/2016 of the Northern Regional Committee, granting recognition for conducting D.El.Ed. course with one unit (50 intake). The appellant wants recognition for two units.

AND WHEREAS the appellant filed a S.B. Civil Writs No. 19320/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 29/08/2018, disposed of the petition with liberty reserved to the petitioner to avail of the remedy of appeal, in accordance with law.

AND WHEREAS Sh. Rekha Lalwani, President, Darshan B.Ed. College, Ralayati, Jhalrapatan, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that "Because the action of the respondents are contrary to article 14 and 21 of the constitution of India, and shall hampered the sustainability of institution. The appellant applied for two units of D.El.Ed. course the NRC-NCTE without any justified reason has approved some institutions 2 units ignoring the aspect that they have less built up area in comparison to petitioner, whereas in the case of petitioner only 1 unit annual intake has approved without any justified reason. The visiting team had recommended for 2 unit. However, Northern Regional Committee, NCTE, Jaipur in its meeting without assigning any reason or pointing out any deficiency has granted approval only for 50 seats for D.El.Ed. Course. Since the petitioner is having all infrastructure and facility and no reason was assigned for not approving two units, consequently the petitioner submitted a representation in compliance of Letter of Intent alongwith documents and requesting to grant approval for

two units but the same was not considered. Further, the respondent did not grant any opportunity of hearing to the petitioner before passing order for granting approval with lesser number of seats and while passing the order, recommendation made by the visiting team has not been considered. Hence, necessary direction may kindly be issued to respondent to approve 2 units annual intakes. The petitioner has invested a huge investment in infrastructure, building and in others amenities, besides it, he appointed staff as per 2 units requirement. If only 1 unit is approved then it would become very hard for him to bear with the expenditure cost. Further, the Regulation 2014 says, that if requirements are fulfilled then no lesser seats be approved. The appellant requested direction for grant of recognition for two units (100 seats) by revising the recognition order dt. 26/08/2016.

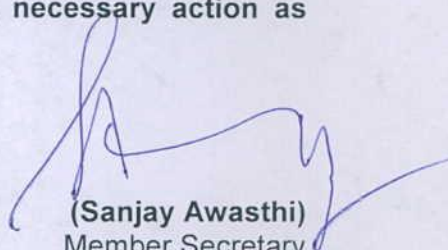
AND WHEREAS the Committee noted from the file of the N.R.C. that the appellant, in the affidavit enclosed to their online application dt. 25/06/2015, requested recognition for two units of D.El.Ed. course. The Visiting Team, which conducted an inspection of the institution on 28/04/2016, in their report recorded that the institution has all necessary infrastructure and instructional facilities as per NCTE Regulations, 2014 for starting two units (100 students) of D.El.Ed. course. The N.R.C. when they decided to issue a Letter of Intent under Clause 7 (13) prior to grant of formal recognition did not indicate the intake. The appellant, in response to the decision of the N.R.C, with their letter dt. 31/05/2016 forwarded various documents, which included a copy of the approved faculty list consisting of a principal and 15 lecturers. The N.R.C. after considering the documents submitted, in their 253rd Meeting (Part – I) held from 30th May to 3rd June, 2016 decided to grant recognition for one unit (50 students) of D.El.Ed. course and issued the recognition order accordingly on 26/08/2016.

AND WHEREAS the Committee noting that no reasons have been recorded or communicated to the appellant for granting recognition for one unit only, concluded that the matter deserved to be remanded to the N.R.C. with a direction to issue a self speaking order/communication to the appellant for granting recognition for one unit of D.El.Ed. only.

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AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to issue a self speaking order/communication to the appellant for granting recognition for one unit of D.El.Ed. only.

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


(Sanjay Awasthi)
Member Secretary

1. The President, Darshan B.Ed. College, Ralayati, SH-19, Jhalrapatan – 326023, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-685/E-91824/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Sevanand Mahavidhyalaya, Newai, Rajasthan dated 07/09/2018 is against the Order No. NCTE/NRC/NRCAPP201616194/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-18/2; dated 18/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds that "The applicant institution has not submitted the reply of the SCN issued by the NRC on 24.02.2017 within the stipulated time. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 4/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 23844/2018 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 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.

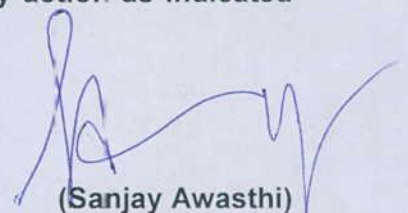
AND WHEREAS Sh. Roop Singh Gurjar, Secretary, Sevanand Mahavidhyalaya, Newai, Rajasthan presented the case of the appellant institution on 17/11/2018. In the appeal and during personal presentation it was submitted that "the Secretary of the Society was hospitalised from 20/02/2017 to 20/04/2017 and remained on complete bed rest (copy of Medical Certificate enclosed) and due to this reasons they had not seen the email and sent a reply to the show cause notice. In many other cases N.R.C. issued a second show cause for sending a reply, but in their case, the N.R.C. rejected their application for non-submission of a reply to the Show Cause Notice.

The appellant with their appeal furnished the replies and submitted the documents found wanting in the Show Cause Notice.

AND WHEREAS in view of the above position, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to consider the replies of the appellant to be submitted to them and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the N.R.C, the replies and documents submitted in appeal, with reference to the Show Cause Notice, within 15 days of receipt of the orders on the appeal.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to consider the replies submitted by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the N.R.C, the replies and documents submitted in appeal, with reference to the Show Cause Notice, within 15 days of receipt of the orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Sevanand Mahavidhyalaya, Newai, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Sevanand Mahavidhyalaya, Newai – 304021, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-689/E-91806/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/11/18

ORDER

WHEREAS the appeal of Sambal College of Education, Nawalgarh Road, Shivsinghpura, Rajasthan dated 05/10/2018 is against the Order No. Old App/RJ-2235/136/2017/169110 dated 14/03/2017 of the Northern Regional Committee, returning the application seeking recognition for conducting M.Ed. course on the grounds that "In cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 20982/2018 in the Hon'ble High Court of Judicature for Rajasthan Bench at Ja pur and Hon'ble Court vide order dated 24/09/2018 has granted liberty to the petitioner to avail statutory remedy of appeal. Hon'ble High Court has directed the Appellate Authority to dispose of the appeal expeditiously.

AND WHEREAS Sh. Anish Arya, Secretary and Dr. Madhu, Principal, Sambal College of Education, Nawalgarh Road, Shivsinghpura, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "NRC erred in deciding the matter and did not make any effort to even look on the application in consonance of NCTE's Regulation under which the application was submitted offline. Further, it is also reiterated here that there was virtual impossibility in submitting the application online and after directions of

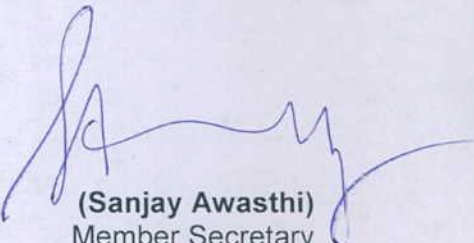
Hon'ble Court narrated above the application was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court given in another identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. On the grounds discussed and narrated above, the ground of rejection of our application is solely baseless. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E8922/2017 Appeal/ 15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal."

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

AND WHEREAS Appeal Committee while considering the case of appellant noted that impugned letter dated 14/03/2017 relates to applications for B.Ed. and D.El.Ed. courses and there is no evidence submitted by appellant in support of its claim that its application for M.Ed. programme was returned by the letter dated 14/03/2017 against which appeal is filed. Court's order dated 24/09/2018 in S.B. Civil Writ No. 20982/2018 also does nowhere mention that it pertains to M.Ed. application returned by N.R.C. by the impugned order dated 14/03/2017. The appellant during appeal hearing on 19/11/2018 also did not submit any valid explanation on this point.

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Appeal Committee therefore, decided to dismiss the appeal being infructuous and not relevant to documentary evidences submitted by appellant.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Sambal College of Education, No. 363/240, Nawalgarh Road, Shivsinghpura – 332001, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-694/E-92272/2018 Appeal/20th Mic.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Shree Nath BSTC School, Bari Sadri, Rajasthan dated 08/10/2018 is against the Order No. NRC/NCTE/Recognition/Common/D.El.Ed./2016/156644-62 dated 26/08/2016 of the Northern Regional Committee, granting recognition for conducting D.El.Ed. course with an intake of one unit (50 seats).

AND WHEREAS Sh. Pankaj Choudhary, Chairman, Shree Nath BSTC School, Bari Sadri, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "NRC-NCTE without any justified reason has approved some institutions 2 units ignoring the aspect that they have less built up area in comparison to petitioner, whereas in the case of petitioner only 1 unit annual intake was approved without any justified reason. The visiting team had recommended 2 units. However, Northern Regional Committee, NCTE, Jaipur in its meeting without assigning any reason or pointed out any deficiency has granted approval only for 50 seats for D.El.Ed. Course. The petitioner is having all infrastructure and facility and no reason was assigned for not approving two units, consequently the petitioner submitted a representation in compliance of Letter of Intent alongwith documents and requesting to grant approval for two units but the same was not considered. Further, the respondent did not grant any opportunity of hearing to the petitioner before passing order for granting approval with lesser number of seats and while passing the order, recommendation made by the visiting team has not been considered. The petitioner has invested a huge investment in infrastructure, building and in others amenities, besides it, he appointed staff and per 2 units requirement. The Regulation 2014 says, if all requirement fulfilment then no lesser seats be approved. By way of preferring this Appeal under Section 18 of NCTE Act, 1993, it is

hereby prayed to the Appellate Authority of NCTE that the impugned order dt. 26.08.2016 granted recognition only one unit (50 seats) be quashed and set-aside being unfounded, unsustainable, unreasonable and discriminatory in nature. Further, it is also prayed that our appeal be accepted and directed to approve 2 units i.e. 100 seats annual intake in favour of petitioner institution under clause 7 (16) of NCTE (Recognition Norms & Procedure) Regulation, 2014 by revising the recognition order dated 26/08/2016 for D.El.Ed."

AND WHEREAS Appeal Committee noted that appellant institution filed a S.B. Civil Writs No. 19316/2018 in the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur and Hon'ble Court vide order dated 29/08/2018 directed the appellant to avail remedy of appeal.

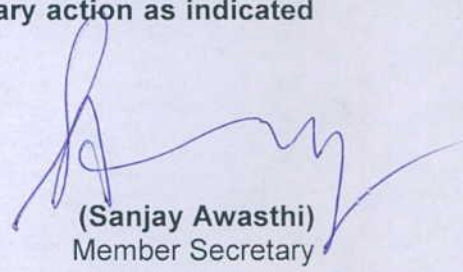
AND WHEREAS Appeal Committee noted that with its online application dated 27/05/2015 appellant submitted an affidavit affirming that it is applying for seeking recognition for two units (100 seats). The Visiting Team conducted inspection of the appellant institution on 29/04/2016 and recommended grant of recognition for 2 units. Appeal Committee noted that N.R.C. in its 252nd Meeting held from 19/04/2016 to 02/05/2016 decided to issue Letter of Intent (L.O.I.). Committee noted that neither a formal L.O.I. was issued under Clause 7 (13) nor intake recommended was mentioned in the minutes of the Meeting of N.R.C. The appellant institution submitted compliance on 29/06/2016. The intake sought for was mentioned as 100 seats (2 units) in the compliance letter.

AND WHEREAS on consideration of the regulatory file Appeal Committee noted that Note portion of regulatory file is not available and formal L.O.I. under Clause 7 (13) is not found issued. Appeal Committee, therefore, could not find any reason as to why recognition for only one unit was granted whereas appellant all along was requesting for grant of two units. Appeal Committee further noted that impugned recognition order dated 26/08/2016 granting recognition for one unit of D.El.Ed. programme for the academic session 2017-18 cannot be quashed or set aside as appealed by appellant.

Committee, however, decided to remand back the case to N.R.C. for revisiting the matter for augmenting the intake from the ensuing academic session provided there is no valid reason to restrict the intake to one unit (50 seats).

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 for augmenting the intake from the ensuing academic session provided there is no valid reason to restrict the intake to one unit (50 seats).

