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F.No.89-399/E-77978/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Shri S.R. Shikshan Sansthan (T.T. College), Kumana Bass, Lunkarnsar, Rajasthan dated 06/06/2018 is against the Order No. Old App/RJ---/159/2017/169479 dated 23/03/2017 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** the Committee noted that the appellant filed a S.B. Civil Writ Petition No. 3747/2018 before the Hon'ble High Court of Judicature for Rajasthan at Jodhpur. The Hon'ble High Court in their order dt. 14/03/2018 disposed of the petition with a direction to the Respondent No. 2 i.e. N.R.C. to reconsider the application of the petitioner in the meeting which is stated to be postponed for today or in the meeting of the Committee to be so constituted within six weeks, in case the same is not considered in the meeting of 14/03/2018.

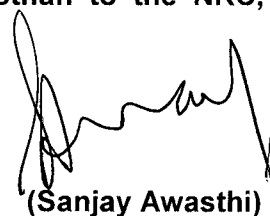
**AND WHEREAS** Sh. Sanwal Ram, Secretary and Sh. Vijay Kumar, Representative, Shri. S.R. Shikshan Sansthan (T.T. College), Kumana Bass, Lunkarnsar, Rajasthan presented the case of the appellant institution on 01/08/2018. In the appeal and during personal presentation it was submitted that now since they have filed appeal online, please consider their case for hearing.

**AND WHEREAS** the Committee noted that the ground mentioned in the N.R.C's letter dt. 23/03/2017, while returning the application of the appellant i.e. Clause 5, was introduced for the first time in the NCTE Regulation, 2014, the requirements of which are to be fulfilled when the applications are invited by the NCTE pursuant to those Regulations and which can be filed only during the period when the NCTE portal is open and not at any other time. The appellant submitted their application in the year 2009 and the then existing Regulations did not contain the requirements mentioned in the letter returning the application.

**AND WHEREAS** the Committee, in view of the position stated in para 4 above, concluded that the ground mentioned in the N.R.C's letter dt. 23/03/2017 cannot be held against the appellant and therefore, the matter deserved to be remanded to the N.R.C. with a direction to take further action in accordance with the NCTE, Regulations, 2014.

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

**NOW THEREFORE**, the Council hereby remands back the case of Shri S.R. Shikshan Sansthan (T.T. College), Kumana Bass, Lunkarnsar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Shri S.R. Shikshan Sansthan (T.T. College), Lunkarnsar, Kalu Road, Kumana Bass, Lunkarnsar – 334603, 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.89-400/E-77977/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of J.K. Jain Memorial College of Education, Near R.G.P.V. Campus, Huzur, Madhya Pradesh dated 11/06/2018 is against the Order No. WRC/APW05587/223607/292<sup>nd</sup>/2018/197914 dated 11/05/2018 of the Western Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that *"This is a case of appeal. Appellate Authority vide order dated 16.03.2018 has remanded the case to WRC. The RD should issue a revised withdrawal order mentioning the sequence of events and the fact that society has hidden data relevant to the amalgamation of the society."* Now, therefore, in exercise of the powers conferred u/s 17 of the NCTE Act, 1993, the recognition granted to the institution for conducting B.Ed. course, is hereby withdrawn from the end of the academic session next following the date of order of withdrawal."

**AND WHEREAS** Sh. Ratnesh Kumar Jain, Director and Sh. Sunil Patil, Exam Controller, J.K. Jain Memorial College of Education, Near R.G.P.V. Campus, Huzur, Madhya Pradesh presented the case of the appellant institution on 01/08/2018. In the appeal and during personal presentation it was submitted that the amalgamation of Vedic Shiksha Samiti got completed only on 05/02/2008. In support of this claim, the appellant, in their letter dt. 11/06/2018 has given detailed and chronological explanation.

**AND WHEREAS** the Committee noted that the Council in their earlier appellate order dt. 16/03/2018 remanded the matter to the WRC finding that the ground mentioned in their withdrawal order dt. 01/11/2017 that 'the society's reply to the Show Cause Notice issued on 05/06/2017 was not satisfactory' did not explain how the reply was not satisfactory. The WRC again issued a similar type of withdrawal order

without addressing the reply to the Show Cause Notice submitted by the appellant. The appellant in their reply to the Show Cause Notice maintained that the transfer formalities were completed only on 05/02/2008.

**AND WHEREAS** in these circumstances, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to specifically intimate the appellant, through a speaking order how their reply was not found satisfactory. In this connection they may also take into account the submissions made by the appellant in their letter dt. 11.06.2018, a copy of which should be forwarded to the WRC by the appellant within 15 days of receipt of the orders on the appeal.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to WRC with a direction to specifically intimate the appellant, through a speaking order how their reply was not found satisfactory. In this connection they may also take into account the submissions made by the appellant in their letter dt. 11.06.2018, a copy of which should be forwarded to the WRC by the appellant within 15 days of receipt of the orders on the appeal.

**NOW THEREFORE**, the Council hereby remands back the case of J.K. Jain Memorial College of Education, Near R.G.P.V. Campus, Huzur, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Principal, J.K. Jain Memorial College of Education, Near R.G.P.V. Campus, Airport Bypass Road, Huzur – 462033, 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.

(5)



F.No.89-403/E-78244/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Shri S.R. Shikshan Sansthan, Patroda, Anupgarh, Sri Ganganagar, Rajasthan dated 06/06/2018 is against the Letter No. Old App/RJ-----/186/2017/169119 dated 14/03/2017 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** the Committee noted that the appellant filed a S.B. Civil Writ Petition No. 3737/2018 before the Hon'ble High Court of Judicature for Rajasthan at Jodhpur. The Hon'ble High Court in their order dt. 14/03/2018 disposed of the petition with a direction to the Respondent No. 2 i.e. N.R.C. to re-consider the application of the petitioner in the meeting which is stated to be postponed for today or in the meeting of the Committee to be so constituted within six weeks, in case the same is not considered in the meeting of 14/03/2018.

**AND WHEREAS** Sh. Vijay Kumar, Secretary, Shri S.R. Shikshan Sansthan, Patroda, Anupgarh, Sri Ganganagar, Rajasthan presented the case of the appellant institution on 01/08/2018. In the appeal and during personal presentation it was submitted that now since the appeal has been filed online, please consider their case for hearing.

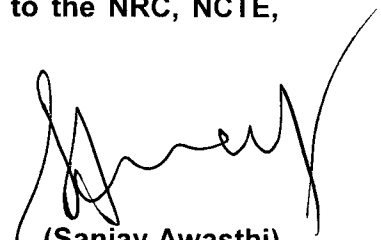
**AND WHEREAS** the Committee noted that the ground mentioned in the N.R.C's letter dt. 14/03/2017 while returning the application of the appellant i.e. Clause 5, was

introduced for the first time in the NCTE Regulations, 2014, the requirements of which are to be fulfilled when the applications are invited by the NCTE pursuant to those Regulations and which can be filed only during the period when the NCTE portal is open and not at any other time. The appellant submitted their application in the year 2007 and the then existing Regulations did not contain the requirements mentioned in the letter returning the application.

**AND WHEREAS** the Committee, in view of the position stated in para 4 above, concluded that the ground mentioned in the N.R.C.'s letter dt. 14/03/2017 cannot be held against the appellant and therefore, the matter deserved to be remanded to the N.R.C. with a direction to take further action in accordance with the NCTE Regulations, 2014.

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

**NOW THEREFORE, the Council hereby remands back the case of Shri S.R. Shikshan Sansthan, Patroda, Anupgarh, Sri Ganganagar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Secretary, Shri S.R. Shikshan Sansthan, Patroda State Highway no.3, Anupgarh – 334603, 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.89-405/E-78422/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date:

24/9/18

**ORDER**

**WHEREAS** the appeal of Saraswati Shikshak Prashikshan Vidyalaya, Sardar, Shahr, Rajasthan dated 07/06/2018 is against the letter No. Old App/RJ-----/241/2017/169501 dated 23/03/2017 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** the appellant filed a S.B. Civil Writs No. 19739/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur against the Letter of the N.R.C. dt. 23/03/2017 returning their application. The Hon'ble High Court in their order dt. 05/09/2018 closed the writ proceedings with liberty reserved to the petitioner to avail the remedy of appeal (under Section 18 of the NCTE Act, 1993). The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

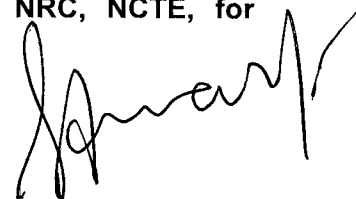
**AND WHEREAS** Sh. Om Parkash Saini, Secretary, Saraswati Shikshak Prashikshan Vidyalaya, Sardar, Shahr, Rajasthan presented the case of the appellant institution on 01/08/2018. In the appeal and during personal presentation it was submitted that now they have got the NOC and they will show at the time of hearing.

**AND WHEREAS** the Committee noted that the ground mentioned in the N.R.C's letter dt. 23/03/2017, while returning the application of the appellant i.e. Clause 5, was introduced for the first time in the NCTE Regulations, 2014, the requirements of which are to be fulfilled when the applications are invited by the NCTE pursuant to those Regulations and which can be filed only during the period when the NCTE portal is open and not at any other time. The appellant submitted their application on 25/12/2012 online and the then existing Regulations did not contain the requirements of Clause 5 mentioned in the letter returning the application.

**AND WHEREAS** the Committee, in view of the position stated in para 4 above, concluded that the ground mentioned in the N.R.C's letter dt. 23/03/2017 cannot be held against the appellant and therefore, the matter deserved to be remanded to the N.R.C. with a direction to take further action in accordance with the NCTE Regulations, 2014.

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

**NOW THEREFORE**, the Council hereby remands back the case of Saraswati Shikshak Prashikshan Vidyalaya, Sardar, Shahr, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Saraswati Shikshak Prashikshan Vidyalaya, 170/73 or 219/170, Sardar Shahr – 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.89-406/E-78415/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Veer Durgadas College, Samdari, Rajasthan dated 09/06/2018 is against the Order No. NCTE/NRCAPP201616370/B.A. B.Ed./B.Sc. B.Ed. – 4 Year Integrated/RJ/2017-18/2; dated 06/06/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that “the institution was issued SCN by NRC in its 267<sup>th</sup> meeting (from April 5 to 7, 2017) vide item No. 43. The reply of the same was received on 15.05.2017 and was considered by NRC and the following observations were made:- The State Govt. of Rajasthan vide letter No. 16/90 dated 27.02.2017 has conveyed its negative recommendation about the institution for starting B.A. B.Ed./B.Sc. B.Ed. course. LUC submitted is not in prescribed format, hence not acceptable. NEC with regard to the land for the proposed course has not been submitted in the prescribed format. Hence, the Committee decided that the application is rejected, and recognition / permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.”

**AND WHEREAS** the appellant, aggrieved by the order of the NRC dt. 06/06/2017 filed a S.B. Civil Writs No. 9408/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 03/05/2018 disposed of the petition, granting liberty to the petitioner institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court observed that if the petitioner institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of two months.

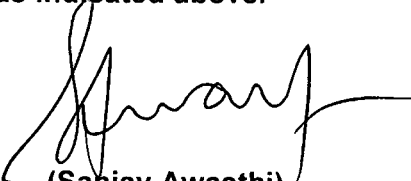
**AND WHEREAS** Sh. Ishwar Singh, President, Veer Durgadas College, Samdari, Rajasthan presented the case of the appellant institution on 01/08/2018. In the appeal and during personal presentation it was submitted that "this institution has applied on line for grant of recognition for B.A. B.Ed./B.Sc. B.Ed. course on 18.06.2016 and hard copy of application was submitted to NRC, NCTE on 15/07/2016. That NRC, NCTE has issued a Show Cause Notice on 17.04.2017 and 31.05.2017 in which certain deficiencies have been mentioned and 21 days' time had been given for making reply of Show Cause Notice. The institution has submitted reply of SCN along with all required documents to NRC, NCTE on 15.05.2017. NRC, NCTE has rejected the application of this institution vide letter no. NCTE/NRC/NRCAPP201616370/B.A. B.Ed./B.Sc. B.Ed. - 4 Years Integrated/ RJ/ 2017-2018/2 date 06.06.2017 on different grounds although this institution had submitted reply of Show Cause Notice on 15.05.2017. That department of Higher Education, Govt. of Rajasthan has issued N.O.C. Policy for all concerned on 23.02.2016 for session 2017-18 in which it is clearly mentioned at serial no. iv (2) that Four Year Integrated B.A. B.Ed. and/or B.Sc. B.Ed. in only those existing colleges which are already running B.A./B.Sc. programme or B.Ed. programme. Copy of NOC Policy dated 23.02.2016 is annexed. NCTE, New Delhi had issued Public Notice for inviting application for grant of permission for Teacher Education Programme on 09-03-2016 in which no ban had been imposed for B.A. B.Ed./B.Sc. B.Ed. course in the State of Rajasthan. The Appellate Authority of NCTE had already decided by its order dt. 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 Government". The appellant enclosed to their appeal a copy of the Land Use Certificate issued by S.D.O., Siwana, Distt. Barmer, Rajasthan and a copy of the Non-Encumbrance Certificate issued by Tehsildar.

**AND WHEREAS** the Committee noting the submissions of the appellant including the documents enclosed clarifying the position in respect of the grounds mentioned in the refusal order, concluded that the matter deserved to be remanded to the N.R.C., with a direction to consider these documents to be submitted to them

by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the N.R.C. all the documents submitted in the appeal, within 15 days of receipt of the orders on the appeal.

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

**NOW THEREFORE, the Council hereby remands back the case of Veer Durgadas College, Samdari, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**

  
(Sanjay Awasthi)  
Member Secretary

1. **The Manager, Veer Durgadas College, Samdari – 344021, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-407/E-78510/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Shriyut Shikshan Samitis, Shriyut College, Gangeo, Rewa, Allahabad Road, Mangawan, Madhya Pradesh dated 07/03/2018 is against the Order No. WRC/OAPW0572/223078/285<sup>th</sup> /2017/10531 dated 08/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "the institution has not submitted approved staff profile. Building completion certificate not submitted in the prescribed format. FDRs of Rs. 4 Lakhs in joint name not submitted in original."

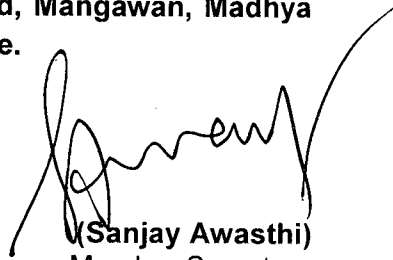
**AND WHEREAS** Dr. Arun Kumar Tripathi, Principal and Sh. Shiv Balak Pandey, Chairman, Shriyut Shikshan Samitis, Shriyut College, Gangeo, Rewa, Allahabad Road, Mangawan, Madhya Pradesh presented the case of the appellant institution on 01/08/2018. In the appeal and during personal presentation it was submitted that the staff was already working in the college, but approved staff profile was not available at that time to the college by competent authority and now it is being submitted. Building Completion Certificate duly signed by the sarpanch, private construction Engineer and Sub-Divisional Magistrate Revenue Tehsil Mangawan, Rewa Madhya Pradesh was submitted in NCTE, WRC on 30.08.2015 but due to unknowingness of prescribed format it could not be sent in the due format and now it is being submitted. FDR's 4 lakhs in joint name in original was not demanded in the letter no. F.NO.WRC/OAPW0572/223078/MP/171227 dated 27.07.2016 issued by the NCTE, WRC. Now it is being submitted.

**AND WHEREAS** the Committee noted that the appellant with their appeal submitted (i) a faculty list of 16 members including Principal, countersigned by the Registrar, A.P.S. University, Rewa; (ii) a copy of the building completion certificate in

the prescribed format; and (iii) a copy of the FDR for Rs. 4 lakhs jointly held with the Director, NCTE, Bhopal. Since the appellant has submitted all the documents found wanting in the withdrawal order, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to consider these documents to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC all the documents submitted in the appeal within 15 days of receipt of the orders on the appeal. In the meanwhile, the order of withdrawal shall be kept in abeyance.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to WRC with a direction to consider these documents to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC all the documents submitted in the appeal within 15 days of receipt of the orders on the appeal. In the meanwhile, the order of withdrawal shall be kept in abeyance.

**NOW THEREFORE, the Council hereby remands back the case of Shriyut Shikshan Samitis, Shriyut College, Gangeo, Rewa, Allahabad Road, Mangawan, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.**



(Sanjay Awasthi)  
Member Secretary

- 1. The Chairman, Shriyut Shikshan Samitis, Shriyut College, Gangeo, Rewa, Allahabad Road, Mangawan – 486111, 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.89-410/E-78708/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Maa Phoolapati Devi Mahavidyalayala, Raghapur, Rampur Karkhana, Deoria, Uttar Pradesh dated 08/05/2018 is against the Order No. NRC/NCTE/NRCAPP-7593/241<sup>st</sup> Meeting/2015/122065 dated 26/08/2015 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "the institution has not submitted list of faculty approved by the Competent Authority."

**AND WHEREAS** the appellant, aggrieved by the order of the NRC dt. 26/08/2015 filed a Writ C.No. 21062 of 2016 before the Hon'ble High Court, Allahabad. The Hon'ble High Court in their order dt. 10/05/2016 dismissed the petition with liberty reserved in favour of the petitioner to avail the statutory remedy of appeal available under the Act.

**AND WHEREAS** Sh. Dinesh Chandra Yadav, Manager and Sh. Amrish Singh, Member, Maa Phoolapati Devi Mahavidyalayala, Raghapur, Rampur Karkhana, Deoria, Uttar Pradesh presented the case of the appellant institution on 01/08/2018. In the appeal and during personal presentation it was submitted that "the process of approval was about to be completed but in the meantime they had received the refusal order dt. 26/08/2015 and the affiliating university held the process of teaching staff".

**AND WHEREAS** the submission of the appeal has been delayed by one year and ten months even after allowing 60 days beyond the date of the Hon'ble High Court's order.

**AND WHEREAS** the Committee noted that according to Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under Section 14, 15 or 17 of the NCTE Act may prefer an appeal to the Council within sixty days of issue of such orders. According to the Proviso under this Rule, an appeal may be admitted after expiry of the said period of sixty days, if the appellant satisfies the Council that he had sufficient cause for not preferring an appeal within the period of limitation of sixty days. The appellant has not given any cause for his delayed appeal except stating 'Court case'. The appellant has chosen to appeal only on 08/05/2018 despite the Hon'ble High Court granting him liberty to appeal in their order dt. 10/05/2016. In these circumstances, the Committee concluded that the appellant has not given any sufficient cause for delayed appeal. The Committee therefore decided not to condone the delay and therefore the appeal is not admitted.

**NOW THEREFORE, the Council hereby do not condone the delay and therefore the appeal is not admitted.**



(Sanjay Awasthi)  
Member Secretary

1. The Manager, Maa Phoolapati Devi Mahavidyalayala, Raghapur, Kasya Road, Rampur Karkhana, Deoria – 274405, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.



F.No.89-413/E-79028/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Sainger College of Education, Bayana Road, Baseri, Rajasthan dated 10/06/2018 is against the Letter No. Old App/NRCAPP-7089/297/2017/170554 dated 05/04/2017 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** the appellant, aggrieved by the letter of the N.R.C. dt. 05/04/2017 returning their application, filed a S.B. Civil Writs No. 11952/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 31/05/2018 disposed of the petition by remitting the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. In the event of the appeal being filed by the petitioner, the Hon'ble High Court directed the Appellate Authority to dispose of the said appeal within a period of two months.

