



F.No.89-103/E-111017/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of Keshav Teacher Training College, Atru, Rajasthan dated 10/03/2019 is against the Order No. NRC/NCTE/NRCAPP-11496/257th (Part-3) Meeting/2016/160228 dated 14.10.2016 of the Northern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "the institution was given show cause notice vide letter dt. 03.12.2015 with direction to submit the reply within 30 days. The institution did not submit any reply of show cause notice within stipulated time."

AND WHEREAS Sh. Krishan Murari Dilavar, President, Keshav Teacher Training College, Atru, Rajasthan presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that "The applicant institution submitted online application form but due to non-issuance of N.O.C. the by affiliating body without any justified reasons our applicant has been rejected. Appellant submitted an application before affiliating body for grant of NOC well within time, despite of this the file was not considered by the affiliating body within time. The Appellant was pursuing the matter considered for grant of NOC from the day beginning. Once the general letter was issued for granting NOC for the Appellant area then there was no need to take separate NOC for each and every college, the said letter dated 15.04.2015 may be treated as NOC. Respondents have issued a show cause notice on 03/12/2015 wherein they have specifically averred that the Appellant has not submitted a NOC of affiliating body, rejecting the file vide order dated 14.10.2016 is illegal and unjust. The NCTE while refusing the file has mentioned that the Appellant has not submitted reply to the show cause notice well within time. In this regard, it is mentioned that a show cause notice was Issued on 03.12.2015 and the reply to show cause notice was filed 17.01.2016 much prior to the

rejection of the application but the respondents in a very hyper technical manner rejected the file of appellant institution which is illegal and unjust.”

AND WHEREAS Appeal Committee noted that appellant institution has filed a S.B. Civil Writ No. 27759 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble High Court by its order dated 04/01/2019 has granted liberty to the petitioners to avail remedy of appeal. The appeal filed by petitioner is to be dealt by Appellate Authority expeditiously in accordance with law.


AND WHEREAS Appeal Committee noted that order dated 04/01/2019 issued by Hon'ble High Court requires the Appellate Authority to deal with the appeal expeditiously in accordance with law. Section 18 of the NCTE Act, 1993 lays down that any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer appeal within such period as may be prescribed and no appeal shall be admitted if it is preferred after the expiry of period prescribed therefor. Further it is provided in the Act that appeal may be admitted after the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period. Rule 10 of NCTE Rules framed under the relevant Act prescribes that any person aggrieved by an order made under Section 14, 15 or 17 may prefer appeal within 60 days of the issue of such order and for admission of appeal after the expiry of said period of 60 days, appellant requires to satisfy the Council that he had sufficient cause for not preferring the appeal within a period of 60 days.

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

Appeal Committee is of the view that orders issued by Hon'ble Court do not imply, automatically, condoning the period of delay as all appeals have to be dealt in accordance with law. Hon'ble Court in its order dated 04/01/2019 has not mentioned that appellant has satisfied the Hon'ble Court about the reasons for not filing appeal within permissible time limit. Whereas the period prescribed for preferring appeal was mentioned in the impugned refusal order. Appellate Authority is, therefore, free to consider the justification for delay furnished by appellant before admitting or denying the appeal for consideration. In the instant case, appellant institution in its appeal memorandum has stated that a reply to S.C.N. was sent on 17/01/2016 but it is not available in regulatory file. Appellant has not preferred appeal within the time limit prescribed.

AND WHEREAS Appeal Committee noted that appellant has not given any specific reason, commensurate with the delay of 27 months, for filing the appeal. Appeal Committee decided that appellant's statement that it had replied to the S.C.N. dated 03/12/2015 on 17/01/2016 cannot be accepted for not being verifiable after a gap of 3 years. Appeal Committee decided not to admit the appeal for reason of being delayed by 27 months.

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



(Sanjay Awasthi)
Member Secretary

1. The Manager, Keshav Teacher Training College, Atru – 325218, 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.89-104/E-111014/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of Saraswati BSTC College, Jheer Ki Chowki, Bhageswar, Neem Ka Thana, Rajasthan dated 16/03/2019 is against the Letter No. New Appl./RF/Raj./NRCAPP-5297/2013-14/47356 dated 07.06.2013 of the Northern Regional Committee, thereby returning the application for conducting for D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC

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

AND WHEREAS Sh. Arun Kumar, Lecturer, Saraswati BSTC College, Jheer Ki Chowki, Bhageswar, Neem Ka Thana, Rajasthan presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that “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 application on the ground that “...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further, the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting application for teacher education course in a particular State for the prospective academic year (s). Application are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.”

AND WHEREAS the appellant filed a S.B. Civil Writs No. 4605 of 2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 05/03/2019, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Appeal Committee noted that order dated 05/03/2019 issued by Hon'ble High Court requires the Appellate Authority to deal with the appeal expeditiously in accordance with law. Section 18 of the NCTE Act, 1993 lays down that any person aggrieved by an order made under Section 14 or Section 15 or

Section 17 of the Act may prefer appeal within such period as may be prescribed and no appeal shall be admitted if it is preferred after the expiry of period prescribed therefor. Further it is provided in the Act that appeal may be admitted after the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period. Rule 10 of NCTE Rules framed under the relevant Act prescribes that any person aggrieved by an order made under Section 14, 15 or 17 may prefer appeal within 60 days of the issue of such order and for admission of appeal after the expiry of said period of 60 days, appellant requires to satisfy the Council that he had sufficient cause for not preferring the appeal within a period of 60 days.

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

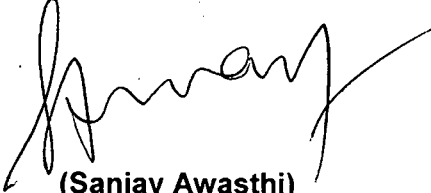
AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the

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

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed. Also, the delay in filing appeal without any specific reason is not condonable.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed. Also, the delay in filing appeal without any specific reason is not condonable.

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



(Sanjay Awasthi)
Member Secretary

- 1. The Manager, Saraswati BSTC College, Jheer Ki Chowki, Bhageswar, 245/1, 247, Neem Ka Thana – 332713, 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.89-109/E-111237/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of Mandsaur Institute of Physical Education, MIT Campus, Mandsaur, Madhya Pradesh dated 20/03/2019 is against the Order No. WRC/APW05907/224153/B.P.Ed./301st/[M.P.]/2019/201137-201145 dated 23.01.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.P.Ed. Course on the grounds that "original staff profile (1 Principal/HOD+15 faculties from the session 2016-17 duly approved by the affiliating body. Originally notarized (not xerox). CLU, NEC, Building Plan and Building Completion Certificate. And Whereas, reply not submitted by the institution and the matter was placed in 301st WRC meeting held on January 17-18, 2019 and the Committee observed that "...Show Cause Notice was issued to the institution on 01.02.2017 and reply has not been received till date. Hence, Recognition is withdrawn from the academic session 2019-20. FDRs, if any, be returned."

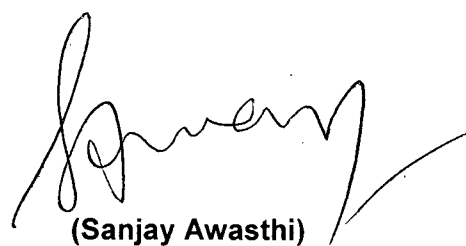
AND WHEREAS Sh. Ashish, Registrar and Sh. Rohit Sharma, Assistant Professor, Mandsaur Institute of Physical Education, MIT Campus, Mandsaur, Madhya Pradesh presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that "Mandsaur Institute of Physical Education did not receive any show cause notice, otherwise, we would have submitted reply timely. We have required no of staff members and land with all required documents."

AND WHEREAS Appeal Committee noted that impugned withdrawal order dated 23/01/2019 issued by W.R.C. is on the ground that appellant institution has not submitted reply to S.C.N. dated 01/02/2017. The S.C.N. was issued requiring the appellant institution to submit (a) staff profile duly approved by affiliating body and (b) notarised CLU, NEC, Building plan and B.C.C.

AND WHEREAS the appellant institution in its submission made before Appellate Authority denied having received the S.C.N. Appellant submitted before Appeal Committee list of faculty approved by Mandsour University for the years 2016-17, 2017-18 and 2018-19. Appeal Committee further noted appellant's submission with regard to other land and building documents. Appeal Committee having noted that appellant institution is recognised for conducting B.P.Ed. programme since 2008 decided that appellant is required to submit a comprehensive reply to S.C.N. and furnish all relevant documents to WRC within 15 days of the issue of appeal order. On receipt of the lists of faculty and other required land and building documents, WRC shall revisit the case and take appropriate decision afresh.

AND WHEREAS after perusal of the memoranda of Appeal, affidavit, document on record and oral arguments advanced during the hearing, Appeal Committee concluded that appellant is required to submit a comprehensive reply to S.C.N. and furnish all relevant documents to WRC within 15 days of the issue of appeal order. On receipt of the lists of faculty and other required land and building documents, WRC shall revisit the case and take appropriate decision afresh.