NOW THEREFORE, the Council hereby remands back the case of Shree Nath BSTC School, Bari Sadri, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Appellant, Shree Nath BSTC School, 598/2, 346, Bari Sadri – 312403, 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.89-695/E-92343/2018 Appeal/20th Mtg -2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Shri Krishna Mahila Mahavidyalaya, Manpura Machedi, Via – Morija, Amer, Rajasthan dated 11/10/2018 is against the Order No. NCTE/NRC/NRCAPP201616229/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-18/2; dated 25/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds that "The reply of the institution received in NRC on 03.04.2017 to the SCN issued by NRC in 264th meeting (part-4) vide item No. 50 was considered and the following observations were made: The institution has not submitted the certified registered land documents issued by the Registering Authority or civil authority concerned. The institution has not submitted the Land Use Certificate issued by the Competent Authority to use the land for educational purpose. 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. Ram Singh, Chairman, Shri Krishna Mahila Mahavidyalaya, Manpura Machedi, Via – Morija, Amer, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "This institution applied online for grant of recognition for B.A. B.Ed./B.Sc. B.Ed. course on 03/06/2016 and hard copy of application was submitted to NRC, NCTE on 10/06/2016. NRC, NCTE issued a Show Cause Notice on 27.02.2017 and 13.04.2017 in which certain deficiencies were mentioned and 21 days' time was been given for making reply of Show Cause Notice. This institution submitted reply of SCN along with all required documents to NRC, NCTE on 03.04.2017 vide diary number 165672. NRC, NCTE has rejected the application of institution vide letter no. NCTENRC/NRCAPP201616229 B.A. B.Ed./B.Sc. B.Ed.- 4

Years Integrated/ RJ/ 2017-2018/2 date 25.04.2017 although this institution had submitted reply of Show Cause Notice on 03.04.2017. Being aggrieved from the order of NRC, NCTE, this institution filed a S.B. Civil Writ Petition No. 22501/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 03.10.2018 and directed to petitioner to file an appeal u/s 18 of NCTE Act. 1993 and Appellate Authority is directed to dispose the appeal filed by the petitioner as expeditiously as possible, in accordance with law. Copy of registered land documents has been submitted to NRC, NCTE along with application form. Copy of certified registered land documents and resolution of society for demarcation of the land for running of this college are enclosed. That 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). Copy of notification dated 06.10.2016 is annexed. In the Appeal matter of Sayala College, Sayala, Rajasthan, Appellate Authority, NCTE had decided by its order dated 24.09.2018 that the Committee concluded to set aside the impugned refusal order dated 27.04.2017 and remand back the case N.R.C. for considering the reply dated 19.04.2017 submitted by the appellant. In the Appeal matter of Shree Ashapura College, Sadri, Desuri, Rajasthan, Appellate Authority, NCTE had decided by its order dated 24.09.2018 that the matter deserved to be remanded to the N.R.C. with a direction to consider these documents to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. In the Appeal matter of Rajasthan T. T. College, Ganpati Nagar, Mandawa Road, Jhunjhunu, Rajasthan, Appellate Authority, NCTE had decided by its order dated 12.09.2018 that Appeal Committee concluded to set aside the impugned refusal order dated 27.04.2017. N.R.C. is required to consider the reply dated 30.05.2017 submitted by the appellant for taking decision fresh. NRC, NCTE has rejected the application of this institution without considering the reply of SCN submitted by this institution prior to rejection of the application. Thus NRC, NCTE has rejected the application of this institute for grant of recognition of

B.A. B.Ed./B.Sc. B.Ed. course on illegal, unlawful, arbitrary, unjustified and unconstitutional basis. Therefore, it is prayed that the rejection order issued by NRC, NCTE be set aside."

AND WHEREAS Appeal Committee noted that Hon'ble High Court of Rajasthan Bench at Jaipur vide its order dated 03/10/2018 issued in S.B. Civil Writs No. 22501/2018 has granted liberty to petitioner to avail remedy of appeal which is required to be decided expeditiously by the Appellate Authority.

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 13/04/2017 was issued to appellant institution requiring it to submit following documents:-

- (i) Certified registered land documents issued by Registering authority.
- (ii) Land Use Certificate.
- (iii) Non-Encumbrance Certificate.
- (iv) Legible Copy of Building Plan indicating Khasra No., total land area, proposed built up area and measurements of multipurpose hall and other infrastructural facilities such as classrooms.

AND WHEREAS Appeal Committee noted that appellant noting the decision taken by N.R.C. to issue S.C.N. had submitted a reply dated 03/04/2017 enclosing therewith:-

- (a) Building Plan approved by P.W.D., Dn III, Jaipur.
- (b) Non Encumbrance Certificate dated 10/03/2017.
- (C) Copy of Registered land documents.

AND WHEREAS Appeal Committee noted that documents submitted by appellant were found deficient as appellant did not submit original certified copy of land document and the C.L.U. and as a consequence N.R.C. in its 268th Meeting decided to refuse recognition. Refusal order was issued online on 25/04/2017.

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AND WHEREAS perusal of the online refusal order dated 25/04/2017 reveals that it did not mention the statutory remedy available to appellant to prefer appeal and appellant had finally preferred appeal after getting directions of Hon'ble Court.

AND WHEREAS Appeal Committee noted that Change of Land Use Certificate which now appears to be not required as per Government of Rajasthan Notification dated 06/10/2016 was not available to appellant at the time of submitting reply to S.C.N. By the S.C.N. dated 13/04/2017 N.R.C. sought certified registered land document and not the zerox copy of land document. Appellant during the course of appeal hearing on 19/11/2018 was asked to submit original certified copy of land documents which he could not. Appeal Committee, therefore, decided to confirm the impugned refusal order dated 25/04/2017.

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 25/04/2017.

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



(Sanjay Awasthi)
Member Secretary

1. The President, Shri Krishna Mahila Mahavidyalaya, Manpura Machedi, NH-8, Via – Morija, Amer – 303805, 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.89-696/E-92342/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/11/18

ORDER

WHEREAS the appeal of K.G.R. Mahavidhyalaya, Bhanpur Kalan, Basana Road, Jamwa Ramgarh, Rajasthan dated 09/10/2018 is against the Order No. NCTE/NRC/NRCAPP201616148/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-18/2; dated 27/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds that "Reply of SCN is issued by NRC to the institution has not been received within stipulated time. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs. if any, be returned to the institution."

AND WHEREAS Sh. Roop Chand Gurjar, Secretary, K.G.R. Mahavidhyalaya, Bhanpur Kalan, Basana Road, Jamwa Ramgarh, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "This institution has applied on line for grant of recognition for B.A. B.Ed./B.Sc. B.Ed. course on 31/05/2016 NRC, NCTE issued a Show Cause Notice on 27.01.2017 in which certain deficiencies were mentioned and 21 days' time had been given for making reply of Show Cause Notice. The Secretary, Roop Singh Gurjar was hospitalized from 23.01.2017 to 30.04.2017 and he had to be kept on complete bed rest during this period. Copy of Medical Certificate is annexed. Due to Hospitalization of Roop Singh Gurjar, 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 has rejected the application of this institution due to non-submission of reply of SCN vide letter no. NCTE/NRC/ NRCAAPP201616148/B.A. B.Ed./B.Sc. B.Ed.- 4 Years

Integrated/ R.J/ 2017-2018/2 date 27.04.2017. Being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 22534/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 03.10.2018 and directed to petitioner to file an appeal u/s 18 of NCTE Act. 1993 and Appellate Authority is directed to dispose the appeal filed by the petitioner as expeditiously as possible. Copy of registered land documents were submitted to NRC, NCTE along with application form. 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. 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). Copy of notification dated 06.10.2016 is annexed. Non-Encumbrance Certificate issued by Tehsildar, Jamwaramgarh, Jaipur was submitted to NRC, NCTE along with hard copy of application. Copy of new Non-Encumbrance Certificate issued by Tehsildar, Jamwaramgarh, Jaipur is annexed. This society is running B.A. and B.Sc. courses in the campus. So, it is a Composite Institution. Copy of recognition and affiliation letter is annexed. That in the Appeal matter of Sayala College, Sayala, Rajasthan, Appellate Authority NCTE had decided by its order dated 24.09.2018 that the Committee concluded to set aside the impugned refusal order dated 27.04.2017 and remand back the case N.R.C. for considering the reply dated 19.04.2017 submitted by the appellant. Copy of Appeal Order dated 24.09.2018 is annexed. In the Appeal matter of Shree Ashapura College, Sadri, Desuri, Rajasthan, Appellate Authority, NCTE had decided by its order dated 24.09.2018 that the matter deserved to be remanded to the N.R.C. with a direction to consider these documents to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. It is prayed that the rejection order issued by NRC, NCTE be set aside and directions be issued to NRC, NCTE for further process of application of this institute for grant of recognition of B.A. B.Ed./B.Sc. B.Ed. course."

AND WHEREAS Appeal Committee noted that appellant institution has filed a S.B. Civil Writs No. 22534/2018 in the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble High Court by its order dated 03/10/2018 has granted liberty to the petitioner to avail remedy of appeal which is required to be disposed of expeditiously, in accordance with law.

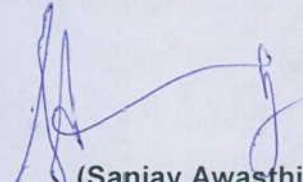
AND WHEREAS Appeal Committee noted that impugned refusal order dated 27/04/2017 is on the ground that appellant did not submit reply to the Show Cause Notice issued online on 27/01/2017. Appellant in its appeal memoranda has stated that Secretary of the society Sh. Roop Singh Gurjar was hospitalised from 27/01/2017 to 30/04/2017 and could not notice the S.C.N. dated 27/01/2017. From the copy of Medical Certificate dated 01/05/2017 submitted by appellant it is observed that certificate is from a private hospital and ailment mentioned in the certified is back pain requiring absence from duty for 97 days.

AND WHEREAS Committee further noted that impugned refusal order was issued on 27/04/2017 and the appellant took about 1 year and 5 months to prefer appeal that too after getting order of the Hon'ble Court dated 03/10/2018. Time allowed for preferring appeal is 60 days as per NCTE Rules. Appeal Committee noted that appellant institution before preferring appeal has not corresponded with N.R.C. and made efforts to rectify the deficiencies pointed out in the Show Cause Notice. Appeal Committee noted that appellant's quoting the reference of 'Sayala College', being similar does not hold good as appellant in that case had contended having sent replies to Show Cause Notice issued to them and the present appellant has preferred appeal not on merit but on precedent which is not exactly similar. It is also surprising that in the other precedent of 'Shree Ashapura College' the President of that college was also hospitalised from 15/01/2017 to 28/04/2017 and was advised complete bed rest resulting in inability to notice the S.C.N. It appears that reasons for not responding to NCTE's communications are being copied from one case to other and Medical Certificates being submitted has also no sanctity as back pain cannot render a person unable to notice even an email and submit reply or seek

extension to time to send reply. Appellant could have at least sought extension of time to submit required documents in case there was any exigency. Appeal Committee decided to confirm the impugned refusal order dated 27/04/2017.

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 27/04/2017.

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, K.G.R. Mahavidhyalaya, Bhanpur Kalan, Basana Road, Jamwa Ramgarh – 302028, 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.89-699/E-92421/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Shree Maharaja Vinayak College, Paldi Meena, Sanganeer, Jaipur, Rajasthan dated 12/10/2018 is against the Order No. NRC/NCTE/NRCAPP-11365/270th (Part-2) Meeting/2017/177555 dated 30/06/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds that "The applicant institution has not submitted the reply of the SCN within the stipulated time."

AND WHEREAS Sh. Ravi Shanker Meena, Secretary, Shree Maharaja Vinayak College, Paldi Meena, Sanganeer Jaipur Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "This institution has applied on line for grant of recognition for B.A. B.Ed./B.Sc. B.Ed. course on 29/05/2015. NRC, NCTE issued a Show Cause Notice on 30.11.2015 in which certain deficiencies were mentioned and 30 days time was given for making reply of Show Cause Notice. This institution submitted reply of SCN along with all required documents to NRC, NCTE on 29.03.2016 vide diary number 136757. NRC, NCTE had constituted Visiting Team for Inspection of this college for grant of recognition for B.A. B.Ed./B.Sc. B.Ed. course vide letter dated 27.04.2016. Visiting Team had inspected the college and submitted the Inspection Report to NRC-NCTE. After considering the Inspection Report. NRC, NCTE issued a Show Cause Notice dated 17.08.2016 mentioning certain deficiencies. The Secretary, Nathu Lal Meena was hospitalized from 10.08.2016 to 20.09.2016 and he had to be kept on complete bed rest during this period. Copy of Medical Certificate is annexed. NRC, NCTE rejected the application of this institution vide letter no. NRC/NCTE/NRCAPP-11365/270th (Part-2) Meeting/2017/177555 dated 30.06.2017. Copy of rejection order is annexed. Being aggrieved from the order of NRC, NCTE, this institution has filed a

S.D. Civil Writ Petition No. 21301/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 18.09.2018 and directed to petitioner to file an appeal u/s 18 of NCTE Act. 1993 and Appellate Authority is directed to dispose the appeal filed by the petitioner as expeditiously as possible, in accordance with law. Copy of registered land documents has been submitted to NRC, NCTE along with application Copy of certified registered land documents and resolution of society for demarcation of the land for running of this college are annexed. That 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). Non-Encumbrance Certificate issued by Tehsildar, Sanganer, Jaipur was submitted to NRC, NCTE along with hard copy of application copy of Non-Encumbrance Certificate issued by Tehsildar, Sanganer, Jaipur annex. This institution had submitted Building Completion Certificate along with inspection report. In the Appeal matter of Sayala College, Sayala, Rajasthan, Appellate Authority, NCTE had decided by its order dated 24.09.2018 that the Committee concluded to set aside the impugned refusal order dated 27.04.2017 and remand back the case N.R.C. for considering the reply dated 19.04.2017 submitted by the appellant. That in the Appeal matter of Shree Ashapura College, Sadri, Desuri, Rajasthan, Appellate Authority, NCTE had decided by its order dated 24.09.2018 that the matter deserved to be remanded to the NRC with a direction to consider these documents to be submitted to the NRC with a direction to consider these documents to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. In the Appeal matter of Rajasthan T. T. College, Ganpati Nagar, andawa Road, Jhunjhunu, Rajasthan, Appellate Authority, NCTE had decided by its order dated 12.09.2018 to set aside the impugned refusal order dated 27.04.2017 N.R.C. is required to consider the reply dated 30.05.2017 submitted by the appellant for taking decision fresh."