**AND WHEREAS** Sh. Pushpendra Sharma, Secretary and Sh. Ravi Sharma, Member, Sainger College of Education, Bayana Road, Baseri, Rajasthan presented the case of the appellant institution on 01/08/2018. In the appeal and during personal presentation it was submitted that (i) "their application bearing I.D. No. NRCAPP7089 was submitted online on 30/12/2012; (ii) the appellant submitted their application alongwith Court order but the Committee has not considered the matter;



(iii) the Appellate Authority in their order dt. 16/10/2017 in respect of St. Meera T.T. College held that the appellant could not have submitted their application online, which was virtual impossibility due to closure of NCTE portal; (iv) the respondent had already granted recognition to several institutions ignoring the above said short comings vide N.R.C's order dt. 26/08/2016 and therefore, rejecting their application is faulty and discriminatory in nature; (v) the Committee, in violation of the NCTE, Act, 1993 did not issue any show cause notice before passing an adverse/rejection order; and (vi) necessary arrangement in regard to physical infrastructure and other facilities have been made". The appellant requested that the order dt. 05/04/2017 be quashed and set aside.

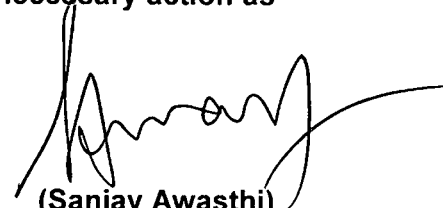
**AND WHEREAS** the Committee noted that the ground mentioned in the N.R.C.'s letter dt. 05/04/2017 while returning the application of the appellant, i.e. Clause 5, was introduced for the first time, in the NCTE Regulations, 2014, the requirements of which are to be fulfilled when applications are invited pursuant to those Regulations and which can be filed only during the period when the NCTE portal is open and not any other time. The appellant submitted their application in the year 2012 online and the then existing Regulations did not contain the requirements of Clause 5 mentioned in the letter returning the application

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

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing,

the Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action in accordance with the NCTE Regulations, 2014.

**NOW THEREFORE, the Council hereby remands back the case of Sainger College of Education, Bayana Road, Baseri, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Secretary, Sainger College of Education, Bayana Road, Baseri – 328022, 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.89-414/E-79010/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date:

24/9/18

**ORDER**

**WHEREAS** the appeal of Shree Ashapura College, Sadri, Desuri, Rajasthan dated 09/06/2018 is against the Order No. NCTE/NRC/NRCAPP201616543/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-18/2; dated 19/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed. / B.Sc. B.Ed. Course on the grounds that “the applicant institution has not submitted the reply of the SCN issued by the NRC on 23.01.2017 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** the appellant aggrieved by the order of the N.R.C. dt. 19/04/2017 filed a S.B. Civil Writs No. 9412/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 03/05/2018 disposed of the petition granting liberty to the petitioner to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decided the same preferably within a period of two months.

**AND WHEREAS** Sh. Ishwar Singh, President, Shree Ashapura College, Sadri, Desuri, Rajasthan presented the case of the appellant institution on 01/08/2018. In the appeal and during personal presentation and in a letter dt. 01/08/2018 it was submitted that this institution has applied on line for grant of recognition for B.A. B.Ed./B.Sc. B.Ed. course on 30.06.2016 and hard copy of application was submitted to NRC, NCTE on 15/07/2016. NRC, NCTE has issued a Show Cause Notice on 23.01.2017 and 13.04.2017 in which certain deficiencies have been mentioned and 21 days' time had been given for making reply of Show Cause Notice. The President, Ishwar Singh

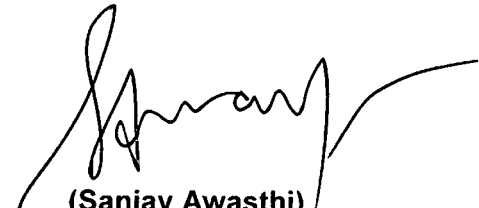
was hospitalized from 15.1.2017 to 28.04.2017 and he had to be kept on complete bed rest during this period. Copy of Medical Certificate is annexed. Due to Hospitalization of Ishwar Singh, President, this institution has not seen the email and did not make reply of Show Cause Notice to NRC, NCTE. NRC, NCTE has rejected the application of this institution due to no-submission of reply of SCN vide letter no. NCTE/NRC/NRCAPP201616543/B.A. B.Ed./B.Sc. B.Ed. - 4 Years Integrated/RJ/2017-2018/2 date 19.04.2017. Copy of Registration Certificate and Bye Laws of society is annexed. This college is running B.A. course in the campus. Copy of N.O.C. and Affiliation Order are annexed. Certified copy of registered land documents is annexed. Land Use Certificate issued by S.D.O., Desuri Distt.-Pali (Raj) for Educational purpose is annexed. Non-Encumbrance Certificate issued by Tehsildar is annexed. Copy of approved building map on which all required information as per NCTE Regulations 2014 has been mentioned is annexed. This institution has filed a S.B. Civil Writ Petition No. 9412/2018 in the Hon'ble High Court of Rajasthan, Jaipur against the rejection order issued by the NRC, NCTE on 19.04.2017. The Hon'ble High Court of Rajasthan, Jaipur has passed an order directing the Petitioner to file an Appeal u/s 18 of NCTE Act, 1993 to Appellate Authority and Appellate Authority is directed to dispose the said Appeal within a period of 02 months. Copy of order of Hon'ble High Court of Rajasthan, Jaipur is annexed. NRC, NCTE has rejected the application of this institution without considering the reply of SCN submitted by this institution prior to rejection of the application. Thus NRC, NCTE has rejected the application of this institute for grant of recognition of B.A. B.Ed./B.Sc. B.Ed. course on illegal, unlawful, arbitrary, unjustified and unconstitutional basis. Therefore, it is prayed that the rejection order issued by NRC, NCTE be set aside and directions be issued to NRC, NCTE for further process of application of this institute for grant of recognition of B.A. B.Ed./B.Sc. B.Ed. course".

**AND WHEREAS** the Committee noted the submission of the appellant for not being able to file a reply to the Show Cause Notice due to which recognition was refused. The appellant has obtained the orders of the Hon'ble High Court granting him liberty to prefer an appeal, which he did not do earlier. He has appealed following the orders of the Hon'ble Court. The Committee also noted that the appellant, with

their appeal has submitted all the documents found wanting in the Show Cause Notice. However, no reply to the Show Cause Notice stated to have been sent is found in the file to N.R.C. In these circumstances, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to consider these documents to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the N.R.C. all the documents relevant to the show cause notice submitted in appeal, within 15 days of receipt of the orders on the appeal.

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

**NOW THEREFORE, the Council hereby remands back the case of Shree Ashapura College, Sadri, Desuri, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

1. **The Manager, Shree Ashapura College, Sadri, Desuri – 306702, 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.89-415/E-79015/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Veer Durgadas College, Samdari, Rajasthan dated 09/06/2018 is against the Order No. NCTE/NRC/NRCAPP201616371/Bachelor for Education [B.Ed.]/RJ/2017-18/2; dated 06/06/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "the institution was issued SCN by NRC in its 267<sup>th</sup> meeting (from April 5 to 7, 2017) vide item No. 42. The reply received on 15.05.2017 was considered by the Committee and following observations were made:- In view of the rejection of another file (NRCAPP-16370 for B.A. B.Ed./B.Sc. B.Ed., the institution can no more be considered in the proposed composite category. LUC submitted is not in prescribed format, hence not acceptable. NEC with regard to the land for the proposed has not been submitted in the prescribed format. Hence, the Committee decided that the application is rejected, and recognition / permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

**AND WHEREAS** the appellant, aggrieved by the order of the N.R.C. dt. 06/06/2017 filed a S.B. Civil Writs No. 9415/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 03/05/2018 disposed of the petition granting liberty to the petitionēr institution to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner institution files an appeal under Section of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of two months.

**AND WHEREAS** Sh. Ishwar Singh, President, Veer Durgadas College, Samdari, Rajasthan presented the case of the appellant institution on 01/08/2018. In the appeal

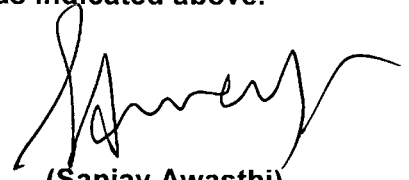
and during personal presentation and in a letter dt. 01/08/2018 it was submitted that this institution has applied on line for grant of recognition for B.Ed. course on 18.06.2016 and hard copy of application was submitted to NRC, NCTE on 15/07/2016. NRC, NCTE has issued a Show Cause Notice on 17.04.2017 and 13.05.2017 in which certain deficiencies have been mentioned and 21 days' time had been given for making reply of Show Cause Notice. This institution has submitted reply of SCN along with all required documents to NRC, NCTE on 15.05.2017 vide diary No. 169260. Copy of reply letter is annexed. NRC, NCTE has rejected the application of this institution vide letter no. NCTE/NRC/NRCAPP201616371/Bachelor of Education [B.Ed.]/RJ/2017-2018/2 date 06.06.2017. on different grounds although this institution had submitted reply of Show Cause Notice on 15.05.2017. This college is running B.A. course in the campus. Copy of N.O.C. was already submitted to NRC, NCTE along with reply of Show Cause Notice on 15.05.2017. copy of N.O.C. and affiliation order are annexed. NOC for proposed course from affiliating was already submitted to NRC, NCTE along with reply of Show Cause Notice on 15.05.2017. Copy of NOC for B.Ed. course is annexed. That Land Use Certificate issued by S.D.O., Siwana, Distt. Barmer (Raj) for Educational purpose is annexed. Non-Encumbrance Certificate issued by Tehsildar was submitted to NRC, NCTE along with hard copy of application and reply of SCN. Copy of Non-Encumbrance Certificate is annexed. This institution has filed a S.B. Civil Writ Petition No. 9415/2018 in the Hon'ble High Court of Rajasthan, Jaipur against the rejection order issued by the NRC, NCTE on 06.06.2017. The Hon'ble High Court of Rajasthan, Jaipur has passed an order directing the Petitioner to file an Appeal u/s 18 of NCTE Act. 1993 to Appellate Authority and Appellate Authority is directed to dispose the said Appeal within a period of 02 months. Copy of order of Hon'ble High Court of Rajasthan, Jaipur is annexed. NRC, NCTE has rejected the application of this institution without considering the reply of SCN submitted by this institution prior to rejection of the application. Thus NRC, NCTE has rejected the application of this institute for grant of recognition of B.Ed. course on illegal, unlawful, arbitrary, unjustified and unconstitutional basis. Therefore, it is prayed that the rejection order issued by NRC, NCTE be set aside and directions

be issued to NRC, NCTE for further process of application of this institute for grant of recognition of B.Ed. course.

**AND WHEREAS** the Committee noted the submissions of the appellant and the documents enclosed to the appeal in reference to the show cause notice and the refusal order. As submitted by the appellant, the rejection of an application for B.A. B.Ed./B.Sc. B.Ed. is a new ground and was not mentioned in the show cause notice. In these circumstances, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to consider the relevant documents to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the N.R.C. the documents submitted in the appeal, within 15 days of receipt of the orders on the appeal.

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

**NOW THEREFORE, the Council hereby remands back the case of Veer Durgadas College, Samdari, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**

  
(Sanjay Awasthi)  
Member Secretary

1. **The Manager, Veer Durgadas College, Samdari – 344021, 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.89-416/E-79006/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Sayala College, Sayala, Rajasthan dated 09/06/2018 is against the Order No. NCTE/NRC/NRCAPP201615387/Bachelor of Education [B.Ed.]/RJ/2017/2017-18/2; dated 27/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "reply of SCN issued by NRC to the institution has not been received within stipulated time. Hence, the Committee decided that the application is rejected, and recognition / permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

**AND WHEREAS** the appellant aggrieved by the order of the N.R.C. dt. 27/04/2017 filed a S.B. Civil Writ No. 11728/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 30/05/2018 disposed of the petition by remitting the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. In the event of the appeal being filed by the petitioner, the Hon'ble High Court directed the Appellate Authority to dispose of the said appeal within a period of two months.

**AND WHEREAS** Dr. Gajendra Singh, President, Sayala College, Sayala, Rajasthan presented the case of the appellant institution on 01/08/2018. In the appeal and during personal presentation and in a letter dt. 31/07/2018 it was submitted that "this institution has applied on line for grant of recognition for B.Ed. course on 30.05.2016 and hard copy of application was Submitted to NRC, NCTE on 13/06/2016. That NRC, NCTE has issued a Show Cause Notice on 19.01.2017 in

which certain deficiencies have been mentioned and 21 days' time had been given for making reply of Show Cause Notice. The President Dr. Gajendra Singh was hospitalized from 15.01.2017 to 16.04.2017 and he had to be kept on complete bed rest during this period. Copy of Medical Certificate is annexed. Due to Hospitalization of Dr. Gajendra Singh, President of this institution has not seen the email and did not make reply of Show Cause Notice to NRC, NCTE. After discharge from Hospital Dr. Gajendra Singh President, this institution has submitted reply of SCN along with all required documents to NRC, NCTE on 26.04.2017 vide diary number 167622. Copy of reply letter is annexed. NRC, NCTE has rejected the application of this institution due to non-submission of reply of SCN vide letter No. NCTE/NRC/NRCAPP201615387/Bachelor of Education [B.Ed.] course/RJ/2017-18/2 date 27.04.2017 although this institution had submitted reply of Show Cause Notice on 26.04.2017. Copy of Registration Certificate and Bye Laws of society has been submitted along with reply of SCN to NRC, NCTE. Copy of Registration Certificate and Bye Laws of society is annexed. Land Use Certificate issued by S.D.O., Sayala Distt.-Jalore (Raj.) for Educational purpose was submitted to NRC, NCTE along with hard copy of application and reply of SCN. Copy of Land Use Certificate is annexed. Certified copy of registered land documents has been submitted to NRC, NCTE along with reply of SCN. Copy of certified registered land documents are annexed. Non-Encumbrance Certificate issued by Tehsildar was submitted to NRC, NCTE along with hard copy of application and reply of SCN. Copy of Non-Encumbrance Certificate is annexed. Copy of approved building map on which all required information as per NCTE Regulations 2014 has been mentioned and building completion certificate was submitted to NRC, NCTE along with hard copy of application. Copy of approved building map and building completion certificate are annexed. This college is running B.A. course in the campus. Copy of N.O.C., affiliation order and NOC for proposed course had been submitted to NRC, NCTE along with reply of Show Cause Notice. NOC, affiliation order and NOC for proposed course are annexed. This institution has filed a S.B. Civil Writ Petition No. 11728/2018 in the Hon'ble High Court of Rajasthan, Jaipur against the rejection order issued by the NRC, NCTE on 27.04.2017. The Hon'ble High Court of Rajasthan,

Jaipur has passed an order directing the Petitioner to file an Appeal u/s 18 of NCTE Act. 1993 to Appellate Authority and Appellate Authority is directed to disposed the said Appeal within a period of 02 months. Copy of order of Hon'ble High Court of Rajasthan, Jaipur is annexed. NRC, NCTE has rejected the application of this institution without considering the reply of SCN submitted by this institution prior to rejection of the application. Thus NRC, NCTE has rejected the application of this institute for grant of recognition of B.Ed. course on illegal, unlawful, arbitrary, unjustified and unconstitutional basis. Therefore, it is prayed that the rejection order issued by NRC, NCTE be set aside and directions be issued to NRC, NCTE for further process of application of this institute for grant of recognition of B.Ed. course.

**AND WHEREAS** the Committee noted that the reply of the appellant dt. 19/04/2017 to the Show Cause Notice received under dy. No. 167622 dt. 26/04/2017 is not in the file of the N.R.C. However, the Committee noted that the appellant, with their appeal has submitted the documents found wanting in the Show Cause Notice. In these circumstances, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to consider these documents to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the N.R.C. the documents submitted in the appeal, within 15 days of receipt of the orders on the appeal.

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

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



**(Sanjay Awasthi)**  
Member Secretary

- 1. The President, Sayala College, Sayala – 343022, 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.89-417/E-79090/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Shree Ashapura College, Sadri, Desuri, Rajasthan dated 09/06/2018 is against the Order No. NCTE/NRC/NRCAPP201616544/Bachelor of Education [B.Ed.]/RJ/2017-18/2; dated 19/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "the applicant institution has not submitted the reply of the SCN issued by the NRC on 30.01.2017 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** the appellant, aggrieved by the order of the N.R.C. dt. 19/04/2017 filed a S.B. Civil Writs No. 9405/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 03/05/2018 disposed of the petitioner granting liberty to avail the remedy of statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that if the petitioner institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of two months.

**AND WHEREAS** Sh. Ishwar Singh, President, Shree Ashapura College, Sadri, Desuri, Rajasthan presented the case of the appellant institution on 01/08/2018. In the appeal and during personal presentation and in a letter dt. 01/08/2018 it was submitted that "this institution has applied on line for grant of recognition for B.Ed. course on 30.05.2016 and hard copy of application was Submitted to NRC, NCTE on 15/07/2016. NRC, NCTE has issued a Show Cause Notice on 30.01.2017 and 13.04.2017 in which certain deficiencies have been mentioned and 21 days' time had

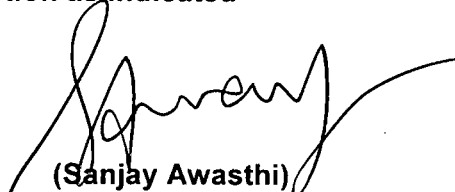
been given for making reply of Show Cause Notice. The President Ishwar Singh was hospitalized from 15.01.2017 to 28.04.2017 and he had to be kept on complete bed rest during this period. Copy of Medical Certificate is annexed. Due to Hospitalization of Ishwar Singh, President, this institution has not seen the email and did not make reply of Show Cause Notice to NRC, NCTE. That NRC, NCTE has rejected the application of this institution due to non-submission of reply of SCN vide letter No. NCTE/NRC/NRCAPP201616544/Bachelor of Education [B.Ed.]/RJ/2017-18/2 date 19.04.2017. Copy of Registration Certificate and Bye Laws of society is annexed. This college is running B.A. course in the campus. Copy of NOC and affiliation order are annexed. NOC for proposed course from affiliating is annexed. Certified copy of registered land documents is annexed. Land Use Certificate issued by S.D.O., Desuri Distt.-Pali (Raj.) for Educational purpose is annexed. Non-Encumbrance Certificate issued by Tehsildar is annexed. Copy of approved building map on which all required information as per NCTE Regulations 2014 has been mentioned is annexed. This institution has filed a S.B. Civil Writ Petition No. 9405/2018 in the Hon'ble High Court of Rajasthan, Jaipur against the rejection order issued by the NRC, NCTE on 19.04.2017. The Hon'ble High Court of Rajasthan, Jaipur has passed an order directing the Petitioner to file an Appeal u/s 18 of NCTE Act. 1993 to Appellate Authority and Appellate Authority is directed to disposed the said Appeal within a period of 02 months. Copy of order of Hon'ble High Court of Rajasthan, Jaipur is annexed. NRC, NCTE has rejected the application of this institution without considering the reply of SCN submitted by this institution prior to rejection of the application. Thus NRC, NCTE has rejected the application of this institute for grant of recognition of B.Ed. course on illegal, unlawful, arbitrary, unjustified and unconstitutional basis. Therefore, it is prayed that the rejection order issued by NRC, NCTE be set aside and directions be issued to NRC, NCTE for further process of application of this institute for grant of recognition of B.Ed. course.

**AND WHEREAS** the Committee noted the submission of the appellant for not being able to file a reply to the Show Cause Notice due to which recognition was refused. The appellant has obtained the orders of the Hon'ble High Court granting

him liberty to prefer an appeal, which he did not do earlier. He has appealed following the orders of the Hon'ble Court. The Committee also noted that the appellant, with their appeal has submitted all the documents found wanting in the Show Cause Notice. However, no reply to the Show Cause Notice stated to have been sent is found in the file to N.R.C. In these circumstances, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to consider these documents to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the N.R.C. all the documents relevant to the show cause notice submitted in appeal, within 15 days of receipt of the orders on the appeal.