NOW THEREFORE, the Council hereby remands back the case of Mandsaur Institute of Physical Education, MIT Campus, Mandsaur, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Registrar, Mandsaur Institute of Physical Education, MIT Campus, Rewas Devda Road, SH-31, Mandsaur – 458002, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-111/E-111207/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of Jaspuria B.Ed. College, Vill. – Bisa, Post – Getalsud, PS – Angara, Jharkhand dated 20/03/2019 is against the Order No. ERC/269.14.4/ERCAPP990/B.Ed./2019/59670 dated 03.03.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that “the proceedings of 266th meeting held on 31st January, 2019 was uploaded on ERC website on 01.02.2019 and the institution failed to submit reply to SCN (on the basis of information uploaded on website) within 21 days. On verification of submitted building plan, total built-up area comes to 1536.88 sq. mts. which is less than the required 2000 sq. mts. as per NCTE Regulations, 2014 to run 2 units (100 intake) of B.Ed. Course. Fire safety issued by Competent Govt. Authority was not submitted. Submitted two original FDRs Rs. 2 lakh each issued on 29.10.2015 as against the letter Ref. JBC/RNC/352/2015 dated 28.10.2015 of the institution. In view of the above, the Committee decided as under:- The Committee is of the opinion that recognition granted to B.Ed. course of the application bearing Code No. ERCAPP990 is withdrawn under section 17(1) of NCTE Act, 1993 with effect from the academic session 2019-2020.”

AND WHEREAS Sh. Jailendra Kumar, President and Sh. S. Jha, Member, Jaspuria B.Ed. College, Vill. – Bisa, Post – Getalsud, PS – Angara, Jharkhand presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that “ERC issued the show cause notice to the institution vide letter no. F.33/Regulation/NCTE/ERC/2016-2019/59328 dated 14/02/2019 and asked to comply the irregularities within 21 days from the date of issue of the Show Cause Notice. In this regard the institution submitted all the compliance mentioned in SCN on 02.03.2019 which was submitted within 21 days from the allotted

days. As per the ERC Verification report the existing built-up area of the institution is 1536.88 sq. mts. whereas the built-up area of the institution is 4005.71 sq. mts. Meanwhile the institution has submitted the building plan and building completion certificate in response of show cause notice. The institution has all fire safety equipment. The equipment are up to date and renewed as and when needed. The certificate of the fire safety is already submitted to ERC. The actual fixed deposits were of Rs. 5 Lac and Rs. 3 Lac which were submitted at the time of recognition. Where it was asked to increase the amount of the endowment fund and reserve fund from Rs. 8 Lac to Rs. 12 Lac, the institution had submitted the additional funds in the form of FDRs of Rs. 4 Lac comprises of Rs. 2 Lac each. These addition FDRs were duly pledged in the joint names of the Jaspuria Trust for Education and Social Welfare and Regional Director, ERC, NCTE, Bhubaneswar and submitted to ERC with letter No. JBC/RNC/352/2015 dated 28/10/2015."

AND WHEREAS Appeal Committee noted that a combined Show Cause Notice (SCN) dated 14/02/2019 was issued to 49 teacher education institution seeking written representation on certain points of deficiencies within 21 days. The common deficiencies were listed as :

- (a) Faculty list approved by affiliating body.
- (b) Approved building plan.
- (c) Building Completion Certificate (B.C.C.).
- (d) Additional F.D.Rs in joint account.
- (e) Updating the website.

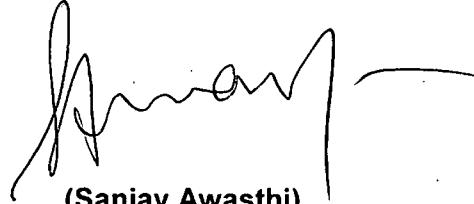
AND WHEREAS Appeal Committee noted that regulatory file does not contain reply of appellant institution. The impugned order of withdrawal dated 03/03/2019 was issued before expiry of 21 days time given to appellant institution is not justified.

AND WHEREAS Appeal Committee further noted that appellant during the course of appeal hearing on 30/04/2019 categorically stated that reply to S.C.N. was submitted on 02/03/2019 which was within 21 days of the issue of S.C.N. Appellant

further contended that in the impugned order of withdrawal dated 03/03/2019 some of the deficiencies mentioned were not included in the Show Cause Notice.

AND WHEREAS Appeal Committee observed that before issuing the impugned order of withdrawal dated 03/03/2019, Regional Committee should have waited for at least such time which was allowed in the S.C.N. The withdrawal order should also be restricted to the grounds on which S.C.N. was issued. In the current scenario, the impugned withdrawal order is not justified and is set aside. Appellant institution is required to submit written representation to E.R.C. on all grounds mentioned in the S.C.N. as well as impugned order within 15 days of the issue of appeal order. ERC is required to revisit the matter and issue appropriate order afresh.

NOW THEREFORE, the Council hereby remands back the case of Jaspuria B.Ed. College, Vill. – Bisa, Post – Getalsud, PS – Angara, Jharkhand to the ERC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The President, Jaspuria B.Ed. College, Vill. – Bisa, Post – Getalsud, PS – Angara – 835103, Jharkhand.
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 Jharkhand, Ranchi.



F.No.89-113/E-111310/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of B.R. School of Education, Jharora, Behror, Rajasthan dated 09/08/2018 is against the Letter No. Old/App/NRCAPP-9124/205/2017/169531 dated 23.03.2017 of the Northern Regional Committee, thereby returning the application for conducting for D.El.Ed. Course on the grounds that "In cases where the institutions have submitted the applications by offline mode along with Court Orders and where no processing has been initiated by NRC, all such application be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS Sh. Sube Singh, Yadav, Secretary, B.R. School of Education, Jharora, Behror, Rajasthan presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that we filed application in the year 2012 and the NCTE returned our file on the ground that State Government has imposed ban on the subject course. Then we went to court and have taken the order for further processing of our application in NCTE. Now the NCTE has returned the application on the ground that our application was filed offline whereas you can see from the application that our application was filed online. Hence you are requested to kindly consider our appeal for hearing to enable us to put our case before you for further processing of our application."

AND WHEREAS Appeal Committee noted that appellant institution has filed a S.B. Civil Writs No. 27056/2018 in the High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble Court vide order dated 17/12/2018 directed the respondents to adjudicate upon pending appeal expeditiously preferably within 6 weeks from the date a certified copy of Court order is presented. Appellant submitted a scanned

copy of the court order dated 17/12/2018 alongwith hard copy of appeal memoranda on 25/03/2019.

AND WHEREAS relevant regulatory file is not available for verifying the facts. Appellant has also not made available to Appeal Committee copy of N.R.C's letter returning the application and the grounds mentioned therein. Appellant has however, enclosed copy of court order dated 02/09/2016 where in Hon'ble High Court of Rajasthan granted liberty to the petitioner to move an application before N.R.C. for recognition of D.El.Ed. programme strictly under the NCTE Regulations, 2014. In the order issued by Hon'ble Court it was mentioned that "In the event of an application being filed by the petitioner, the same was to be decided by a reasoned and speaking order by N.R.C. strictly in accordance with the Regulation of 2014 in a non discriminatory manner."

AND WHEREAS Appeal Committee noted that impugned letter dated 23/03/2017 returning the application submitted by appellant institution in pursuance of the Court order dated 02/09/2016 was not only on the ground of non-submission of application online but it also had to be in accordance with NCTE Regulations, 2014, the manner of making such application is prescribed in Clause 5 of the Regulation. Appellant institution in its appeal memoranda has nowhere said that while resubmitting application in pursuance of court order dated 02/09/2016, the manner in which applications were required to be filed was followed.

AND WHEREAS Appeal Committee noted that order dated 12/10/2018 issued by Hon'ble High Court requires the Appellate Authority to deal with the appeal expeditiously in accordance with law. Section 18 of the NCTE Act, 1993 lays down that any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer appeal within such period as may be prescribed and no appeal shall be admitted if it is preferred after the expiry of period prescribed therefor. Further it is provided in the Act that appeal may be admitted after the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause

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

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

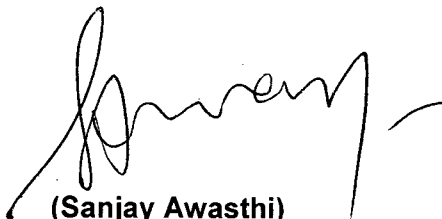
AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in their meeting held on 27/12/2018 that the Council, in their letter NO. F. 67/19/2018 – US (Legal) – HQ dt. 18/12/2018, addressed to all their Regional Committees, in the context of the various orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India referred to therein, directed ensuring compliance of the orders of the Hon'ble Courts and adherence to the provisions of the Regulations 5 (3), 7(4), 7 (5) and 7 (6) of the NCTE Regulations, 2014, irrespective of its stage of processing of application, course, year of application and State it pertains.

AND WHEREAS Appeal Committee noted that while resubmitting its application in pursuance of the Court's order dated 02/09/2016 the appellant did not comply with the manner in which application was required to be made as per Clause 5 (3) of NCTE Regulation, 2014 and also that the appeal is delayed by more than 15 months. Appeal Committee, therefore, decided to confirm the impugned letter dated 23/03/2017.