AND WHEREAS Appeal Committee noted that appellant institution has filed a S.B. Civil Writs No. 21301/2018 in the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur and Hon'ble High Court by its order dated 18/09/2018 has granted liberty to the petitioner to avail remedy of appeal which is required to be disposed of expeditiously.

AND WHEREAS Appeal Committee noted that impugned refusal order dated 30/06/2017 is on the ground that appellant institution did not submit reply to Show Cause Notice (SCN). Appeal Committee noted that appellant institution was issued first S.C.N. dated 30/11/2015 for its failure to submit N.O.C. of affiliating body. Appellant submitted reply dated 29/03/2016 to this S.C.N. and the point relating to non submission of N.O.C. was allowed to rest. Subsequently after inspection of the institution was conducted on 30/04/2016 a second S.C.N. dated 17/08/2016 was issued seeking from appellant institution (a) certified copy of land document, (b) Notarised copy of C.L.U., (c) NEC issued by Competent Government Authority (d) Building Completion Certificate signed by Competent Government Authority. Reply to S.C.N. dated 17/08/2016 was required to be submitted by appellant within 30 days.

AND WHEREAS Appeal Committee noted that appellant institution did neither submit any reply to S.C.N. nor sought extension of time to submit required documents and impugned refusal order dated 30/06/2017 was issued after allowing adequate time.

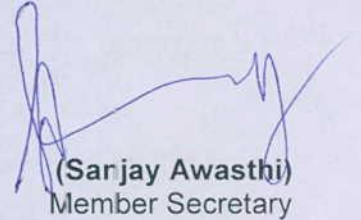
AND WHEREAS Appeal Committee noted that on getting orders dated 18/09/2013 appellant has preferred appeal dated 12/10/2018 which was otherwise delayed by a year and two months. Appellant in its appeal memoranda has referred to some decisions of Appellate Authority made in similar circumstances, Appeal Committee, noted that the case of 'Sayala College' is not similar as appellant institution in that case had argued that reply to S.C.N. was submitted. In the present case appellant institution has just copied the reasons given by other appellants that Secretary of institution was hospitalised from 10/08/2016 to 20/09/2016 and was

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advised complete bed rest. Appeal Committee is of the view that nothing prevented the appellant institution to submit a belated reply to S.C.N. and also prefer a timely appeal within 60 days as mentioned in the last para of impugned order dated 30/06/2017. In the present case appellant has not submitted reply to S.C.N. dated 17/08/2016. Appeal Committee is of the view that forum of Appeal Committee should not be allowed to be used for submitting belated replies without proper justification. Appeal Committee decided to confirm the impugned refusal order dated 30.06.2017.

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 30.06.2017.

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



(Sarjay Awasthi)
Member Secretary

1. The Secretary, Shree Maharaja Vinayak College, Paldi Meena, Agra Road, Sanganeer, Jaipur – 302031, 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.89-709/E-92660/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/11/18

ORDER

WHEREAS the appeal of Bharti Teachers Training College, I.P.I.A. Anantpura, Ladpura, Kota, Rajasthan dated 10/10/2018 is against the Order No. NRC/NCTE/NRCAPP-10280/257th (Part-3)/ Meeting/2016/158867 dated 26/09/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The institution was given show cause notice vide letter dt. 09.11.2015 with direction to submit the reply within 30 days. The institution did not submit any reply of show cause notice within stipulated time."

AND WHEREAS Sh. Ashok Malviga, Manager and Sh. Rajendra Singh, Lecturer, Bharti Teachers Training College, I.P.I.A. Anantpura, Ladpura, Kota, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "NCTE, New Delhi issued a public notice on 27th Feb, 2015 through which NCTE invited application for recognition of teachers training programmes for the academic session 2016-17, except the state and UTs, with listed programmes, as indicated in para 2 below. NCTE issued a Public Notice on 30th May, 2015, NCTE extended the last date for submission of online application by the stakeholders up to 30th June, 2015. This institution submitted online application for grant of recognition for DELED course (additional 02 units) along with required fees and documents on 24/05/2015 and had copy of application was submitted to NRC, NCTE on 27/05/2015. Copy of recognition order for B.Ed. course is annexed. NRC, NCTE issued a show cause Notice vide letter no. NRCNCTENRCAPP10280/2015/128748 dated 09/11/2015. This institution submitted a detailed reply of show cause notice to NRC, NCTE on 09/12/2015. Copy of reply letter is annexed. NRC, NCTE had rejected the application of recognition for D.El.Ed. (additional 02 units) of this institution vide order No. NRC/NCTE/

NRCAPP10280/257th (part 3) Meeting /2016/158867 Dated 26/09/2016 stating that this institution has not submitted any reply of show cause notice with in stipulated time. Being aggrieved from the order of NRC, NCTE, this institution filed a S.B. Civil Writ Petition No. 22681/2018 to Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court of Rajasthan, Jaipur has ordered to petitioner to file an appeal 4/5 18 of NCTE Act, 1993 and also directed to NCTE that if the petitioner files and applicate authority would deal with the same as expeditiously as possible, in accordance with law. Appellate Authority, NCTE had already passed an order on 27/11/2017 in which it is clearly stated that "Once applications are invited, the regional committee has no right to reject it on the ground of ban imposed subsequently by the state government" Copy of Appeal order dated 27/11/2017 is annexed and marked as Annexure. Appellate Authority, NCTE had already passed an order on 12/09/2018 in the Appeal of Adarsh Teacher Training College, Deoli (Raj) in the same matter that the committee decided to remand back the case to NRC for considering the reply of the institution and take further action as per Regulations, 2014. The Appellant Institution is required to submit the reply/documents to NRC within 15 days of the issue of Appeal Order. Copy of Appeal Order dated 12/09/2018 is annexed. NRC, NCTE had rejected the application of recognition for D.El.Ed. course (additional 02 units) due to non-submission of reply of show cause notice with in stipulated time. The issue of date show cause notice was 09/11/2015 in which 30 days was provided for making reply. This institution had submitted reply of show cause notice to NRC, NCTE on 09/12/2015 which is well prior to the stipulated time. Thus, NRC, NCTE has rejected the application of this Institution for grant of recognition of D.El.Ed. course (additional 02 units) on illegal, unlawful, unjustified, arbitrary and unconstitutional basis."

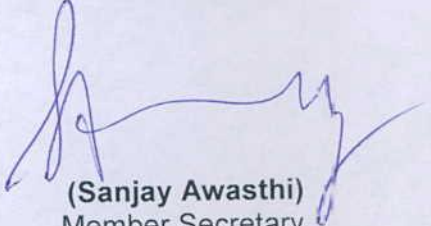
AND WHEREAS Appeal Committee noted that impugned refusal order was issued on 26/09/2016 intimating the appellant institution that in case it is not satisfied with the order appeal may be preferred within 60 days. The present appeal dated 10/10/2018 is therefore, delayed by 1 year and 11 months approximately, Committee further noted that appellant institution filed a S.B. Civil Writs No. 22681 of 2018 in the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur and Hon'ble High

Court by order dated 04/10/2018 has granted liberty to the petitioner to avail remedy of appeal which shall be decided expeditiously by Appellate Authority.

AND WHEREAS Appeal Committee noted that impugned refusal order dated 26/11/2016 was on the ground that appellant institution did not submit reply S.C.N. dated 09/11/2015 within stipulated time. Committee further noted from the documents available on regulatory file that appellant had submitted a reply to S.C.N. which was received and diarised in the office of N.R.C. on 09/12/2015 (Diary No. 126175). Appeal Committee without going into the merits of reply given by appellant, decided that the Regional Committee before issuing refusal order almost after 9 months of the reply of appellant to S.C.N. should have considered the reply and taken an appropriate decision on merits. Appeal Committee decided to remand back the case to N.R.C. for reconsideration.

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

NOW THEREFORE, the Council hereby remands back the case of Bharti Teachers Training College, I.P.I.A. Anantpura, Ladpura, Kota, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

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

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F.No.89-712/E-92850/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date 24/12/18

ORDER

WHEREAS the appeal of Swami Prabodhanand College of Education, Maithana Road, Kathumar, Rajasthan dated 16/10/2018 is against the Letter No. 7-15/NRC/NCTE/Recognition of Application/S.No.-630/Raj./2009/71031 dated 09/03/2009 of the Northern Regional Committee, returning application seeking recognition for conducting B.Ed. course on the grounds that "The NCTE Hqtrs. 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. 23017/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur praying for a direction to the respondents to adjudicate upon the pending appeal instituted by the petition and filed on 16/10/2018. The Hon'ble High Court in their order dt. 09/10/2018 disposed of the petition directing the respondent to expedite the proceedings and adjudicate on the pending appeal as expeditiously as possible.

AND WHEREAS Sh. Ashok Kumar Rawat, General Secretary, Swami Prabodhanand College of Education, Maithana Road, Kathumar, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "The Hon'ble High Court Jaipur has directed N.R.C. in the case of Murli Singh Yadav and other similar Writ Petitions that similar treatment

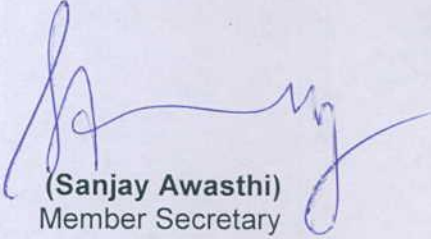
may be given to institutions which are on similar footing. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Rajasthan vide order no. 89-598/E-16204/2017-Appeal I Mtg./2018 conclude that non submission of online application cannot be held against appellant at this stage as NCTE portal for submitting application online was closed." Application of the applicant has already been processed; Visiting Team was constituted; and the team has submitted its report to N.R.C."

AND WHEREAS the Committee noted that the submission of the appeal has been delayed by nine years beyond the prescribed period of 60 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 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 N.R.C. dt. 09/03/2009 is not an order under any one of the Sections of the NCTE Act, 1993. Notwithstanding this position, the appellant inordinately delayed making the appeal. The reason given by the appellant that they could not make application online as NCTE portal was not available is irrelevant because impugned letter dated 09/03/2009 of N.R.C did not mention this as reason for returning application. Appellant could not provide any evidence of having submitted application. As processing fee of Rs. 40,000/- was returned the applicant, the averment made by appellant that Visiting Team had conducted inspection and submitted report to N.R.C. cannot be true. Preferring of appeal is delayed by more than nine years. In these circumstances, the Committee decided not to admit the appeal.

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AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee decided not to admit the appeal.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Swami Prabodhanand College of Education, Maithana Road, Kathumar – 321605, 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.89-714/E-92833/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Maa Bharti Shikshak Prashikshan Vidyalaya, S.V.N. Nagar, Ladpura, Kota, Rajasthan dated 10/10/2018 is against the Order No. NRC/NCTE/NRCAPP-10281/258th (Part-3) Meeting/2016/160929 dated 18/10/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The institution was given show cause notice vide letter dt. 09.11.2015 with direction to submit the reply within 30 days. The institution did not submit any reply of show cause notice till date."

AND WHEREAS Sh. Ashok Malviya, Manager and Sh. N.R. Bhagwani, Director, Maa Bharti Shikshak Prashikshan Vidyalaya, S.V.N. Nagar, Ladpura, Kota, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "NCTE, New Delhi had issued a public notice on 27th Feb, 2015 through which NCTE invites application for recognition of teachers training programmes for the academic session 2016-17, except the state and UTs, with listed programmes. NCTE further issued a Public Notice on 30th May, 2015 through which NCTE extended the last date for submission of online application by the stakeholders up to 30th June, 2015. This institution submitted online application for grant of recognition for D.El.Ed. course (additional 02 units) along with required fees and documents on 24/05/2015 and had copy of application was submitted to NRC, NCTE on 27/05/2015. This college is running B.Ed. Course recognized by NRC, NCTE. NRC, NCTE issued a show cause Notice vide letter no. NRC/NCTE/NRCAPP10281/2015/128741 dated 09/11/2015. This institution had submitted a detailed reply of show cause notice to NRC, NCTE on 09/12/2015. NRC, NCTE rejected the application of recognition for D.El.Ed. course (additional 02 units) of this institution vide order No. NRC/NCTE/

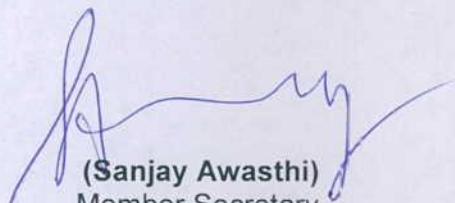
NRCAPP10281/258th (part 3) Meeting /2016/160929 Dated 18/10/2016 stating that this institution has not submitted any reply of show cause notice. Being aggrieved from the order of NRC, NCTE, this institution had filed a S.B. Civil Writ Petition No. 22676/2018 to Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court of Rajasthan, Jaipur has ordered to petitioner to file an appeal under Section 18 of NCTE Act, 1993 and also directed to NCTE that if the petitioner files and applicate authority would deal with the same as expeditiously as possible. That appellate authority, NCTE had already passed an order on 27/11/2017 in which it is clearly stated that "Once applications are invited, the regional committee has no right to reject it on the ground of ban imposed subsequently by the state government" Copy of Appeal order dated 27/11/2017 is annexed. NCTE had already passed an order on 12/09/2018 in the Appeal of Adarsh Teacher Training College, Deoli (Raj) n the same matter that the committee decided to remand back the case to NRC for considering the reply of the institution and take further action as per Regulations, 2014. The Appellant Institution is required to submit the reply/documents to NRC within 15 days of the issue of Appeal Order. NRC, NCTE had rejected the application of recognition for D.El.Ed. course (additional 02 units) due to non-submission of reply of show cause notice with in stipulated time. The issue of date show cause notice was 09/11/2015 in which 30 days was provided for making reply. This institution had submitted reply of show cause notice to NRC, NCTE on 09/12/2015 which is well prior to the stipulated time."