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

**NOW THEREFORE, the Council hereby remands back the case of Shree Ashapura College, Sadri, Desuri, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**

  
(Sanjay Awasthi)  
Member Secretary

1. **The Manager, Shree Ashapura College, Sadri, Desuri – 306702, 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.89-421/E-79063/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Sardar Bhagat Singh Shikashan Sansthan, Khara Chak, Pilibangan, Goluwala, Rajasthan dated 10/06/2018 is against the letter No. New Appl./RF/Raj/NRCAPP-7770/2013-14/51120 dated 21/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government / Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government / UT Administration, to who a copy of the application made by an institution for grant of recognition is sent in terms Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the



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

**AND WHEREAS** the appellant, aggrieved by the letter of the N.R.C. dt. 21/06/2013, filed a S.B. Civil Writs No. 9413/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 03/05/2018 disposed of the petition granting liberty to the petitioner institution to avail the remedy of statutory appeal under Section 18 of the Act of 1993. The Hon'ble High Court also observed that of the petitioner – institution files an appeal under Section 18 of the Act of 1993 before the concerned Appellate Authority, it is expected of the Appellate Authority to decide the same preferably within a period of two months.

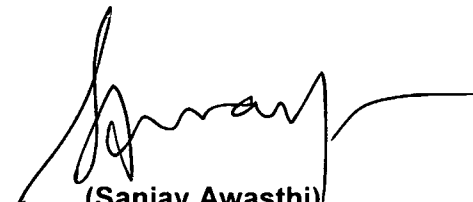
**AND WHEREAS** Sh. Raj Singh, Secretary, Sardar Bhagat Singh Shikashan Sansthan, Khara Chak, Pilibangan, Goluwala, Rajasthan presented the case of the appellant institution on 01/08/2018. In the appeal and during personal presentation it was submitted that the controversy was settled by the Appellant Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 appeal/17<sup>th</sup> Meeting-2017 dt. 27/11/2017 titled “J.B.M. College of Education” directed the NRC to process further the application on the ground that “...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.” A copy of appeal order dated 27.11.2017 is annexed herewith. The appellant also submitted that the N.R.C. has granted recognition to several institutions ignoring this shortcoming vide their order dt. 26/08/2016. The act of rejecting their application submitted on 31/12/2012 is faulty

and discriminatory in nature. The appellant further submitted that no show cause notice was issued as per NCTE Act before passing an adverse/rejecting order. The appellant requested that N.R.C's order be quashed and set aside.

**AND WHEREAS** the Committee, in view of the submissions made above, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and the Appellate orders issued in similar cases.

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

**NOW THEREFORE, the Council hereby remands back the case of Sardar Bhagat Singh Shikashan Sansthan, Khara Chak, Pilibangan, Goluwala, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Sardar Bhagat Singh Shikashan Sansthan, Khara Chak, 1 Pilibangan, Goluwala, Rajasthan – 335802.
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.89-422/E-79149/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Modern BSTC College, Mukundgarh Mandi, Jhunjhunu Sikar Road, Nawalgarh, Rajasthan dated 13/06/2018 is against the letter No. New Appl./RF/Raj/NRCAPP-4133/2013-14/47392 dated 07/06/2013 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration / processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government / Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government / UT Administration, to who a copy of the application made by an institution for grant of recognition is sent in terms Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC

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

**AND WHEREAS** the appellant, aggrieved by the letter of the N.R.C. dt. 07/06/2013 filed a S.B. Civil Writs No. 11554/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 31/05/2018 disposed of the petitioner by remitting the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. In the event of the appeal being filed by the petitioner, the Hon'ble High Court directed the Appellate Authority to dispose of the said appeal within a period of two months.

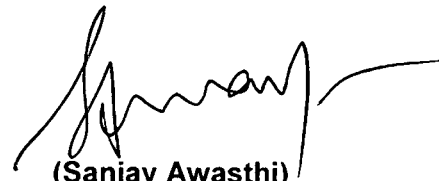
**AND WHEREAS** Dr. T.C. Yadav, Secretary, Modern BSTC College, Mukundgarh Mandi, Jhunjhunu Sikar Road, Nawalgarh, Rajasthan presented the case of the appellant institution on 01/08/2018. In the appeal and during personal presentation it was submitted that the controversy was settled by the Appellant Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 appeal/17<sup>th</sup> Meeting-2017 dt. 27/11/2017 titled “J.B.M. College of Education” directed the NRC to process further the application on the ground that “...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.” A copy of appeal order dated 27.11.2017 is annexed herewith. The appellant also submitted that the N.R.C. has granted recognition to several institutions ignoring this granted recognition to several institutions ignoring this shortcoming vide their order dt. 26/08/2016. The act of rejecting their application submitted on 31/12/2012 is faulty and discriminatory in

nature. The appellant further submitted that no show cause notice was issued as per NCTE Act before passing an adverse/rejecting order. The appellant requested that N.R.C's order be quashed and set aside.

**AND WHEREAS** the Committee, in view of the submissions made above, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and the Appellate orders issued in similar cases.

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

**NOW THEREFORE**, the Council hereby remands back the case of Modern BSTC College, Mukundgarh Mandi, Jhunjhunu Sikar Road, Nawalgarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Manager, Modern BSTC College, Mukundgarh Mandi, Jhunjhunu Sikar Road, Nawalgarh – 333705, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-432/E-79407/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of S. Karan BSTC College, Mukundgarh, Mandi, Nawalgarh, Rajasthan dated 13/06/2018 is against the letter No. New Appl./RF/Raj/NRCAPP-4136/2013-14/051390 dated 25/06/2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration / processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government / Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government / UT Administration, to who a copy of the application made by an institution for grant of recognition is sent in terms Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the

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

**AND WHEREAS** the appellant, aggrieved by the letter of the N.R.C. dt. 25/06/2013 filed a S.B. Civil Writ No. 11557/2018 before the Hon'ble High Court of Judicature of Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 30/05/2018 disposed of the petition by remitting the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. In the event of the appeal being filed by the petitioner, the Hon'ble High Court directed the Appellate Authority to dispose of the said appeal within a period of two months.

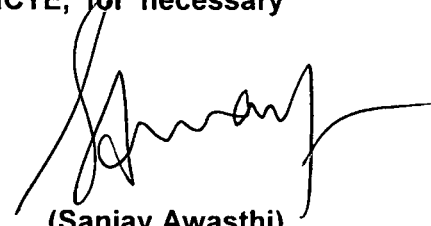
**AND WHEREAS** Dr. T.C. Yadav, Secretary, S. Karan BSTC College, Mukundgarh, Mandi, Nawalgarh, Rajasthan presented the case of the appellant institution on 01/08/2018. In the appeal and during personal presentation it was submitted that the controversy was settled by the Appellant Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 appeal/17<sup>th</sup> Meeting-2017 dt. 27/11/2017 titled “J.B.M. College of Education” directed the NRC to process further the application on the ground that “...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.” A copy of appeal order dated 27.11.2017 is annexed herewith. The appellant also submitted that the N.R.C. has granted recognition to several institutions ignoring this ignoring this shortcoming vide their order dt. 26/08/2016. The act of rejecting their application submitted on 31/12/2012 is faculty and discriminatory in nature. The appellant further submitted

that no show cause notice was issued as per NCTE Act before passing an adverse/rejecting order. The appellant requested that N.R.C's order be quashed and set aside.

**AND WHEREAS** the Committee, in view of the submissions made above, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and the Appellate orders issued in similar cases.

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

**NOW THEREFORE**, the Council hereby remands back the case of **S. Karan BSTC College, Mukundgarh, Mandi, Nawalgarh, Rajasthan** to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. . The Trusty, **S. Karan BSTC College, Mukundgarh, Mandi, Nawalgarh – 333705, 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.



25-A



F.No.89-148/E-67114/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Sorabh College of Teacher Training, Khera, Hindaun City, Rajasthan dated 03/03/2018 is against letter F.No. Old App/RJ...../178/2017/169085 dated 14/03/2017 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** the appellant, aggrieved by the letter of the NRC dt. 14/03/2017 filed a S.B. Civil Writ Petition No. 1132/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 07/02/2018 disposed of the petition by remitting the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that in the event of the appeal being filed, it is expected that it will be disposed of expeditiously by the Appellate Authority keeping in mind that the last date for grant of recognition to a teacher course in each academic year is 3<sup>rd</sup> of March as per the NCTE Regulations, 2014.

**AND WHEREAS** Sh. K.S. Meena, Chairman, Sorabh College of Teacher Training, Khera, Hindaun City, Rajasthan presented the case of the appellant institution on 06/04/2018. In the appeal and during personal presentation it was submitted that "because the NRC decision to return the file of the institution without processing vide letter dated 14.03.2017 is bad, perverse and illegal and thus same cannot be

sustained in the eyes of law. Because Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtrasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held *"Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations."* A copy of the order dated 10.09.2013 passed by the Hon 'ble Supreme Court shall be kept ready for perusal of the Hon'ble Court at the time of arguments. Thus, when Hon'ble Supreme Court had directed to treat applications "pending" NRC cannot treat such application nullity and reject them by saying that same were not in on-line mode. The letter dated 14.03.2017 returning file of the institution is bad and unsustainable and it is clearly contrary to Supreme Court order mentioned above as once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application contrary to judgment of Supreme Court. The Hon'ble Rajasthan High Court, Jaipur has also directed the NRC in the case of Murli Singh Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L. Indoria in a non-discriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The decision of the Hon'ble High Court is binding on NRC and it is not desirable to approach the Hon'ble High Court when the court has already passed order in a similar case. That the application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1<sup>st</sup> Mtg. 2018/1<sup>st</sup> & 2<sup>nd</sup> Feb., 2018 dated 27.2.2018 concluded that non-submission of online application cannot be

held against the appellant at this stage as NCTE portal for submitting application online was closed. Because petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which clearly unwarranted and unlawful. Because appellant has available with it all the infrastructure and facilities for running D.El.Ed. course as per applicable norms but it has been unlawfully deprived from running the course. Because under Regulations, 2014 the "Council" has "powers to relax" any condition/regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies norms and standards under Regulations, 2014. Because online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated/objected appellant to submit the same online during stipulated period. Because respondents have failed to carry out the compliance of Adarsh Shikshan Prashikshan Case decided by Hon'ble High Court on 26.09.2013 and the law laid down therein."

**AND WHEREAS** Section 18 (i) of the NCTE Act provides that 'Any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed.' In the instant case no order under Section 14 or 15 or 17 has been made for the reason that application made by applicant seeking recognition for conducting D.El.Ed. programme in the year 2008 was not processed upto the level of either refusing recognition or granting recognition. The application remained pending in the office of N.R.C. for reasons of a blanket ban imposed by the State Government of Rajasthan and then due to NCTE Regulations being revised.

**AND WHEREAS** Appeal Committee noted that NCTE Regulations, 2014 were notified in November, 2014. In several cases applicants whose applications were pending in Regional Committees were asked to apply afresh confirming to the Regulations, 2014. The Regional Committee also refused recognition to many

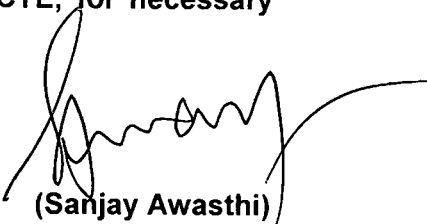
institutions simply on the ground that their applications submitted prior to the NCTE Regulations were not made online. In many cases, on intervention of Courts of law, Regional Committees opted to process the pending applications and even conducted inspection and issued Letter of Intents. In nut shell there was no uniformity in the action taken by Regional Committee in dealing with the applications submitted in the year 2008 and 2012. The instant case is one of such cases where the Regional Committee has opted to return the application alongwith all related documents to the applicant for the reason that application was not processed.

**AND WHEREAS** the Committee considered the matter again in their meeting on held 1<sup>st</sup> August, 2018, when the file of the N.R.C. was made available. The Committee noted that the ground mentioned in the N.R.C's letter dt. 14/03/2017 while returning the application of the appellant i.e. Clause 5, was introduced for the first time in the NCTE Regulations, 2014, the requirements of which are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the letter returning the application.

**AND WHEREAS** the Committee, in view of the position stated in para 6 above and the submissions of the appellant, concluded that the ground mentioned in the N.R.C's letter dt. 14/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE, Regulations, 2014.

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

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



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Sorabh College of Teacher Training, Khera, Karauli Road, Hindaun City – 322234, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-149/E-67116/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Sorabh College of Teacher Training, Masalpur, Rajasthan dated 03/03/2018 is against the letter F.No. Old – APP/RJ-----/213/2017/169527 dated 14/03/2017 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** the appellant, aggrieved by the letter of the NRC dt. 23/03/2017 filed a S.B. Civil Writ Petition No. 1141/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 07/02/2018 disposed of the petition by remitting the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that in the event of the appeal being filed, it is expected that it will be disposed of expeditiously by the Appellate Authority keeping in mind that the last date for grant of recognition to a teacher course in each academic year is 3<sup>rd</sup> of March as per the NCTE Regulations, 2014.

**AND WHEREAS** Sh. K.S. Meena, Chairman and Sh. Vishnu Sharma, Member, Sorabh College of Teacher Training, Masalpur, Rajasthan presented the case of the appellant institution on 06/04/2018. In the appeal and during personal presentation it was submitted that "Because the NRC decision to return the file of the institution

without processing vide letter dated 14.03.2017 is bad, perverse and illegal and thus same cannot be sustained in the eyes of law. Because Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtrasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held *"Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations."* A copy of the order dated 10.09.2013 passed by the Hon 'ble Supreme Court shall be kept ready for perusal of the Hon'ble Court at the time of arguments. Thus, when Hon'ble Supreme Court had directed to treat applications "pending" NRC cannot treat such application nullity and reject them by saying that same were not in on-line mode. The letter dated 14.03.2017 returning file of the institution is bad and unsustainable and it is clearly contrary to Supreme Court order mentioned above as once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application contrary to judgment of Supreme Court. The Hon'ble Rajasthan High Court, Jaipur has also directed the NRC in the case of Murli Singh Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L. Indoria in a nondiscriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The decision of the Hon'ble High Court is binding on NRC and it is not desirable to approach the Hon'ble High Court when the court has already passed order in a similar case. That the application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1<sup>st</sup> Mtg. 2018/1<sup>st</sup> & 2<sup>nd</sup> Feb.,

2018 dated 27.2.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. Because petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which clearly unwarranted and unlawful. Because appellant has available with it all the infrastructure and facilities for running D.El.Ed. course as per applicable norms but it has been unlawfully deprived from running the course. Because under Regulations, 2014 the "Council" has "powers to relax" any condition/regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies norms and standards under Regulations, 2014. Because online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated/objected appellant to submit the same online during stipulated period. Because respondents have failed to carry out the compliance of Adarsh Shikshan Prashikshan Case decided by Hon'ble High Court on 26.09.2013 and the law laid down therein."

**AND WHEREAS** Section 18 (i) of the NCTE Act provides that 'Any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed.' In the instant case no order under Section 14 or 15 or 17 has been made for the reason that application made by applicant seeking recognition for conducting D.El.Ed. programme in the year 2008 was not processed upto the level of either refusing recognition or granting recognition. The application remained pending in the office of N.R.C. for reasons of a blanket ban imposed by the State Government of Rajasthan and then due to NCTE Regulations being revised.

**AND WHEREAS** Appeal Committee noted that NCTE Regulations, 2014 were notified in November, 2014. In several cases applicants whose applications were pending in Regional Committees were asked to apply afresh confirming to the



Regulations, 2014. The Regional Committee also refused recognition to many institutions simply on the ground that their applications submitted prior to the NCTE Regulations were not made online. In many cases, on intervention of Courts of law, Regional Committees opted to process the pending applications and even conducted inspection and issued Letter of Intents. In nut shell there was no uniformity in the action taken by Regional Committee in dealing with the applications submitted in the year 2008 and 2012. The instant case is one of such cases where the Regional Committee has opted to return the application alongwith all related documents to the applicant for the reason that application was not processed.

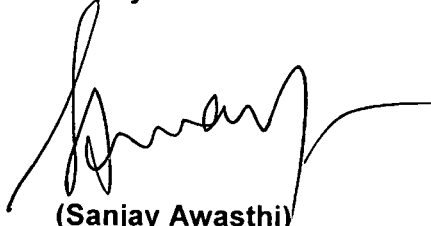
**AND WHEREAS** the Committee considered the matter again in their meeting on held 1<sup>st</sup> August, 2018, when the file of the N.R.C. was made available. The Committee noted that the ground mentioned in the N.R.C's letter dt. 14/03/2017 while returning the application of the appellant i.e. Clause 5, was introduced for the first time in the NCTE Regulations, 2014, the requirements of which are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the letter returning the application.

**AND WHEREAS** the Committee, in view of the position stated in para 6 above and the submissions of the appellant, concluded that the ground mentioned in the N.R.C's letter dt. 14/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE, Regulations, 2014.

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

- 5 -

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



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Sorabh College of Teacher Training, Masalpur – 322241, 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.89-147/E-67111/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date:

24/9/18

**ORDER**

**WHEREAS** the appeal of Sorabh College of Teacher Training, Masalpur, Rajasthan dated 03/03/2018 is against the letter No. OldAPP(R)-----/296/2017/170542 dated 05/04/2017 of the Northern Regional Committee, returning their application for grant of recognition for conducting B.Ed. course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** the appellant, aggrieved by the letter of the NRC filed a S.B. Civil Writ Petition No. 1144/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 07/02/2018 disposed of the petition by remitting the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court also observed that in the event of the appeal being filed, it is expected that it will be disposed of expeditiously by the Appellate Authority keeping in mind that the last date for grant of recognition to a teacher course in each academic year is 3<sup>rd</sup> of March as per the NCTE Regulations, 2014.

**AND WHEREAS** Sh. Vishnu Sharma, Representative, Sorabh College of Teacher Training, Masalpur, Rajasthan presented the case of the appellant institution on 09/04/2018. In the appeal and during personal presentation it was submitted that "Because the NRC decision to return the file of the institution without processing vide letter dated 05.04.2017 are bad, perverse and illegal and thus same cannot be sustained in the eyes of law. The letter dated 05.04.2017 and decision for returning of

file are liable to be quashed and set aside. Because Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtrasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held *"Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations."* A copy of the order dated 10.09.2013 passed by the Hon'ble Supreme Court shall be kept ready for perusal of the Hon'ble Court at the time of arguments. Thus, when Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot treat such application nullity and reject them by saying that same were not in on-line mode. The letter dated 15.04.2017 returning file of the institution is bad and unsustainable and it is clearly contrary to Supreme Court order mentioned above as once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application contrary to judgment of Supreme Court. The Hon'ble Rajasthan High Court, Jaipur has also directed the NRC in the case of Murli Singh Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L. Indoria in a non-discriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The decision of the Hon'ble High Court is binding on NRC and it is not desirable to approach the Hon'ble High Court when the court has already passed order in a similar case. That the application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1<sup>st</sup> Mtg. 2018/1<sup>st</sup> & 2<sup>nd</sup> Feb., 2018 dated 27.02.2018 concluded that non-submission of online application cannot be held

against the appellant at this stage as NCTE portal for submitting application online was closed. Because petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which clearly unwarranted and unlawful. Because appellant has available with it all the infrastructure and facilities for running B.Ed. course as per applicable norms but it has been unlawfully deprived from running the course. Because under Regulations, 2014 the "Council" has "powers to relax" any condition/regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies norms and standards under Regulations, 2014. Because online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated/objected appellant to submit the same online during stipulated period. Because respondents have failed to carry out the compliance of Adarsh Shikshan Prashikshan Case decided by Hon'ble High Court on 26.09.2013 and the law laid down therein. Because the decision has been taken by NRC-NCTE without application of mind and without appreciating the reply submitted by institution. Because action on part of respondent NRC-NCTE is illegal and irrational and same violates Article 14, 19 & 21 of the Constitution of India. Because other grounds will be urged at the time of arguments. Further, appellant reserves its right to place on record relevant pronouncement and documents at the time of arguments. Therefore, it is humbly prayed and requested that that instant appeal be considered and decided on merits, delay (if any) be condoned and the letter dated 15.04.2017 issued by the NRC be quashed and set aside and it may be directed to NRC to immediately process the application of the institution for running B.Ed. course. Any other order or direction be fit and proper in the facts and circumstance of the case be passed in favour of appellant."

