(2)

F.No.89-79/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of Vidyamandir Trust Palanpur Managed English Medium B.Ed. College, Banaskantha, Gujarat – 385001 dated 29/06/2015 is against the Order No. WRC/APP1529/B.Ed./224th/Guj/2015/134703 dated 05/05/2015 of the Western Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that in response to the Show Cause Notice dated 09.03.2015, the applicant has not submitted the copy of the staff list with photograph etc. duly approved by the affiliating body. Nor the FDRs have been submitted – only Xerox copies of the FDRs have been submitted. In this case, the LOI dated 28.01.2014 was issued. Even though more than a year has been passed, the applicant has not completed the formalities required after issue of LOI."

AND WHEREAS Sh. Hasmukh Modi, Director and Sh. Farmaan Syed, advisor, Vidyamandir Trust Palanpur Managed English Medium B.Ed. College, Banaskantha, Gujarat – 385001 presented the case of the appellant institution on 03/09/2015. In the appeal and during personal presentation it was submitted that "1. The appellant received the LOI (Letter of Intent) dtd. 28.01.2014 vide ref. no. WRCAPP1529/199th /2014/113379 on 03.02.2014. Based on the LOI the appellant applied for affiliation with Hemchandracharya North Gujarat University, Patan – the affiliating authority – and received the affiliation of the captioned course vide letter reference no AK/Jodan/4428/2014 dated 10.10.2014. 2. By the time the first term (semester) of Academic Year 2014-15 was about to be finished. So, the appellant was not in a position to start the course for academic year 2014-15 and so the recruitment was also not possible to be done. 3. As the appellant was confused about the new set up of 2 year course and was in a process of seeking guidance from the University and NCTE, WRC, Bhopal about recruitment, LOI, FDR and other related matters, and so decided to recruit the staff once the clarity is received. Appellant had written a letter vide ref no. CO/516/2014-15 dtd. 12.02.2015 to WRC seeking guidance about the same. 4. The letter of appellant remained unanswered and the appellant sent all the requisite documents as per the captioned letter from WRC vide their letter ref CO/548/2014-15 dated 04.03.2015. 5. The appellant did book the requisite FDRs in joint names of Vidyamandir Trust, Palanpur and Regional Director, NCTE, Bhopal of Rs. 7,00,000/- (Rs. Seven Lakh) towards reserve fund and Rs. 5,00,000/- (Rs. Five lakh) towards endowment fund on 04.03.2015, but forwarded the photocopies of the same to WRC, Bhopal with an intention to send the original ones with the staff profile once the recruitment process gets over. 6. However, the appellant wrote a letter to NCTE, WRC, Bhopal vide ref no CO/554/2014-15 on 10.03.2015 intimating about the process of recruitment and that the duly approved staff list will be submitted by the appellants as soon as the recruitment process gets over. 7. The appellant initiated the process of recruitment and requested the Hemchandracharya North Gujarat University to send the names of subject experts and representatives of University for the same vide letter ref no CO/566/2014-15 dtd. 11.03.2015. 8. NCTE-WRC, Bhopal issued a show cause notice to the appellant vide ref no. WRC/APP1529/218th / B.Ed./2015/132544 dtd. 09.03.2015 that was received by the appellant on 16.03.2015 mentioning: "LOI dated 28.01.2014 was issued to the applicant. The applicant submitted an affidavit regarding acceptance of NCTE Regulations, 2014. The institution has to appoint staff in accordance with the Appendix – 4 of NCTE Regulations, 2014." The appellant replied the said show cause notice vide letter ref no CO/621/2014-15 dtd. 30.03.2015. The university vide letter Ref. AK/Manyata/8491/2015 dtd. 20.03.2015 asked for the details of posts and subject which was received on 23.03.2015 and it was replied by the appellant on 26.03.2015 vide ref no CO/616/2014-15 based on that the University forwarded the list of subject experts and university representative vide letter ref no AK/Manyata/Interview/C-1751/2015 dtd. 21.04.2015. The university representative finalised the date of interview to be 31.05.2015. The interviews were held and the staff recruitment was done on 31.05.2015 and profile of selected staff was prepared which was approved by competent authority. By that

time NCTE – WRC, Bhopal issued refusal order vide ref no WRC/APP1529/B.Ed./224th /Guj/2015/134703 dtd. 05.05.2015 that was received by the appellant on 11.05.2015. Also appellant is running D D Chokshi College of Secondary Edu., Palanpur (Gujarat Medium B.Ed. NAAC Accreditation Grade B (Annexure B1)) since 1971 and same has been recognised by NCTE, Bhopal vide order ref No./WRC/5-6/2K/387 dtd. 15.01.2001. As the new regulations were introduced and the course duration was changed, the appellant was in need of guidance from various authorities viz. affiliating body, WRC and that consumed time on the appellant's side."