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

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

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


(Sanjay Awasthi)
Member Secretary

1. The Secretary, B.R. School of Education, Jharora, Behror – 301701, 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.89-114/E-111378/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of Shri Bankey Bihari Kanahaiya Lal Teacher Training Girls College, Deeg, Rajasthan dated 18/03/2019 is against the Letter No. New Appl./RF/Raj./NRCAPP-4955/2013-14/50131 dated 19.06.2013 of the Northern Regional Committee, thereby returning the application for conducting for D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to

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

AND WHEREAS Sh. Susheel Sharma, Representative and Sh. H. Varun Rao, Representative, Shri Bankey Bihari Kanahaiya Lal Teacher Training Girls College, Deeg, Rajasthan presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that "Application was submitted to the NRC NCTE while applications were invited having taken consent of Govt of Rajasthan. Subsequently the application was returned. However, NRC NCTE as of now considering all such returned application for the academic year 2017, 2018, 2019. In view of this scenario we approached the Court. which ordered for appeal. Accordingly, we are submitting this appeal."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 5260 of 2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 13/03/2019, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Appeal Committee noted that order dated 13/03/2019 issued by Hon'ble High Court requires the Appellate Authority to deal with the appeal expeditiously in accordance with law. Section 18 of the NCTE Act, 1993 lays down that any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer appeal within such period as may be prescribed and no appeal shall be admitted if it is preferred after the expiry of period prescribed therefor. Further it is provided in the Act that appeal may be admitted after the period

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

AND WHEREAS Appeal Committee noted that right of a person aggrieved by any order issued under Section 14 or 15 or 17 of the NCTE Act is guaranteed in the NCTE Act and Rules framed thereunder and institutions aggrieved by the Act of NCTE mentioned above need not take legal recourse and seek orders of Court of Law for preferring appeal. Appeal Committee noted that a number of institutions take shelter of the Courts of law to avoid rejection of their appeals on delay grounds. Courts of law have been granting liberty to petitioners to avail the remedy of appeal under Section 18 of the Act. Appeal Committee is of the view that orders issued by Hon'ble Court do not imply automatically condoning the period of delay as all appeals have to be dealt in accordance with law. Either the Hon'ble Court in its order shall specifically mention that they are satisfied with the reasons for not preferring appeal on time or the Appellate Authority shall be free to consider the justification for delay furnished by appellant before admitting or denying the appeal for consideration. In the instant case, appellant institution has stated that N.R.C/NCTE is now considering all such returned applications and in this scenario, there is no delay in appeal.

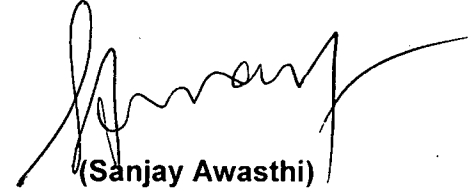
AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No.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

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

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

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

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



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Shri Bankey Bihari Kanahaiya Lal Teacher Training Girls College, Deeg, Bharatpur Road, Deeg – 321203, 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.89-115/E-111350/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of S.V.I. College of Education, Trichy – Viralimalai Main Road, Iluppur, Tamil Nadu dated 19/02/2019 is against the Order No. SRO/NCTE/SRCAPP201630048/B.Ed-AI/TN/2019/103295-103302 dated 12.04.2019 of the Southern Regional Committee, refusing recognition for conducting for M.Ed. Course on the grounds that “this case is now ready on facts for decision. The issue about request for 2 programmes – B.Ed.AI & M.Ed. – in one application was resolved by Court Order. FDRs have been given. But, the issue about ‘mortgage’ remains unresolved inspite of repeated mention by us. It was for the applicant to clear this point. They have not done so. We can not show them endless consideration. Reject the application. Return the FDRs. Close the file.”

AND WHEREAS Sh. S.V. Ingersoll, Secretary and Sh. P.C. Selvakumar Admin. Officer, S.V.I. College of Education, Trichy – Viralimalai Main Road, Iluppur, Tamil Nadu presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that “In the 361st SRC, NCTE Meeting, the same query was raised with regard to Mortgage of the property. It was duly cleared and a detailed reply was given by the Trust by submitting relevant documents duly attested by a Notary Public and the same was sent through speed post Ref/RT973585563IN on 17th September, 2018 itself. In the next 367th meeting of SRC, NCTE, no queries were raised with regard to the particular subject, and also no queries were raised about B.Ed. Additional and M.Ed. Basic and Mortgage Issue. Hence we were of view that they had accepted our explanations given by us, since other queries were newly raised with regard to faculty and FDR of B.Ed. Existing and Basic Only. No show cause notice has been sent to us till date. Since we reply for 367th meeting sent by Courier on 07/02/2019 for all faculties including Basic B.Ed. 1

Plus 15 Faculties, B.Ed. Additional 8 Faculties and M.Ed. 10 Faculties and FDRs. In the meeting 370th of SRC, NCTE rejecting our application without verifying the facts and documents provided by us, with respect to reply of 361st meeting. We have made single application for B.Ed. Additional and M.Ed. to consider 2 courses as a single application as per Court Order. Appellate authority may be pleased to allow our appeal and set aside the rejection order and grant approval our institute. We have cleared the Mortgage by submitting the Encumbrance Certificate duly attested by the Notary Public and sent by speed post on 17 Sep. 2018. Post No.RT973585563IN."

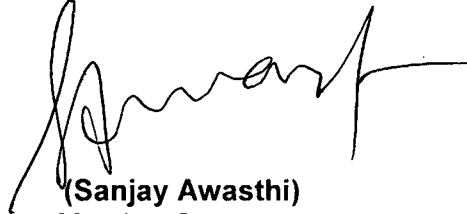
AND WHEREAS Appeal Committee noted that impugned refusal order dated 12/04/2019 is vague and not properly worded. Refusal order, in its summary should have contained the reason for rejection instead of considerations shown and opinions expressed by the Regional Committee. This could have facilitated the appellant to focus on the deficiency in its appeal memoranda instead of discussing the dead issues. As regards the issue of incumbrance by way of mortgaging the land, appellant submitted before Appeal Committee that mortgage was cleared and reply was sent to S.R.C. which was considered in 357th and 361st Meeting of S.R.C. Appellant further submitted before Appellate Authority a copy of letter dated 16/02/2018 issued by Reliance Commercial Finance indicating that loan secured against property known as SANGAMIRDHAM SOCIAL TRUST with SF No. 75/2B Part, 75/1B Part & 75/3A Part, Melapachakudi Village, Illupur Taluk, Puddukkottal has been paid and mortgage of property is discharged.

AND WHEREAS Appeal Committee noted the submission made by appellant that at the time of making application, the land was in possession of the Trust on ownership basis without any encumbrance and so is the case as on date. The applicant trust, of course, had created encumbrance by raising loan, which has now been cleared. Appellant also submitted before Appeal Committee latest NEC issued online by Revenue Authority. Considering the fact that there was no encumbrance on land as on the date of application and the encumbrance created subsequently has

also been resolved, Appeal Committee decided to remand back the case to S.R.C. for revisiting the matter.

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

NOW THEREFORE, the Council hereby remands back the case of S.V.I. College of Education, Trichy – Viralimalai Main Road, Iluppur, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Chairperson, S.V.I. College of Education, Sethurappatti Bus Stop, Trichy – Viralimalai Main Road, Iluppur – 620012, Tamil Nadu.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamil Nadu, Chennai.



F.No.89-116/E-111383/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of S.V.I. College of Education, Trichy – Viralimalai Main Road, Iluppur, Tamil Nadu dated 19/02/2019 is against the Order No. SRO/NCTE/SRCAPP201630048/B.Ed-AI/TN/2019/103295-103302 dated 12.04.2019 of the Southern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that “this case is now ready on facts for decision. The issue about request for 2 programmes – B.Ed. AI & M.Ed. – in one application was resolved by Court Order. FDRs have been given. But, the issue about ‘mortgage’ remains unresolved inspite of repeated mention by us. It was for the applicant to clear this point. They have not done so. We can not show them endless consideration. Reject the application. Return the FDRs. Close the file.”

AND WHEREAS Sh. S.V. Ingersoll, Secretary and Sh. P.C. Selvakumar Admin. Officer, S.V.I. College of Education, Trichy – Viralimalai Main Road, Iluppur, Tamil Nadu presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that it is submitted that in the 361st SRC, NCTE Meeting, the same query was raised with regard to Mortgage of the property. It was duly cleared and a detailed reply was given by the Trust by submitting relevant documents duly attested by a Notary Public and the same was sent through speed post Ref/RT 973585563IN on 17th September 2018 itself. In the next 367th meeting of SRC, NCTE, no queries were raised with regard to the particular subject, and also no queries were raised about B.Ed. Additional and M.Ed. Basic and Mortgage Issue. Hence, we were of view that they had accepted our explanations given by us, since other queries were newly raised with regard to faculty and FDR of B.Ed. Existing and Basic Only. No show cause notice has been sent to us till date. Since we reply for 367th meeting sent by Courier on 07/02/2019 for all faculties including Basic B.Ed. 1

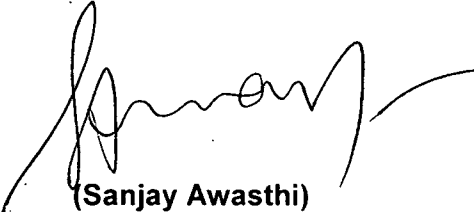
Plus 15 Faculties, B.Ed. Additional 8 Faculties and M.Ed. 10 Faculties and FDRs. In the meeting 370th of SRC NCTE rejecting our application without verifying the facts and documents provided by us, with respect to reply of 361st meeting. We have made single application for B.Ed. Additional and M.Ed. To consider 2 courses as a single application as per Court Order. But Appeal we made individual application for B.Ed. Additional and M.Ed. due to system has not accepted combined application. Hence, we kindly request to call us for Appeal for both the course B.Ed. Additional and M.Ed. Basic on same date and time. Hence, the Appellate authority may be pleased to allow our appeal and set aside the rejection order and grant approval our institute. It is submitted that in the 361st SRC NCTE Meeting, the same query was raised with regard to Mortgage of the property. It was duly cleared and a detailed reply was given by the Trust by submitting relevant documents duly attested by a Notary Public and the same was sent through speed post Ref/RT973585563IN on 17th September, 2018 itself. In the next 367th meeting of SRC, NCTE, no queries were raised with regard to the particular subject, and also no queries were raised about B.Ed. Additional and M.Ed. Basic and Mortgage Issue."