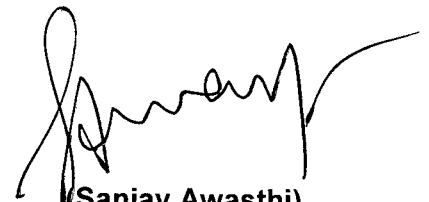
**AND WHEREAS** the Committee considered the matter again in their meeting held on 01/08/2018, when the relevant file of the N.R.C. was made available. The Committee noted that the ground mentioned in the N.R.C's letter dt. 14/03/2017 while returning the application of the appellant i.e. Clause 5, was introduced for the first time

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

**AND WHEREAS** the Committee, in view of the position stated in para 4 above and the submissions of the appellant, concluded that the ground mentioned in the N.R.C's letter dt. 14/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE, Regulations, 2014.

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

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



**(Sanjay Awasthi)**  
Member Secretary

1. **The Secretary, Sorabh College of Teacher Training, Masalpur – 322241, 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.89-434/E-79661/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Shekhawati Teachers Training Institute, Devipura Behind Circuit House, Sikar, Rajasthan dated 16/06/2018 is against the Order No. Old App/RJ----/254/2017/169520 dated 23/03/2017 of the Northern Regional Committee, refusing recognition for conducting M.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 11638 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble Court vide order dated 30/05/2018 has granted liberty to the petitioner to avail the remedy of statutory appeal under Section 18 of the NCTE Act of 1993. Hon'ble High Court has directed the Appellate Authority to dispose of the appeal within a period of two months.

**AND WHEREAS** Sh. Sanjay Sharma, Member and Sh. Dinesh Kumar, Administrator, Shekhawati Teachers Training Institute, Devipura Behind Circuit House, Sikar, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that "There was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble

Court, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institution submitted his application along with Court order on 28.10.2016 but the respondent Committee not considered the matter as per Court order. On the grounds discussed and narrated above, the ground of rejection of our application is solely baseless. Further, in the similar matter while disposing of the Appeal u/s 18 of the NCTE Act, 1993, the appellant authority of NCTE vide order No. 89-534/E-8922/2017 Appeal/15<sup>th</sup> Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application"

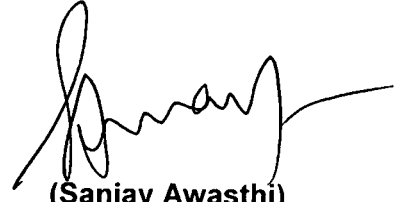
**AND WHEREAS** the regulatory file has not been made available to Appeal Committee. The Committee noted that the ground mentioned in the N.R.C's letter dt. 23/03/2017 returning the application of the appellant, that is Clause 5, was introduced for the first time, in the NCTE Regulations, 2014, whose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

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

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



NOW THEREFORE, the Council hereby remands back the case of Shekhawati Teachers Training Institute, Devipura Behind Circuit House, Sikar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The President, Shekhawati Teachers Training Institute, Devipura Behind Circuit House, 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.89-435/E-79660/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Shekhawati Teachers Training Institute, Devipura, Behind Circuit House, Sikar, Rajasthan dated 16/06/2018 is against the Order No. Old App/RJ----/215/2017/169528 dated 23/03/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 11643 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble Court vide order dated 30/05/2018 has granted liberty to the petitioner to avail the remedy of statutory appeal under Section 18 of the NCTE Act of 1993. Hon'ble High Court has directed the Appellate Authority to dispose of the appeal within a period of two months.

**AND WHEREAS** Sh. Sanjay Sharma, Member and Sh. Dinesh Kumar, Administrator, Shekhawati Teachers Training Institute, Devipura, Behind Circuit House, Sikar, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that "There was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institution submitted his application along with

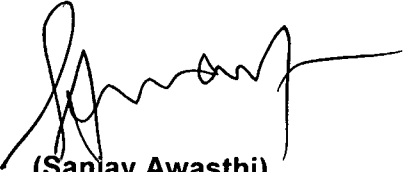
Court order but the respondent Committee not considered the matter as per Court order. On the grounds discussed and narrated above, the ground of rejection of our application is solely baseless. Further, in the similar matter while disposing of the Appeal u/s 18 of the NCTE Act, 1993, the appellant authority of NCTE vide order No. 89-534/E-8922/2017 Appeal/15<sup>th</sup> Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application."

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

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

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

NOW THEREFORE, the Council hereby remands back the case of Shekhawati Teachers Training Institute, Devipura, Behind Circuit House, Sikar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The President, Shekhawati Teachers Training Institute, Devipura, Behind Circuit House, 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.89-436/E-79659/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Shekhawati Teachers Training Institute, Devipura, Behind Circuit House, Sikar, Rajasthan dated 16/06/2018 is against the Order No. Old App/RJ---/254/2017/169520 dated 23/03/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 11643 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble Court vide order dated 30/05/2018 has granted liberty to the petitioner to avail the remedy of statutory appeal under Section 18 of the NCTE Act of 1993. Hon'ble High Court has directed the Appellate Authority to dispose of the appeal within a period of two months.

**AND WHEREAS** Sh. Sanjay Sharma, Member and Sh. Dinesh Kumar, Administrator, Shekhawati Teachers Training Institute, Devipura, Behind Circuit House, Sikar, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that "There was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institution submitted his application along with

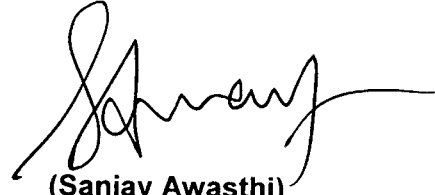
Court order but the respondent Committee not considered the matter as per Court order. On the grounds discussed and narrated above, the ground of rejection of our application is solely baseless. Further, in the similar matter while disposing of the Appeal u/s 18 of the NCTE Act, 1993, the appellant authority of NCTE vide order No. 89-534/E-8922/2017 Appeal/15<sup>th</sup> Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application."

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

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

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

NOW THEREFORE, the Council hereby remands back the case of Shekhawati Teachers Training Institute, Devipura, Behind Circuit House, Sikar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The President, Shekhawati Teachers Training Institute, Devipura, Behind Circuit House, 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.89-437/E-79650/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Salasar Balaji B.Ed. College, Behind Circuit House, Jaipur Road, Rajasthan dated 16/06/2018 is against the Order No. Old App/RJ----/215/2017/169528 dated 23/03/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 11639 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble Court vide order dated 30/05/2018 has granted liberty to the petitioner to avail the remedy of statutory appeal under Section 18 of the NCTE Act of 1993. Hon'ble High Court has directed the Appellate Authority to dispose of the appeal within a period of two months.

**AND WHEREAS** Sh. Sanjay Sharma, Member and Sh. Dinesh Kumar, Administrator, Salasar Balaji B.Ed. College, Behind Circuit House, Jaipur Road, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that "There was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institution submitted his application along with Court order,



but the respondent Committee not considered the matter as per Court order. On the grounds discussed and narrated above, the ground of rejection of our application is solely baseless. Further, in the similar matter while disposing of the Appeal u/s 18 of the NCTE Act, 1993, the appellant authority of NCTE vide order No. 89-534/E-8922/2017 Appeal/15<sup>th</sup> Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application."

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

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

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



F.No.89-438/E-79651/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Maharaja Agrasen College, Nagar, Bharatpur, Rajasthan dated 17/06/2018 is against the Order No. Old App/NRCAPP-5249/293/2017/170541 dated 05/04/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** Appeal Committee noted that appellant institution has filed a S.B. Civil Writ No. 12098 of 2018 in the High Court of Judicature for Rajasthan, Bench at Jaipur and the Hon'ble Court passed an order dated 01/06/2018 directing the appellate authority to decide the appeal within a period of two months.

**AND WHEREAS** Sh. Naresh Kumar Mittal, Secretary, Maharaja Agrasen College, Nagar, Bharatpur, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that "our application is bearing application ID NRCAPP4652 which was submitted online on 27.12.2012 at 4:47:29 p.m. The appellant institution approached the Hon'ble Court and the Court has directed "The prayer of the petitioner – institute is innocuous as it only seeks consideration of its application for grant of recognition of D.El.Ed. course in accordance with the Regulations of 2014. The writ petition is accordingly disposed off with directions that in the event the petitioner-institute were to file an application for grant of recognition of its D.El.Ed. course, it be considered in accordance with the Regulation of 2014" but the respondent did not take action as per Court order. The

appellant institution submitted his application along with Court order on 16.03.2017 but the respondent Committee decided the same before submission of application. NRC not considered the matter as per Court order. On the grounds discussed and narrated above, the ground of rejection of our application is baseless. Further, in the similar matter while disposing of the Appeal u/s 18 of the NCTE Act, 1993, the appellant authority of NCTE vide order No. 89-534/E-8922/2017 Appeal/15<sup>th</sup> Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application."

**AND WHEREAS** relevant regulatory file is not made available to Appeal Committee. Appeal Committee noted from the contents of impugned order/letter dated 05/04/2017 that the application submitted online by the appellant institution on 27/12/2012 was returned on the assumption that it was made on offline mode. Committee therefore, observed that N.R.C's decision to return the application treating it as 'offline' was not correct and not substantiated. Moreover, no Show Cause Notice (SCN) was issued to appellant institution seeking written representation from the appellant.

**AND WHEREAS** the Committee noted that in view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years 2012 preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the letter dt. 05/04/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action in accordance with the NCTE Regulations, 2014.

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

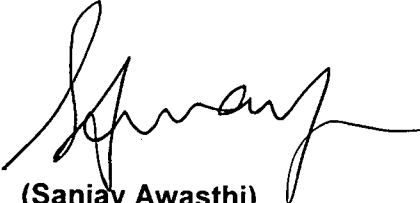
NOW THEREFORE, the Council hereby remands back the case of Salasar Balaji B.Ed. College, Behind Circuit House, Jaipur Road, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The President, Salasar Balaji B.Ed. College, Khasra No.555, Behind Circuit House, Jaipur Road – 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.

NOW THEREFORE, the Council hereby remands back the case of Maharaja Agrasen College, Nagar, Bharatpur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Maharaja Agrasen College, 7, Nagar – 321205, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-441/E-80043/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of B.R. College of Education, Siryani, Shajahanpur Road, Neemrana, Rajasthan dated 27/06/2018 is against the Order No. Old App/NRCAPP-2933/291/2017/169586 dated 23/03/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** Appeal Committee noted that appellant institution has filed a S.B. Civil Writ No. 10133 of 2018 in the High Court of Judicature for Rajasthan, Bench at Jaipur and the Hon'ble Court passed an order dated 10/05/2018 directing the appellate authority to decide the appeal within a period of two months.

**AND WHEREAS** Sh. Om Prakash Sharma, Secretary, B.R. College of Education, Siryani, Shajahanpur Road, Neemrana, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that "NRC decision to return the file of the institution without processing vide letter dated 23.03.2017 is bad, perverse and illegal and thus same cannot be sustained in the eyes of law. The letter dated 23.03.2017 and decision for returning of file are liable to be quashed and set aside. Because Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held *"Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their*

*applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations."* A copy of the order dated 10.09.2013 passed by the Hon'ble Supreme Court shall be kept ready for perusal of the Hon'ble Court at the time of arguments. Thus, when Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot treat such application nullity and reject them by saying that same were not in on-line mode. The letter dated 14.03.2017 returning file of the institution is bad and unsustainable and it is clearly contrary to Supreme Court order mentioned above as once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application contrary to judgment of Supreme Court. The Hon'ble Rajasthan High Court, Jaipur has also directed the NRC in the case of Murli Singh Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L. Indoria in a non-discriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The decision of the Hon'ble High Court is binding on NRC and it is not desirable to approach the Hon'ble High Court when the court has already passed order in a similar case. That the application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan, vide order No. 89-598/13-16204/2017 Appeal/ Pt Mtg. 2018/1<sup>st</sup> & 2<sup>nd</sup> Feb., 2018 dated 27.2.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. Because petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which clearly unwarranted and unlawful. Because appellant has available with it all the infrastructure

and facilities for running D.El.Ed. course as per applicable norms but it has been unlawfully deprived from running the course. Because under Regulations, 2014 the "Council" has "powers to relax" any condition/regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies norms and standards under Regulations, 2014. Because online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated/objected appellant to submit the same online during stipulated period. Because respondents have failed to carry out the compliance of Adarsh Shikshan Prashikshan Case decided by Hon'ble High Court on 26.09.2013 and the law laid down therein. Because the decision has been taken by NRC-NCTE without application of mind and without appreciating the reply submitted by institution. Because action on part of respondent NRC-NCTE is illegal and irrational and same violates Article 14, 19 & 21 of the Constitution of India. Because other grounds will be urged at the time of arguments. Further, appellant reserves its right to place on record relevant pronouncement and documents at the time of arguments".

**AND WHEREAS** relevant Regulatory file is not made available to the Appeal Committee. Appeal Committee noted from the contents of impugned order/letter dated 23/03/2017 that the application submitted online by the appellant institution on 11/12/2012 was returned on the assumption that it was made on offline mode. Committee therefore, observed that N.R.C's decision to return the application treating it as 'offline' was not correct and not substantiated. Moreover, no Show Cause Notice (SCN) was issued to appellant institution seeking written representation from the appellant.

**AND WHEREAS** the Committee noted that in view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years 2012 preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the letter dt. 23/03/2017 cannot be held against the appellant and the matter deserved to be




- 4 -

remanded to the N.R.C. for taking further action in accordance with the NCTE Regulations, 2014.

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

**NOW THEREFORE**, the Council hereby remands back the case of B.R. College of Education, Siryani, Shajahanpur Road, Neemrana, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Secretary, B.R. College of Education, Siryani, Shajahanpur Road, Neemrana – 301708, 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.89-442/E-79887/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date:

24/9/18

**ORDER**

**WHEREAS** the appeal of Dhattarwal BSTC College, Lamba – Mandrella Road, Jhunjhunu, Rajasthan dated 24/06/2018 is against the Order No. Old App/NRCAPP-6149/240/2017/169600 dated 23/03/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that “in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014.”

**AND WHEREAS** Appeal Committee noted that appellant institution has filed a S.B. Civil Writ No. 11645/2018 in the High Court of Judicature for Rajasthan, Bench at Jaipur and the Hon'ble Court passed an order dated 30/05/2018 directing the appellate authority to decide the appeal within a period of two months.

**AND WHEREAS** Sh. Sandeep Kumar, Secretary, Dhattarwal BSTC College, Lamba – Mandrella Road, Jhunjhunu, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that “Application bearing application ID NRCAPP6061 was submitted online on 29.12.2012 at 3:28:05 P.M. The appellant institution approached the Hon'ble Court and the Court has directed “petitioner is required to approach the respondents, who shall consider the grievance of the petitioner keeping in view of the Judgement of this Court in Adarsh Shikshak Prashikshan Mahavidyalaya” but the respondent did not take action as per Court order. The appellant institution submitted his application along

with Court order but the respondent Committee not considered the matter as per Court order. On the grounds discussed and narrated above, the ground of return/rejection of our application is solely baseless. Further, in the similar matter while disposing of the Appeal u/s 18 of the NCTE Act, 1993, the appellant authority of NCTE vide order No. 89-534/E-8922/2017 Appeal/15<sup>th</sup> Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application".

**AND WHEREAS** relevant regulatory file is not made available to Appeal Committee. Appeal Committee noted from the contents of impugned letter dated 23/03/2017 that the application submitted online by the appellant institution on 29/12/2017 was returned on the assumption that it was made on offline mode. Committee therefore, observed that N.R.C's decision to return the application treating it as 'offline' was not correct and not substantiated. Moreover, no Show Cause Notice (SCN) was issued to appellant institution seeking written representation from the appellant.

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

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

NOW THEREFORE, the Council hereby remands back the case of Dhattarwal BSTC College, Lamba – Mandrella Road, Jhunjhunu, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Dhattarwal BSTC College, Lamba – Mandrella Road, Jhunjhunu – 333023, 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.89-443/E-79888/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Shree Tulsi Ram Dhattarwal BSTC School, Hamirwas Lamba, Bagar-Mandrella Road, Jhunjhunu, Rajasthan dated 21/06/2018 is against the Order No. Old App/NRCAPP-6149/240/2017/169600 dated 23/03/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** Appeal Committee noted that appellant institution has filed a S.B. Civil Writ No. 11556 of 2018 in the High Court of Judicature for Rajasthan, Bench at Jaipur and the Hon'ble Court passed an order dated 30/05/2018 directing the appellate authority to decide the appeal within a period of two months.

**AND WHEREAS** Dr. Prabhu Dayal, Vice-Principal, Shree Tulsi Ram Dhattarwal BSTC School, Hamirwas Lamba, Bagar-Mandrella Road, Jhunjhunu, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that "Application bearing application ID NRCAPP6061 was submitted online on 29.12.2012 at 3:28:05 P.M. The appellant institution approached the Hon'ble Court and the Court has directed "petitioner is required to approach the respondents, who shall consider the grievance of the petitioner keeping in view of the Judgement of this Court in Adarsh Shikshak Prashikshan Mahavidyalaya" but the respondent did not take action as per Court order. The appellant institution submitted his application along with Court order but the

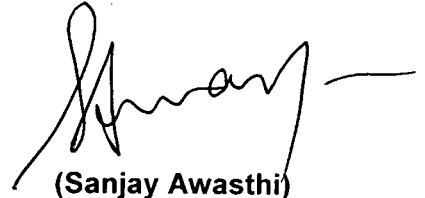
respondent Committee not considered the matter as per Court order. On the grounds discussed and narrated above, the ground of return/rejection of our application is solely baseless. Further, in the similar matter while disposing of the Appeal u/s 18 of the NCTE Act, 1993, the appellant authority of NCTE vide order No. 89-534/E-8922/2017 Appeal/15<sup>th</sup> Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application."

**AND WHEREAS** relevant regulatory file is not made available to Appeal Committee. Appeal Committee noted from the contents of impugned letter dated 23/03/2017 that the application submitted online by the appellant institution on 29/12/2017 was returned on the assumption that it was made on offline mode. Committee therefore, observed that N.R.C.'s decision to return the application treating it as 'offline' was not correct and not substantiated. Moreover, no Show Cause Notice (SCN) was issued to appellant institution seeking written representation from the appellant.

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

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

NOW THEREFORE, the Council hereby remands back the case of Shree Tulsi Ram Dhattarwal BSTC School, Hamirwas Lamba, Bagar-Mandrella Road, Jhunjhunu, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Shree Tulsi Ram Dhattarwal BSTC School, Hamirwas Lamba, Bagar-Mandrella Road, Jhunjhunu – 333023, 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.89-444/E-80843/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Sainger College of Education, Infront of Bus Stand, Sainger Market, Baseri, Rajasthan dated 29/06/2018 is against the Order No. Old App/NRCAPP-7089/297/2017/170554 dated 05/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 11994 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble Court vide order dated 31/05/2018 has granted liberty to the petitioner to avail the remedy of statutory appeal under Section 18 of the NCTE Act of 1993. Hon'ble Court directed the Appellate Authority to dispose of the appeal within a period of two months.

**AND WHEREAS** Sh. Pushpendra Sharma, Secretary, Sainger College of Education, Infront of Bus Stand, Sainger Market, Baseri, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that "The appellant institution submitted his application along with Court order, but the respondent Committee not considered the matter as per Court order. The ground of return of our application is baseless. Further, in the



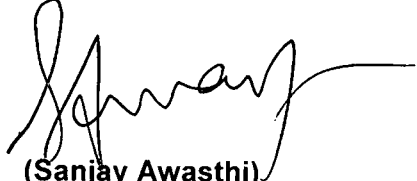
similar matter while disposing of the Appeal u/s 18 of the NCTE Act, 1993, the appellant authority of NCTE vide order No. 89-534/E-8922/2017 Appeal/15<sup>th</sup> Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application."

**AND WHEREAS** the regulatory file has not been made available to Appeal Committee. The Committee noted that the ground mentioned in the N.R.C's letter dt. 05/04/2017 returning the application of the appellant, that is Clause 5, was introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE Portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the letter returning the application.