AND WHEREAS Appeal Committee noted the contents of appeal memoranda as well as the oral submissions made by the appellant. It was observed that the period when letter of Intent was issued to the appellant institution on 28.01.2014 coincided with the period when NCTE, Regulations were under the process of being revised. In fact all the Regional Committees were asked to stop processing the applications for the time being and Hon'ble Supreme Court had also issued directions that pending applications should be processed only when new regulations come into force. Under the new regulations, duration of the B.Ed. Course was anticipated to undergo a change causing a considerable effect on the requirement and recruitment of faculty. Appellant has produced evidence to the effect that it has been seeking clarifications on relevant points from the W.R.C. as well as writing to the affiliating University for nominating experts on Selection Committee for finalising selection and appointment of faculty. The appellant had also produced evidence to the effect that the institution had got the F.D.Rs of Rs. 7 lakh and 5 lakhs in joint name even well before the issue of Show Cause Notice dated 09.03.2015.

AND WHEREAS Considering the facts and circumstances of the case, Appeal Committee decided to grant an opportunity to the appellant for furnishing detailed compliance of L.O.I to W.R.C. within 40 days from the date of issue of appeal orders. Case is remanded back to W.R.C. for reconsideration of the compliance report of appellant.

AND WHEREAS On perusal of the memoranda of appeal, affidavit, document on record and oral arguments advanced during the hearing, the Committee concluded to remand back the case to W.R.C. with a direction to consider the compliance report to be submitted by the appellant institution within a period of 40 days from the date of issue of Appeal 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 appeal deserves to be remanded to WRC with a direction to consider the compliance report to be submitted by the appellant institution within a period of 40 days from the date of issue of Appeal Orders.

NOW THEREFORE, the Council hereby remands back the case of Vidyamandir Trust Palanpur Managed English Medium B.Ed. College, Banaskantha, Gujarat – 385001 to the WRC, NCTE, for necessary action as indicated above.

(Jugal Singh)
Member Secretary

1. **The Director, Vidyamandir Trust Palanpur Managed English Medium B.Ed. College, City Survey No. 5942, Vidyamandir Campus I, Taley Baug, Palanpur, Banaskantha, Gujarat – 385001.**

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.

(3)

F.No. 89-80/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of Late Chandrashekhra Ji Purva Pradhan Mantri Smarak Mahavidyalaya, Ghazipur, Uttar Pradesh - 232333 dated 05/07/2015 is against the Order No. NRC/NCTE/NRCAPP-3166/238th Meeting (Part-VI)/2015/116628 dated 15/06/2015 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "The institution has not submitted reply of SCN."

AND WHEREAS Sh. Ashok Kumar Singh, Member of Managing Committee and Sh. Ram Nagina Yadav, Assistant, Late Chandrashekhra Ji Purva Pradhan Mantri Smarak Mahavidyalaya, Ghazipur, Uttar Pradesh - 232333 presented the case of the appellant institution on 03/09/2015. In the appeal and during personal presentation it was submitted that "Due to delay to approved HOD and lecturer from VBSP University, Jaunpur, I could not submit my document at time."

AND WHEREAS during the course of appeal hearing the appellant was apprised that recognition was refused for the reason that the institution had failed to furnish reply to the Show Cause Notice (SCN) dated 29.04.2015. The appellant stated that reply to S.C.N. was furnished on 30.05.2015. As the relevant file of the Regional Committee did not contain any correspondence dated 30.05.2015 from the appellant institution, the appellant was asked to show evidence of having sent a reply to S.C.N. The appellant, on being asked, furnished a certificate issued by Sewari Post Office stating that Speed post envelope carrying IMS no. ER 320711855 from N.R.C. Jaipur was delivered to the institution on 30.05.2015. However, the appellant institution noting the contents of S.C.N. dated 29.04.2015 from the website of N.R.C. submitted a letter to N.R.C. on 30.05.2015 seeking extension of some more time for appointment of faculty. Appellant also informed that the institution, having appointed the faculty is now ready for compliance of the L.O.I. Appeal Committee, decided to remand back the case to N.R.C. for consideration of the request dated 30.05.2015 made by appellant institution.

AND WHEREAS on perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Committee concluded to remand back the case to N.R.C. with a direction to consider the request dated 30.05.2015 made by appellant institution.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to consider the request dated 30.05.2015 made by appellant institution.

NOW THEREFORE, the Council hereby remands back the case of Late Chandrashekhra Ji Purva Pradhan Mantri Smarak Mahavidyalaya, Ghazipur, Uttar Pradesh - 232333 to the NRC, NCTE, for necessary action as indicated above.