AND WHEREAS Appeal Committee noted that impugned refusal order dated 12/04/2019 is vague and not properly worded. Refusal order, in its summary should have contained the reason for rejection instead of considerations shown and opinions expressed by the Regional Committee. This could have facilitated the appellant to focus on the deficiency in its appeal memoranda instead of discussing the dead issues. As regards the issue of incumbrance by way of mortgaging the land, appellant submitted before Appeal Committee that mortgage was cleared and reply was sent to S.R.C. which was considered in 357th and 361st Meeting of S.R.C. Appellant further submitted before Appellate Authority a copy of letter dated 16/02/2018 issued by Reliance Commercial Finance indicating that loan secured against property known as SANGAMIRDHAM SOCIAL TRUST with SF No. 75/2B Part, 75/1B Part & 75/3A Part, Melapachakudi Village, Illupur Taluk, Puddukkottal has been paid and mortgage of property is discharged.

AND WHEREAS Appeal Committee noted the submission made by appellant that at the time of making application, the land was in possession of the Trust on ownership basis without any encumbrance and so is the case as on date. The applicant Trust, of course, had created encumbrance by raising loan, which has now been cleared. Appellant also submitted before Appeal Committee latest NEC issued online by Revenue Authority. Considering the fact that there was no encumbrance on land as on the date of application and the encumbrance created subsequently has also been resolved, Appeal Committee decided to remand back the case to S.R.C. for revisiting the matter.

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

NOW THEREFORE, the Council hereby remands back the case of S.V.I. College of Education, Trichy – Viralimalai Main Road, Iluppur, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Chairperson, S.V.I. College of Education, Sethurappatti Bus Stop, Trichy – Viralimalai Main Road, Iluppur – 620012, Tamil Nadu.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamil Nadu, Chennai.



F.No.89-117/E-111441/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of Mahaveer Shikshak Prashikshan Mahavidyalaya, Tall Maindan, Sardarsahar, Rajasthan dated 19/02/2019 is against the Letter No. Old APP/RJ-----/271/2017/169508 dated 23.03.2017 of the Northern Regional Committee, thereby returning the application for conducting for D.El.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 Sh. Mahendar Kumar Mishra, Secretary, Mahaveer Shikshak Prashikshan Mahavidyalaya, Tall Maindan, Sardarsahar, Rajasthan presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that "Institution has applied for grant of recognition of D.El.Ed. course to NCTE from 2009-10 on 30.05.2008 with required processing fees of Rs. 40,000/- and other relevant documents. That NRC, NCTE had sent a letter providing code No. for recognition application. Code No. of application is APN07001. That NRC, NCTE had issued a deficiency letter to this institution in respect to recognition application for D.El.Ed. course submitted by this institution on 18.06.2008. This institution submitted required documents to NRC, NCTE on 24.06.2008. NRC, NCTE had issued a Letter seeking conditional consent for inspection for B.S.T.C. course to this institution on 27.08.2008. This institution submitted required documents and conditional consent for inspection for D.El.Ed. course to NRC, NCTE on 29.08.2008. That instead of constitution of Visiting Team for inspection of this college for D.El.Ed. course, NRC, NCTE returned the application of this institution for grant of recognition for D.El.Ed. course to this institution on 17.03.2009. That being aggrieved

from the action of NRC, NCTE, this institution filed a S.B. Civil Writ No. 14712/2016 in the Hon'ble High Court of Rajasthan, Jaipur. Hon'ble Court had passed an order on 25.10.2016 in which Court directed the petitioner to file an application before NRC, NCTE for grant of recognition of D.El.Ed. course and also directed to NRC, NCTE to decide the same by a reasoned and speaking order strictly in accordance with the regulations, 2014 in a non-discriminatory manner. This institution submitted the required documents to NRC, NCTE in compliance to the order of Hon'ble Court on 24.1.2016. Instead of processing the application for grant of recognition for D.El.Ed. course of this institution, NRC, NCTE returned the application of this institution for grant of recognition for D.El.Ed. course to this institution on 17.03.2017. Being aggrieved from the action of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 5052/2019 in the Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court of Rajasthan, Jaipur has directed to petitioner to file an appeal to the Appellate Authority and Appellate Authority is directed to deal with same as expeditiously as possible, in accordance with law. This institution is running B.Ed. course in the college campus. So, this institution full-fill the requirement of Composite Institution. Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." That Appellate Authority, NCTE had already decided by its order dated 16.03.2018 that "The Show Cause Notice (S.C.N.) dated 18.03.2017 on the ground that Appellant had not submitted online application was not justified as there was no way the appellant, whose application was pending since Sept. 2008, could have complied with the requirement of submitting application online more so when the NCTE Portal for registering fresh applications was not open. NRC, NCTE has rejected 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 rejection order issued by NRC, NCTE be set aside."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 5052 of 2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High

Court, in their Order dt. 11/03/2019, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Appeal Committee noted that order dated 11/03/2019 issued by Hon'ble High Court requires the Appellate Authority to deal with the appeal expeditiously in accordance with law. Section 18 of the NCTE Act, 1993 lays down that any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer appeal within such period as may be prescribed and no appeal shall be admitted if it is preferred after the expiry of period prescribed therefor. Further it is provided in the Act that appeal may be admitted after the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period. Rule 10 of NCTE Rules framed under the relevant Act prescribes that any person aggrieved by an order made under Section 14, 15 or 17 may prefer appeal within 60 days of the issue of such order and for admission of appeal after the expiry of said period of 60 days, appellant requires to satisfy the Council that he had sufficient cause for not preferring the appeal within a period of 60 days.

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

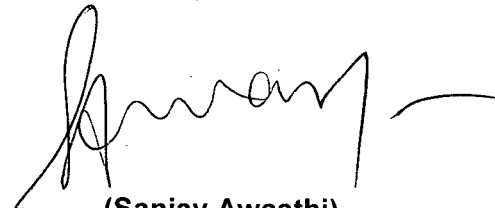
time or the Appellate Authority shall be free to consider the justification for delay furnished by appellant before admitting or denying the appeal for consideration.

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in their meeting held on 27/12/2018 that the Council, in their letter NO. F. 67/19/2018 – US (Legal) – HQ dt. 18/12/2018, addressed to all their Regional Committees, in the context of the various orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India referred to therein, directed ensuring compliance of the orders of the Hon'ble Courts and adherence to the provisions of the Regulations 5 (3), 7(4), 7 (5) and 7 (6) of the NCTE Regulations, 2014, irrespective of its stage of processing of application, course, year of application and State it pertains.

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

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

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



(Sanjay Awasthi)
Member Secretary

1. The Appellant, Mahaveer Shikshak Prashikshan Mahavidyalaya, Tall Maindan, Sardarsahar – 331403, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-118/E-111344/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of Hitkari Co-op Womens College of Education, Arampura, Ladpura, Kota, Rajasthan dated 18/03/2019 is against the Letter No. New Appl./RF/Raj./NRCAPP-4551/2013-14/47147 dated 06.06.2013 of the Northern Regional Committee, thereby returning the application for conducting for D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to

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

AND WHEREAS Dr. Madhu Kumar Bhardwaj, Principal and Dr. Madan Mohan Sharma, Member, Hitkari Co-op Womens College of Education, Arampura, Ladpura, Kota, Rajasthan presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that NCTE, New Delhi issued a public notice on 27.11.2012 through which applications for grant of recognition for various Teacher Education course were invited from all stake holders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. This institution applied online for grant of recognition of D.El.Ed. course (02 units) to NCTE from 2013-14 on 27.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 28.12.2012. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (02 units), NRC, NCTE returned the application of this institution for grant of recognition of D.El.Ed. course (02 units) on 06.06.2013. Being aggrieved from the order of NRC, NCTE, this institution filed a S.B. Civil Writ Petition No. 5196/2019 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court passed order on 13.03.2019 and directed to petitioner to file an appeal u/s 18 of NCTE Act. 1993 and Appellate Authority is directed to decide the same expeditiously as possible, in accordance with law. This institution is running B.Ed. course recognized by NCTE and Affiliated with Kota University, Kota. Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." NRC, NCTE had conducted inspection of many institutions (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its orders that the rejection ground of non-submission

of application online is not applicable to this institution because these institutions have applied before the enactment of Regulations 2014. In the Appeal matters these institutions Appellate Authority, NCTE had decided by orders that the matter deserve to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and the Appellate orders issued in similar cases. That it is pertinent to mention here that Deptt. of Elementary Education (Ayojana) Deptt., Govt. of Rajasthan had sent a letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020. Director Elementary Education Rajasthan, Bikaner has issued N.O.C. for D.El.Ed. course to many institutions in compliance to Hon'ble court orders and deficiency pointed out by NRC, NCTE."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 5196 of 2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 13/03/2019, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Appeal Committee noted that order dated 12/10/2018 issued by Hon'ble High Court requires the Appellate Authority to deal with the appeal expeditiously in accordance with law. Section 18 of the NCTE Act, 1993 lays down that any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer appeal within such period as may be prescribed and no appeal shall be admitted if it is preferred after the expiry of period prescribed therefor. Further it is provided in the Act that appeal may be admitted after the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period. Rule 10 of NCTE Rules framed under the relevant Act prescribes that any person aggrieved by an order made under Section 14, 15 or 17 may prefer appeal within 60 days of the issue of such order

and for admission of appeal after the expiry of said period of 60 days, appellant requires to satisfy the Council that he had sufficient cause for not preferring the appeal within a period of 60 days.