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

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

NOW THEREFORE, the Council hereby remands back the case of Sainger College of Education, Infront of Bus Stand, Sainger Market, Baseri, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Sainger College of Education, Infront of Bus Stand, Sainger Market, Baseri – 328022, 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.89-445/E-81150/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date:

24/9/18

**ORDER**

**WHEREAS** the appeal of Yash Mohan T.T. College, Sohela Near ITO Office, Peeplu, Rajasthan dated 06/07/2018 is against the Order No. Old App/RJ-----/295/2017/170553 dated 06/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 10569 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble Court vide order dated 16/05/2018 has granted liberty to the petitioner to avail the remedy of statutory appeal under Section 18 of the NCTE Act of 1993. Hon'ble Court has directed the Appellate Authority to dispose of the appeal within a period of two months.

**AND WHEREAS** Sh. Mohan Lal Meena, Secretary, Yash Mohan T.T. College, Sohela Near ITO Office, Peeplu, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that "Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held "*Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority*

*keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations.*" Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot reject such applications by saying that same were not in on-line mode. The letter dated 06.04.2017 returning file of the institution is bad and unsustainable and it is clearly contrary to Supreme Court order mentioned above as once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application contrary to judgment of Supreme Court. Application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1<sup>st</sup> Mtg., 2018/1<sup>st</sup> & 2<sup>nd</sup> Feb., 2018 dated 27.2.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. Because petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which clearly unwarranted and unlawful. Because appellant has available with it all the infrastructure and facilities for running B.Ed. course as per applicable norms but it has been unlawfully deprived from running the course. Online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated/objected appellant to submit the same online during stipulated period. Because respondents have failed to carry out the compliance of Adarsh Shikshan Prashikshan Case decided by Hon'ble High Court on 26.09.2013 and the law laid down therein".

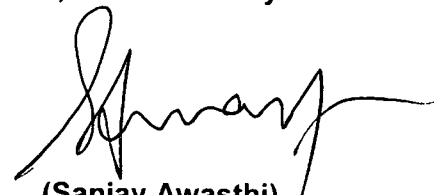
**AND WHEREAS** the regulatory file has not been made available to Appeal Committee. The Committee noted that the ground mentioned in the N.R.C's letter dt. 06/04/2017 returning the application of the appellant, that is Clause 5, was introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed

only during the period when the NCTE Portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the letter dated 06/04/2017 returning the application.

**AND WHEREAS** the Committee noted that in view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the letter dt. 06/04/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action in accordance with the NCTE Regulations, 2014.

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

**NOW THEREFORE**, the Council hereby remands back the case of Yash Mohan T.T. College, Sohela Near ITO Office, Peeplu, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Yash Mohan T.T. College, Sohela Near ITO Office, Peeplu – 304021, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-446/E-81195/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Yash Mohan T.T. College, Sohela, Near DTO Office, Peeplu, Rajasthan dated 12/07/2018 is against the Order No. Old App/RJ-----/214/2017/169480 dated 23/03/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 10570 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble Court vide order dated 16/05/2018 has granted liberty to the petitioner to avail the remedy of statutory appeal under Section 18 of the NCTE Act of 1993. Hon'ble High Court has directed the Appellate Authority to dispose of the appeal within a period of two months.

**AND WHEREAS** Sh. Mohan Lal Meena, Secretary, Yash Mohan T.T. College, Sohela, Near DTO Office, Peeplu, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that "Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtrasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held *"Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority*

*keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations.*" Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot reject such applications by saying that same were not in on-line mode. The letter dated 23.03.2017 returning file of the institution is bad and unsustainable and it is clearly contrary to Supreme Court order mentioned above as once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application contrary to judgment of Supreme Court. Application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1<sup>st</sup> Mtg., 2018/1<sup>st</sup> & 2<sup>nd</sup> Feb., 2018 dated 27.02.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. Because petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which clearly unwarranted and unlawful. Because appellant has available with it all the infrastructure and facilities for running D.El.Ed. course as per applicable norms but it has been unlawfully deprived from running the course. Online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated/objected appellant to submit the same online during stipulated period. Because respondents have failed to carry out the compliance of Adarsh Shikshan Prashikshan Case decided by Hon'ble High Court on 26.09.2013 and the law laid down therein."

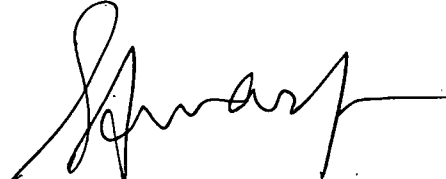
**AND WHEREAS** the regulatory file has not been made available to Appeal Committee. The Committee noted that the ground mentioned in the N.R.C's letter dt. 23/03/2017 returning the application of the appellant, that is Clause 5, was introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed

only during the period when the NCTE Portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the letter dated 23/03/2017 returning the application.

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

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

**NOW THEREFORE, the Council hereby remands back the case of Yash Mohan T.T. College, Sohela, Near DTO Office, Peeplu, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**

  
(Sanjay Awasthi)  
Member Secretary

1. . The Secretary, Yash Mohan T.T. College, Sohela, Near DTO Office, Peeplu – 304021, Rajasthan
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.





F.No.89-447/E-81264/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date:

24/9/18

**ORDER**

**WHEREAS** the appeal of Ratni Devi Balika BSTC Vidhyalaya, Dwarika Ka Pura (Mandawara), Hindaun City, Rajasthan dated 12/07/2018 is against the Order No. Old App/NRCAPP-3838/156/2017/169097 dated 14/03/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** Appeal Committee noted that appellant institution has filed a S.B. Civil Writ No. 14067 of 2018 in the High Court of Judicature for Rajasthan, Bench at Jaipur and the Hon'ble Court passed an order dated 06/07/2018 directing the appellate authority to decide the appeal within a period of three months.

**AND WHEREAS** Sh. Ghanshyam Chaturvedi, Secretary, Ratni Devi Balika BSTC Vidhyalaya, Dwarika Ka Pura (Mandawara), Hindaun City, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that "NCTE, New Delhi had issued a public notice on 27.11.2012 through which applications for grant of recognition for various Teacher Education course were invited from all stake holders. 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 (additional 02 units) to NCTE from 2013-14 on 24.12.2012. That NRC, NCTE returned the application for grant of recognition of D.El.Ed. (additional 02 units) submitted by this institution vide letter dated 25.06.2013; This institution filed a S.B. Civil Writ No. 8534/2016 in the Hon'ble High court of

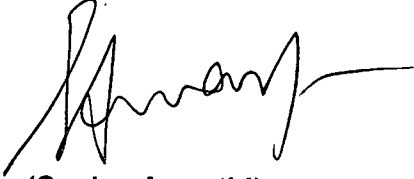
Rajasthan, Jaipur. Hon'ble Court passed an order on 27.06.2016 in which court had directed the petitioner to move an application before NRC, NCTE for grant of recognition of D.El.Ed. course (additional 02 units) and also directed to NRC, NCTE to decide the recognition application in accordance with Regulations 2014. In compliance to the order of Hon'ble High Court of Rajasthan dated 27.06.2016 this institution has submitted the required documents and processing fees in the office of NRC, NCTE on 29.06.2016. NRC, NCTE considered the case of this institution for grant of recognition for D.El.Ed. course (additional 02 units) in 256<sup>th</sup> Meeting held from 22 -25 August 2016 vide item No. 486 and decided to obtained recommendations from Govt. of Rajasthan. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (additional 02 units), NRC, NCTE again returned the application of this institution for grant of recognition of D.El.Ed. course (additional 02 units). Aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 14067/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court has passed an order on 06.07.2018 and directed to petitioner to file an appeal u/s 18 of NCTE Act. 1993 and Appellate Authority is directed to dispose the appeal filed by the petitioner within 03 months. Appellate Authority, NCTE had already decided by its order dated 16.10.2017 that "The ground of non-submission of application online cannot be held against the appellant at this stage and therefore, the matter deserve to remanded to the NRC for taking further action as per the NCTE Regulations 2014."

**AND WHEREAS** relevant regulatory file has not been made available to Appeal Committee. Appeal Committee noted from the contents of impugned order/letter dated 14/03/2017 that the application submitted online by the appellant institution on 24/12/2012 was returned on the assumption that it was made on offline mode. Committee therefore, observed that N.R.C's decision to return the application treating it as 'offline' was not correct and not substantiated. Moreover, no Show Cause Notice (SCN) was issued to appellant institution seeking written representation from the appellant.

**AND WHEREAS** The Committee noted that in view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years 2012 preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the letter dt. 14/03/2017 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action in accordance with the NCTE Regulations, 2014.

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

**NOW THEREFORE**, the Council hereby remands back the case of Ratni Devi Balika BSTC Vidhyalaya, Dwarika Ka Pura (Mandawara), Hindaun City, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. . The Secretary, Ratni Devi Balika BSTC Vidhyalaya, Dwarika Ka Pura (Mandawara), Hindaun City – 322230, 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.89-415/E-5368/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Pandit Mahaveer Prasad Tripathi Mahavidyalaya, Vijapur, Sadar, Uttar Pradesh dated 24/05/2017 is against the decision taken in 267<sup>th</sup> Meeting of N.R.C. dated 5 to 7 April, 2017 of the Northern Regional Committee, refusing recognition for conducting B.El.Ed. Course on the grounds that "The applicant institution has not submitted the reply of the SCN issued by the NRC on 02.03.2017 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** Appeal Committee noted that in the 16<sup>th</sup> Meeting of Appeal Committee held on 25/08/2017 it was decided to confirm the impugned decision to refuse recognition on ground of non-submission of reply to Show Cause Notice (S.C.N.) dated 02/03/2017. Appellant during the course of appeal hearing on 25/08/2017 had submitted copies of (i) N.O.C. dated 04/01/2017, (ii) Affiliation letter dated 15/09/2014 to prove composite status, (iii) certified copy of land document, (iv) Building plan.

**AND WHEREAS** Appeal Committee noted that appellant aggrieved by the Appellate order dated 16/10/2017 filed a Writ Petition (C) 6153/2018 in the Hon'ble High Court of Delhi and the Hon'ble Court by its order dated 30/05/2018 quashed the appellate order dated 16/10/2017 and remanded back the matter to be reconsidered



F.No.89-358/E-80218/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Sayala College, Sayala, Rajasthan dated 20/06/2018 is against the Order No. NCTE/NRC/NRCAPP201615259/B.A. B.Ed./B.Sc. B.Ed. – 4 Year Integrated/RJ/2017-18/2; dated 27/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that “reply of SCN issued by NRC to the institution has not been received within stipulated time. Hence, the Committee decided that the application is rejected, and recognition / permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.”

**AND WHEREAS** Sh. Gajendra Singh, President, Sayala College, Sayala, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that “NRC, NCTE issued a Show Cause Notice on 07.03.2017 and 04.04.2017 in which certain deficiencies were mentioned and 21 days’ time was given for making reply of Show Cause Notice. That the President Dr. Ganendra Singh was hospitalized from 15.01.2017 to 16.04.2017 and he had to be kept on complete bed rest during this period. Copy of Medical Certificate is annexed. That due to Hospitalization of Dr. Gajendra Singh, President, this institution has not seen the email and did not make reply of Show Cause Notice to NRC, NCTE. That after discharge from Hospital Dr. Gajendra Singh President, this institution has submitted reply of SCN along with all required documents to NRC, NCTE on 26.04.2017 vide diary number 167620. That N.O.C. for proposed course from Affiliating Body was submitted to NRC, NCTE along with reply of Show Cause Notice. That certified copy of registered land documents has been submitted to NRC, NCTE along with reply of SCN. This institution has filed a S.B. Civil Writ Petition No. 11724/2018 in the Hon’ble High Court of Rajasthan, Jaipur against the rejection order

issued by the NRC, NCTE on 27.04.2017. The Hon'ble High Court of Rajasthan, Jaipur passed an order directing the Petitioner to file an Appeal u/s 18 of NCTE Act 1993 to Appellate Authority and Appellate Authority is directed to disposed the said Appeal within a period of 2 Months. Copy of order of Hon'ble High Court of Rajasthan, Jaipur is annexed and marked as Annexure 15."

**AND WHEREAS** Appeal Committee noted that appellant institution has filed a S.B. Civil Writ No. 11724 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur and Hon'ble High Court vide order dated 30/05/2018 has remitted the petitioner to avail remedy of statutory appeal. Appeal filed by petitioner is to be disposed of within a period of two months.

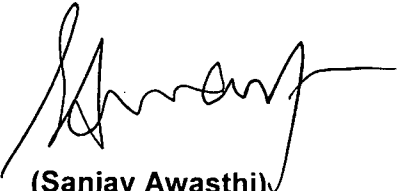
**AND WHEREAS** the appellant has accordingly filed appeal on 20/06/2018 which is listed for hearing by the Committee on 02/08/2016.

**AND WHEREAS** Appeal Committee on perusal of the regulatory file does neither find the Show Cause Notice nor impugned refusal order dated 27/04/2017. Presuming that S.C.N. and refusal orders might have been issued online Committee has no option but to rely on the copies of S.C.N. dated 04/04/2017 and refusal order dated 27/04/2017 furnished by the appellant with its appeal memoranda. Appeal Committee further noted that decision to refuse recognition was taken by N.R.C. in its 268<sup>th</sup> Meeting held from 19 to 21<sup>st</sup> April, 2017 whereas it is observed from the printout of S.C.N. dated 04/04/2017 that appellant institution was given 21 days time to submit reply to S.C.N. The reply dated 19/04/2017 to the above S.C.N. was received in the office of N.R.C. on 24/04/2017 diarised at Serial No. 167620. The impugned decision taken by N.R.C. in its 268<sup>th</sup> Meeting held from 19 to 21 April, 2017 was therefore, even before the expiry of time of 21 days officially allowed to the appellant institution to submit reply.

**AND WHEREAS** Appeal Committee noting that decision taken by N.R.C. in its 268<sup>th</sup> Meeting to refuse recognition was premature and not based on facts, decided to

set aside the order dated 27/04/2017 and remand back the case to N.R.C. for considering the reply dated 19/04/2017 submitted by the appellant.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded to set aside the impugned refusal order dated 27/04/2017 and remand back the case to N.R.C. for considering the reply dated 19/04/2017 submitted by the appellant.



(Sanjay Awasthi)  
Member Secretary

1. **The Secretary, Sayala College, Sayala – 343022, 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.89-409/2016 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date:

24/9/18

**ORDER**

**WHEREAS** the appeal of Panagarh Primary Teacher Training Institute, Danga, Panagarh, Bardhaman, West Bengal dated 13.07.2016 is against the Order No. ERC/214.25/ERCAPP4165/B.Ed. 2016/47457 dated 24.06.2016 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "Show Cause Notice was issued on 12/02/2016 on the following grounds: (i) NOC for B.Ed. programme issued from the affiliating/examining body not submitted. (ii) The built up area is not indicated in the submitted building plan. The Institution is required to submit a blue print of building plan indicating plot No., total land area, total built up area etc. & duly approved by any Govt. Engineer. The institution submitted its reply dated 02/03/2016 along with a copy of NOC & building plan. The submitted building plan is not approved by any Govt. Engineer. In view the above, the committee decided as under: The committee is of the opinion that application bearing code No. ERCAPP4165 of the institution regarding permission for B.Ed. programme is refused under section 15(3)(b) of NCTE Act 1993."

**AND WHEREAS** Sh. Partha Pratim Haldar, Member, Panagarh Primary Teacher Training Institute, Danga, Panagarh, Bardhaman, West Bengal presented the case of the appellant institution on 29/08/2016. In the appeal and during personal presentation it was submitted that "Total land area, built up area and other facilities for conducting B.Ed. course are as per the NCTE Regulation 2014. Hope you will be satisfied to verify our documents. I therefore request you to please consider the matter in favour of our institute."

**AND WHEREAS** Appeal Committee noted that appellant institution did not submit NOC of the affiliating body and building plan containing necessary details and



approvals alongwith its applications dated 30.06.2015. E.R.C Bhubaneshwar issued a Show Cause Notice (SCN) dated 11.02.2016 seeking reasons as the why recognition be not refused on the above points. Appeal Committee noted that by issue of SCN the appellant was not given an opportunity to submit NOC which otherwise is required to be submitted alongwith hardcopy / printout of the application as required under clause 5(3) of the NCTE Regulation, 2014

**AND WHEREAS** Appeal Committee further noted that appellant submitted copy of building plan approved by Gram Panchayat on 03.06.2015 and NOC dated 13/07/2015 issued by University of Burdwan on 18.02.2016. The refusal order dated 24.06.2016 lacks clarity so far it does not speak about the exact reason of refusal i.e. whether (i) it is on ground of a building plan not approved by Govt. Engineer or (ii) Non submission of NOC of affiliating body alongwith application or (iii) On account of both the reasons.

**AND WHEREAS** Appeal Committee observed that building plan submitted by appellant alongwith its Appeal Memorandum was approved by Govt. Engineer on 02.06.2016 but it was not available for consideration of the regional committee which met between 13<sup>th</sup> to 15<sup>th</sup> May, 2016 for its 214<sup>th</sup> Meeting. NOC of affiliating body was not submitted before the cut off date of receipt of hard copy of application. Appeal Committee, therefore, decided to confirm the refusal order dated 24.06.2016 issued by ERC. Accordingly, appellate order dated 26/09/2016 was issued confirming the rejection order dated 24/06/2016.

**AND WHEREAS** Appeal Committee noted that appellant aggrieved by the impugned refusal order dated 24/06/2016 and Appellate order dated 26/09/2016 filed a Writ Petition (C) No. 1648 of 2018 in the High Court of Delhi at New Delhi and the Hon'ble Court vide order dated 10/05/2018 quashed the impugned Appellate order dated 26/09/2016 by considering that it was in violation of the decision of the Court in the case of Rambha College of Education (Supra), Hon'ble Court has further directed

the Appellate Authority to decide the petitioner's appeal by passing a reasoned and speaking order within 12 weeks.

**AND WHEREAS** Appeal Committee in its 15<sup>th</sup> Meeting held on 02/08/2018 considered its earlier appeal order dated 29/09/2016 vis-à-vis order dated of the Hon'ble High Court of Delhi. Sh. Kausik Koner, Principal and Sh. Sridhar Chandra Roy, Secretary represented the institution on the said date. Committee and noted that legalities arising out of NCTE Vs. Rambha College of Education concluded with Supreme Court order dated 25/01/2018 in SLP (C) Diary No. 42238/2017. The appeal case of Panagarh Primary Teacher Training Institution, Panagarh, West Bengal was decided by Appeal Committee in its 12<sup>th</sup> Meeting held on 29/08/2016. As on the date of 12<sup>th</sup> Meeting, Appellate Authority could not have conceived the verdict to be pronounced in the case of NCTE Vs. Rambha College of Education.

**AND WHEREAS** Appeal Committee on reconsideration of the case of appellant institution observes that N.O.C. dated 13/07/2015 issued by affiliating body was submitted on 02/03/2016 by appellant institution in reply to the S.C.N. The building plan approved by Sub. Assistant Engineer, Municipal Corp. Durgapur was submitted by appellant with its appeal memoranda dated 13/07/2016.

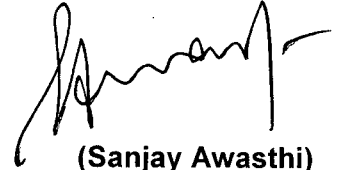
**AND WHEREAS** Appeal Committee on reconsideration decided to remand back the case to ERC for further processing of the applications by taking note of the N.O.C. and building plan. Appellant institution is required to submit to E.R.C. a copy of building plan approved by Durgapur Municipal Corp. within 15 days of the issue of appeal order.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded to remand back the case to ERC for further processing of the applications by taking note of the N.O.C. and building plan. Appellant institution is

- 4 -

required to submit to E.R.C. a copy of building plan approved by Durgapur Municipal Corp. within 15 days of the issue of appeal order.

**NOW THEREFORE, the Council hereby remands back the case of Panagarh Primary Teacher Training Institute, Danga, Panagarh, Bardhaman, West Bengal to the ERC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Secretary, Panagarh Primary Teacher Training Institute, 2230/4417, Danga, Panagarh, Bardhaman, West Bengal – 713148.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.