(Juglal Singh)
Member Secretary

1. **The Manager, Late Chandrashekhra Ji Purva Pradhan Mantri Smarak Mahavidyalaya, 00005, Registered, 199,209,210,211,212, Rampur Kanawa, Zamania, Ghazipur, Uttar Pradesh – 232333.**

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(4)

F.No.89-81/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of Maharshi Dayanand Shiksha Mahavidyalay, Chhatarpur, Madhya Pradesh - 471501 dated 04/07/2015 is against the Order of recognition No. WRC/NCTE/APP2128/222/226th/D.El.Ed./(M.P.)/2015/136269 dated 20/05/2015 of the Western Regional Committee. The appellant institution has been granted recognition for conducting D.El.Ed. programme of 2 years with an annual intake of 50 (one basic unit) from the academic session 2015-16.

AND WHEREAS Sh. Ajay Amar Chaurasia, Joint Secretary, Maharshi Dayanand Shiksha Mahavidyalay, Chhatarpur, Madhya Pradesh - 471501 presented the case of the appellant institution on 03/09/2015. In the appeal and during personal presentation it was submitted that "new consent was demanded by WRC, NCTE ON 08/01/2015 vide letter no. WRC/APP2128/222/M.P./(Regu.2014)2014/125714. We gave our consent with affidavit to NCTE for intake of 100 students (2 Units) vide letter no. 444/15 dated 20/01/2015 with all necessary documents and FDRs of Rs. 24,00,000/-. After the inspection was conducted in our premises which was newly constructed exclusively for D.El.Ed. course fulfilling all the criteria pertaining to land and constructed area as per NCTE, Regulation 2014 for 2 Units (Total Constructed Area = 24,000 sq.ft.) which was communicated to WRC, NCTE after which we got recognition for only 50 seats intake 21.05.2015 vide letter no. WRC/NCTE/APP2128/222/226/D.El.Ed./M.P./2015/136269. Also, in the NCTE, Regulation appendix-2, Clause – 3, Sub Clause 3.1, it is mentioned that "the basic unit shall be of 50 students. Two basic units are permissible initially." It is understood that NCTE has the power to grant recognition for two basic units also.

AND WHEREAS Committee, noted that the appellant institution had applied for recognition of D.El.Ed. programme on 27.12.2012. NCTE Regulations 2009 were in vogue when the institution submitted the application and as per 2009 regulations the intake in D.El.Ed. course for which an institution could have applied initially was one unit of 50 students. The application submitted by the institution in 2012 was rejected vide W.R.C. order dated 11.06.2013 as Rajya Shiksha Kendra, Bhopal did not approve to the opening of new D.El.Ed. programme. The institute preferred an appeal against the refusal order and the Appellate authority remanded back the case to W.R.C. vide its order dated 15/10/2014 with a direction to re-examine the matter provided they find that the recommendations received from the State Government are not in tune with NCTE guidelines for grant of NOC. It is further noted that simultaneously the NCTE Regulations, 2014 were notified in November, 2014 and the Western Regional Committee issued a letter dated 08.01.2015 addressed to the appellant institution seeking their option/willingness for consideration of pending application for one unit of D.El.Ed. course or for two units. This was keeping in view that in the new NCTE Regulations, 2014 para 3.1 (Appendix 2) Intake is mentioned as: *"The basic unit shall be of 50 students. Two basic units are permissible initially. However, Government Institutions shall be sanctioned a maximum intake of four units subject to fulfilment of other requirement."*

AND WHEREAS Appeal Committee observed that before seeking willingness from the appellant institution for 2 units of D.El.Ed., the W.R.C. has not clarified on the status of negative recommendations of the State Education Department (Rajya Shiksha Kendra). Also by seeking willingness alone, the W.R.C. did not commit itself that recognition for 2 units will be given to the institute. The words 'permissible' also does not bestow any right on the institution to get it. The recognition order dated 21.05.2015 (para 3.2) mentions that "the applicant - institution for additional unit will be required to submit the required documents such as land documents, Encumbrance Certificate (EC), Land Use Certificate (LUC) and the Building Plan (BP) in the specified Performa available on the website to the Regional Committee in proof of having provided additional facilities before October 31, 2015. Building Completion Certificate (BCC) may be given along with other documents if available; otherwise it can also be given to the Visiting Team at the time of inspection."

AND WHEREAS Appeal Committee is therefore, of the view that grant of recognition for additional unit of D.El.Ed. course to the appellant institution would depend on the performance of the appellant and subject to furnishing required documents as mentioned in para 3.2 of recognition order dated 21.05.2015 and there is no cause for the appeal right now. The appeal is disposed of accordingly.

And Whereas on perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that since the appellant institution has been granted recognition for one unit of the D.El.Ed. programme and grant of additional unit will depend on fulfilment of certain conditions already intimated to the institution in para 3.2 of the recognition order, there is no cause for an appeal. The appeal is disposed of accordingly.