AND WHEREAS Appeal Committee noted that right of a person aggrieved by any order issued under Section 14 or 15 or 17 of the NCTE Act is guaranteed in the NCTE Act and Rules framed thereunder and institutions aggrieved by the Act of NCTE mentioned above need not take legal recourse and seek orders of Court of Law for preferring appeal. Appeal Committee noted that a number of institutions which fail to rectify the deficiencies on time and also fail to respond to the communications of NCTE for long periods take shelter of the Courts of law to avoid rejection of their appeals on delay grounds. Courts of law have been granting liberty to petitioners to avail the remedy of appeal under Section 18 of the Act. Appeal Committee is of the view that orders issued by Hon'ble Court do not imply automatically condoning the period of delay as all appeals have to be dealt in accordance with law. Either the Hon'ble Court in its order shall specifically mention that they are satisfied with the reasons for not preferring appeal on time or the Appellate Authority shall be free to consider the justification for delay furnished by appellant before admitting or denying the appeal for consideration. In the instant case, appellant institution has neither replied to the SCN dated 15/12/2015 nor has preferred appeal within the time limit prescribed. Appellant's statement that it did not receive the S.C.N. should have been contested by the appellant by preferring a timely appeal.

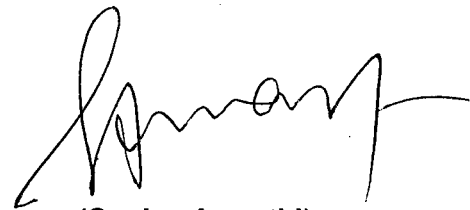
AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No.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

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

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

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

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



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary/Appellant, Hitkari Co-op Womens College of Education, Arampura (Dhakarkhedi), Kaithoon Road, Ladpura, Kota – 325001, 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.89-119/E-111381/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of Shri Bajrang Teacher Training College, Bahaj, Lal Dham Bahaj Road, Deeg, Rajasthan dated 18/03/2019 is against the Letter No. New Appl/RF/Raj./NRCAPP-4948/2013-14 dated 19.06.2013 of the Northern Regional Committee, thereby returning the application for conducting for D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC

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

AND WHEREAS Sh. Hritu Varun Rao, Representative and Sh. Susheel Sharma, Representative, Shri Bajrang Teacher Training College, Bahaj, Lal Dham Bahaj Road, Deeg, Rajasthan presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that the application was submitted to the NRC NCTE while applications were invited having taken consent of Govt of Rajasthan. Subsequently the application was returned. Our application was returned with unreasoned grounds that N.R.C. received letter from NCTE, HQs dated 20/03/2013 communicating subsequent ban put up State Government. Whereas this institution had completed all formalities. However, NRC NCTE as of now considering all such returned application for the academic year 2017, 2018, 2019. In view of this scenario we approached the Court. which ordered for appeal. Accordingly, we are submitting this appeal.”

AND WHEREAS the appellant filed a S.B. Civil Writs No. 5261 of 2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 13/03/2019, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Appeal Committee noted that order dated 12/10/2018 issued by Hon'ble High Court requires the Appellate Authority to deal with the appeal expeditiously in accordance with law. Section 18 of the NCTE Act, 1993 lays down that any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer appeal within such period as may be prescribed and no appeal shall be admitted if it is preferred after the expiry of period prescribed

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

AND WHEREAS Appeal Committee noted that right of a person aggrieved by any order issued under Section 14 or 15 or 17 of the NCTE Act is guaranteed in the NCTE Act and Rules framed thereunder and institutions aggrieved by the Act of NCTE mentioned above need not take legal recourse and seek orders of Court of Law for preferring appeal. Appeal Committee noted that a number of institutions which fail to rectify the deficiencies on time and also fail to respond to the communications of NCTE for long periods take shelter of the Courts of law to avoid rejection of their appeals on delay grounds. Courts of law have been granting liberty to petitioners to avail the remedy of appeal under Section 18 of the Act. Appeal Committee is of the view that orders issued by Hon'ble Court do not imply automatically condoning the period of delay as all appeals have to be dealt in accordance with law. Either the Hon'ble Court in its order shall specifically mention that they are satisfied with the reasons for not preferring appeal on time or the Appellate Authority shall be free to consider the justification for delay furnished by appellant before admitting or denying the appeal for consideration. In the instant case, appellant institution has neither replied to the SCN dated 15/12/2015 nor has preferred appeal within the time limit prescribed. Appellant's statement that it did not receive the S.C.N. should have been contested by the appellant by preferring a timely appeal.

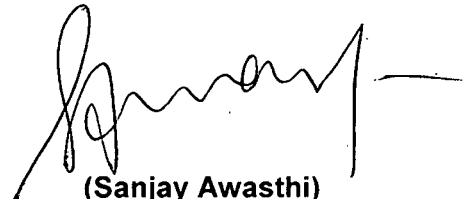
AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order

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

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

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

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shri Bajrang Teacher Training College, Bahaj, Lal Dham Bahaj Road, Deeg – 321203, 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.89-120/E-112000/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of OMS Institute of Teacher Training, Ramlaxmanpura, Uraf Thuni, Chaksu, Rajasthan dated 29/03/2019 is against the Order No. NRC/NCTE/NRCAPP-10468/254th Meeting/2016/155348 dated 19.08.2016 of the Northern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "the reply of the institution to the show cause notice dated 15.12.2015 was considered by the Committee. The institution has failed to submit NOC from the affiliating body as required under clause 5(3) of the NCTE Regulations, 2014."

AND WHEREAS Sh. B.R. Chaudhary, Director, OMS Institute of Teacher Training, Ramlaxmanpura, Uraf Thuni, Chaksu, Rajasthan presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that "Respondent utterly failed to appreciate that when the petitioner institution complete formalities and requirements and other eligibilities were fully checked then the file was processed. Hence, issuance of SCN and posterior thereof, rejection of file/application on the ground that petitioner has not submitted NOC, is illegal and unjust. Petitioner filed an application / representation alongwith NOC before the respondent that the petitioner applied for B.Ed. Course but the University of Rajasthan granted NOC for B.A. B.Ed. / B.Sc. B.Ed. Course, hence the application of the petitioner institute be treated for B.A. B.Ed./B.Sc. B.Ed. course in place of B.Ed. Course. The representation of the petitioner could not considered by the respondent till date which is illegal unjust. The petitioner institution has fulfilled all the norms and Act in order to fulfil the Constitution mandate. The petitioner has made a request to the respondents to consider file for the recognition as per Regulation 2014 as he fulfilled the norms of regulation, but respondent has issued the order dated 19.08.2016 mainly on the grounds that the petitioner institution has not submitted NOC of the

affiliating body. In that regards it is humbly submitted that the petitioner has submitted an application for recognition of B.Ed. course in 2015 and there was a provision of submission of online application and the requirement of NOC of affiliating body can acquired only after issuance of formal recognition order. But during pendency of application form for recognition, the NRC-NCTE has issued the impugned dated 19.08.2016, which is illegal and unjust. Appellant craves leave of Hon'ble Court to urge the further and additional grounds at the time of hearing of the present petition."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 4604 of 2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 05/03/2019, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Appeal Committee noted that order dated 12/10/2018 issued by Hon'ble High Court requires the Appellate Authority to deal with the appeal expeditiously in accordance with law. Section 18 of the NCTE Act, 1993 lays down that any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer appeal within such period as may be prescribed and no appeal shall be admitted if it is preferred after the expiry of period prescribed therefor. Further it is provided in the Act that appeal may be admitted after the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period. Rule 10 of NCTE Rules framed under the relevant Act prescribes that any person aggrieved by an order made under Section 14, 15 or 17 may prefer appeal within 60 days of the issue of such order and for admission of appeal after the expiry of said period of 60 days, appellant requires to satisfy the Council that he had sufficient cause for not preferring the appeal within a period of 60 days.

AND WHEREAS Appeal Committee noted that right of a person aggrieved by any order issued under Section 14 or 15 or 17 of the NCTE Act is guaranteed in the NCTE Act and Rules framed thereunder and institutions aggrieved by the Act of NCTE mentioned above need not take legal recourse and seek orders of Court of Law for preferring appeal. Appeal Committee noted that a number of institutions which fail to rectify the deficiencies on time or fail to respond to the communications of NCTE for long periods take shelter of the Courts of law to avoid rejection of their appeals on delay grounds. Courts of law have been granting liberty to petitioners to avail the remedy of appeal under Section 18 of the Act. Appeal Committee is of the view that orders issued by Hon'ble Court do not imply, automatically, condoning the period of delay as all appeals have to be dealt in accordance with law. Either the Hon'ble Court in its order shall specifically mention that they are satisfied with the reasons for not preferring appeal on time or the Appellate Authority shall be free to consider the justification for delay furnished by appellant before admitting or denying the appeal for consideration. In the instant case, appellant institution has neither replied to the SCN dated 15/12/2015 nor has preferred appeal within the time limit prescribed. Appellant's statement that it did not receive the S.C.N. should have been contested by the appellant by preferring a timely appeal.