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F.No.89-448/E-82007/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Deendayal Shikshan Prashikshan Mahavidyalaya, Nari Bari Road Near Fatehpur Shekhawati, Rajasthan dated 15/07/2018 is against the Order No. NRC/NCTE/RJ-----/278<sup>th</sup> Meeting/2018/188340 dated 01/02/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the Portioner Society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of the NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner society along with the application. The institution has not submitted any proof / evidence of its being a composite institution as required under Clause 2(b) of NCTE Regulations, 2014."

**AND WHEREAS** Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 4079 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble Court vide order dated 23/02/2018 has granted liberty to the petitioner to avail the remedy of statutory appeal under Section 18 of the NCTE Act of 1993.

**AND WHEREAS** Sh. Deendayal, Secretary, Deendayal Shikshan Prashikshan Mahavidyalaya, Nari Bari Road Near Fatehpur Shekhawati, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that "There was virtual impossibility in submitting the application online and after directions of Hon'ble Court the application was submitted offline. This fact was also submitted in our written representation against show cause notice which was not considered. In the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-

534/E8922/2017 Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application on-line within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal."

**AND WHEREAS** The Committee noted that the ground mentioned in the N.R.C's order dt. 01/02/2018 refusing the application of the appellant were introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE Portal is open and not any other time. The appellant submitted the application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the order refusing the application. Moreover, the application submitted by appellant institution was processed and inspection was also conducted on 02/05/2016. N.R.C. in its 252<sup>nd</sup> Meeting held from 19/04/2016 to 02/05/2016 (Serial No. 65) had further decided to issue Letter of Intent (L.O.I.).

**AND WHEREAS** the Committee noted that in view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the order dt. 01/02/2018 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action in accordance with the NCTE Regulations, 2014.

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

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



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Deendayal Shikshan Prashikshan Mahavidyalaya, Khasra No. 128, 129/362, Nari Bari Road Near Fatehpur Shekhawati – 332301, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-449/E-82012/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Deendayal Shikshan Prashikshan Mahavidyalaya, Nari Bari Road Near Fatehpur Shekhawati, Rajasthan dated 15/07/2018 is against the Order No. NRC/NCTE/RJ-----/278<sup>th</sup> Meeting/2018/187051 dated 10/01/2018 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "the Portioner Society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of the NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner society along with the application. The institution has not submitted any proof / evidence of its being a composite institution as required under Clause 2(b) of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner society along with the application. The institution has not submitted any proof / evidence of its being a composite institution as required under Clause 2(b) of NCTE Regulations, 2014."

**AND WHEREAS** Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 4083 of 2018 in the High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble Court vide order dated 23/02/2018 has granted liberty to the petitioner to avail the remedy of statutory appeal under Section 18 of the NCTE Act of 1993.

**AND WHEREAS** Sh. Deendayal, Secretary, Deendayal Shikshan Prashikshan Mahavidyalaya, Nari Bari Road Near Fatehpur Shekhawati, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that "There was virtual impossibility in submitting the

application online and after directions of Hon'ble Court narrated above the application was submitted offline. This fact was also submitted in our written representation against show cause notice which was not considered. In the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E8922/2017 Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application on-line within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal."

**AND WHEREAS** the Committee noted that the ground mentioned in the N.R.C's order dt. 10/01/2018 refusing the application of the appellant were introduced for the first time, in the NCTE Regulations, 2014, whose requirements are to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when the NCTE Portal is open and not any other time. The appellant submitted the application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the order refusing the application. The application submitted by the appellant institution was processed, inspection conducted on 02/05/2016 and Letter of Intent (L.O.I.) dated 13/05/2016 issued.

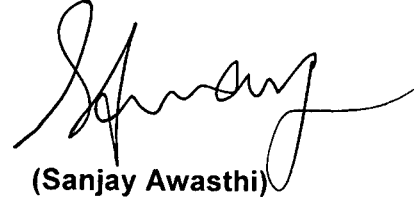
**AND WHEREAS** the Committee noted that in view of the position stated in para 4 above, the submission made by the appellant, inter-alia, citing certain Appellate orders issued in respect of consideration of the applications submitted in the years preceding the advent of NCTE Regulation, 2014, deserved to be accepted. In these circumstances, the Committee concluded that the ground mentioned in the order dt. 10/01/2018 cannot be held against the appellant and the matter deserved to be remanded to the N.R.C. for taking further action in accordance with the NCTE Regulations, 2014.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the



Committee concluded that the matter deserved to be remanded to the N.R.C. for taking further action in accordance with the NCTE Regulations, 2014.

**NOW THEREFORE, the Council hereby remands back the case of Deendayal Shikshan Prashikshan Mahavidyalaya, Nari Bari Road Near Fatehpur Shekhawati, Rajasthan to the NRC, NCTE, for necessary action as indicated above.**



**(Sanjay Awasthi)**  
Member Secretary

- 1. The Secretary, Deendayal Shikshan Prashikshan Mahavidyalaya, Khasra No. 128, 129/362, Nari Bari Road Near Fatehpur Shekhawati – 332301, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-450/E-82015/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Sanjeevan College of Teaching Education, Rugli, Dausa, Rajasthan dated 14/07/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-5301/2013-14/49494 dated 08/06/2013 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration / processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 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 who 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 order, 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 fee be refunded to the applicants.”

**AND WHEREAS** Sh. Gopesh C. Sharma, Chairman, Sanjeevan College of Teaching Education, Rugli, Dausa, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that “the controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17<sup>th</sup> Meeting-2017 dt. 27.11.2017 titled “J.B.M. College of Education” directed the NRC to process further the application on the ground that “...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for Teacher Education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.” A copy of Appeal Order dated 27.11.2017 is annexed herewith and marked as Annexure-4.”

**AND WHEREAS** Appeal Committee noted that appellant institution has filed a S.B. Civil Writ No. 14036 of 2018 in the Hon’ble High Court of Judicature for Rajasthan Bench at Jaipur and the Hon’ble Court vide order dated 06/07/2018 has directed the petitioner institution to avail the remedy of statutory appeal which is expected to be decided expeditiously by Appellate Authority.

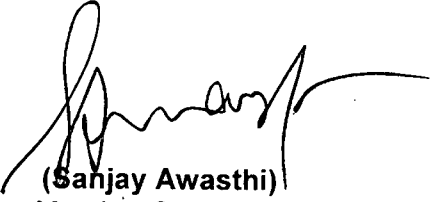
**AND WHEREAS** relevant Regulatory file is not made available to Appeal Committee. From the submissions made by appellant alongwith its appeal memoranda Committee observed that appellant institution had submitted application dated 29/12/2012 seeking recognition for conducting D.El.Ed. programme. Based on the recommendations of State Government the application submitted by the appellant

institution was returned by a letter dated 08/06/2013 by N.R.C. alongwith processing fee. Committee further observed that appellant did neither file any appeal against the decision of N.R.C. within prescribed time limit of 60 days nor sought legal recourse enabling it to resubmit the returned application. The cases cited by appellant pertaining to other institutions vary as appellant institution never resubmitted its application. Application fee earlier paid by appellant was refunded. Strictly speaking after the date of impugned order dated 08/06/2013, there has been no application of the appellant institution pending with N.R.C. as application fee stood refunded and appellant neither resubmitted the application nor paid processing fee. The delay of about five years in preferring appeal is an inordinate delay for which appellant has not furnished any reason.

**AND WHEREAS** Appeal Committee, taking note of the fact that, application fee was refunded to the applicant in 2013 and the appellant has not preferred any appeal against the decision of N.R.C. for five years, decided not to condone the delay. Appeal filed by appellant is accordingly not admitted.

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

**NOW THEREFORE,** the Council hereby do not condone the delay and therefore the appeal is not admitted.

  
(Sanjay Awasthi)  
Member Secretary

1. The Chairman, Sanjeevan College of Teaching Education, Rugli, Dausa – 303303, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-451/E-81981/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Babu Brijbihari Singh Degree College, Sahajwaliya, Padrauna, Uttar Pradesh dated 10/07/2018 is against the Order No. NRC/NCTE/NRCAPP-10768, 12019/257<sup>th</sup> Meeting (part-3)/159717-22 dated 17/10/2016 of the Northern Regional Committee, granting recognition for conducting D.El.Ed. Course for one unit/intake (50) against the required 2 unit/intake 100."

**AND WHEREAS** Sh. Bishnu Pratap Singh, Assistant Manager, Babu Brijbihari Singh Degree College, Sahajwaliya, Padrauna, Uttar Pradesh presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that "submission of online application dated 27/05/2015 was for grant of two units (100 seats) permissible under the Regulations. Appellant has infrastructure for two units as well."

**AND WHEREAS** Appeal Committee noted that appellant institution has filed a S.B. Civil Writ No. 10092/2018 in the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble High Court by its order dated 11/05/2018 has allowed the petitioner liberty to avail remedy of statutory appeal provided under Section 18 of the NCTE Act. Appeal is required to be decided within a period of 2 months.

**AND WHEREAS** Appeal Committee noted that appellant institution submitted online application dated 12/05/2015 seeking recognition for conducting D.El.Ed. course. In the affidavit enclosed with application proforma the applied for intake was mentioned as 50 seats (one unit). The stamp paper for affidavit was procured on 07/05/2015 which is found placed at pp 5 to 9 of the file (Serial number printed). Appeal Committee noted that another affidavit which is notarised on 25/04/2016 is

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F.No.89-452/E-81950/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date:

24/9/18

**ORDER**

**WHEREAS** the appeal of Baby Happy Modern BSTC College, Hanumangarh Junction, Hanumangarh, Rajasthan dated 13/07/2018 is against the Order No. New Appl./RF/Raj./NRCAPP-3355/2013-14/50635 dated 21/06/2013 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration / processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgments of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 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 who 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 order, 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 fee be refunded to the applicants.”

**AND WHEREAS** Baby Happy Modern BSTC College, Hanumangarh Junction, Hanumangarh, Rajasthan presented the case of the appellant institution on 02/08/2018. In the appeal and during personal presentation it was submitted that “Rejection of file on the ground ban of State government was unjust and illegal unless decided on merit. NCTE issued a Public Notice dated 26/11/2012 inviting application from the institutions desirous of running teacher training courses and this public notice had no ban for D.El.Ed. (STC) with respect to State of Rajasthan. In furtherance of this public notice, the appellant institution applied vide online application dated 20/12/2012. The petitioner submitted a valid online application no. NRCAPP 3355 in 2012 for BSTC course in the prescribed form, and alongwith processing fee and other requisite documents, as required in accordance with Regulations, 2009. The application of the appellant was returned because of State Ban and the recommendations of the State government cannot be the only compelling ground to reject the file. Because in similar situation and feeling aggrieved by this return, many institutions approached the Hon'ble High Court of Rajasthan by way writ petitions and issue regarding NOC from State was decided by the Hon'ble High Court of Rajasthan in Writ Petition No. 8236/2012 titled as Adarsh Shikshak Prashikshan Mahavidyalya vide its judgment dated 26.09.2012 as under: “The matter is remanded back to the respondents to consider and decide the application of the petitioner Institution filed on 13.12.2007 for starting B.Ed. course in accordance with the Regulations, 2007 without reference to the State Government policy decision dated 17.11.2008 and 03.01.2009. In view of this judgment, many institutions got recognition in accordance with 2009 Regulations. Because issue regarding NOC from State Govt. was raised in SLP titled as LBS vs. State of Rajasthan. In this case issue was regarding NOC from state to such institutions where NRC, NCTE gave Recognition to some institutions in view of Court orders and which were returned by NRC, NCTE. However, the State of Rajasthan decided not to grant NOC to these institutions. In this case the Hon'ble court established the principles of law which are required to be followed by the Regional

Committee of the National Council for Teacher Education. The Hon'ble Supreme Court vide order dated 8<sup>th</sup> September 2016 disposed of the SLP No. 5282-89/14 clearly defining role of State Government as under: "14. NCTE has granted recognition to some of the institutions. As the recognition has already been granted, the controversy with regard to the said institutions shall stand closed. NRC have granted recognition to more than 50 institutions and never raised any objection of State ban or negative recommendations of State government. A copy of recognition order dated 26/8/16 in similar situated files is annexed herewith and marked as Enclosure- 5 Because the respondent NRC-NCTE while issuing refusal order dated 21.6.13 acted in most arbitrary by not providing an opportunity of hearing to the institution and unlawful manner by insisting applicant-petitioner for online application, it has applied the NCTE Regulations, 2014 retrospectively, which is illegal and untenable. Because the Council have decided the appeal in similar matters pertaining to State of Haryana, where by it has been clearly decided by the council that once the applications are invited, the Regional Committee has no right to reject it on the grounds of ban subsequently. The application of Haryana institution was also made in 2012 which was returned due to ban of State Government of Haryana. The Council directed NRC to process that application and NRC also processed that application and granted recognition to such institution. More than 100 files, which were returned due to state ban are being processed in view of direction of appellate authority and Hon'ble court and some are given recognition also. Similar treatment should be meted out to the appellant also and should be remanded back to NRC."

**AND WHEREAS** Appeal Committee noted that appellant institution has filed a S.B. Civil Writ Petition No. 14040 of 2018 in the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble High Court vide order dated 06/07/2018 has directed the petitioner institution to avail the remedy of statutory appeal which is expected to be disposed of expeditiously by Appellate Authority.

**AND WHEREAS** relevant Regulatory file is not made available to Appeal Committee. From the submissions made by appellant alongwith its appeal memoranda Committee observed that appellant institution had submitted application

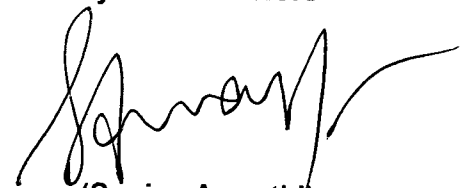


dated 29/12/2012 seeking recognition for conducting D.El.Ed. programme. Based on the recommendations of State Government the application submitted by the appellant institution was returned by a letter dated 08/06/2013 by N.R.C. alongwith processing fee. Committee further observed that appellant did neither file any appeal against the decision of N.R.C. within prescribed time limit of 60 days nor sought legal recourse enabling it to resubmit the returned application. The cases cited by appellant pertaining to other institutions vary as appellant institution never resubmitted its application. Application fee earlier paid by appellant was refunded. Strictly speaking after the date of impugned order dated 08/06/2013, there has been no application of the appellant institution pending with N.R.C. as application fee stood refunded and appellant neither resubmitted the application nor paid processing fee. The delay of about five years in preferring appeal is an inordinate delay for which appellant has not furnished any reason.

**AND WHEREAS** appeal Committee, taking note of the fact that, application fee was refunded to the applicant in 2013 and the appellant has not preferred any appeal against the decision of N.R.C. for five years, decided not to condone the delay. Appeal filed by appellant is accordingly not admitted.

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

**NOW THEREFORE, the Council hereby do not condone the delay and therefore the appeal is not admitted.**



(Sanjay Awasthi)  
Member Secretary

1. The Manager, Baby Happy Modern BSTC College, Hanumangarh Junction, 06, Hanumangarh – 335512, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-142/2016 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date:

24/9/18

**ORDER**

**WHEREAS** the appeal of The Kavery College of Education, Salem, Tamil Nadu dated 19.02.2016 against the Order No. SRCAPP14690/B.A.B.Ed/B.Sc.B.Ed/TN/2016-17/79031 dated 22/12/2015 of the SRC refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds of non-submission of NOC issued by the affiliating body along with the application was rejected and the order of the SRC confirmed by the Council in their order no. 89-142/2016 Appeal 6<sup>th</sup> Meeting 2016 dt. 09.06.2016 on the ground that the appellant did not fulfil the requirements of clause 5(3) of the NCTE Regulations, 2014 i.e. enclosing the NOC with the application.

**AND WHEREAS** the appellant, aggrieved by the order of the Council, filed a W.P. © 1594/2017 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court in their order dt. 09.08.2017, noted the submission of the Counsel for the petitioner that their case is covered by the Judgement in LPA No. 535/2017 National Council for Teacher Education and Anr vs. Rambha College of Teacher Education delivered on 09.08.2017, in which the Learned Single Judge, in similar situation where the fact were identical, remanded the matter to the Appellant Authority for reconsideration for the academic session 2017-18. The Hon'ble High Court, further noting that the issue was non-filing of the NOC and the same issue has been decided in the case of Rambha College of Education, allowed the prayer in the petition directing the respondent to decide the case of the petitioner de-hors in their first meeting.

**AND WHEREAS** the Committee noted that in the case of Rambha College of Education, the Council in their first appellate order dt. 23.03.2016, due to a mistake by oversight, cited an internal communication between the Director of Primary Education and School Education and Literacy Deptt, Govt. of Jharkhand dt. 26.10.2015 as a

NOC. Even after this was pointed out and a LPA No. 535/2017 was filed by the Council, the Hon'ble High Court of Delhi at New Delhi, holding that the date of NOC was 08.01.2016 and not 26.10.2015 as mentioned in the appellant order dt. 23.03.2016 and it was annexed to W.P. 3231/2016 and already submitted to the Appellate Authority, directed the Council to comply with the judgements dt. 23.02.2017/27.04.2017, which noting that Rambha College of Education did not submit a NOC dt. 08.01.2016 to the Council in their appeal and finding a translated copy of a letter dt. 08.01.2016 issued by the Directorate of Primary Education to the Secretary, Rambha Collage in their order dt. 15.09.2017 remanded the matter to the ERC to consider the NOC dt. 08.01.2016 and the college was directed to submit the original of the NOC to ERC.

**AND WHEREAS** from the file of SRC it is seen that the appellant submitted a NOC issued by Tamil Nadu Teachers Education University, Chennai on 17.04.2017, whereas the last date for submission of hard copy of on-line application with NOC was 15.07.2015. The delay is one year and 10 months.

**AND WHEREAS** the Committee noted from the file of the SRC that the Regional Committee noting that the directions of the Hon'ble High Court of Delhi dt. 20.09.2017 to Respondent No. 1 and Respondent No. 2 are not easy to comprehend, decided to file an appeal against the order. The Committee also noted that the file contains a letter dt. 21.11.2017 sent by the Council to Shri Shivam Singh, their advocate conveying their decision to file an SLP in the Hon'ble Supreme Court of India and requesting the advocate to draft an SLP. A Copy of this letter was endorsed to the Regional Director, SRC for information.

**AND WHEREAS** it is not clear whether, in the light of the Council's letter dt. 25.10.2017 addressed to their advocate in respect of the order of the Hon'ble High Court of Delhi dt. 20.09.2017 in the case of Shivbrat Singh Shikshan Prashikshan Sansthan, Argupur, Kalan, Jaunpur, Uttar Pradesh deciding to counter the Hon'ble High Court order and endorsing it to the Regional Director, N.R.C for information and

necessary action and the letter of the Council dt. 21.11.2017 addressed to their advocate in respect of the identical order of the Hon'ble Delhi High Court in the case of Kavery College of Education, Salem, T.N deciding to file an SLP before the Hon'ble Supreme Court of India against the Hon'ble High Court's order and endorsing to Regional Director, S.R.C. for information, the disposal of this appeal as well as that of Shivbrat Singh Shikshan Prashikshan Sansthan, should be kept pending till the outcome of the appeal/SLP proposed to be filed by the NCTE against the orders of the Hon'ble Delhi High Court is known.

**AND WHEREAS** Appeal Committee in its meeting held on 04.04.2018 considered the facts of case. The appellant institution had submitted online application dated 30.06.2015 seeking recognition for B.A. B.Ed./B.Sc. B.Ed. programme. While processing the application a Show Cause Notice (SCN) dated 21.10.2015 was issued to appellant institution on grounds of non-submission of N.O.C. from the affiliating body. Appellant institution in its reply dated 05.11.2015 stated that the post of Vice Chancellor of affiliating university is vacant and the issue of N.O.C. is pending with the affiliating body. S.R.C. Bangalore considering the reply dated 05.11.2015 of the appellant not satisfactory, issued refusal order dated 22.12.2015.