(Juglal Singh)
Member Secretary

1. **The Chairman, Maharshi Dayanand Shiksha Mahavidyalay, Khasra No. 1154, Main Road, Maharajpur, Chhatarpur, Madhya Pradesh - 471501.**

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

5

F.No. 89-82/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of Shri Hazarilal Mahavidyalaya, Paharapur (Khalgaon) Sitapur (UP), Dist. – Sitapur, Uttar Pradesh – 261301 dated 07/07/2015 is against the Order No. NRC/NCTE/NRCAPP-7372/238th Meeting (Part-III)/2015/112241 dated 06/06/2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The institution has not submitted reply to show cause notice within stipulated time."

AND WHEREAS Sh. Ram Lal Yadav, Manager and Sh. Rajkumar, Teacher, Shri Hazarilal Mahavidyalaya, Paharapur (Khalgaon) Sitapur (UP), Dist. – Sitapur, Uttar Pradesh - 261301 presented the case of the appellant institution on 03/09/2015. In the appeal and during personal presentation it was submitted that "Shri Hazari Lal Mahavidyalaya Paharapur, Khalgaon, Sitapur, Uttar Pradesh – 261301 applied for grant of recognition for D.El.Ed. course on 31st December, 2012 (Application No. NRCAPP-7372). The building completion certificate certified by the Gram Pradhan of the concerning Gram Panchayat Khalgaon, Distt. – Sitapur was attached with the application. NRC considered the application and decides to inspect the institution in under clause 14/15 of NCTE Act, 1993. However, when the case was considered by NRC, NCTE in its 232nd meeting (First sitting), which decided that the building completion certificate was not certified by the competent authority, hence NRC-NCTE issued show cause notice regarding this matter dated 27th March 2015. On the receipt show cause notice the institution applied to get a new building completion certificate in the office of executive engineer, Rural Engineering Services district – Sitapur, Uttar Pradesh. Unfortunately the same could not be obtained within stipulated time period provided by NRC-NCTE. Meanwhile NRC-NCTE rejected the above application in its 238th meeting (Part-III). In this entire matter the institution has to request that as the building completion certificate has been obtained from the competent authority the application for the recognition of the said course kindly be granted.

AND WHEREAS Appeal Committee noted that the inspection of the institution was conducted on 8/03/2014. The Visiting Team in its overall assessment of institution has stated: *"The sprawling and picturesque campus with exqusite landscaped lush green lawns with a dynamically constructed building Hostel Facilities are available."* Alongwith V.T. report, copy of a certificate issued by Executive Engineer, Rural Engg. Div. Sitapur is found enclosed. Committee further observed that a Show Cause Notice dated 27.03.2015 was issued to the institution on the ground that "Building Completion Certificate is not certified by the Competent Authority'. The appellant during the course of appeal presentation on 3-9.2015 has furnished another copy of the Building Completion Certificate (BCC) in prescribed format with signature and seal of 'Adhishashi Abhiyanta, Gramin Abhiyantaran Sewa, Sitapur'- Appeal Committee is of the opinion that although B.C.C. in prescribed format has been made available by the appellant after the due date of sending reply to S.C.N., yet it is a fact that the institution was having a proper built up area at the time of inspection with a B.C.C. which was signed by competent authority but not in the prescribed format. As such the ground on which Show Cause Notice was issued was neither valid nor sustainable. Appeal Committee, therefore, concluded to remand back the case to N.R.C. with a direction to take into consideration the revised B.C.C. copy of which shall be furnished to N.R.C., Jaipur by the appellant within a period of 30 days from the date of issue of Appeal 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 appeal deserves to be remanded to NRC with a direction to take into consideration the revised B.C.C. copy of which shall be furnished to N.R.C., Jaipur by the appellant within a period of 30 days from the date of issue of Appeal Orders.

NOW THEREFORE, the Council hereby remands back the case of Shri Hazarilal Mahavidyalaya, Paharapur (Khalgaon) Sitapur (UP), Dist. – Sitapur, Uttar Pradesh – 261301 to the NRC, NCTE, for necessary action as indicated above.

(Jugtal Singh)
Member Secretary

1. The Manager, Shri Hazarilal Mahavidyalaya, Paharapur (Khalgaon) Sitapur (UP), Vill.- Paharapur, Post – Khalgaon, Dist. – Sitapur, Uttar Pradesh – 261301.

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

10

F.No. 89-87/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of Dr. Asha Smriti Mahavidyalaya, 1171, Goila, Lucknow, Uttar Pradesh – 226019 dated 02/07/2015 is against the Order No. NRC/NCTE/NRCAPP-7920/222nd Meeting/69459 dated 30/01/2014 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "Demarcated building plan having name of propersed course and other details duly approved by the Competent Authority has not been submitted as required under clause 8(7)(ii) of NCTE Regulation, 2009."