AND WHEREAS Appeal Committee noted that impugned refusal order was issued on 18/10/2016 intimating the appellant institution that in case it is not satisfied with the order appeal may be preferred within 60 days. The present appeal dated 10/10/2018 is therefore, delayed by 1 year and 11 months approximately, Committee further noted that appellant institution has filed a S.B. Civil Writs No. 22676 of 2018 in the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur and Hon'ble High Court by order dated 04/10/2018 has granted liberty to the petitioner to avail remedy of appeal which shall be decided expeditiously by Appellate Authority.

AND WHEREAS Appeal Committee noted that impugned refusal order dated 18/10/2016 was on the ground that appellant institution did not submit reply to the S.C.N. dated 09/11/2015 within stipulated time. Committee further noted from the documents available on regulatory file that appellant had submitted a reply to S.C.N. which was received and diarised in the office of N.R.C. on 09/12/2015 (Diary No. 126176). Appeal Committee without going into the merits of reply given by appellant, decided that the Regional Committee, before issuing refusal order almost after 9 months of the reply of appellant to S.C.N., should have considered the reply to S.C.N. and taken an appropriate decision on merits. Appeal Committee decided to remand back the case to N.R.C. for reconsideration.

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

NOW THEREFORE, the Council hereby remands back the case of Maa Bharti Shikshak Prashikshan Vidyalaya, S.V.N. Nagar, Ladpura, Kota, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Maa Bharti Shikshak Prashikshan Vidyalaya, S.V.N. Nagar, Ladpura, Kota – 324005, 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.89-715/E-92828/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Acharya Nanesh Shikshak Shiksha Mahavidyalaya, Kustala, Sawai Madhopur, Rajasthan dated 13/10/2018 is against the Order No. NCTE/NRC/NRCAPP201616452/B A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-18/2; dated 28/03/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds that "As per registration certificate, the name of the society is Mata Modern Public Sansthan but in online application the name is different. All the submitted documents such as bye-laws of the registered society, land documents, LUC, NEC, building plan are in the name of the registered society which do not match with the name of the society 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 Appeal Committee noted that appellant institution has filed a S.B. Civil Writs No. 14827 of 2017 in the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur and Hon'ble High Court vide order dated 03/04/2018 has remitted the petitioner to the remedy of statutory appeal. The appeal is required to be disposed of within two months.

AND WHEREAS Sh. Mukesh Jain, Librarian and Sh. Sunil Jain, Representative, Acharya Nanesh Shikshak Shiksha Mahavidyalaya, Kustala, Sawai Madhopur, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "As per registration certificate and in all Submitted Documents the name of the society is Mala Modern Public Sansthan. All the submitted documents such as bye laws of the registered society,

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land documents LUC, NEC building plan are in the name of the registered society Mala Modern Public Sanstha but you write Mata Modern Public Sansthan that name is not right name of our Sanstha. In show cause under section 14(1) NCTE Act 1993 notice you are not mentioned about wrong Society name in online application filled by us. Before This order of file rejection, we have not Receive any chance for submitting the reply with corrections name. so please give us a chance for correction in the society name. and approve the file and remove the rejection order of our file for B.A. B.Ed./B.Sc. B.Ed."

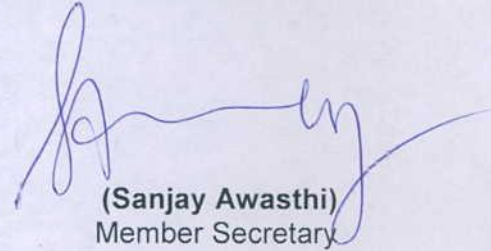
AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 27/02/2017 was issued to appellant institution intimating certain deficiencies one of which was 'Non-submission of society Registration Certificate.' Appellant institution with its reply dated 17/03/2017 to the S.C.N. submitted copy of the Registration Certificate. N.R.C. in its 266th Meeting held on 21st to 24th March, 2017 observed that there is difference of name in the society's name and the name of applicant organisation as mentioned in the online applications. Committee further noted that impugned refusal order dated 28/03/2017 (04/04/2017) is on the basis of this discrepancy detected after considering the reply to S.C.N. Appeal Committee is of the view that appellant institution should have been given an opportunity to make written representation on this new ground which formed the basis of refusal. The regulatory file does not contain any reply dated 28/03/2017 to S.C.N. as has been mentioned in para 2 of the impugned order which was decided in 266th Meeting of N.R.C. held from 21 to 24 March, 2017. Appeal Committee decided to remand back the case to NRC for revisiting the matter in accordance with the provisions of NCTE Act which lay down that before passing a refusal order reasonable opportunity shall be provided for making written representation. The opportunity to make written representation should be specific to the reason or ground on which it is proposed to refuse recognition.

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

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concluded to remand back the case to NRC for revisiting the matter in accordance with the provisions of NCTE Act which lay down that before passing a refusal order reasonable opportunity shall be provided for making written representation on the specific ground of refusal.

NOW THEREFORE, the Council hereby remands back the case of Acharya Nanesh Shikshak Shiksha Mahavidyalaya, Kustala, Sawai Madhopur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. **The Secretary, Acharya Nanesh Shikshak Shiksha Mahavidyalaya, Kustala, Tonk Road, Sawai Madhopur – 322001, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-718/E-93006/2018 Appeal/20th Mtg -2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/11/18

ORDER

WHEREAS the appeal of Shree Balaji Teacher Training School, Kherli, Samauthi, Kathumar, Rajasthan dated 16/10/2018 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No -630/Raj./2009/71031 dated 09/03/2009 of the Northern Regional Committee, returning application seeking recognition for conducting B.Ed. course on the grounds that "The NCTE Hqrs. Has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 23021/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur praying for a direction to the respondents to adjudicate upon the pending appeal instituted by the petition and filed on 16/10/2018. The Hon'ble High Court in their order dt. 08/10/2018 disposed of the petition directing the respondent to expedite the proceedings and adjudicate on the pending appeal as expeditiously as possible.

AND WHEREAS Sh. Ashok Kumar Sharma, Secretary, Shree Balaji Teacher Training School, Kherli, Samauthi, Kathumar, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that at the time of filing application State Government imposed ban on B.Ed. and D.El.Ed., We are going for appeal for further processing of our application. The appellant, in the course of presentation submitted a letter dt. 19/11/2018. In this

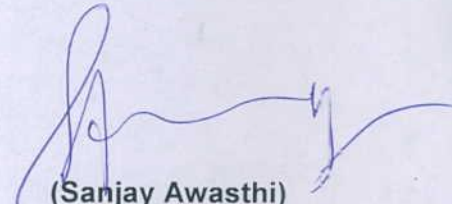
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letter the appellant submitted that they applied for B.Ed. course in the year 2008 and their application was N.R.C. returned their application on 09/03/2009. They submitted their application offline as per the then existing Regulations; no show cause notice as per Section 14 (3) (b) of NCTE Act, 1993 was issued before passing an adverse order; and the appellant made all necessary arrangements with regard to physical infrastructure and other facilities. In the grounds for appeal, appellant stated that application of the applicant has already been processed, the Visiting Team was constituted and the Team has submitted its report to N.R.C.

AND WHEREAS relevant regulatory file is not available for verification of facts. The Committee noted that the submission of the appeal has been delayed by more than nine years beyond the prescribed period of 60 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 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 N.R.C. dt. 09/03/2009 is not an order under any one of the Sections of the NCTE Act, 1993. Notwithstanding this position, the appellant inordinately delayed making the appeal. The reason given by the appellant that they have appealed now as the State Government has given NOC for this course for the session 2019-20 is not a sufficient cause for not preferring an appeal for more than nine years. The appellant could not submit any evidence in support of its claim of having submitted application or a copy of application itself. The averment made by appellant that its application was processed and inspection report was submitted to N.R.C. is also unfounded and does not seem to be correct. In these circumstances, the Committee decided not to admit the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee decided not to admit the appeal.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shree Balaji Teacher Training School, Kherli, Samauthi, Kathumar – 321606, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-722/E-93100/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Birbal Memorial T.T. College, Narayanpur Road, Bansur, Rajasthan dated 15/10/2018 is against the letter No. 7-15/NRC/NCTE/Returning of Application/S.No.-735/Raj./2009/71035 dated 03/03/2009 of the Northern Regional Committee, returning the application seeking recognition for conducting D.El.Ed. course on the grounds that "The NCTE Hqrs. has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 22502/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur praying for a direction to the respondents to adjudicate upon the pending appeal instituted by the petition and filed on 15/10/2018. The Hon'ble High Court in their order dt. 03/10/2018 disposed of the petition directing the respondent to expedite the proceedings and adjudicate on the pending appeal as expeditiously as possible in accordance with law.

AND WHEREAS Sh. Arvind Kumar Sharma, Lecturer, Birbal Memorial T.T. College, Narayanpur Road, Bansur, Rajasthan presented the case of the appellant institution on 19/11/2018. In the appeal and during personal presentation it was submitted that "NRC erred in deciding the matter and did not make any effort to even look on the application in consonance of NCTE's Regulations under which the application was submitted offline. Further, it is reiterated that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. Had the institution been

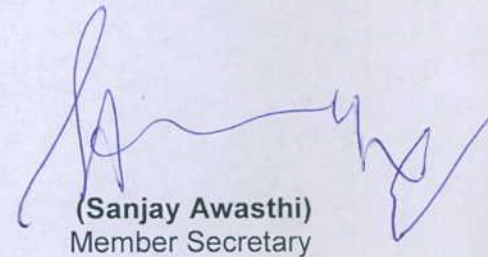
provided opportunity to move an application before the NRC as per the directions of Hon'ble Court given in another identical matters, it would have done but due to the virtual impossibility, online submission was totally impossible. The appellant institution submitted its application along with in reference to another identical/similar matters but the respondent Committee did not consider the matter as per reference. In similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E-8922/2017 Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal." A copy of order dated 16.10.2017 is annexed. No show cause notice as per Section 14 (3) (b) of NCTE Act, 1993 was issued before passing an adverse order; and the appellant made all necessary arrangements with regard to physical infrastructure and other facilities."

AND WHEREAS relevant regulatory file is not available. The Committee noted that the submission of the appeal has been delayed by more than nine years beyond the prescribed period of 60 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 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 N.R.C. dt. 03/03/2009 is not an order under any one of the Sections of the NCTE Act, 1993. Notwithstanding this position, the appellant inordinately delayed making the appeal. The reason given by the appellant that they have appealed now as the State Government has given NOC for this course for the session 2019-20 is not a sufficient

cause for not preferring an appeal for eight years, seven months. In these circumstances, the Committee decided not to admit the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee decided not to admit the appeal.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Birbal Memorial T.T. College, Narayanpur Road, Bansur – 301402, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-727/E-93469/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Shri Satya Sai College of Education, Asmanpur, Pehowa, Haryana dated 19/12/2018 is against the Letter No. NRC/NCTE/HR-1064/2018/197042 dated 17/09/2018 of the Northern Regional Committee, conveying the following decision regarding withdrawal of recognition for conducting D.El.Ed. "The recognition of the institution was withdrawn by NRC for running D.El.Ed. course in its 261st meeting held from 14th to 19th December, 2016 accordingly, withdrawal order No. NRC/NCTE/HR-1064/261st Meeting/2016/163973-77 dated 29.12.2016 was issued to the institution. Hence, the request of the institution for grant of recognition at new location cannot be considered at this stage as the recognition already stands withdrawn. The institution may apply afresh in accordance with Regulations as and when the fresh applications are invited by NCTE. The representation dated 09.08.2018 submitted by the institution in compliance of the Court order is hereby disposed of accordingly."

AND WHEREAS the appellant filed a CWP No. 25120 of 2018 before the Hon'ble High Court for the States of Punjab and Haryana against the N.R.C's orders dt. 29/12/2016 and 17/09/2018. The Hon'ble High Court, in their order dt. 01/10/2018, dismissed the petition, granting liberty to the petitioner to avail remedy of appeal, in accordance with law.

AND WHEREAS Sh. Sunil Sharma, Director and Sh. Anand, Member, Shri Satya Sai College of Education, Asmanpur, Pehowa, Haryana presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation and in a letter dt. 19/11/2018 it was submitted that due to some circumstances we are unable to increase the built-up area, but we have enough required built-up area of

1505 sq. mts. for one course i.e. B.Ed. as per NCTE Regulations, 2014. So, we want to opt only one unit of B.Ed. course and ready to relinquish the D.El.Ed. course. The appellant requested that recognition for D.El.Ed. course may be withdrawn and they may be given a chance to operate B.Ed.