**AND WHEREAS** aggrieved by the refusal order dated 22.12.2015 appellant institution preferred an appeal dated 19.02.2016 under Section 18 of the NCTE Act. In the appeal order dated 09/06/2016 the impugned refusal order was confirmed as even by that time the appellant was unable to submit N.O.C. issued by the affiliating university.

**AND WHEREAS** aggrieved by the refusal order 22.12.2015 and the Appellate order dated 09.06.2016, the appellant filed a Writ Petition (C) No. 1594 of 2017 in the Hon'ble High Court of Delhi. The Hon'ble High Court of Delhi in its order dated 20/09/2017 has directed as under:

"At the outset, learned counsel for the petitioner points out that his case is governed by the judgment in LPA No. 535/2017 National Council for Teacher Education and Anr. Vs. Rambha College of Education delivered on 09.08.2017.

learned counsel for the petitioner points out that in a similar situation where the facts were identical, the learned Single Judge had remanded the matter to the Appellate Authority (respondent No.1) for a re-consideration and this would be for the current academic session i.e. 2017-18.

Record shows that the issue was the non-filing of the hard copy of the No Objection Certificate (NOC). The fact that the same issue had been decided in the case of Rambha College of Education is not in dispute. This Court allows the prayer made in the writ petition directing respondent No.1 to decide the case of the petitioner (de-hors this objection) in the first meeting of respondent No.2.

With these directions, petition disposed of."

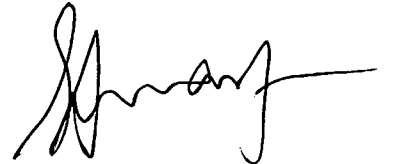
**AND WHEREAS** more than any other fact in the instant case, appellant has failed to submit N.O.C. even at the time of appeal and N.O.C. was issued after 1 year and 6 months of the issue of impugned refusal order. Inference to the judgement in the case of Rambha College of Education (LPA 535/2017) is therefore, a misquote as in that case the appellant had submitted N.O.C. issued by affiliating body before appeal was decided and Hon'ble Court had ruled that appellate authority before passing the appellate order should have considered the subsequent developments in the matter. In the instant case there was no such development placed before the Appeal Committee as in the case of Rambha College of Education.

**AND WHEREAS** Appeal Committee was given to understand that orders of Hon'ble Supreme Court arising out of NCTE Vs. Rambha College of Education for acceptance of N.O.C. issued by affiliating bodies at a belated stage would have general applicability provided Appeal Committee is able to take cognizance of such belated NOCs as subsequent development. Appeal Committee on consideration of the matter has decided that 'subsequent development' cannot be open ended and there should be a ceiling of time limit to ensure that neither the decision on grant of recognition nor the appeals are kept pending awaiting the 'subsequent developments' to take place. Appeal Committee therefore, took a consensus decision to accept such belated NOCs affiliating bodies which are issued before final refusal of the recognition and are either submitted to the Regional Committee in reply to Show

Cause Notice (SCN) or submitted before the Appellate Authority by the appellant. To avoid circumventing the regulatory provisional, Appeal Committee does not find any justification to accept NOC's as and when the institutions submit it under the garb of 'subsequent development.'

**AND WHEREAS** in the instant case, the appellant had opportunities to submit N.O.C. after issue of S.C.N. and at the time of Appeal hearing on 28/04/2016. Appellant could not do so. Since the matter is not comparable to the case of Rambha College of Education, Appeal Committee decided to uphold its earlier Appeal order dated 09/06/2016.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record, Appeal Committee concluded to uphold its earlier Appeal order dated 09/06/2016 as the matter is not comparable to the case of Rambha College of Education.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary/Appellant, The Kavery College of Education, 143/2, 165, The Kaavery Educational Trust, M. Kalipatti, Mecheri Salem, Tamil Nadu – 636453
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.

(51)



F.No.89-119/2015 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date:

24/9/18

**ORDER**

**WHEREAS** the appeal of MDS College of Education, Digrohat, Mahendergarh, Haryana dated 01/09/2015 is against the Order No. NRC/NCTE/NRCAPP-3522/239<sup>th</sup> Meeting/2015/120425 dated 07/08/2015 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "The institution did not submit reply of SCN. Hence, the Committee decided that recognition/permission to the institution be refused u/s 14/15 (3)(b) of the NCTE Act, 1993, FDRs, if any, be returned to the institution." Building completion certificate issued by the competent Govt. authority (in the format prescribed by the NRC, NCTE) clearly mentioning the name of the institution, courses, location of the land, plot number, total land and total built up area has not been submitted by the institution. An opportunity was given to the institution to furnish course-wise detailed information regarding land documents, faculty position, infrastructure support, Endowment & Reserve Fund etc., as per NCTE Regulations, 2014 within 30 days from the date of issue of the letter dated 05/02/2015. The institution did not submit reply to the letter dt. 05/02/2015."

**AND WHEREAS** Sh. Sube Singh, Principal and Sh. Madan Lal, Chairman, MDS College of Education, Digrohat, Mahendergarh, Haryana presented the case of the appellant institution on 06/10/2015. In the appeal and during personal presentation it was submitted that "I submitted all documents to NRC on dated 05/01/2015. All documents are submitted."

**AND WHEREAS** Appeal Committee noted that a Show Cause Notice (S.C.N.) dated 07.01.2015 was issued to the appellant institution intimating them the decision of the State Government of Haryana wherein it was recommended not to allow opening of new D.El.Ed. and B.Ed. institutions in the state. The appellant institution did not furnish any reply to the S.C.N. During appeal presentation, the appellant seemed unaware of

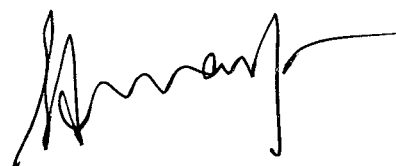
the negative recommendations of the State Government and argued that recognition to other institutions in the State of Haryana are being given.

**AND WHEREAS** Appeal Committee noted that Director General of Higher Education, Haryana by its letter no. 12/48-2013 dated 01/10/2013 has made specific recommendation not to entertain the application of appellant institution seeking recognition for B.Ed. course. Appellant institution was issued a Show Cause Notice (S.C.N.) dated 18/10/2013 seeking written representation from the appellant institution within a period of 30 days. Thereafter another S.C.N. dated 07/01/2015 was issued to appellant institution seeking reply within 30 days. By this S.C.N. appellant was again informed of the decision of State Government that "no recognition be given even to Minority Institution for D.El.Ed. and B.Ed. courses".

**AND WHEREAS** Appeal Committee observed from the regulatory file that appellant whereas has submitted reply to the deficiency letter dated 24/08/2013, it has not submitted any reply to the two Show Cause Notices which were on ground of specific and general negative recommendation of the State Government. Appeal Committee, therefore, decided to confirm the impugned refusal order dated 07/05/2015.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded to confirm the impugned refusal order dated 07/05/2015.

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



(Sanjay Awasthi)  
Member Secretary

1. The Chairman, MDS College of Education, 1213,17/1,18/119,22/2/1,23/2, 33, Digroat, Mahendergarh, Haryana – 123024.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.



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F.No.89-665/E-37990/2017 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Madhuban College of Education, Choti Kasrawad, Barwani, Madhya Pradesh dated 02/10/2017 is against the Order No. WRC/APP201660272/11476/222/279<sup>th</sup>{M.P.}/2017/188533 dated 17/08/2017 of the Western Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "Show Cause Notice was issued to the institution on 17.03.2017. The institute has not replied to till date. Hence, Recognition is refused. FDRs, if any, be returned."

**AND WHEREAS** Sh. Awadhesh Dawe, Chairman, Madhuban College of Education, Choti Kasrawad, Barwani, Madhya Pradesh presented the case of the appellant institution on 20/12/2017. In the appeal and during personal presentation it was submitted that "they applied for B.Ed. and D.El.Ed. courses for the session 2017-18 and filled an online application form which generated ID No. 10865, but payment could not be made through this ID. They then filled another identical form with application ID 11476 and made payment of Rs. 3 lakhs before the last date. When the hardcopy was submitted, WRC returned the file stating that payment has not been made in ID 10865. When they approached WRC and submitted all the necessary and required documents alongwith application no. 11476, the WRC informed them that the change of identical form in the hardcopy cannot be done without permission of the NCTE HQs. On their approaching the NCTE HQs, the latter issued a letter to the WRC on 26.12.2016 asking them to do the needful about the discrepancies found. The appellant again wrote to the NCTE (HQs) on 02.02.2017 requesting issue of directions to the WRC to consider their hard copy with ID No. 11476. The Headquarters of NCTE wrote a letter to the WRC on 16.03.2017 advising them to place full facts of the case before the Regional Committee since the

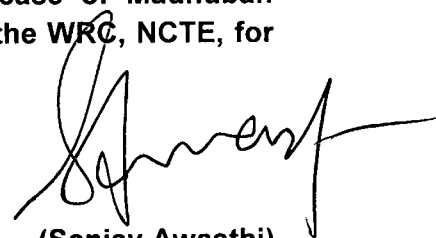
two applications (with two IDs) are essentially one application submitted by the same society for the same courses, they could have been seen together instead of rejecting both on a technical ground.

**AND WHEREAS** the Committee noted from the file of the WRC that, in response to the NCTE (Hqrs.) letter dt. 16.03.2017 referred to above, they have written a letter dt. 17.03.2017 to the NCTE (Hqrs.) informing that treating both the applications (ID. 10865 and I.D. 11476) as one does not appear to be in accordance with NCTE Regulations, 2014 and is also against the directions of the NCTE (Hqrs.) to process all applications online mode only. In view of the different opinion held by the WRC, the Committee desired to know the decision taken by the Hqrs. of NCTE on the letter of the WRC dt. 17.03.2017.

**AND WHEREAS** Committee noted that there has been some technical lapses committed by the appellant institution. The application seeking recognition for D.El.Ed. course was entered twice online. In the initial stage of first attempt application I.D. no. 10865 was generated but non payment of processing fee against this application number resulted in non generation of the APP code. In the second attempt the applicant institution after payment of required fee of Rs. 3 lakh for D.El.Ed. & B.Ed. courses, was able to get I.D. No. 11476 which was different from the earlier I.D. number. The applicant while submitting printout of the application again faltered and submitted printout of application bearing application I.D. no. 10865 which had remained incomplete for not payment of processing fee. Committee after considering the matter which is pending for almost two years decided that appellant deserves an opportunity to complete the process by submitting printout of application whose online transaction after payment of fee was complete as per guidelines for submitting application for the academic year 2016-17. The Regional Committee, however, should take care that printout of online applications submitted vide I.D. no. 10865 and 11476 are similar except for the code numbers.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appellant deserves an opportunity to complete the process by submitting printout of application whose online transaction after payment of fee was complete as per guidelines for submitting application for the academic year 2016-17. The Regional Committee, however, should take care that printout of online applications submitted vide I.D. no. 10865 and 11476 are similar except for the code numbers.

**NOW THEREFORE**, the Council hereby remands back the case of Madhuban College of Education, Choti Kasrawad, Barwani, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary/Appellant, Madhuban College of Education, Choti Kasrawad, Barwani by pass Road, Barwani – 451551, 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.

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F.No.89-681/E-42819/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Madhuban College of Education, Choti Kasrawad, Barwani, Madhya Pradesh dated 02/10/2017 is against Western Regional Committee, refusing recognition by order dated 07/12/2016 for conducting B.Ed. course on the grounds that "the Show Cause Notice was issued to the institution on 26/07/2016 and reply was received on 22/08/2016. The was matter was placed before the WRC in its 263<sup>rd</sup> Meeting held on November, 25-27, 2016 and the Committee observed that "In response to the Show Cause Notice dt. 26/07/2016, the institution has not clarified on the issue that land was purchased (on 14/07/2015) after the date of online application (30/06/2015). This is not permissible under NCTE Regulations, 2014."

**AND WHEREAS** Sh. Awdhesh Dawe, Chairman and Sh. Hemant Gupta, Principal, Madhuban College of Education, Choti Kasrawad, Barwani, Madhya Pradesh presented the case of the appellant institution on 21/12/2017. In the appeal and during personal presentation it was submitted that "they applied for B.Ed. and D.El.Ed. courses for the session 2017-18 and filled an online application form which generated ID No. 10865, but payment could not be made through this ID. They then filled another identical form with application ID 11476 and made payment of Rs. 3 lakhs before the last date. When the hardcopy was submitted, WRC returned the file stating that payment has not been made in ID 10865. When they approached WRC and submitted all the necessary and required documents alongwith application no. 11476, the WRC informed them that the Change of identical form in the hardcopy cannot be done without permission of the NCTE HQs. On their approaching the NCTE HQs, the latter issued a letter to the WRC on 26.12.2016 asking them to do the needful about the discrepancies found. The appellant again wrote to the NCTE (HQs) on 02.02.2017 requesting issue of directions to the WRC to consider their hard

copy with ID No. 11476. The Headquarter of NCTE wrote a letter to the WRC on 16.03.2017 advising them to place full facts of the case before the Regional Committee. Since the two applications (with two IDs) are essentially one application submitted by the same society for the same courses, they could have been seen together instead of rejecting both on a technical ground.

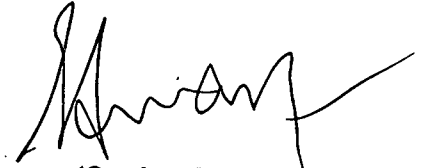
**AND WHEREAS** Appeal Committee noted that impugned refusal order dated 07/12/2016 was on the ground that:

- (i) Clause 8(4) (i) regarding possession of land on ownership as on the date of application was not complied with.
- (ii) B.C.C. in proper format certified by Competent Authority not submitted.
- (iii) No proof of composite status submitted.

**AND WHEREAS** Committee noted that a Show Cause Notice (SCN) dated 26/07/2016 was issued to appellant seeking written representation on the above points of deficiency and appellant has also submitted a reply to S.C.N. on 17/08/2016. From the documents submitted by appellant institution, Appeal Committee noted that whereas date of online application is 30/06/2015, the date of registration of land documents is 15/07/2015. As such appellant is not in compliance of Clause 8 (4) (i) of the NCTE Regulations, 2014. As regards B.C.C. appellant had an opportunity to submit B.C.C. at the time of Inspection. Committee further noted that another Appeal pertaining to D.El.Ed. programme of the appellant institution was pending due to certain clarifications and Committee has now decided to remand back the case pertaining to D.El.Ed. course. Appeal Committee, however, considering that appellant has failed in compliance to Clause 8 (4) (i) of NCTE Regulations, 2014 decided to confirm the impugned refusal order.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded to confirm the impugned refusal order.

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



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Madhuban College of Education, Choti Kasrawad, Barwani by pass Road, Barwani – 451551, 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.

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F.No.89-335/2016 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Jharkhand Teachers Training College (D.Ed.) Jhumari Telaiya, Koderma, Jharkhand dated 12/06/2016 is against the Order No. ER/7-209.8.43/D.El.Ed./ERCAPP3602/2016/45532 dated 14/04/2016. of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. (Addl.) course on the grounds that "1. Show Cause Notice was issued on 22/02/2016 on the following grounds (i) N.O.C. issued from affiliating/examining body not submitted. 2. No reply in response to show cause notice received till date and stipulated time is over. In view of the above, the Committee decided as under: The Committee is of the opinion that application bearing code no. ERCAPP3602 of the institution regarding permission for D.El.Ed. (Addl.) Course is refused under Section 15(3)(b) of NCTE Act, 1993."

**AND WHEREAS** Jharkhand Teachers Training College (D.Ed.), Jhumari Telaiya, Koderma, Jharkhand presented the case of the appellant institution on 06/05/2017. In the appeal and during personal presentation it was submitted that "the appellant would like to inform that the institution had submitted an application to Director, Government of Jharkhand on 18<sup>th</sup> Jan., 2015 for issuance of NOC for D.El.Ed. course but till date the State Government has not issued the NOC for the D.El.Ed. course despite various correspondence from our end. The details of correspondence with the State Government is elaborated below: After receipt of our application to State Government in Jan., 2015, the State Government had forwarded our application to the DEO, Koderma for physical education and submission of report. Due to non-receipt of reply, the Secretary, Primary Education vide letter dated 21/12/2015 had issued a reminder to the DEOs for submission of the report within one week. In response DEO, Koderma vide letter dated 5<sup>th</sup> Jan., 2016 had sent a letter to our institution to complete the requisite information and submit to them so that they could conduct

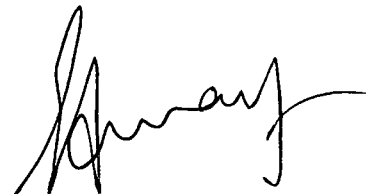
physical inspection of our institution. The same was submitted to DEO immediately and the physical inspection of our institution was conducted on 17/02/2016 and the same was sent by DEO to State Government on 05/03/2016. After getting our inspection done, our institution vide letters dated 18/02/2016 and 24/02/2016 had requested the State Government to issue the NOC for D.El.Ed. course. The State Government on 02/05/2016 had again sent a letter to District School Education officer to conduct physical inspection of our institution and submit the report. The appellant would like to bring to the notice of the Appellate Authority that despite our best efforts, the State Government had not issued the NOC for D.El.Ed. course and the files are moving from one table to another. It is purely the procedural delay on the part of State Government and there is not any fault of our institution. In response to Show Cause Notice, the letter dated 15/03/2016 was sent to ERC intimating the factual position and requesting to kindly grant time till the State Government issues the NOC for D.El.Ed. course".

**AND WHEREAS** Appeal Committee noted that impugned refusal order dated 14.4.2016 was confirmed by Appellate Authority by its order dated 2.9.2016. Appeal Committee further noted that the appellant institution had filed a W.P. (C) 11917/2016 in the High Court of Delhi and the Hon'ble High Court vide its order dated 16/08/2017 has ordered that the case of petitioner shall be examined in accordance with the rules of respondent nos. 1 & 2 for the next academic year i.e. 2018-19 within an outer limit of four weeks. Impugned refusal order refusing grant of recognition dated 14/04/2016 and Appellate order dated 02/09/2016 confirming the impugned order was on the ground that appellate institution has failed to submit N.O.C. of affiliating body even belatedly. Whereas the guidelines for considering belated N.O.C. submitted by applicant institutions taking note of the orders of Hon'ble Supreme Court arising out of NCTE Vs. Rambha College of Education are concerned Appeal Committee has decided to condone specific delay in submission of N.O.C. In the instant case of Jharkhand Teacher Training College, there is no evidence on record that appellant institution submitted N.O.C. even upto the date of appeal hearing which could have been taken on record as subsequent development. Appeal Committee, therefore,



does not find any reason to alter its earlier decision conveyed to appellant by order dated 02/09/2016.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records, the Committee concluded to uphold its earlier decision (confirm) conveyed to appellant by order dated 02/09/2016.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Jharkhand Teachers Training College (D.Ed.) Jhumari Telaiya Koderma, Khata No. 630 Thana 244, own, 3515, Telaiya Basti, Koderma, Jharkhand – 825409.
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.

(57)



F.No.89-558/E-10994/2017 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 24/9/18

**ORDER**

**WHEREAS** the appeal of Times College of Education, Aam Chopra, Damoh, Madhya Pradesh dated 04/07/2017 is against the Order No. WRC/APP201660119/10137/B.A.B.Ed./M.P./275<sup>th</sup>/2017/185733-740 dated 06/05/2017 of the Western Regional Committee, granting recognition for conducting one basic unit (50 students) of B.A. B.Ed. course."