AND WHEREAS Appeal Committee further noted that a Show Cause Notice (SCN) dated 15/12/2015 was issued to appellant institution seeking written representation within 30 days for the reasons of non-submission of N.O.C. issued by affiliating body as required under Clause 5 (3) of NCTE Regulations, 2014. The impugned refusal order dated 19/08/2016 was on the ground that appellant institution failed to submit N.O.C. Appellant in its appeal memoranda stated that it had submitted copy of N.O.C. to N.R.C. on 26/09/2016. Appeal Committee observed from the copy of letter submitted by appellant that the N.O.C. dated 26/09/2016 stated to have been sent to N.R.C. after issue of refusal order pertained to a course other than the course applied for by appellant institution on 26/05/2015.

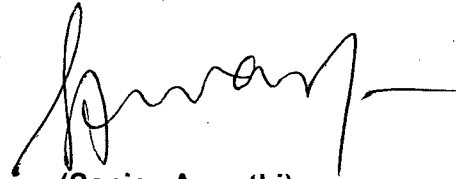
Appeal Committee, therefore, decided that:-

(a) Appeal is delayed by 29 months without any specific reasons.

(b) Deficiency on which S.C.N. was issued was not rectified.

Being delayed and redundant appeal filed by appellant 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 concluded not to admit the appeal on grounds of delay and also being redundant.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, OMS Institute of Teacher Training, Ramlaxmanpura, Uraf Thuni, Chaksu – 303901, 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.89-121/E-112005/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

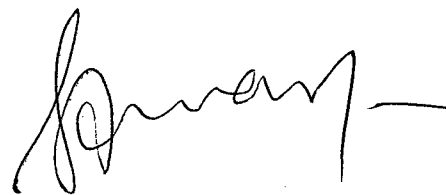
WHEREAS the appeal of Kongunadu Integrated College of Education, Velagoundampatti, Tiruchengode Road, Tiruchengode, Namakkal, Tamil Nadu dated 26/03/2019 is against the Order No. SRO/NCTE/SRCAPP201630105/B.A.B.Ed.,B.Sc.B.Ed./TN/2019/102357 dated 18.03.2019 of the Southern Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "they applied for B.A. B.Ed./B.Sc. B.Ed. w.e.f. 2017-18. All formalities could not be completed in time for 2017-18. So, LOIs were issued only on 27.04.2017. The applicant was granted (on 23.06.2017) extension of time to reply till 30.11.2017. On 24.11.2017, another extension till 31.01.2018 was granted as requested by them. The time was extended yet again (29.01.2018) till 31.03.2018 as requested. When even this dateline could not be adhered to them because of delay in getting the Faculty List approved by the affiliating body, another extension upto 31.12.2018 was given as requested. They have again request for more time. This request is not acceptable. We have already given 4 extension. We cannot wait indefinitely. Reject the application. Return the FDRs. Close the file."

AND WHEREAS Sh. N. Rajendraw, Director, Kongunadu Integrated College of Education, Velagoundampatti, Tiruchengode Road, Tiruchengode, Namakkal, Tamil Nadu presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that "11 faculty members were approved by affiliating university on 29/01/2018 and 5 faculty members were approved on 04/02/2019. Approval letters of university and lists of faculty are submitted."

AND WHEREAS Appeal Committee noted that though late, appellant has been able to submit the two lists of faculty approved by affiliating university and both these lists are seen to have been approved by Tamil Nadu Teachers Education University before the date of issue of impugned refusal order. Appeal Committee, therefore, decided that appellant institution is required to submit a complete and comprehensive compliance in reply to Letter of Intent to SRC within 15 days of the issue of Appellate order. The matter is remanded back to S.R.C. to consider the compliance for revisiting the matter 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 institution is required to submit a complete and comprehensive compliance in reply to Letter of Intent to SRC within 15 days of the issue of Appellate order. The matter is remanded back to S.R.C. to consider the compliance for revisiting the matter for taking an appropriate decision.

NOW THEREFORE, the Council hereby remands back the case of Kongunadu Integrated College of Education, Velagoundampatti, Tiruchengode Road, Tiruchengode, Namakkal, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Principal, Kongunadu Integrated College of Education, Velagoundampatti, Tiruchengode Road, Tiruchengode, Namakkal – 637212, Tamil Nadu
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamil Nadu, Chennai.



F.No.89-122/E-112180/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of Seth Kesrimal T.T. College, Dhorimanna, Rajasthan dated 29/06/2018 is against the Order No. NCTE/NRC/NRCAPP201615362/Bachelor of Education [B.Ed.]/RJ/2017-18/2; dated 19.04.2017 of the Northern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "the applicant institution has not submitted the reply of the SCN issued by the NRC on 11.02.2017 within the stipulated time. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

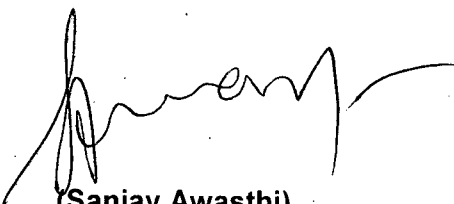
AND WHEREAS Sh. Vijay Vishnoi, Secretary and Sh. Ashok Kumar, President, Seth Kesrimal T.T. College, Dhorimanna, Rajasthan presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that "We did not know that appeal has to be made within ten days."

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 11/02/2017 was issued to appellant institution seeking written representation within 21 days on certain points of deficiency. Appeal Committee further noted that appellant in its online application dated 30/05/2016 has mentioned the name of applicant institution as 'Seth Kesarimal T.T. College, Dhorimanna whereas in its letter dated 04/02/2019 it has stated that above name was mentioned by mistake committed online.

AND WHEREAS Appeal Committee further noted that due to this error in the name of institution some of the documents submitted with application were not properly connected. Appellant also had failed to timely respond to the S.C.N. and also

file appeal against impugned refusal order within 60 days i.e. the time limit prescribed in the Appeal Rules. Appellant had also failed to specify any reason for the delay of 22 months in filing appeal. Appeal Committee decided that long and inordinate period of delay is not condonable. Appeal is therefore, not admitted on grounds of delay.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to admit the appeal on ground of delay.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Seth Kesrimal T.T. College, Dhorimanna – 344704, 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.89-123/E-112236/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

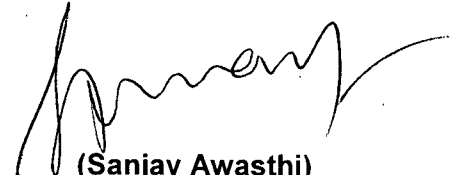
WHEREAS the appeal of Motiraj Devi Teachers Training College, Sandi, Sikidiri, Ormanjhi, Ranchi, Jharkhand dated 12/03/2019 is against the Order No. ERC/268.14(i).19/ERCAPP857/B.Ed./2019/59628 dated 02.03.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Show Cause Notices were issued on 28.11.2018 and 17.01.2019. Total built up area mentioned in the building completion certificate is 1690.3 sq. mts. which is less than the required 2000 sq. mts. to run two units of B.Ed. course as per NCTE Regulations, 2014. In view of the above, the Committee decided as under:- The Committee is of the opinion that recognition granted to B.Ed. course of the application bearing Code No. ERCAPP857 is withdrawn under section 17(1) of NCTE Act, 1993 with effect from the academic session 2019-2020."

AND WHEREAS Dr. A. Jahan Khatoon, Principal, Motiraj Devi Teachers Training College, Sandi, Sikidiri, Ormanjhi, Ranchi, Jharkhand presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that "This institution had submitted for building completion certificate i.e. one for the existing 1542.32 sq. meters and second for 1690.03 sq. meters. Total built up area is thus 3232.35 sq. meters."

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 17/01/2019 was issued to appellant institution on the ground that B.C.C. approved by Government Engineer is not submitted. Appeal Committee noted that appellant institution with its letter dated 16/03/2019 addressed to E.R.C. (available on regulatory file) had submitted evidence of having submitted two B.C.C.s for built up area of 1542 sq. meters and 1690 sq. meters respectively. Appellant institution had

further submitted to E.R.C. a consolidated B.C.C. dated 13/03/2019 indicating built up area measuring 3232.35 sq. meters. Considering that all the above B.C.Cs are available on the regulatory file, Appeal Committee decided to set aside the impugned order of withdrawal dated 02/03/2019. E.R.C. is required to take into consideration all the B.C.Cs and combined built up area indicated therein.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to set aside the impugned order of withdrawal dated 02/03/2019. E.R.C. is required to take into consideration all the B.C.Cs and combined built up area indicated therein.



(Sanjay Awasthi)
Member Secretary

1. The Principal, Motiraj Devi Teachers Training College, Sandi, Sikidiri, Ormanjhi, Ranchi – 835219, Jharkhand.
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 Jharkhand, Ranchi.



F.No.89-124/E-112241/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of Seth Motilal Teachers Education College, Rani Sati Road, Jhunjhunu, Rajasthan dated 26/03/2019 is against the Order No. NCTE/NRC/NRCAPP201615358/B.A. B.Ed./B.Sc. B.Ed. – 4 Year Integrated/SCN/RJ/2017-18/5; dated 12.02.2019 of the Northern Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that “as per land documents submitted by the institution, it is evident that the applicant institution is not the owner of the proposed land for the programme applied for. The institution has failed to provide the original ownership and certified land documents. Hence, the Committee decided that the application is rejected and recognition / permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.”