AND WHEREAS Dr. S. N. Awasthi, Manager and Dr. Prashant, Lecturer, Dr. Asha Smriti Mahavidyalaya, 1171, Goila, Lucknow, Uttar Pradesh - 226019 presented the case of the appellant institution on 03/09/2015. In the appeal and during personal presentation it was submitted that "All the required documents were submitted to NCTE, Jaipur office by mistake. Appeal was done at Jaipur and not at Delhi Office of NCTE, it was lack of awareness and mistake of the office. Thereafter the institution did not get any reply from NCTE Jaipur office and expecting inspection."

AND WHEREAS Committee noted that appeal is delayed by a period of more than one year & 3 months. Appellant stated that delay has occurred on medical grounds and also that appellant had preferred appeal before the N.R.C. Jaipur instead of NCTE, Hqs. Committee decided to condone the delay and take up the appeal on merits.

AND WHEREAS Committee noted that application for conducting D.El.Ed. course was refused by N.R.C. vide its order dated 30.01.2014. It is a period when NCTE, Regulations were under the process of revision and the Hon'ble Supreme Court had issued directions that all pending applications should be processed when revised NCTE, Regulations come into force. The NCTE, Regulations were revised and notified on 28.11.2014. Under these regulations, new teacher Education Institutions shall be located in composite institutions. The appellant institution was already recognised from year 2006 for conducting B.Ed. course with an intake of 100 seats at Chinhut, Dewa Road, Lucknow. The appellant in reply to a Show Cause Notice (SCN) dated 22-10.2013 had furnished copy of a proposed building plan for 3rd floor of the building at Khasra no. 1171 at Goyala, Dewa Road Lucknow. This plan was approved on 20.10.2010. The appellant had also enclosed a copy of letter of dated 26-6-2010 issued by Chief Fire Safety Officer, Lucknow certifying that area from ground to second floor is semi constructed. It is therefore, not understood that how a B.Ed. course has been running in a semi constructed building from 2006.

AND WHEREAS Appeal Committee is of the view that since NCTE Regulations, 2009 stand superseded by the NCTE Regulations, 2014, Clause 8(7)(ii) of 2009 regulations are not operative. The institution should however, be able to produce convincing evidence that it has adequate land & built-up area for conducting all the teacher education courses for the intake proposed. Committee therefore, decided to remand back the case to N.R.C. with a direction to examine the matter keeping in view the relevant clauses of NCTE Regulations, 2014 instead of Regulations, 2009.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to examine the matter keeping in view the relevant clauses of NCTE Regulations, 2014 instead of Regulations, 2009.

NOW THEREFORE, the Council hereby remands back the case of Dr. Asha Smriti Mahavidyalaya, 1171, Goila, Lucknow, Uttar Pradesh – 226019 to the NRC, NCTE, for necessary action as indicated above.

(Jugal Singh)
Member Secretary

1. The Manager, Dr. Asha Smriti Mahavidyalaya, 1171, Goila, Lucknow, Uttar Pradesh – 226019.

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(12)

F.No.89-574/2013 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of Daama Govendappa Teacher Training Institute,Gadwal Mahabubnagar, Andhra Pradesh – 509132 dated 27.08.2013 is against the Order No. SRO/SRCAPP1723-D.El.Ed/NCTE/2012-2013/52509 dated 28/06/2013 of the Southern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "certified copy of the land documents from Govt. authority is not submitted. The institution has submitted photocopy of building completion certificate, original seal and sign of Govt. engineer is not affixed. FDRs of Rs. 5 lacs and 3 lacs have expired on 29/09/2012."

AND WHEREAS Sh. Dama Bheema Raidu, Correspondent and Sh. Thirumalesh Dama, Vice President of Soceity, Daama Govendappa Teacher Training Institute,Gadwal Mahabubnagar, Andhra Pradesh – 509132 presented the case of the appellant institution on 03/09/2015. In the appeal and during personal presentation it was submitted that "the required documents are ready to be submitted and the same will be sent to NCTE, Delhi by post (As per the G.O. of Govt. of Andhra Pradesh, the land documents can be provided through 'Mee Seva' centers only. Mee Seva is a service center to deliver Government services. It delivers 45 services like issuance of land, birth, caste and income certificate etc. photocopy of the relevant documents are attached). The required photocopy of building completion certificate with original sign and seal of Govt. Engineer (Panchayat Raj Asst. Engineer) are ready to be submitted and the same will be sent to NCTE, Delhi by post (As Maldakal is a mandal, the authorized Govt. Engineer is "Panchayat Raj Assistant Engineer)." New fixed deposit account has been opened in SBI, Gadwal (IFSC code: SBIN0005407). The FDR No. for Rs. 5 lacs; 33242176611 and for Rs. 3 lacs; 33242138360 (the fixed deposits for Rs.5 lacs and Rs. 3 lacs are auto renewal accounts. They have not been expired. They were live till 20th August 2013 in the same account. The required documents are ready to be submitted and the same will be sent to NCTE, Delhi by Post)."