AND WHEREAS the Committee noted from the file of the N.R.C. that the N.R.C. in their 261st meeting held from 14th & 19th December, 2016 decided to withdraw recognition for both D.El.Ed. and B.Ed. courses and one of the grounds for withdrawal was availability of only 2417 sq. mts. of built up area as against 3000 sq. mts. required for both these courses as per the NCTE Regulations, 2014. The Committee also noted that the appellant approached the Hon'ble High Court for the States of Punjab and Haryana at Chandigarh through RA-LP-27-2018 in LPA No. 1689 of 2017. As per the orders of the Hon'ble High Court dt. 03/08/2018, the appellant approached the N.R.C. with a request to permit them to submit their application for change of building as they have made another long term lease deed of a building having sufficient area for D.El.Ed. and B.Ed. courses. N.R.C., in their 288th meeting held from 5th to 7th September, 2018 considered this request and issued the letter dt. 17/09/2018, against which this appeal has been filed.

AND WHEREAS the Committee further noted that the appellant has changed his stand. Whereas in the representation made to the N.R.C. following the Hon'ble High Court's order dt. 03/08/2018, the appellant proposed leasing of a new building, in the appeal he has changed their stand and requested that they may be allowed to operate B.Ed. course and recognition for D.El.Ed. course be withdrawn.

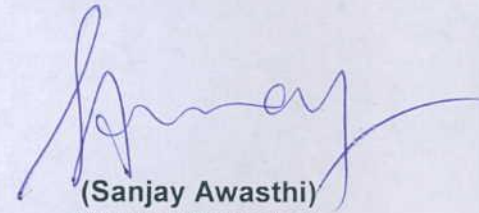
AND WHEREAS the Committee noted that the decision contained in the N.R.C's letter dt. 17/09/2018 was taken after due consideration of the representation submitted by the appellant following the orders of the Hon'ble High Court dt. 03/08/2018. In the circumstances, the Committee concluded that the N.R.C. was justified in conveying their decision as contained in their letter dt. 17/09/2018 and

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

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



(Sanjay Awasthi)
Member Secretary

1. The Chairman, Shri Satya Sai College of Education, Asmanpur, Kaithal Road, Pehowa – 136128, 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.89-730/E-93642/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Lakshya Teacher Training College, Harsauli, Kotkasim, Khairthal Town, Rajasthan dated 24/10/2018 is against the Order No. NRC/NCTE/NRCAPP-10996/254th Meeting/2016/155493 dated 11/08/2016 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds that "The institution was issued show cause notice on 15.12.2015. The reply of the same has not been received till date."

AND WHEREAS the appellant, aggrieved by the order of the N.R.C. dt. 11/08/2016 filed a S.B. Civil Writs No. 17395/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 07/08/2018, disposed of the petition granting liberty to the petitioner institution to avail the remedy of statutory appeal under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner – institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of three months.

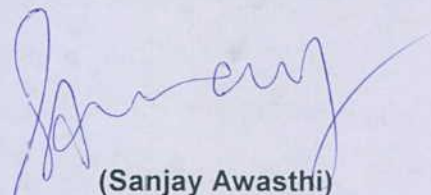
AND WHEREAS Dr. Vnod Kumari, Secretary and Sh. Ramavtar, Representative, Lakshya Teacher Training College, Harsauli, Kotkasim, Khairthal Town, Rajasthan presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation it was submitted that they applied for grant of recognition of B.A. B.Ed./B.Sc. B.Ed. course online on 28/05/2015; they applied to the affiliating body i.e. Raj Rishi Bhartrihari Matsya University, Alwar for NOC on 11/05/2015 and sent two reminders on 12/10/2015 and 14/01/2016; and after issue a third reminder, the university issued the NOC vide their letter dt. 05/10/2018. The appellant was persistently pursuing with the university and red tapism led to this delay.

The appellant also submitted that they never received the SCN. Had they received the same there is no reason for the appellant not to reply to it or at least update the N.R.C. about the ground realities. The appellant enclosed a copy of the NOC dt. 05/10/2018 issued by the affiliating university and requested that the refusal order be quashed and set aside.

AND WHEREAS the Committee noted that according to the provisions of Clause 5 (3) of the NCTE Regulations, 2014, a No Objection Certificate (NOC) issued by the concerned affiliating body shall be submitted along with the online copy of the application. The Committee noted that the appellant obtained the NOC only on 05/10/2018 i.e. after nearly three years and four months of submission of online application and two years after refusal. In these circumstances, the Committee concluded that the N.R.C. was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the N.R.C. confirmed.

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

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Lakshya Teacher Training College, Harsauli, Kotkasim, Khairthal Town – 301403, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-731/E-93639/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Aadhaar Teacher Training College, Harsauli, Kotkasim, Khairthal Town, Rajasthan dated 24/10/2018 is against the Order No. NRC/NCTE/NRCAPP-10902/254th Meeting/2016/155507 dated 11/08/2016 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds that "The reply of the institution to the show cause notice dated 03.12.2015 was considered by the Committee. The institution has failed to submit NOC from the affiliating body as required under clause 5(3) of the NCTE Regulations, 2014."

AND WHEREAS the appellant, aggrieved by the order of the N.R.C. dt. 11/08/2016, filed a S.B. Civil Writs No. 17737/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in the order dt. 09/08/2018, disposed of the petition granting liberty to the petitioner-institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner – institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of three months.

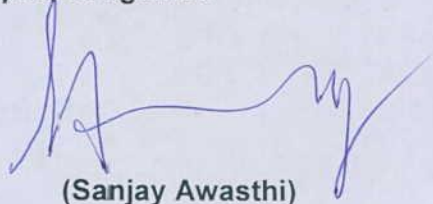
AND WHEREAS Dr. Vinod Kumari, Secretary and Sh. Ramavtar, Representative, Aadhaar Teacher Training College, Harsauli, Kotkasim, Khairthal Town, Rajasthan presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation it was submitted that they applied for grant of recognition of B.A./B.Sc./B.Ed. online on 28/05/2015; they applied to the affiliating body i.e. Raj Rishi Bhratrihari Matsya University for NOC on 11/05/2015 and sent a

reminder on 12/10/2015; they replied to the Show Cause Notice dt. 03/12/2015 on 14/01/2016; they sent a second reminder to the university on 13/01/2016; and in consequence to a third reminder the university issued the NOC with their letter dt. 05/10/2018. The appellant enclosed a copy of the NOC dt. 05/10/2018 issued by the affiliating university and requested that the refusal order be quashed and set aside.

AND WHEREAS the Committee noted that according to the provisions of Clause 5 (3) of the NCTE Regulations, 2014, a No Objection Certificate (NOC) issued by the concerned affiliating body shall be submitted along with the online copy of the application. The Committee noted that the appellant obtained the NOC only on 05/10/2018 i.e. after nearly three years and four months of submission of online application and two years after refusal. In these circumstances, the Committee concluded that the N.R.C. was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the N.R.C. confirmed.

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

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Aadhaar Teacher Training College, Harsauli, Kotkasim, Khairthal Town – 301403, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-732/E-93634/2018 Appeal/20th Mtg -2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/11/18

ORDER

WHEREAS the appeal of Mata Bogi Devi Memorial T.T. College, Tilak Nagar, Bikaner, Rajasthan dated 22/10/2018 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/Sr. No.-702/Raj/2009 dated 09/03/2009 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. course on the grounds that "The NCTE Hqrs. Has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 21380/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 18/09/2018, 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. Manoj Kumar, Secretary, Mata Bogi Devi Memorial T.T. College, Tilak Nagar, Bikaner, Rajasthan presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation it was submitted that "this institution has applied for grant of recognition of D.El.Ed. course to NCTE from 2009-10 on 31.10.2008 with required processing fees of Rs. 40,000/- and other relevant documents. Copy of receipt letter is annexed. Instead of processing of the application for grant of recognition for D.El.Ed. course to this institution, NRC, NCTE had returned the application of this institution on 07.03.2009 on arbitrary, unjustified,

illegal and unconstitutional basis. Copy of refusal order is annexed. Being aggrieved from the action of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 21380/2018 in the Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court of Rajasthan, Jaipur has directed the petitioner to file an appeal to the Appellate Authority and Appellate Authority has been directed to deal with same as expeditiously as possible, in accordance with law. Copy of order of Hon'ble High Court is annexed.

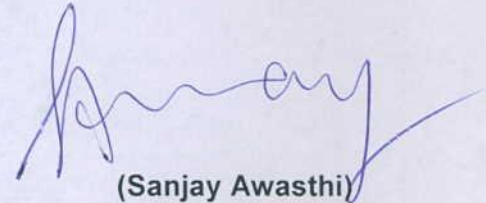
The Appellate Authority, NCTE had already decided by its order dated 16.10.2017 that "The ground of non-submission of application online can not be held against the appellant at this stage and therefore, the matter deserved to be remanded to the NRC for taking further action as per the NCTE Regulations 2014". Copy of Appeal order is annexed. While disposing the S.B. Civil Writ Petition No. 12712/2017 Hon'ble High Court of Rajasthan, Jodhpur has passed on order on 17.02.2018 and directed to NRC, NCTE to re-consider the application of the petitioner dated 17.10.2008 in the meeting of 20-21.02.2018 of the Committee which is stated to have already been constituted for the purpose. Copy of order of Hon'ble High Court is annexed. The Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the Regional Committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." Copy of Appeal order is annexed. The 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 from the stage where it was decided to issue L.O.I. Copy of Appeal order is annexed."

AND WHEREAS the submission of the appeal has been delayed by nine years, five months and 14 days beyond the prescribed period of 60 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, may prefer an appeal to the Council within sixty days of issue of such orders. According to the Proviso to this rule, 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 N.R.C. dt. 09/03/2009 is not an order as such issued under any one of the Sections of the NCTE Act, 1993 mentioned above. Notwithstanding this position, the Committee noted that the submission of the appeal has been inordinately delayed. In the appeal, the appellant has not adduced any reason, whatsoever, for the delay in appealing. In these circumstances, the Committee decided not to condone the delay. Hence the appeal is not admitted.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee decided not to condone the delay. Hence the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Mata Bogi Devi Memorial T.T. College, Tilak Nagar, Bikaner – 334001, 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.89-733/E-93630/2018 Appeal/20th Mtc.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Vivek Bharti Shikshak Prashikshan Sansthan, Bhilunda, Laxmangarh, Rajasthan dated 24/10/2018 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No.-620/Raj./2009/70889 dated 09/03/2009 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. course on the grounds that "The NCTE Hqrs. Has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 18870/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 24/08/2018, disposed of the petition, granting liberty to the petitioner to avail appropriate remedy under the NCTE Act, 1993.

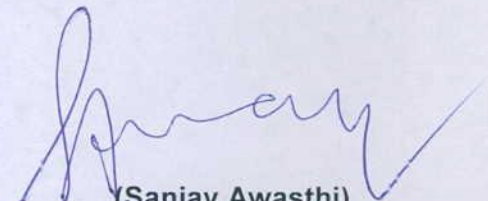
AND WHEREAS Sh. Rajendra Prasad, Secretary, Vivek Bharti Shikshak Prashikshan Sansthan, Bhilunda, Laxmangarh, Rajasthan presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation it was submitted that this institution has applied for grant of recognition of D.El.Ed. course to NCTE from 2009-10 on 24.10.2008 with required processing fees of Rs. 40000/- and other relevant documents. Copy of receipt letter is annexed. Instead of processing of the application for grant of recognition for D.El.Ed. course to this institution, NRC, NCTE had returned the application of this institution on 09.03.2009 on arbitrary, unjustified, illegal and unconstitutional basis. Copy of refusal order is annexed. Being aggrieved from the action of NRC, NCTE this institution has filed a

S.B. Civil Writ Petition No. 18870/2018 in the Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court of Rajasthan Jaipur has directed the petitioner to file an appeal to the Appellate Authority and Appellate Authority has been directed to deal with same as expeditiously as possible in accordance with law. Copy of order of Hon'ble High Court is annexed. 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 deserved to be remanded to the NRC for taking further action as per the NCTE Regulations 2014 Copy of Appeal Order is annexed. While disposing the S.B. Civil Writ Petition No. 12712/2017 Hon'ble High Court of Rajasthan, Jodhpur has passed an order on 17.02.2018 and directed to NRC NCTE to reconsider the application of the petitioner dated 17.10.2008 in the meeting of 20 or 21.02.2018 of the Committee which is stated to have already been constituted for the purpose. Copy of order of Hon'ble High Court is annexed. The Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that Once applications are invited the Regional Committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt. Copy of Appeal Order is annexed. The 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 from the stage where it was decided to issue L.O.I. Copy of Appeal Order is annexed. Thus, NRC NCTE has returned the application of this institution for grant of recognition for D.El.Ed. course on illegal unlawful unjustified and unconstitutional basis. So, it is prayed that the order for returning the application issued by NRC NCTE be set aside and direction be issued to NRC NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course."