AND WHEREAS Sh. Guljhari Lal Sharma, Secretary and Sh. Inder Kumar Sharma, Office Superintendent, Seth Motilal Teachers Education College, Rani Sati Road, Jhunjhunu, Rajasthan presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that “Application under section 14/15 of NCTE Act 1993 was made on 30/05/2016 seeking recognition for B.A. B.Ed./B.Sc. B.Ed. Course of four years duration. Letter of Intent vide file no F. No. NCTE/NRC/NRCAPP201615358 B.A. B.Ed./B.Sc. B.Ed. 4 Year Integrated/SCN/RJ/2017-2018; dated 12.02.2018 was granted for offering B.A. B.Ed./B.Sc. B.Ed. 4 year integrated programme under Clause 7 (13) the Management committee Seth Juthlal Education Society Jhunjhunu complied all the formalities. On 15 March 2018 NRC issued a letter F. No. NRC/NCTE/NRCAPP201615358/ID7692/283rd Meeting 2018/190927 dated 15 March 2018 asking the college to show cause that certain complaints are pending. So, NRC

deleted the decision taken in meeting no 280th item no 234 was deleted in the meeting. It was alleged that some case was pending against the Institution regarding Land Building and teaching staff and the matter was pushed further for hearing in the next meeting of NRC. The college submitted the reply vide letter no 1767 on 23.03.2018 wherein the matter was explained and informed about all the complaints against the institution were cleared. NRC on 26 June 2018 vide its letter no F. No. NRC/NCTE/NRCAPP201615358/ID No. 7692/285th Meeting 2018/194962 date 26 June 2018 alleged that same society has made two applications for Seth Motilal P.G. College Jhunjhunu and another for Seth Motilal Teachers Education College further alleging that the Land is the same plot. Whereas the college submitted in reply on 23.07.2018 vide letter no. 1818 where in all the details were submitted about the Land and Building. Seth Motilal P.G. College stands on the west side of the Jhunjhunu, Churu Road and Seth Motilal Teachers Education College, Plot is situated on the East side towards Rani Sati Temple. The Land matter was found correct and right by the Hon'ble Delhi High Court Writ No. 3707 of 2010 Date 26.05.2010. This order was accepted by NCTE and no appeal was preferred in any Court."

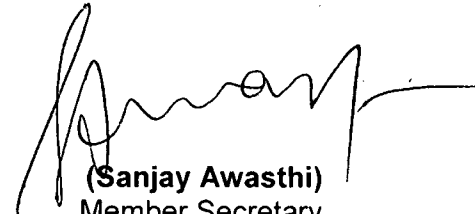
AND WHEREAS Appeal Committee noted that impugned refusal order dated 12/02/2019 is on the ground that 'applicant institution is not the owner of proposed land for the programme applied for. The institution has failed to provide original ownership and certified land documents.'

AND WHEREAS Appeal Committee noted that 'Seth Juthalal Education Society' is the applicant society and online application dated 30/05/2016 was made seeking recognition for B.A. B.Ed./B.Sc. B.Ed. course in the name of Seth Motilal P.G. College. In its online application the applicant has furnished details of B.Ed. and D.El.Ed. courses being conducted by the institution. In the details of land mentioned in the online application name of title holder of land is mentioned as 'Seth Motilal Tulsean Trust and land area is 4956.2 sq. meters.

AND WHEREAS Appeal Committee noted that applicant in its application has mentioned that title holder of land is Seth Motilal Tulsean Trust. There is no document submitted by appellant to establish that Master Trust i.e. 'Seth Motilal Tulsean Trust' has vested the ownership of land with either Seth Juthalal Education Society or Seth Motilal Teacher Education College. Appeal Committee, therefore, decided to confirm impugned refusal order dated 12/02/2019.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm impugned refusal order dated 12/02/2019.

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



(Sanjay Awasthi)
Member Secretary

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



F.No.89-125/E-112289/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of Department of Physical Education, Rani Durgawati Vishwavidyalaya, Saraswati Vihar, Pachpedi, Jabalpur, Madhya Pradesh dated 18/03/2019 is against the Order No. WRC/214007/B.P.Ed./301st{M.P.}/2019/ 201157-201163 dated 23.01.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.P.Ed. Course on the grounds that "original staff profile (1 Principal/HOD + 15 faculty from the session 2016-17 duly approved by the affiliating body. Originally notarized (not xerox), CLU, NEC, Building Plan and Building Completion Certificate. And Whereas, reply not submitted by the institution and the matter was placed in 301st WRC meeting held on January 17-18, 2019 and the Committee observed that "...Show Cause Notice was issued to the institution on 01.02.2017 and reply has not been received till date. Hence, Recognition is withdrawn from the academic session 2019-2020. FDRs, if any, be returned."

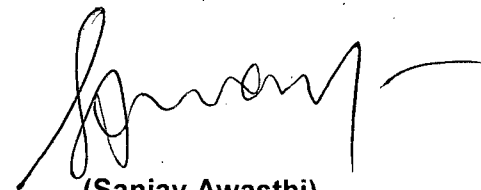
AND WHEREAS Sh. Kanhaiya Kumar Rathour, Assistant Professor, Department of Physical Education, Rani Durgawati Vishwavidyalaya, Saraswati Vihar, Pachpedi, Jabalpur, Madhya Pradesh presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that "Show Cause Notice dated 01.02.2017 was not received by us."

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 1/02/2017 was issued to appellant institution seeking within 21 days (a) original staff profile from session 2016-17, (b) originally notarised C.L.U., N.E.C., Building plan and B.C.C. Appellant contended that it had not received the S.C.N. so no reply could be submitted.

AND WHEREAS Appeal Committee noted that revised recognition order dated 28/05/2015 was issued to appellant institution subject to fulfilment of certain conditions before 31/10/2015. These conditions inter-alia included submission of (a) staff profile approved by affiliating university and (b) on finally notarised C.L.U., N.E.C., Building plan and B.C.C. These conditions which were required to be fulfilled by appellant institution of its own and reported to Regional Committee. Appeal Committee noted that onus lay on appellant institution to have complied with all the requirements even without having been issued a Show Cause Notice. Appeal Committee noted that appellant institution which is a Department of Rani Durgavati Vishwavidyalaya, Jabalpur has still not appointed required number faculty as per norms for B.P.Ed. course (Appendix 7, NCTE Regulation, 2014). Appeal Committee, therefore, decided to confirm the impugned order of withdrawal dated 23/01/2019.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned order of withdrawal dated 23/01/2019.

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



(Sanjay Awasthi)
Member Secretary

1. The Director, Department of Physical Education, Rani Durgawati Vishwavidyalaya, Saraswati Vihar, Pachpedi, Jabalpur – 482001, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-126/E-112282/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of Shri Ram Shikshak Prashikshan Sansthan, Chidiya Teeba, Sikar, Rajasthan dated 28/03/2019 is against the Letter No. New Appl./RF/Raj./NRCAPP-4417/2013-14/51348 dated 25.06.2013 of the Northern Regional Committee, thereby returning the application for conducting for D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 ISLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC

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

AND WHEREAS Sh. Bajrang Lal, Lecturer, Shri Ram Shikshak Prashikshan Sansthan, Chidiya Teeba, Sikar, Rajasthan presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that the NCTE has settled and remanded back many applications to NRC similar to our case. In view of the judgement of the Hon'ble Supreme Court dt. 06.01.2012 and the decision taken by the NCTE Committee the NRC decided that the recommendations of the State Govt. of Rajasthan i.e., not to allow setting up of new D.El.Ed. Institutions in the State be accepted and the applications to received be returned to the respective institutions, grounds on ban imposed subsequently by the State Government. The NCTE has already granted recognition to several institutions for D.El.Ed. Course in similar cases. Our Institution had filed a S.B. Civil Writs no. 21964, 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, granting the petitioner institution liberty to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court observed if the petitioner institution file an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decided the same expeditiously.”

AND WHEREAS the appellant filed a S.B. Civil Writs No. 21964 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 26/09/2018, 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 Appeal Committee noted that order dated 05/03/2019 issued by Hon'ble High Court requires the Appellate Authority to deal with the appeal expeditiously in accordance with law. Section 18 of the NCTE Act, 1993 lays down that any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer appeal within such period as may be prescribed and no appeal shall be admitted if it is preferred after the expiry of period prescribed therefor. Further it is provided in the Act that appeal may be admitted after the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period. Rule 10 of NCTE Rules framed under the relevant Act prescribes that any person aggrieved by an order made under Section 14, 15 or 17 may prefer appeal within 60 days of the issue of such order and for admission of appeal after the expiry of said period of 60 days, appellant requires to satisfy the Council that he had sufficient cause for not preferring the appeal within a period of 60 days.

AND WHEREAS Appeal Committee noted that right of a person aggrieved by any order issued under Section 14 or 15 or 17 of the NCTE Act is guaranteed in the NCTE Act and Rules framed thereunder and institutions aggrieved by the Act of NCTE mentioned above need not take legal recourse and seek orders of Court of Law for preferring appeal. Appeal Committee noted that a number of institutions which fail to rectify the deficiencies on time or fail to respond to the communications of NCTE for long periods take shelter of the Courts of law to avoid rejection of their appeals on grounds of limitation. Courts of law have been granting liberty to petitioners to avail the remedy of appeal under Section 18 of the Act. Appeal Committee is of the view that orders issued by Hon'ble Court do not imply automatically condoning the period of delay as all appeals have to be dealt in accordance with law. Hon'ble Court in its order shall specifically mention that they are satisfied with the reasons for not preferring appeal on time or the Appellate Authority shall be free to consider the justification for delay furnished by appellant before admitting or denying the appeal for consideration. Appellant has preferred online appeal on 28/03/2019 i.e. approximately after 5 years and seven months of the issue of impugned letter.