AND WHEREAS Chronology of events in the case is as under:

1.	Date of Submission of on-line application (D.El.Ed.)	1.10.2011
2.	Deficiency letter (DL)	30.12.2011
3.	Reply to D.L.	06.03.2012
4.	Show Cause Notice (SCN)	15.05.2012
5.	Refusal Order on grounds that land documents were registered after the date of online application. C.L.U not submitted.	11.07.2012
6.	Appellate order (Case remanded back to S.R.C.)	18.09.2012
7.	Case reprocessed by S.R.C.	-
8.	Inspection conducted on Deficiencies report include (i) Certified copy of land document not submitted. (ii) F.D.Rs expired on 29.09.2012	19.03.2013
9.	Rejection order	28.06.2013
10.	Appeal order confirming rejection order	10.01.2014
11.	Court order in W.P. case no. 13686/2015 – Hon'ble High Court of Hyderabad at Telangana, Andhra Pradesh.	01.06.2015

AND WHEREAS the appellant has questioned the order passed by respondents 1 and 2 primarily in view of the Supreme Court directions dated 10.09.2013 in the S.L.P. (Civil) No. 4247- 4248 of 2009 which reads as under : "*Those who are desirous of establishing teacher education colleges/institutions shall be free to make application 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. The Government of India, NCTE and the Implementation Committee shall be free to file interlocutory applications as and when any direction is required from the Court in the matter of implementation of the recommendations made by the Verma Commission and the Committee constituted vide order dated 14 / 16.05.2013.*"

AND WHEREAS since the impunged order (appellate order) dated 10.01.2014 was passed considering the petitioner's request under old regulations, the same was set aside and the matter remitted to respondent no. 1 (appellate authority NCTE) for fresh consideration and passing appropriate orders expeditiously. It was further made clear that if respondent no. 1 deems it appropriate, it is at liberty to remit the matter to respondent no. 2.

AND WHEREAS Appeal Committee is of the view that there is no difference between the provision of NCTE Regulation 2009 and 2014 so far as it relates to 'submission of registered land document issued by Competent Authority, indicating that the society or institution applying for the programme possesses land on the date of application'. Such land documents are required to be attached alongwith the application.

AND WHEREAS keeping in view the directions of Hon'ble High Court of Hyderabad issued vide order dated 1.06.2015, Appeal Committee decided to remand back the case to S.R.C. with a direction to consider the application submitted online on 1.10.2011 by the appellant institution under NCTE Regulations, 2014.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to SRC with a direction to consider the application submitted online on 1.10.2011 by the appellant institution under NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Daama Govendappa Teacher Training Institute, Gadwal Mahabubnagar, Andhra Pradesh – 509132 to the SRC, NCTE, for necessary action as indicated above.

(Jugal Singh)
Member Secretary

1. The Correspondent/Secretary, Daama Govendappa Teacher Training Institute, Survey No. 74, Daama, Sy. No.74, Maldakal, Gadwal Mahabubnagar, Andhra Pradesh – 509132.

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.

13

F.No.89-90/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of Manoj Jain Memorial College, Sherganj, Satna, Madhya Pradesh – 485001 dated 06/07/2015 is against the Order No. WRC/NCTE/APP46/222/226th/D.El.Ed./(M.P.)/2015-136342 dated 20/05/2015 of the Western Regional Committee, granting recognition for conducting D.El.Ed. course with an intake of 50 seats (one Unit).

AND WHEREAS Sh. Mukesh Kumar Jain, Member, Society Managing, Manoj Jain Memorial College, Sherganj, Satna, Madhya Pradesh – 485001 presented the case of the appellant institution on 03/09/2015. In the appeal and during personal presentation it was submitted that "consent was demanded by W.R.C. NCTE on 23/01/2015. We gave our consent with affidavit to NCTE for intake of 100 students (2 Units) vide letter no. MJM/Feb/03 dated – 05/02/2015 with all necessary documents and FDRs of Rs. 24,00,000/-. After the inspection was conducted in our premises which was newly constructed exclusively for D.El.Ed. course fulfilling all the criteria pertaining to land and constructed area as per NCTE Regulations 2014 for 2 units (Total Constructed Area = 2090 Sq. mtr) which was communicated to WRC, NCTE after which we got recognition for only 50 seats intake 21.05.2015 vide letter no. WRC/APP46/222/226th /D.El.Ed./{M.P.}/ 2015-136342. Also, in the NCTE, Regulation Appendix-2, Clause-3, Sub Clause 3.1. it is mentioned that "the basic unit shall be of 50 students. Two basic units are permissible initially." It is understood that NCTE has the power to grant recognition for two basic units also. We request you to grant us intake for 2 units (100 seats intake) as we have fulfilled all norms as per NCTE Regulations 2014 at the time of inspection of our institution."