AND WHEREAS the submission of the appeal has been delayed by nine years, five months and 16 days 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 may prefer an appeal to the Council within sixty days of issue of such orders. According to the Proviso to this Rule, 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 N.R.C. dt. 09/03/2009 is not an order as such issued under any one of the Sections of the NCTE Act, 1993 mentioned above. Notwithstanding this position, the Committee noted that the submission of the appeal has been inordinately delayed. In the appeal, the appellant has not adduced any reason, whatsoever, for the delay in appeal. In these circumstances, the Committee decided not to condone the delay. Hence the appeal is not admitted.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee decided not to condone the delay. Hence the appeal is not admitted.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Vivek Bharti Shikshak Prashikshan Sansthan, Bhilunda, Laxmangarh – 332028, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plct No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-739/E-93985/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/11/18

ORDER

WHEREAS the appeal of Suboth B.S.T.C. College, Nawalgarh Road, Sikar, Rajasthan dated 22/10/2018 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No.-1066/Raj/2000/71733 dated 17/03/2009 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. course on the grounds that "The NCTE Hqrs. Has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 23361/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 12/10/2018, disposed of the petition reserving liberty to the petitioner to avail 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. Madan Singh, Member, Suboth B.S.T.C. College, Nawalgarh Road, Sikar, Rajasthan presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation it was submitted that "after considerable period of time after submission of their file, they did not receive any letter from N.R.C. They went to N.R.C. office and found that their application has been returned and collected a copy. The N.R.C. did not issue any show cause notice as per the provisions of the NCTE Act, providing a reasonable opportunity for making a written representation. There was no time period mentioned in the returning letter

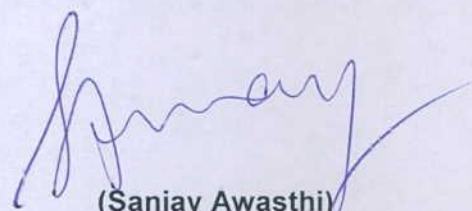
regarding appeal. When they found that NCTE has already granted recognition to several institutions for D.El.Ed. course similar to theirs, ignoring the shortcomings mentioned in the returning letter, they decided to go for appeal and filed a Writ Petition."

AND WHEREAS the appellant further submitted that "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 dt. 16.10.2017 appeal/15th Meeting 2017 dt. 16.10.2017 titled St. Meera T.T. College directed the NRC to process further the application on the ground that...the Committee noted that the appellant could not have submitted the application on line within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e., one month, which is a virtual impossibility due to closure of NCTE portal. A copy of order dated 16.10.2017 is annexed herewith for your reference. On the grounds discussed and narrated, the ground of rejection of our application is solely baseless. The appellant institution approached the Hon'ble Court and Court in his order dated has directed Indisputably, the order impugned herein is an appeal able order under Section 18 of the National Council for Teacher Education Act, 1993. In view of the above, this Court is not inclined to entertain the writ application under Article 226 of the Constitution invoking extra ordinarily Jurisdiction, until the petitioner having first exhausted the statutory remedy of appeal as aforesaid, under the Act of 1993."

AND WHEREAS the submission of the appeal has been delayed by nine years, five months and six days beyond the prescribed period of sixty days. The Committee noted that according to the provisions of Rule 10 of NCTE Rules, 1997, any person aggrieved by an order made under Section 14, or Section 15 or Section 17, 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 N.R.C. dt. 17/03/2009 is not an order as such issued under any one of the Sections of the NCTE ACT, 1993 mentioned above. Notwithstanding this position, the appellant inordinately delayed making of the appeal. The reason for delay given that they did not receive the returning letter and collected the same; without any specific particulars, is too vague. In any case the reasons adduced are not sufficient causes which prevented the appellant from appealing for nine years, five months and six days. In these circumstances, the Committee decided not to condone the delay. 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. Hence the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Suboth B.S.T.C. College, Ward No. 42, Nawalgarh Road, Sikar – 332001, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-741/E-93980/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Subodh Teacher Training College, Nawalgarh Road, Sikar, Rajasthan dated 23/10/2018 is against the Order No. NRC/NCTE/NRCAPP-10864/258th Meeting/2016/115670 dated 16/05/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds that "The institution is neither multiple teacher training institution nor any Under Graduate or Post Graduate course being run the institution. Hence, the institution is not eligible for B.A. B.Ed./B.Sc. B.Ed. course as per Regulations, 2014."

AND WHEREAS Sh. Madar Singh, Member, Subodh Teacher Training College, Nawalgarh Road, Sikar, Rajasthan presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation it was submitted that "The institution is running B.Ed. course since 13 August 2006 hence the rejection order of NRC is illegal. Hence, we decided to file appeal on the following grounds: 1. The institution has given recognition for B.Ed. course by NCTE in the year 2006. 2. As per preamble of Para 1.2 Appendix/13 of NCTE Regulation, 2014 which defines norms and Standards for 4 years integrated programme leading to B.A. B.Ed./B.Sc. B.Ed. degree. 3. The definition of composite institution as per Regulation 2 (b) of NCTE Regulations 2014 as under Composite institution means a duly recognised Higher Education Institution offering undergraduate / post graduate programme of study in the field of liberal arts or humanities or social science or sciences or commerce or mathematics, as the case may be, at the time of applying for recognition of teacher education programme or an institutions offering multiple teacher education programmes. 4. The NCTE in their letter no. 49/03/2016 NCTE/n and s/dt. 07.04.2016 to the Regional Director. NRC has clarified that an institution offering multiple teacher education programmes can also be considered for a 4 years

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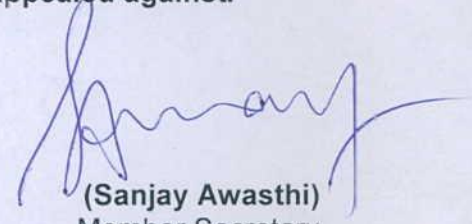
integrated B.Ed. programme and in such cases the affiliating university shall ensure that the norms including the norms of the faculty for offering B.A./B.Sc. component of the programme, as per curriculum of these programme in the university, is scrupulously observed. B. Applications of TEI and offering single Teacher Education programme can also be considered for a 4 years integrated B.Ed. programme, provided the affiliating body has undertaken to regulate the B.A./B.Sc. component of the integrated programme in accordance with the curriculum and norms of the university and C. It is not thus mandatory that an institution should be offering B.A. B.Sc. course before applying for a 4 years integrated B.Ed. program. 5. The college is affiliated to PDDU Shekhawati University, Sikar for B.Ed. course and the course of study is devised by the affiliating University. 6. The affiliating body i.e. PDDU Shekhawati University, Sikar has given NOC for B.A. B.Ed./B.Sc. B.Ed. component of the 4 years integrated program. 7. Many new institutions have been granted recognition 4 years B.A. B.Ed./B.Sc. B.Ed. on the basis of B.Ed. As we are also running B.Ed. course and proposed to start B.A. B.Ed./B.Sc. B.Ed. course, we are also falling under composite institution category as per classification given by NCTE Headquarter. We had also filed a S.B. Civil Writs No. 23362/2018 to the High Court of Judicature for Rajasthan, the copy of the Court order dt. 12.10.2018 is attached herewith for your reference."

AND WHEREAS the Committee noted that according to para 1.1 of the Norms and Standards for 4 year Integrated programme of B.Sc. B.Ed./B.Sc. B.Ed. contained in Appendix – 13 to the NCTE Regulations, 2014, this four year Integrated Programme aims at integrating general studies comprising science (B.Sc. B.Ed.) and social sciences or humanities (B.A. B.Ed.) and Professional studies comprising foundations of education, pedagogy of school subjects, and practicum related to the tasks and functions of a school teacher. The Committee is of the considered opinion that the integration envisaged in the Norms and Standards cannot be achieved without the institution, proposing commencement of the Integrated programme for science stream or humanities stream, without having separate B.Sc. or B.A. Course as the case may be. Further the Committee also noted that the N.O.C. for the Integrated Programme

issued by the university does not incorporate the stipulations contained in the NCTE's letter dt. 07/04/2016. In these circumstances, the Committee concluded that the WRC was justified in refusing recognition on the ground that the appellant institution is not running any undergraduate or postgraduate programme.

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

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



(Sanjay Awasthi)
Member Secretary

1. The Manager, Subodh Teacher Training College, Nawalgarh Road, Ward No. 43, Sikar – 332001, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-538(A)/E-84553/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Swatantrata Sangam Senani Vishram Singh Government Post Graduate College, Khairuddinpur, Chunar, Uttar Pradesh dated 31/07/2018 is against the Order No. NRC/NCTE/NRCAPP-9827/285th Meeting/2018/94498 dated 14/06/2018 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "The applicant institution has not submitted the reply of the SCN dated 01.12.2017 within the stipulated time. Hence, the Committee decided that the application is rejected, and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

AND WHEREAS Dr. Subedar Yadav, Swatantrata Sangam Senani Vishram Singh Government Post Graduate College, Khairuddinpur, Chunar, Uttar Pradesh presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation it was submitted that "The institution has sent the reply by post on 14/12/2017. Post office receipt attached along with reply letter."

AND WHEREAS regulatory file is not made available to Appeal Committee. Appeal Committee relying on the documents made available by appellant noted that impugned refusal order dated 14/06/2018 is on the ground that 'applicant institution has not submitted reply of S.C.N. dated 01/12/2017 within stipulated time.'

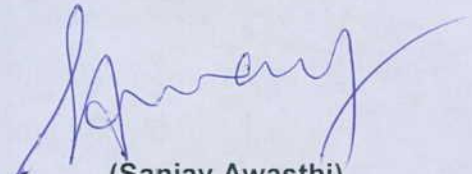
AND WHEREAS appellant institution which is a Government institution with its appeal memoranda submitted that reply to S.C.N. dated 01/12/2017 was sent by Speed Post on 14/12/2017. Copy of Speed Post receipt has been enclosed with appeal memoranda documents.

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AND WHEREAS Appeal Committee noting the evidence submitted by appellant in support of its claim of having furnished timely reply to S.C.N., decided that ground of refusal mentioned in the impugned order dated 14/06/2018 is not substantiated and hence the order is not sustainable. Committee decided to remand back the case to N.R.C. for revisiting the matter and appellant is required to resubmit copy of its letter dated 13/12/2017 to N.R.C. within 15 days of the issue of appeal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to N.R.C. for revisiting the matter and appellant is required to resubmit copy of its letter dated 13/12/2017 to N.R.C. within 15 days of the issue of appeal order.

NOW THEREFORE, the Council hereby remands back the case of Swatantrata Sangam Senani Vishram Singh Government Post Graduate College, Khairuddinpur, Chunar, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Principal, Swatantrata Sangam Senani Vishram Singh Government Post Graduate College, Khairuddinpur, Chunar – 231304, 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.89-546/E-85238/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Deen Dayal Rustagi College of Education, Rajendra Clinic Rampur, Pataudi, Haryana dated 07/08/2018 is against the Order No. NRC/NCTE/NRCAPP-6621/287th/Meeting/2018/19759 dated 01/08/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The institution has still not submitted the certified registered land documents issued by the Registering Authority or civil authority concerned. Non-Encumbrance certificate has been submitted for Khasra No. 258/726 for which the institution has stated that the said number was entered into online application due to typing error. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

AND WHEREAS Dr. Rajender, Chairman, Deen Dayal Rustagi College of Education, Rajendra Clinic Rampur, Pataudi, Haryana presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation it was submitted that "The institution is situated on Khewat / Khata No. 287/743 As per Jamabandi year 2003-2004 and now comprising Khewat / Khata No. 393/820 rect no. 64 Killa No. 23/2, rect no. 71 Killa No. 3/2, 4/2, 5/1, 6/2, 7/1, total field 6 and total measuring 34 Kanal 17 Marla. 2 Land Registry, Land Title Certificate, Non-Encumbrance certificate certified by the competent authority and Notarized Affidavit on 100 Rupees stamp paper are attached."

AND WHEREAS Appeal Committee noted that applicant institution submitted online application seeking recognition for one additional unit of D.El.Ed. programme. The applicant institution in its online application furnished details of other teacher

education programmes being conducted. These programmes included B.Ed. programme (since 2007), D.El.Ed. (since 2007) and M.Ed. programme (since 2007). The land identification number mentioned in the online application is Plot No. 258/726, Hailey Mandi, Pataudi, Haryana. Appeal Committee noted that appellant with its application dated 30/12/2012 submitted a zerox copy of land documents certified by Sub-Registrar on 27/12/2012.

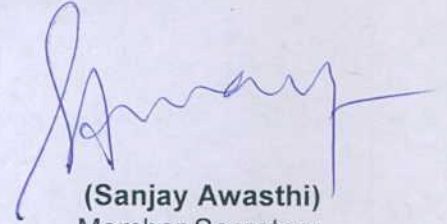
AND WHEREAS Appeal Committee further noted that a Show Cause Notice (SCN) dated 16/07/2018 was issued to appellant institution for non-submission of (i) certified land documents (ii) land documents of Khasra No. 258/726 mentioned in the application, (iii) CLU, NEC and Building Plan pertaining to Khasra No. 258/726. Noting the decision of N.R.C. to issue S.C.N. on above ground Appellant institution submitted reply dated 22/06/2018. Appellant in its reply stated that College is situated on Plot No. 287/743 and Khasra Number mentioned in online application was typing error. Appeal Committee noted that Khasra number of land i.e. 258/726 was not only mentioned in the online application but all the affidavits found available in the regulatory file contained Plot No. as 258/726. One of such affidavit is sworn by the Chairman of Society on 23/05/2015 i.e. almost three years after the online application was submitted.