**AND WHEREAS** Sh. Sushil Gupta, Chairman, Times College of Education, Aam Chopra, Damoh, Madhya Pradesh presented the case of the appellant institution on 23/10/2017. In the appeal and during personal presentation it was submitted that "the Institute submitted online application for recognition of B.A. B.Ed. and B.Sc. B.Ed. on 30/05/2016 and hard copy of the same was submitted through covering letter No. TCE/562 on 13/06/2016. The Institute obtained NOC from affiliating body, namely, Dr. Hari Singh Gour University, Sagar for both the course B.A. B.Ed. and B.Sc. B.Ed. and submitted them. As a part of online application and hard copy of application, Institute also submitted an affidavit, which clearly stated that, the application is for grant of the recognition of both courses B.A. B.Ed. and B.Sc. B.Ed. The Visiting Team visited the Institute on 11/03/2017 and at the time of inspection, institute provided the Essential Data Sheet to VT which clearly indicates that the inspection is for both the courses B.A. B.Ed. and B.Sc. B.Ed. It is hoped that, after inspection, VT also recommended for both courses B.A. B.Ed. and B.Sc. B.Ed. with single unit of intake of 50 student in each. Instruction was given in dash board dated 4/4/2017 that LOI be issued for one unit for BA B. Ed course and one unit of B.Sc. B.Ed. course is not permitted. But WRC does not provide any solid reason to them as to why they approved only one stream. In reply, the institute prayed to WRC that application was submitted for two units of B.A. B.Ed. and B.SC B.Ed. and inspection was conducted

for both courses and institute fulfils all necessary requirements of both courses and therefore both the courses may be approved. The institute also submitted the approved staff list of 16 faculty members and joint FDR within prescribed time limit. In other cases, in the same 272<sup>nd</sup> meeting minutes, at S.No.94 in case of APP201660210 Nobel College Chhatarpur, NCTE WRC gave the reference of letter that WRC received from Headquarter on 31/03/2016 in which it is stated that B.A. B.Ed./B.Sc. B.Ed. Integrated program is one programme and is governed by Appendix 13 of NCTE Regulations 2014. The programme cannot be segregated into two programmes with two different nomenclatures and two units each sanctioned. The last sentence of referred letter clearly stated that the programme cannot be segregated into two but NCTE WRC segregated it or clearly separated it into two with two different nomenclatures i.e. B.A. B.Ed. and B.Sc. B.Ed. With a definite line of separation, WRC asked to choose only one out of them. Here we attract attention to another point that is, in the referred appendix 13 of NCTE Regulations 2014. Para 3.1 provides power to affiliating university for distribution of students in different disciplines or subjects. This Para also stated that there shall be a basic unit of 50 students but initially two units may be permitted. But after reply of LOI by institute on 01/05/2017, WRC circulated an order of formal recognition of B.A. B.Ed. with annual intake of 50 student dated on 06/05/2017. This is a discrimination. Some institutions got recognition of both B.A. B.Ed. and B.Sc. B.Ed. after the circulation of the so called prohibition letter of NCTE Head quarter dated 31.03.16. Some cases are as follows: A. Pandit Ram Shunder Shukla Shiksha avam Prashikshan Sansthan Pahadiya Distt. Rewa, M.P. APP2825 got recognition B.A. B.Ed. in 269<sup>th</sup> Meeting of WRC held on February 20 to 22, 2017. This is a case of appeal and NCTE Head Quarters provided decision in favour of Institute during the Meeting of Appeal Committee dated 02/12/16, before this formal recognition. B. Sandipani Academy Achhati, Dhamdha Distt. Durg Chhatisgarh got recognition of both B.A. B.Ed. and B.Sc. B.Ed. in 270<sup>th</sup> WRC Meeting held on March 01 to 03, 2017 at S.No. 44 with APP8887. C. Apart from these cases some other institutes got LOI for both the streams like APP201660127 JPB College of Teacher Education, Shankalkheda Vidisha. APP201660053 RBS Institute of Education Kacholi Distt. Neemach got LOI

in 269th meeting held on Feb 20 to 22, 2017. These are some examples of discrimination done by NCTE WRC Bhopal. Similarly, in the latest appeal order of 8th meeting dated 22/5/2017 Sr. no 25 of Institute code NRCAPP15224 Smt. Pana Devi Rameshwar Lal Sharma Teachers Training College Chirawa Jhunjhunu Rajasthan NCTE head quarter decided this appeal in favour of institute and gave direction to NRC grant recognition of one unit each 50 intake of B.A. B.Ed. and B.Sc B.Ed. course as per NCTE Regulations 2014. In these circumstances Institute prays that as they applied for both course and fulfil all requirements for both courses and VT recommended the case, recognition may be granted for one basic unit of B.Sc. B.Ed. along with one basic unit of B.A. B.Ed. If this is not justified provide two units of B.A. B.Ed."

**AND WHEREAS** the Committee noted that the appellant, in their online application dt. 31.05.2016, applied for B.A. B.Ed./B.Sc. B.Ed. course and in the accompanying affidavit mentioned the intake as 100 in these courses. The Visiting Team in their report dated 11.03.2017 mentioned the course as B.A. B.Ed./B.Sc. B.Ed., but did not give any over all assessment of the institution. The WRC, in their 271<sup>st</sup> meeting held on 23-25 March, 2017, noting that the V.T. has recommended the case decided to issue Letter of Intent for one unit of B.A. B.Ed. Course with the remarks that one unit of B.A. B.Ed. and one unit of B.Sc. B.Ed. course is not permitted. The L.O.I. was accordingly issued on 04.04.2017. The appellant, with their reply dt. 28.04.2017 submitted approved staff profile, affidavit and joint FDRs. In this Letter the appellant stated that as they have applied for two units of B.A. B.Ed./B.Sc. B.Ed., fulfilled the requirements for two units and appointed staff for two units, they may be given permission for two units of B.A. B.Ed. course. The WRC, thereafter, issued recognition order for one unit of B.A. B.Ed. course on 06.05.2017. The appellant again wrote to the WRC requesting recognition for B.Sc. B.Ed. course or for another unit of B.A. B.Ed.

**AND WHEREAS** the Committee noted from the extracts of the minutes of the 272<sup>nd</sup> meeting of the W.R.C. held from 06-08 April, 2017 relating to the application of

Nobel College, Chhatarpur, a copy of which has been enclosed to the appeal, the WRC, following the clarification contained in the NCTE's letter dt. 31.03.2016, informed that college that they can be sanctioned either B.A. B.Ed. or B.Sc. B.Ed. course and not both. It appears that the same clarification given by the NCTE has been adopted in the appellant's case also.

**AND WHEREAS** the Committee noted from a perusal of the NCTE's letter dt. 31.03.2016 that the view held is that the programme of B.A. B.Ed./B.Sc. B.Ed. for which Norms and Standards are contained in Appendix – 13 to the NCTE Regulations, 2014, cannot be segregated into two programmes with two different nomenclatures. The Committee, however, noted from the preamble (1.1) of the Norms and Standards for the Integrated Programme of B.Sc. B.Ed./B.A. B.Ed., the integration is at two levels i.e. B.Sc. B.Ed. comprising of sciences and B.A. B.Ed., comprising of social science and humanities, thereby giving a clear impression that these are two distinct courses and an applicant can opt for either of them or for both subject to fulfilment of the requirements. The Committee is aware that the Regional Committee are granting recognition for both B.A. B.Ed. and B.Sc. B.Ed. courses, with separate intakes. The appellant also has cited the cases in which some institutions were granted recognition for both the courses.

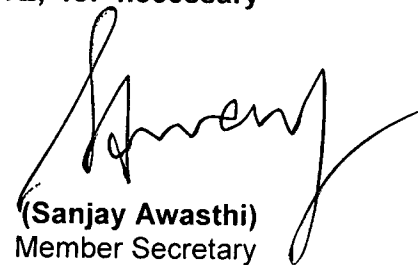
**AND WHEREAS** in the instant case, the Committee noted that the appellant appointed teaching faculty with qualifications both in arts and sciences.

**AND WHEREAS** the Committee, suo moto revisited the matter in their meeting held on 02/08/2018. The Committee is convinced that the intention of the provisions of Clause 1.1 of the Norms and Standards for the 4 – year Integrated B.A. B.Ed. and B.Sc. B.Ed. course is very clear i.e. the integration should be at two levels, namely, Arts stream (B.A. B.Ed.) and Sciences stream (B.Sc. B.Ed.). Since the appellant has fulfilled the requirements for both the applied for streams, the submissions made by the appellant as brought out in para 2 above deserve to be accepted. In these circumstances, the Committee concluded that the matter deserved to be remanded to

the WRC with a direction to consider the request of the appellant for grant of recognition for one unit of B.Sc. B.Ed. course also and issue appropriate orders.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to consider the request of the appellant for grant of recognition for one unit of B.Sc. B.Ed. course also and issue appropriate orders.

**NOW THEREFORE**, the Council hereby remands back the case of Times College of Education, Aam Chopra, Damoh, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

  
(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Times College of Education, Aam Chopra, Damoh – 470661, 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.89-741/2013 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date:

24/9/18

**ORDER**

**WHEREAS** the appeal of Faculty of Education Mewar University, Chittorgarh, Rajasthan dated 28/11/2013 is against the Order No. NRC/NCTE/NRCAPP-2752/219th Meeting/2013/63116 dated 23/10/2013 of the Northern Regional Committee, refusing recognition for conducting B.P.Ed. course on the grounds that in view of the letter dated 11/02/2013, of Govt. of Rajasthan, application of the institution for proposed B.P.Ed. course is rejected.

**AND WHEREAS** Sh. R. Ramajah, Registrar and Sh. H. Widhani, OSD, Faculty of Education, Mewar University, Chittorgarh, Rajasthan presented the case of the appellant institution on 12/04/2014. In the appeal and during personal presentation it was submitted that (i) they applied for recognition for conducting B.P.Ed course on 01/10/2011; (ii) NRC issued a deficiency letter on 26/03/2012 which was replied to on 07/04/2012; (iii) NRC conducted an inspection of the institution on 26/05/2013; (iv) NRC issued a show cause notice on 04/07/2013 stating that the Govt. of Rajasthan has banned opening of new B.P.Ed course in the State; (v) a reply to the show cause notice was sent on 21/07/2013; and (vi) NRC refused grant of recognition in their order dt. 23/10/2012 citing a letter dt. 11/02/2013 from the Govt. of Rajasthan. The other submissions of the appellant are that (i) when they applied for recognition there was no ban by the State Govt., (ii) the NRC went ahead with the conduct of an inspection of the institution; (iii) they have selected faculty for the proposed course; and (iv) have spent a lot of money in creating infrastructure.

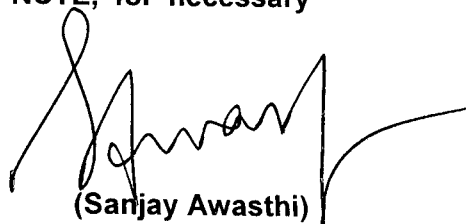
**AND WHEREAS** the Committee noted that the letter of the State Govt. of Rajasthan dated 11/02/2013 mentioned in the refusal order is not available in the file of NRC. The Committee, therefore, decided that the NCTE may obtain a copy thereof and make it available for consideration of this appeal. The pending appeal matter was

placed before Appeal Committee in its 15<sup>th</sup> Meeting held on 02/08/2018. It was noted that inspite of repeated reminders sent by N.R.C. to the Government of Rajasthan, copy of letter dated 11.02.2013 imposing general ban on opening of new B.P.Ed. courses in the State of Rajasthan has not been made available. Appeal Committee noted that appellant which is a Department of Education of Mewar University submitted online application dated 07/10/2012 seeking recognition for conducting B.P.Ed. programme. The Public Notice issued by NCTE inviting applications for academic session 2013-14 did not mention any ban imposed by the State Government of Rajasthan in respect of B.P.Ed. programme. After the applications were invited and processed refusal of recognition is not substantiated without specific negative recommendation of the State Government which in the present case is not available.

Appeal Committee, therefore, decided to remand back the case to N.R.C. for further processing of the application.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. for further processing of the application.

**NOW THEREFORE**, the Council hereby remands back the case of Faculty of Education Mewar University, Chittorgarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)  
Member Secretary

1. The Secretary/Appellant, Faculty of Education Mewar University, Chittorgarh, 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.89-37/E-60593/2018 Appeal/15<sup>th</sup> Mtg.-2018/1<sup>st</sup> & 2<sup>nd</sup> August, 2018

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date:

24/9/18

**ORDER**

**WHEREAS** the appeal of Jharkhand Teachers Training College, Jhumari Teliya Koderma, Telaiya Basti, Koderma, Jharkhand dated 16/01/2018 is against the Order No. ERC/245.8.16/ID No. 7194/B.Ed. (Addl.Intake)/2016/55245 dated 05/12/2017 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "a. Show Cause Notice was issued on 03.04.2017 on the following grounds: (i) The institution was granted recognition for B.Ed. course on 08.07.2013 with an 100 intake (two units). Now, the institution applied for B.Ed. (Addl. Intake) for one more unit. As per NCTE Hqrs. Letter No. 49-1/2016/NCTE/N&S/47149 dated 08.12.2016, single institution shall not enhance intake more than 100 i.e. two basic units in the B.Ed. course. b. in response, the institution submitted reply vide letter dated 07.10.2017 informing therein to further process the application for additional intake in B.Ed. which has already been permitted by University as well as Government of Jharkhand. However, the institution is still deficient on the ground mentioned in the Show Cause Notice. In view of the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP201646270 of the institution regarding permission of applied additional intake in B.Ed. Programme is refused under section 15(3)(b) of NCTE Act, 1993."

**AND WHEREAS** Sh. Bipin Bihari Mishra, Society Secretary, Jharkhand Teachers Training College, Jhumari Teliya Koderma, Telaiya Basti, Koderma, Jharkhand presented the case of the appellant institution on 06/04/2018. In the appeal and during personal presentation it was submitted that "Institution is conducting B.Ed. course from the academic session 2014-2015 granted vide ERC, NCTE order no. dated 08.07.2013 In order to become a composite institution in compliance with the NCTE Regulations, 2014 notified on 28.11.2014 appellant immediately submitted an

application for D.El.Ed. course to ERC on 26.06.2015. Appellant also submitted application to ERC for grant of additional intake in its existing recognised B.Ed. course on 2014 2015. The ERC in its 247th meeting has decided to conduct the inspection of the institution for D.El.Ed. programme by deputing its visiting team. Now, the question of not granting of additional intake in B.Ed. course beyond the basic unit has been cited by the ERC in the light of the letter dated 08/12/2016 issued under the signatures of Dr.Prabhu Kumar Yadav, Under Secretary, NCTE Hqrs. Appellant most respectfully submits the following facts in this context for kind consideration of the Hon ble Appeal Committee. The Council can ascertain its intent behind the provisions contained in the NCTE Regulation. The Clause 3 (C) i.e. Applicability of the NCTE Regulations 2014 stipulates that permission for additional intake in the existing teacher education programme duly recognised by the Council. The Regulations does not prohibit a TEI to make application for submission of additional intake in any particular course. The letter of the U.S. NCTE Hqrs is infructuous while simply reading the clause 6.1 Infrastructure of the NCTE Norms and standards for B.Ed. programme, Appendix 4 of the NCTE Regulations 2014 stipulates as under:-

The institutions shall possess 2500 sq. mts. two thousand five hundred square meters of exclusive well demarcated land for the initial intake of fifty students out of which 1500 sq. mts. one thousand five hundred square meters shall be the built up area and the remaining space for lawns, playfields, etc. For an additional intake of fifty students, it shall possess additional land of 500 sqm. five hundred square metre. For an annual intake beyond two hundred and upto three hundred, it shall possess land of 3500 sqm. three thousand five hundred square metre. For the institutions established prior to this Regulations, for an additional intake of one hundred students, built up area is to be increased by 500 sqm five hundred square metre and the requirement of additional land may not apply to them. It is a matter of fact that in number of applications the ERC has granted permission for additional intake in B.Ed. course to TEIs. It is also to be noted that the D.El.Ed. course in our institution is on the verge of grant of recognition by the ERC and it is hardly a matter of days when the institution shall become a composite institution as required under the NCTE Regulations 2014. Keeping the relevant provisions of the NCTE Regulations 2014 and above facts in

view it is evident that the decision taken by the ERC is in violation of the NCTE Regulations 2014 and contravention of its prevailing practice. Hon'ble Appeal Committee is prayed to quash and set aside the order of ERC and direct the ERC to conduct the inspection of appellant institution under section 15 of the NCTE Act 1993 without any further delay."

**AND WHEREAS** the Committee decided that the Council may seek legal opinion about the applicability of the clarification contained in NCTE letter dt. 08.12.2016 to the applications for increased intake in D.P.S.E, D.El.Ed and B.Ed. course submitted prior to the issue of this letter. The Council has accordingly sought legal opinion relevant portion of which reads as follows:

*"As per provision of the Regulations, 2014 new teacher Education Institute shall be located in composite institution and the existing teacher education institution shall continue to function as stand-alone institutions and gradually move towards becoming composite institutions.*

*As per Regulations, 2014, Composite institution has been defined to mean institutions offering multiple teacher education programmes. As per the above provisions of the Regulations, 2014 the institutions may apply for increase in intake in the same course already recognized provided it does not exceed maximum of two units in case of D.P.S.E., D.El.Ed. and B.Ed. Any application for increase in intake beyond two permissible units in these courses is not permissible under the Regulation. However, since regulation also provides for gradual movement of stand-alone institution to Composite institution; any attempt of a Teacher Education Institution to expand vertically, cannot be accepted unless it offers two or more than two courses and becomes a Composite institution.*

*Further Appendix 4 at Clause 3 of the Regulations, 2014 with regard to Norms and Standards for bachelor of education programme leading to the Bachelor of Education (B.Ed.) Degree clearly reads @ Clause 3- Intake, Eligibility, Admission Procedure and Fees-*

*3.1 Intake – There shall be a basic unit of 50 students, with a maximum of two units. There shall not be more than twenty five students per teacher for a school subject for methods courses and other practical activities of the programmes to facilitate participatory teaching and learning. A clear reading of the above provisions makes it amply clear that single institution shall not enhance intake more than 100 i.e. two basic units in the B.Ed. course. That since the institution has applied for additional intake for B.Ed. the same cannot be for more than two basic units i.e. 100.”*

**AND WHEREAS** Appeal Committee considering the facts of the case is of the view that the guidelines issued by NCTE vide letter no. 49-1/2016/NCTE/N&S/47149 dated 08.12.2016 were in accordance with the Regulations of 2014 and the purpose of issuing these guidelines was only to clarify the matter.

**AND WHEREAS** Appeal Committee also noted the submission made by appellant institution that it had applied for D.El.Ed. programme in 2015 and the application for D.El.Ed. programme was not finally disposed of by E.R.C. An institution applying for seeking recognition of two or more than two programmes of teacher education, is deemed to have met the status of composite institution provided it is found eligible for grant of recognition of more than one programme. Appeal Committee is, therefore, of the view that E.R.C. should have withheld its decision on the application seeking additional intake in B.Ed. programme till the application for D.El.Ed. is finally disposed of.

**AND WHEREAS** the appeal pertaining to B.Ed. course (Addl. Intake) was kept pending till the case of appellant institution pertaining to its D.El.Ed. application is finally decided. This was because if the appellant succeeded in getting D.El.Ed. programme, the institution will be covered under the definition of composite institution which will further entitle it for seeking additional intake beyond 100 seats.

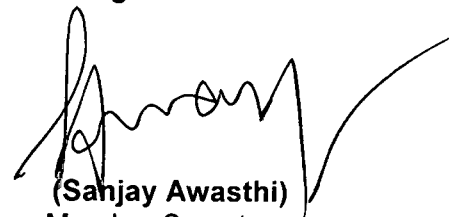
**AND WHEREAS** the matter came up before Appeal Committee in its 15<sup>th</sup> Meeting held on 02/08/2018. Committee noted that the appeal filed by appellant institution in

- 5 -

respect of its D.El.Ed. application has not been upheld and refusal order dated 14/04/2016 and appellate order dated 02/09/2016 were confirmed. The institution is still a standalone institution not entitled to additional intake beyond permissible limit in its existing course. Appeal Committee decided to confirm the impugned refusal order dated 05/12/2017.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, documents available on records, the Committee concluded to confirm the impugned refusal order dated 05/12/2017.

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

  
(Sanjay Awasthi)  
Member Secretary

1. The Secretary, Jharkhand Teachers Training College, Jhumari Teliya Koderma, Plot No. 3515, Khata No. 630, Telaiya Basti, Koderma – 825409, 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.