AND WHEREAS Committee noted that online application dated 31.12.2012 submitted by appellant institution was rejected by W.R.C. under clause 8(2) of NCTE Regulations, 2009. The appeal preferred by the appellant against the rejection order dated 17.01.2014 was also rejected vide Appeal order dated 08/07/2014. The institution filed a Writ Petition in the Hon'ble High Court of Delhi challenging the order dated 17.01.2014 and order dated 08/07/2014. The Hon'ble High Court of Delhi drawing a reference to the directions issued by Hon'ble Supreme Court in S.L.P. No. 4247-4248/2009 dated 10.09.2013 issued orders that petitioner shall apply afresh in accordance with new regulations, if required and the same shall be considered by respondent NCTE/W.R.C. for academic year 2015-16 in accordance with new regulations.

AND WHEREAS the W.R.C. in compliance of the orders of court but without seeking fresh application issued a letter dated 23.01.2015 seeking appellant's consent and willingness for consideration of the pending application for D.El.Ed. course for one unit or two units. The institution in its reply opted for 2 units of D.El.Ed. W.R.C. after completing necessary formalities issued recognition letter dated 21.05.2015 granting recognition for only one unit (50 seats) and the institution has preferred appeal seeking recognition for 2 units.

AND WHEREAS Para 3.1 of Appendix 2 of NCTE Regulations, 2014 reads as follows: **Intake**: "The basic unit shall be of 50 students. Two basic units are permissible initially." Undoubtedly two units are permissible initially but this does not imply that a minimum of two units shall be necessarily recognised initially. Further the order of recognition dated 21.05.2015 issued by W.R.C. states in para 3(ii) that: *"The applicant institution for additional unit will be required to submit the required documents such as land document, Encumbrance Certificate (EC), Land Use Certificate (LUC) and the Building Plan (BP) in the specified performa before October 31, 2015."* Appeal Committee is of the opinion that with the increase of intake infrastructural and instructional facilities are required to be increased correspondingly as per norms. So in order to justify its entitlement for two units of D.El.Ed., the appellant institution will have to provide convincing evidence to W.R.C. for which an opportunity has been given under para 3(ii) of the recognition order.

AND WHEREAS Appeal Committee, therefore, is of the opinion that appellant institution should take up the matter with W.R.C. by sending a compliance before 31.10.2015 as required in para 3(ii) of the recognition order dated 21.05.2015. The present appeal is pre-mature, devoid of merit at this stage and is rejected accordingly.

AND WHEREAS On perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded to reject the appeal for the reasons of being premature and devoid of merit at this stage.

(Jugal Singh)
Member Secretary

1. The Secretary, Manoj Jain Memorial College, 280/1A/3A/2,2 ACRE, 280/1A/3A/2, Sherganj, Satna, Madhya Pradesh – 485001.

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

(14)

F.No. 89-91/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of Saint Kabir College of Education, Patiala-Rajpura Road, VPO Kauli, Distt. – Patiala, Punjab – 140701 dated 15/07/2015 is against the Order No. NRC/NCTE/NRCAPP-8923/238th Meeting (Part-VI)/2015/116703 dated 15/05/2015 of the Northern Regional Committee, refusing recognition for conducting M.Ed. course on the grounds that "the institution has not submitted the reply of the SCN dated 13/11/2013 and 05/02/2014 within the stipulated time. Hence, the Committee decided that recognition to the institution is refused u/s 14/15 (3)(b) of the NCTE Act, 1993, FDRs, if any, be returned to the institution."

AND WHEREAS Dr. (Mrs.) Shashi Kiran, Principal and Sh. S. Harpreet Singh, Office Supt., Saint Kabir College of Education, Patiala-Rajpura Road, VPO Kauli, Distt. – Patiala, Punjab – 140701 presented the case of the appellant institution on 03/09/2015. In the appeal and during personal presentation it was submitted that "we have not received NRC's deficiency letter/show cause notices mentioned in rejection order."

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 05.02.2014 was issued to the appellant institution on following grounds: *"The institution has been granted recognition by N.R.C. earlier vide application no. NRCAPP-1428 and the institution has submitted their applications again without completion of three academic session as required under clause 8 (3) of NCTE Regulation, 2009, the name and address of the institutions are same. The institution has also submitted 02 applications ID No. NRCAPP – 8845 (B.Ed.), NRCAPP-8923 (M.Ed.), the name and address of these institutions are same. As per provisions of clause 8(2) of NCTE Regulation, 2009, in the first instance an institution shall be considered to grant of recognition of only one course for a basic unit as prescribed in the norms and standards for the particular teacher programme. Therefore, more than one application submitted by the institution cannot be considered at the same time."*