AND WHEREAS Appeal Committee noted that appellant institution cannot be absolved of its responsibility to have submitted original certified copy of land documents as asked by the Regional Committee and change in the plot number on the pretext of typing error at this late stage also cannot be entertained. Appeal Committee decided to confirm the impugned refusal order dated 01/08/2018.

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

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



(Sanjay Awasthi)
Member Secretary

1. The Chairman, Deen Dayal Rustagi College of Education, Rajendra Clinic Rampur Gate Haily Mandi Behind, BNB, Ward No.4, Haily Mandi to Pataudi Road, Pataudi – 122504, 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.89-550/E-85709/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Ram Ratan Girls Degree College, Jairamgarh, Sadar, Mau, U.P. dated 10/08/2018 is against the Order No. NRC/NCTE/NRCAPP-14034/258th/Meeting/2016/160871 dated 18/10/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "Reply submitted by the institution in response to the show cause notice uploaded on the website is not satisfactory."

AND WHEREAS Sh. Virendra Kumar Yadav, Director, Ram Ratan Girls Degree College, Jairamgarh, Sadar, Mau, U.P. presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation it was submitted that "Due to serious illness, I was not able to get the inspection conducted."

AND WHEREAS Appeal Committee noted that Visiting Team appointed to conduct inspection of the Appellant institution informed N.R.C. that inspite contacting twice, the Manager of Ratan Girls Degree College, Jairamgarh, Mau expressed his inability to get inspection conducted on the basis of incomplete structure of institution building. The appellant, however informed N.R.C. in July, 2016 that inspection could not be conducted due to his serious illness from 25/02/2016 to 25/03/2016. Committee noted that N.R.C. after considering the reply dated 18/07/2016 to the Show Cause Notice finally issued impugned refusal order dated 18/10/2016.

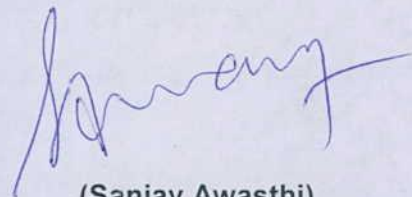
AND WHEREAS from the documents available on regulatory file it is observed that appellant filed a Writ C. No. 50931 of 2017 in the High Court, Allahabad and the Hon'ble Court by its order dated 01/11/2017 allowed petitioner to move a fresh application for academic session 2018-19 as per Norms and Standards fixed by

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NCTE. Hon'ble Court has further ordered that as soon as said application is moved, respondent NCTE shall examine the papers submitted and carry out inspection of institution concerned as per time schedule fixed.

AND WHEREAS Appeal Committee noted that in compliance with Court's order referred above N.R.C. has already informed the appellant institution on 24/01/2018 that institution is required to move fresh application in accordance with law.

AND WHEREAS keeping in view that (i) appellant did not prefer appeal within 60 days of the issue of impugned order and (ii) the matter already stands adjudicated by Hon'ble High Court by its order dated 01/11/2017, Appeal Committee decided not to admit appeal being infructuous and devoid of merit. As per order dated 01/11/2017 of Hon'ble High Court, appellant is required to move a fresh application as per law.



(Sanjay Awasthi)
Member Secretary

1. The Manager, Ram Ratan Girls Degree College, Jairamgarh, Sadar, Mau – 275305, 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.89-554/E-85846/2013 Appea/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Grow More College of Education, Berna, Ahmedabad – Udaipur Highway, Himmat Nagar, Gujarat dated 13/08/2018 is against the Order No. WRC/05180/323511/Guj./293rd/2018/198731 dated 22/06/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that ““The case file was seen. Consequent to the issue of Revised Recognition order, Show Cause Notice dated 12.09.2017 was issued and the institute replied on 11.10.2017. The institute has submitted staff profile of 10 faculty members which is approved but the staff list is not submitted in original. It has also submitted another staff profile of 05 faculty members which is not approved. Principal has not been appointed. The institute has not submitted the Building Completion Certificate signed by a Govt. Engineer. Hence, Recognition is withdrawn from the session 2018-19. FDRs, if any, be returned.”

AND WHEREAS Sh. Shailesh Makani, Academic Group Head and Sh. Mahesh Patel, Representative, Grow More College of Education, Berna, Ahmedabad – Udaipur Highway, Himmat Nagar, Gujarat presented the case of the appellant institution on 20/11/2018. In the appeal and during personal presentation copy of following were submitted (i) copy of the list of faculty approved by Hemchandracharya North Gujarat University and (ii) B.C.C. signed by Government Engineer and (iii) copy of F.D.Rs.

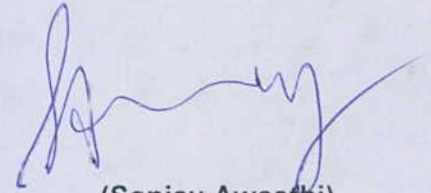
AND WHEREAS Appeal Committee noted that appellant institution was recognised in 2008 to conduct B.Ed. course and a revised recognition order was issued on 31/05/2015 to the institution for conducting E.Ed. programme of 2 year duration with an intake of 100 seats (2 units) from the session 2015-16.

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AND WHEREAS non-compliance of the terms and conditions mentioned in the revised recognition order had resulted in issue of the impugned withdrawal order dated 22/06/2018. Appellant during the course of appeal presentation on 20/11/2018 submitted evidence of having rectified the deficiencies and obtained (i) approval of affiliating body to the appointment of Principal and faculty, (ii) Building Completion Certificate signed by Government Engineer and (iii) F.D.Rs. Appellant is required to submit authenticated copies of all the above documents to W.R.C. within 15 days of the issue of Appeal orders. Appeal Committee decided that on receipt of above mentioned documents which are required to be submitted by appellant institution within 15 days, W.R.C. shall revisit the case for taking an appropriate decision.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that Appellant is required to submit authenticated copies of all the documents mentioned in para 4 above to W.R.C. within 15 days of the issue of Appeal orders and W.R.C. shall revisit the case for taking an appropriate decision.

NOW THEREFORE, the Council hereby remands back the case of Grow More College of Education, Berna, Ahmedabad – Udaipur Highway, Himmat Nagar, Gujarat to the WRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Trustee, Grow More College of Education, Berna, Ahmedabad – Udaipur Highway, Himmat Nagar – 383001, 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.89-40/2015 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Sanctum Institute of Education and Technology, Saliyar, Salahpur, Haridwar, Uttarakhand dated 20/04/2015 is against the Order No. F.NRC/NCTE/NRC APP-9033/233rd (Par. - I) Meeting/2014/92202-205 dated 30.03.2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "the institution did not submit reply to the show cause notice."

AND WHEREAS the appellant filed a W.P.M.S. No. 765 of 2015 before the Hon'ble High Court of Uttarakhand at Nainital. The Hon'ble High Court, in their order dt. 01/04/2015, disposed of the petition permitting the petitioner to withdraw the petition with liberty to file an appeal under Section 18 of the NCTE Act.

AND WHEREAS Sh. Vikas Gupta, Secretary and Sh. Dheeraj Agarwal, Chairman, Sanctum Institute of Education and Technology, Saliyar, Salahpur, Haridwar, Uttarakhand presented the case of the appellant institution on 06/05/2015. In the appeal and during personal presentation it was submitted that "online application was submitted on 31/12/2012 and hard copy along with necessary enclosures was submitted to NRC Jaipur on 09/01/2013 by receipt no. 51273. The reply of show cause notice issued by NRC duly replied stating with valid reason and certificate. In the meeting of 233 NRC held on 18 February, 2015 it is decided to reject our application on NRCAPP-9033 on the grounds which are not true and unjustified."

AND WHEREAS the Committee, in their meeting held on 22/05/2015, perused the file of the N.R.C. which became available. The Committee noted from the file that the N.R.C. on 04/07/2013 issued a Show Cause Notice to the appellant institution on

the ground that "the online application was made on 31/12/2012 and the hard copy of the same is received on 09/01/2013. As such the hard copy in triplicate of the online application is not dispatched within 7 days of the submission of the online application as per Clause 7 (I-A) of the NCTE Regulations, 2009." While no reply was received, the N.R.C. issued another show cause notice to the institution on 23/01/2014 stating that the institution has been granted recognition by the N.R.C. earlier vide application no. NRCAPP-210 and the institution has submitted their application again without completion of three academic sessions as required under Clause 8 (3) of NCTE Regulations, 2009, and the name and address of the institution are same. As no reply was received to this notice, N.R.C. decided to refuse recognition and issued the order appealed against.

AND WHEREAS the Committee noted that the appellant in his appeal, admitting that the hard copy of the application alongwith enclosures was submitted on 09/01/2013 did not submit any explanation about the issue raised in the second show cause notice dt. 23/01/2014 except stating that a reply to show cause notice was given. The file does not contain any replies to both the Show Cause Notices.

AND WHEREAS this matter was again placed before the Committee in their meeting held on 17/11/2018 on receipt of a clarificatory letter from the NRC dt. 27/09/2018. The Committee noted that eventhough there are two show cause notices dt. 04/07/2013 and 23/01/2014, the refusal order dt. 30/03/2015 is on the ground of non-submission of a reply to the show cause notice dt. 04/07/2013 only.

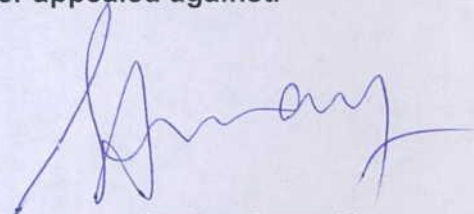
AND WHEREAS the Committee also noted that the appellant with their appeal enclosed a copy of their letter dt. 24/07/2013, addressed to the N.R.C wherein he admitted that the hard copy of the application in triplicate could not be dispatched within the prescribed date due to serious illness of the secretary of their institution. The appellant in a letter dt. 06/05/2015 stated that they did not receive the show cause notice dt. 04/07/2013, but they saw it on website and sent a reply (dt. 24/07/2013).

The appellant also stated that they did not receive the other show cause notice dt. 23/01/2014 but only received the rejection order dt. 30/03/2015.

AND WHEREAS the Committee noted that the appellant's stated reply dt. 24/07/2013 to the show cause notice dt. 04/07/2013 is not available in the file. The copy enclosed to the appeal does not indicate how that letter was dispatched – by speed post/registered post/by hand. This copy does not bear any receipt stamp of N.R.C. In any case, the fact remains that the hard copy of the application was not despatched by registered post or by hand within seven days of online submission as per the provisions of Clause 7 (1-A) of the NCTE Regulations, 2009, which were in force at the relevant time. The appellant admitted this position. In these circumstances the Committee concluded that the NRC was justified in refusing recognition and therefore the appeal is rejected and the order of the NRC confirmed.

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

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Sanctum Institute of Education and Technology, Sanctum Institute of Education, Khasra No. 494, 3, 494 3, Saliyar, Salahpur, Haridwar, Uttarakhand - 247667.
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 Uttarakhand, Dehradun.



F.No.89-351/2014 Appeal 20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Diganth Teacher Training Institute, Kolar, Karnataka dated 06/12/2013 is against the Order No. SRO.NCTE/APS06051/D.ED/KA/2013-14/54286 dated 09/10/2013 of the Southern Regional Committee, withdrawing recognition for conducting D.Ed. course on the grounds that the "Institution has submitted Building Completion certificate wherein two Sy. Nos. 95 & 96 are shown. Survey number 96 is not supported by land documents. 2) Survey Numbers mentioned in building plan and building construction are different, Sy. No 95 alone is shown in building plan, whereas in building plan Sy. No 85 and 96 are shown. 3) As per Building completion Certificate 8331.75 sq. ft is under asbestos roofing which is not permissible as per NCTE, Regulations 2009. 4) FDR submitted by the Institution is not from a Nationalised Bank".

AND WHEREAS No one from, Diganth Teacher Training Institute, Kolar, Karnataka appeared on behalf of the appellant institution on 24-11-2014. The appellant was given a second opportunity to appear before the Committee on 13.01.2015. Dr. M. Chandra Shekhar, Chairman of the society managing Diganth Teacher Training Institute, Kolar appeared before the Committee on 13.01.2015 and submitted that "the Initial recognition granted to the Institution is at DIGANTH TTI, Hanchala Gate, Hudukula Post, Bangarpet Taluk, Kolar district - 563114, Karnataka, The address as per building plan and building completion certificate is survey No. 95 and 96 of Aniganahalli Kasaba Hobli, Chikkankandahalli gram panchayath, Bangarpet Taluk, Kolar district. The above said two places, two names are one and the same, The Hanchala gate is situated in Aniganahalli, Kasaba Hobli, Sy. No. 95 and 96 under the Jurisdiction of Chikkankandahalli Gram Panchayat. To prove this a certificate issued by the Panchayat Development officer / Secretary was enclosed. In withdrawal order of SRC Bangalore

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the remarks made is not correct regarding plan and building completion report etc. against sy. No 95 and 96 the building is situated in Sy. No 95 is under total area which is used for the common playground. Even in building completion certificate the officer concerned has clearly mentioned 2.26 Acres of land in Sy. No.96 is for playground. On 24th May 2013, we have replied to SRC, Bangalore Show Cause Notice very clearly. SRC, Bangalore has not properly verified the reply submitted by us. The fixed deposit was deposited in CANARA BANK Kolar Branch on 11.07.2009 worth of RS. 16 Lakhs and the FDRs received by us has been submitted as it is to the SRC, Bangalore on the same day itself, the SRC, Bangalore has endorsed us for having receipt of the said FDRs Vide letter number FSRC/NCTE/ACCTS/2010-11/21874 Dated 8.10.2010 FDRs vide FSRC/NCTE/ACCTS/2010-1/22383 dated 22.10.2010 we have deposited the said amount in Nationalised bank only i.e., CANARA BANK, this deposit is also made jointly in the name of Director SRC, Bangalore and Chairman".