Further the appeal was filed after six months of the order dated 26/09/2018 issued by Hon'ble Court.

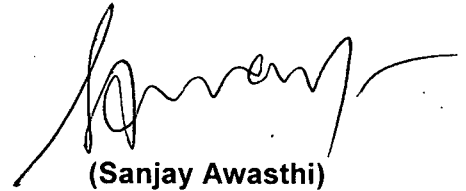
AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No.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

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

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

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

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



(Sanjay Awasthi)
Member Secretary

1. **The Secretary, Shri Ram Shikshak Prashikshan Sansthan, Chidiya Teeba, 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.89-127/E-112287/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of Vivekananda College of Education, Mavala, Telangana dated 28/03/2019 is against the Order No. SRO/NCTE/SRCAPP2702/B.Ed.-AI/AP/2019 100711 dated 13.02.2019 of the Southern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "this is a long pending case. They were required to give the Faculty List in original, course-wise, duly approved by the Registrar of the University and, fully in accordance with the 2014 NCTE Regulations. They have not done that. They had to appoint an Assistant Professor (Perspective) in particular. This has not been done. While we do admit their claim about being a highly reputed University. But that does not give us the power liberty to modify the norms given in the 2014 Regulations. We cannot wait indefinitely. Reject their application. Inform them. Inform the affiliating University."

AND WHEREAS Sh. D. Kishtu, Representative and Dr. T. Lingaiah, Admin. Officer, Vivekananda College of Education, Mavala, Telangana presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that SRC has rejected on the ground of shortage of Prof. (Perspectives). But on our appeal Appellate authority up held our stand. Secondly our application has been rejected saying no provision for additional section for Bed as per 3(3.1) Of NCTE Regulations 2014. stand was again up held by Appellate Authority. Now SRC reiterates the same, pointed out grounds on first rejection order. Many a times original staff lists have been submitted. We have already mentioned that there was an entry in inward section as receipt of original Staff list. But missing the same in file. This is quite evident that what type of treatment given to our application. Our stand was upheld by the appellate authority order F. No. 89-245/E-1422/2017 Appeals/11th Appeal Committee is therefore of the view that ground of refusal i.e. appointment of

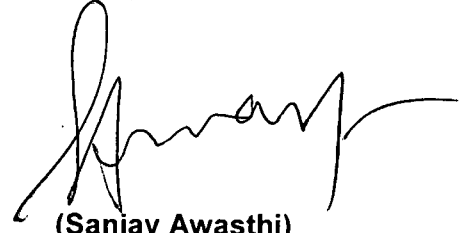
one Asst. Prof (Perspectives) is not substantiated. The show cause notice received by us on 16/09/2018. Immediately we ran to the university to get the Separate Staff approved for original 2 Section and additional section separately as instructed. However, the delay was of 7 days. However, we complied. But, the circumstances in University, such as availability as officer is beyond our control.”

AND WHEREAS Appeal Committee noted that impugned refusal order dated 13/02/2019 relates to additional intake of 50 seats (1 unit) in B.Ed. course applied by appellant institution in the year 2015. The appellant institution is already having recognition for conducting B.Ed. course and D.El.Ed. course with 2 units (each). Impugned refusal order dated 13/02/2019 is made on the deficiency of one Assistant Professor (Perspective) for which a Show Cause Notice was issued on 16/08/2018.

AND WHEREAS appellant during the course of appeal hearing on 30/04/2019 submitted copy of two lists of faculty approved by affiliating university containing the names of (a) one principal + 15 faculty and (b) 7 faculty. These lists were forwarded to S.R.C. by the appellant institution by speed post on 15/10/2018. The regulatory file of S.R.C. does not contain this letter dated 13/10/2018 sent by speed post on 15/10/2018 by the appellant and obviously the decision taken by S.R.C. was without consideration of the submission made by the appellant institution by its letter dated 13/10/2018. Appeal Committee, therefore, concluded that appellant institution is required to submit to S.R.C. a copy of its letter dated 13/10/2018 and S.R.C. should consider the submission made by appellant institution for revisiting the matter and taking an appropriate decision afresh.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that appellant institution is required to submit to S.R.C. a copy of its letter dated 13/10/2018 and S.R.C. should consider the submission made by appellant institution for revisiting the matter and taking an appropriate decision afresh.

NOW THEREFORE, the Council hereby remands back the case of Vivekananda College of Education, Mavala, Telangana to the SRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Principal, Vivekananda College of Education, Mavala – 504001, Telangana.
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 Telangan, Hyderabad.



F.No.89-128/E-112433/2019 Appeal/13th Mtg.-2019/30th April, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 03/06/2019

ORDER

WHEREAS the appeal of VNBP Degree College, Maharajganj, Parmeshwarpur, Sadar Gorakhpur, Uttar Pradesh dated 14/09/2018 is against the Order No. NRC/NCTE/NRCAPP-4630/287th Meeting/2018/196115 dated 08.08.2018 of the Northern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the above-mentioned letter made it crystal clear that the list of the faculty submitted by the institution purported to be approved by the affiliating body was fake. The institution misled that NRC by submitting a forged document. Therefore, NRC issued SCN to the institution vide letter No. 149034-38 dated 20th May, 2016 informing the institution to submit a written representation before withdrawal of recognition for B.Ed. within 15 days of the issue of that notice. The institution has submitted another list of faculty vide its letter dated 12.03.2018 without referring the SCN of NRC and clarifying the points raised therein. Hence, the Committee decided that recognition be withdrawn v/s 17 of the NCTE Act from the end of the academic session next following the date of order of withdrawal."

AND WHEREAS Sh. Shailendra Ku. Yadav, Manager and Sh. A.R. Sharma, VNBP Degree College, Maharajganj, Parmeshwarpur, Sadar Gorakhpur, Uttar Pradesh presented the case of the appellant institution on 30/04/2019. In the appeal and during personal presentation it was submitted that "The clerk has sent wrong documents due to misconception without the information of management. Management was unaware about the wrongly sent documents. Now the institution has completed approval process from Deen Dayal Upadhyay Gorakhpur University, Gorakhpur."

AND WHEREAS Appeal Committee noted that a Letter of Intent dated 26/02/2015 was issued to appellant institution seeking compliance within a period of two months. The points on which compliance was required to be submitted inter-alia included submission of list of faculty duly approved by the affiliating university. Appeal Committee noted that appellant institution submitted to N.R.C. by its letter dated 19/10/2015 a compliance report which included the selection proceedings and letter dated 15/10/2015 purported to have been issued by Vice Chancellor D.D.U. Gorakhpur University conveying approval of faculty and Head of Department. All the documents submitted with compliance letter dated 19/10/2015 were authenticated with the signatures and stamp of Sh. Gulab Yadav, Manager, U.N.B.P. Shiksha Sewa Samiti. These papers also included a sworn affidavit. Based on the compliance reported by appellant institution, recognition order dated 04/01/2016 was issued for B.Ed. course with an intake of 50 seats.

AND WHEREAS Appeal Committee noted that D.D.U. Gorakhpur University by its letter dated 25/05/2016 (page 890/Cor.) informed N.R.C. that V.N.B.P. Degree college has neither obtained N.O.C. from affiliating body nor faculty was got selected through university. Appeal Committee noted that even prior to the university's letter dated 25/05/2016, N.R.C. had issued a Show Cause Notice (SCN) dated 20/05/2016 referring to another letter dated 20/04/2016 of affiliating university stating that list of faculty submitted by appellant institution was not approved by the university.

AND WHEREAS Appeal Committee noted that appellant without responding to the S.C.N. dated 20/05/2016 submitted to N.R.C. a fresh compliance dated 19/02/2018 and 12/03/2018 seeking recognition under Clause 7 (16). The impugned order of withdrawal dated 08/08/2018 is on the ground that appellant institution has not submitted reply to S.C.N. dated 20/05/2016 and even without referring to the S.C.N. has submitted another list of faculty on 12/03/2018.

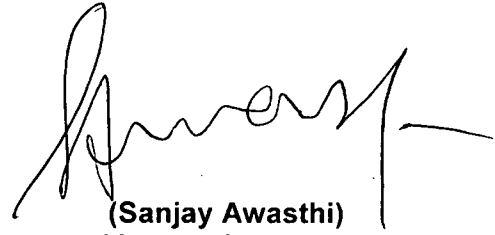
AND WHEREAS Appeal Committee noted that by not replying to the S.C.N. dated 20/05/2016, the appellant institution has implicitly conceded to the misconduct of

having submitted a fake list. Compliance dated 12/03/2018 submitting therewith a new list of faculty approved by affiliating university on 24/02/2018 is delayed by 3 years as L.O.I. was issued on 26/02/2015. Appellant cannot absolve itself of the responsibility of having submitted fake approval letter of university by saying that it was a clerical mistake without the information of management. N.R.C. further has not probed into as to how the non-issue of N.O.C. by the affiliating body and reported in the university's letter dated 25/05/2016 was investigated.

AND WHEREAS keeping in view the circumstances of the case, Appeal Committee not only confirms the impugned withdrawal order dated 08/08/2018, it urges upon the Regional Committee to proceed against the appellant institution under Clause 7 (3) of 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 confirm the withdrawal order dated 08/08/2018. N.R.C. is further required to proceed against the appellant institution under Clause 7 (3) of NCTE Regulations, 2014.

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



(Sanjay Awasthi)
Member Secretary

1. The Manager, VNBP Degree College, Maharajganj, Parmeshwarpur, Sadar Gorakhpur – 273007, 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.