AND WHEREAS after going through the documents available on relevant files, Committee observed that there are two withdrawal orders dated 09.10.2013 and 18.10.2013 issued by S.R.C. withdrawing D.El.Ed. course recognised to Diganth Teacher Training Institute, Hanchal Gate, Hudukla post, Bangerpet, Kolar. The instant appeal is against the withdrawal order dated 09.10.2013. The withdrawal order dated 09.10.2013 is in respect of D.Ed. course recognised vide order dated 12.04.2007 for an intake of 50 students. In the final para of this withdrawal order the annual intake of 35 students has been ordered to be withdrawn on the grounds:

- 1) Building Completion Certificate mentions two survey numbers 95 & 96 whereas survey number 96 is not supported by land documents.
- 2) Building plan mentions Survey no. 85 & 96 whereas B.C.C. mentions Survey no. 95.'
- 3) As per B.C.C. 8331.75 sq. feet area is covered with asbestos sheets.
- 4) FDRs submitted are not from nationalised bank.

It is also observed that before issuing the withdrawal order dated 09.10.2013 the S.R.C. had issued a number of Show Cause Notices to the appellant institution the last of which were termed as final Show Cause Notices dated 23.04.2013 and 17.05.2013 and the appellant institution has furnished reply to these Show Cause Notices. The appellant institution had furnished two separate Building Completion Certificates showing built up space of 15855 sq. feet (5285 asbestos roofing) and 23672 sq. feet (8331 asbestos roofing). Both these B.C.Cs are dated 22.01.2013 and mention Survey no. 95 & 96 and a part of both buildings having asbestos roofing. However the relevant file of S.R.C. contains two separate B.C.Cs dated 25.01.2012 certifying all R.C.C. roofing on both the buildings. Having regard to the fact that (i) the institution was granted recognition to conduct two units of D.El.Ed. in 2004 and 2007 respectively and the appellant has all along been submitting that these two units one in Tamil and the other in English are being conducted in two separate buildings located on survey no. 95 and (ii) the appellant institution has furnished F.D.Rs from Canara Bank which are acceptable, Appeal Committee decided that a Composite Inspection under Section 13 of the NCTE Act be conducted to physically ascertain the infrastructural capacity of the appellant institution to conduct two units of D.El.Ed. separately in two different building at one survey number.

After considering the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that a Composite Inspection to assess the availabilities of infrastructural and instructional requirements with the appellant institution, be conducted under Section 13. While conducting inspection special focus should be on the grounds of withdrawal of both the units of D.El.Ed. ordered on 09.10.2013 and 18.10.2013.

Current Status

The matter is placed before Appeal Committee on 20/11/2018. Appeal Committee noted from the previous minutes of 1st Meeting/2015 (Serial No. 26) that the impugned withdrawal order dated 09/10/2013 was on following grounds -

- (i) Survey no. 96 is not supported by land documents.
- (ii) Survey as mentioned in the building plan and Building Completion Certificate are different.
- (iii) As per B.C.C. 8331 sq. feet is under asbestos roofing.
- (iv) FDRs submitted by the institution are not from Nationalised Bank.

Appellant in its appeal memoranda submitted that asbestos roofing was removed and a revised B.C.C. was issued by Executive Engineer. Appellant also stated that applicant Trust owns land measuring 10.26 acres at Survey No. 95 & 96 and both Survey numbers are adjacent. Appellant Committee in order to verify the submissions made by appellant had decided that averments made by appellant should be got physically verified as no temporary structure consisting of asbestos roofing is permissible in the institution as per NCTE Regulations.

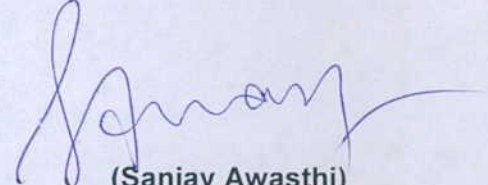
It has now been brought to the notice of Appeal Committee that inspection of the appellant institution could not be conducted. Appeal Committee noted that impugned order of withdrawal dates back to 09/10/2013 and more than 5 Years have elapsed. Last time when appellant represented for disposal of Appeal is 11/08/2015. During the pendency of appeal the appellant institution could not have conducted the programme as by the impugned withdrawal order dated 09/10/2013 recognition was withdrawn from academic session 2014-15.

AND WHEREAS Appeal Committee noted that after the issue of impugned withdrawal order dated 09/10/2013. NCTE Regulations, 2014 have come into existence and there is no way recognition can be restored after a lapse of 5 years. Temporary structure or asbestos roofing is not permissible under Clause 8 (7) of the NCTE Regulations. Keeping in view that a sizable area of 8331 sq. feet was found to be covered with asbestos roofing, Appeal Committee decided to confirm the withdrawal order dated 09/10/2013.

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

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Diganth Teacher Training Institute, Kolar, Karnataka.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.



F.No.89-256/E-70908/2018 Appeal/20th Mtg -2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Shree Nawa garh (PG) Mahila Mahavidyalaya, Nansa Gate, Nawalgarh, Rajasthan dated 27/03/2018 is against the Order No. NCTE/NRC/NRCAPP201716803/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/SCN/RJ/2017-18/2; dated 20/01/2018 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that “the institution has not submitted the certified registered land documents issued by the Registering Authority or civil authority concerned. CLU issued by the Competent Govt. Authority not submitted. 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. Chauth Mal Jang r, C.A.O, Shree Nawalgarh (PG) Mahila Mahavidyalaya, Nansa Gate, Nawalgarh, Rajasthan presented the case of the appellant institution on 31/05/2018. In the appeal and during personal presentation it was submitted that “Appellant had submitted relevant documents in response to the show cause notice which were completely overlooked by NRC. The observation of NRC with regard to non-submission of certified registered land documents issued by registering authority or civil authority is clearly contrary to the record as appellant had submitted said document. A copy of certified registered land documents is enclosed. The observation with regard to non-submission of Change of Land Use Certificate issued by competent authority is not justified. Appellant had made all the necessary documentary compliance and it also satisfies the norms and standards in respect of availability of infrastructure and facilities as required under NCTE Act, 1993 and Regulations, 2014. Because in view of the reply to show cause notice as well as in view of documents placed on record with present appeal it is apparent that no

deficiency exists with appellant-institution. Appellant has made full compliance of the NCTE Regulations, 2014. Appellant craves indulgence of appellant body to prefer and rely upon relevant documents and pronouncements at the time of arguments of present appeal."

AND WHEREAS appellant during the course of appeal presentation submitted extracts of records from state Archives, Jaipur entered at Serial No. 161 dated 04/11/1946. Appellant is required to submit originally certified copy of such land documents which clearly indicate the location, measurement and ownership rights of land to the Regional Committee. From a Certificate dated 25/01/2018 issued by office of Municipal Board, Nawalgarh and submitted by the appellant.

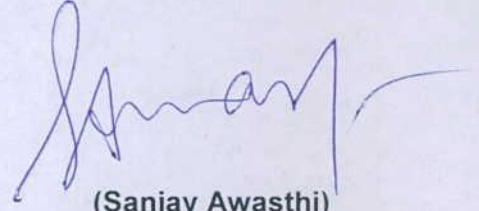
AND WHEREAS Appeal Committee noted that relevant regulatory file was not available on the day of hearing i.e. 31/05/2018. Appeal was therefore, kept pending till the Regulatory file is made available to the Appeal Committee. Appeal Committee after getting the regulatory file observed that original certified copy of land documents was submitted by the applicant alongwith its application. Applicant in reply to Show Cause Notice has further submitted certificate issued by Tehsildar on 14/11/2017 certifying that land is under Nagar Palika Mandal used for conducting P.G. Mahila College.

AND WHEREAS Appeal Committee, therefore, decided to remand back the case to N.R.C. for revisiting the matter as original certified documentary evidence and Land Use Certificate from Nagar Palika, Nawalgarh are already available on regulatory file.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for revisiting the matter as original certified documentary evidence and Land Use Certificate from Nagar Palika, Nawalgarh are already available on regulatory file.

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NOW THEREFORE, the Council hereby remands back the case of Shree Nawalgarh (PG) Mahila Mahavidyalaya, Nansa Gate, Nawalgarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Chief Admn. Officer, Shree Nawalgarh (PG) Mahila Mahavidyalaya, Nawalgarh, Nansa Gate, Nawalgarh – 333042, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New De hi.
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.89-498/E-82452/2018 Appeal/20th Mtg.-2018/17th, 19th & 20th November, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/12/18

ORDER

WHEREAS the appeal of Sri Saila College of Education, Vageesha Nagar, Harihar, Karnataka dated 17/07/2018 is against the Order No. SRO/APS03398/B.Ed/KA/2018-19/97419 dated 23.05.2018 of the Southern Regional Committee withdrawing recognition for conducting B.Ed. Course on the grounds that "submission of an Affidavit expressing willingness to adhere to the 2014 Regulations is essential for old cases to be considered as RPRO cases. Failure to submit the Affidavit is therefore a grave deficiency. We cannot wait indefinitely for their reply to our SCN dt. 16.05.2016. Withdraw the recognition given by us to their B.Ed. (2 units). Return the FDRs. Close the file. Inform the University."

AND WHEREAS Sh. S.G. Sharadamma, Principal and Sh. B.R. Patil, Administrator, Sri Saila College of Education, Vageesha Nagar, Harihar, Karnataka presented the case of the appellant institution on 04/10/2018. In the appeal no explanation has been given.

AND WHEREAS in the course of presentation, the appellant submitted a letter dt. 04/10/2018. In this letter the appellant stated that (i) their colleges name appears twice in the list of colleges published by the NCTE with two different code numbers, i.e. APS 03398 and AOS 00465, whereas their correct code no. is AOS 00465; (ii) all correspondence has been made against code no. AOS 00465, (iii) affidavit is also submitted using Code No. AOS 00465; (iv) recognition has been withdrawn in respect of Code APS 03398, tagging their college name with the order; and (v) they have already submitted their requisitions to SRC. The appellant requested to either withdraw the order mentioned in reference or issue the necessary corrective orders.

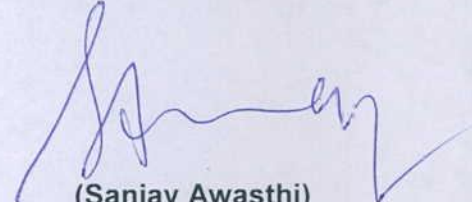
AND WHEREAS the appellant in the course of presentation submitted a set of documents, which inter-alia included, a certificate of recognition dt. 10/07/1996 issued by the SRC, a copy of the recognition order dt. 03/07/2015 issued under the NCTE Regulations, 2014; a copy of the corrigendum dt. 11/08/2015 to the recognition order dt. 03/07/2015, affidavit and various other documents. These two orders issued in 2015 bear the Code No. AOS 00465. However, the Show Cause Notice dt. 16/05/2016 and the withdrawal order dt. 23/05/2018 bear the Code No. APS 03398, which the appellant claims does not belong to their institution.

AND WHEREAS the relevant file of the appellant institution has not been received from the SRC. In these circumstances, it is suggested that the position stated in para 3 and 4 above may be intimated to the SRC with a direction to send their response thereto along with the relevant file of the appellant institution for consideration of the appeal.

AND WHEREAS the relevant files of the SRC relating to the appellant institution bearing two code nos., namely, AOS00465 and APS03398, both for B.Ed. course have been received and placed before the Committee in their meeting held on 18/12/2018. The Committee noted that the appellant, in their appeal has pointed out certain discrepancies in the communications issued by the SRC, in respect of their B.Ed. course. The Committee is unable to understand why two code numbers have been allotted to the same institution. The Committee also noted that after the issue of the withdrawal order, the appellant has written two letters dt. 29/05/2018 and 30/05/2018 to SRC requesting to withdraw the withdrawal order. These two letters are available in the SRC's file. In these circumstances, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the submission of the appellant in the appeal and those contained in their two letters written to the SRC and issue further appropriate orders. In the meanwhile, the order of withdrawal shall be kept in abeyance.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the submission of the appellant in the appeal and those contained in their two letters written to the SRC and issue further appropriate orders. In the meanwhile, the order of withdrawal shall be kept in abeyance.

NOW THEREFORE, the Council hereby remands back the case of Sri Saila College of Education, Vageesha Nagar, Harihar, Karnataka to the SRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary/Appellant, Sri Saila College of Education, Vageesha Nagar, P.B. Road, Harihar – 577601, Karnataka.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.