AND WHEREAS Committee noted that the application of the appellant institution was processed under NCTE Regulations, 2009 at such a time when the Hon'ble Supreme Court had issued directions that all pending application should be processed as per new NCTE, Regulations. Clause 8(2) and 8(3) of the NCTE Regulations, 2009 have been rendered defunct under the NCTE Regulations, 2014 which advocates teacher education courses in composite institutions. The appellant institution also pleaded non receipt of the deficiency letter and the Show Cause Notice. Committee therefore, decided to remand back the case to N.R.C with a direction to reconsideration of the application under NCTE Regulations, 2014.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction for reconsideration of the application under NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Saint Kabir College of Education, Patiala-Rajpura Road, VPO Kauli, Distt. – Patiala, Punjab – 140701 to the NRC, NCTE, for necessary action as indicated above.

(Jugal Singh)
Member Secretary

1. The Principal, Saint Kabir College of Education, Patiala-Rajpura Road, VPO Kauli, Distt. – Patiala, Punjab – 140701.

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Punjab, Chandigarh.

(15)

F.No.89-92/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of Ram Krishna College of Education, 42, Ownership, 1615, Baradih, NA, Bokaro, Jharkhand – 829113 dated 14/07/2015 is against the Order No. ERC/7-187.6.41/B.Ed./2015/34397 dated 30/07/2015 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that the institution has applied for B.Ed. Course at the address i.e. plot no. 1615, Vill- Baradih, PO – Jainamore, Tehsil/Taluka – Chas, Dist. – Bokaro, Jharkhand – 829113 and the trust address is Plot No. BPS Campus, Street/Road – Sec3/C, Vill – Bokaro Steel City, PO – Sector – 3, Tehsil/Taluka – Chas, Town/City – Bokaro Steel City, Dist – Bokaro, Jharkhand – 827003. In the Application, Affidavit submitted along with application, land document and all land related papers and building plan submitted with the application, the Plot No. was shown as 1615. Whereas as reported, recorded, inspected by the visiting team and the reply of the institution after Show Cause Notice it is revealed that the institution has constructed a building for the proposed college at Plot No. 948, Sector – 3, Bokaro Steel City, Dist. – Bokaro, Jharkhand which is a different location and which is different than the record/documents submitted by the institution. In view of the above the Committee decided as under: The application of the institution be refused for the proposed B.Ed. Course".

AND WHEREAS Capt. R.C. Yadav, Secretary and Sh. Kamlesh Kumar, Assistant, Ram Krishna College of Education, 42, Ownership, 1615, Baradih, NA, Bokaro, Jharkhand – 829113 presented the case of the appellant institution on 03/09/2015. In the appeal and during personal presentation it was submitted that "the decision of the ERC, NCTE, Bhubaneswar taken vide ERC meeting no. 187th dated: 08th -09th May, 2015 with refusal of recognition to Ram Krishna College of Education, Bokaro is not based on the real facts and is against all the natural justice for the following reasons:- From the date of inspection by the Visiting Team (03/02/2014to 25/03/2015) two meetings of ERC, Bhubaneswar (169th and 179th) were held in which all the documents related to the college including land details with registration paper of the both the (Plot no. – 948 and 1615), were thoroughly examined by the committee and was found everything as per requirement of the NCTE norms with the result, the letter of intent was issued to this college. Had there been any discrepancy in the land of this college, it should have been pointed out in the first meeting (169th meeting) on 14/02/2014 itself, and in that case the question to issue the letter of intent to this college did not arise. The documents of the land of this college including registry paper of the Plot no. - 948, on which the college building is built was submitted to the Visiting Team. It was also clearly mentioned in the Building Completion Certificate that the college building is built on the Plot No. – 948 and not on 1615. However, it will not be out of place to mention that the Plot No. – 948 Bokaro Steel City as well as Plot No. 1615 Baradih, Bokaro are belonging to the same society "Sainik Shiksha Prachar Samiti." The letter of Intent was issued only after verification and scrutiny of all the documents including land details and after two months of the issue of the letter of Intent and requirement of faculties, to raise the issue of the land of the college is nothing but the result of the after thought. In fact by raising this point at this stage by the ERC, Bhubaneswar is against all the justice and raises many questions. It is evident and proved beyond doubt that the letter of Intent has been issued by the ERC, Bhubaneswar with full knowledge of the land details of the college. The contention of the ERC, Bhubaneswar in their refusal letter (Page no. – 03) that the institution has not submitted the land record of the Plot no. -948 is not as all the land documents including registry paper of the Plot no. – 948 was submitted and it was part of the documents taken by the Visiting Team. As the both plots belongs to same organisation (Sainik Shiksha Prachar Samiti), at this stage to raise any quarry about the land of this college does not seem proper and not at all justified. As the issue of letter of Intent involves a considerable amount of financial implications and the institution has already spent

a huge amount on the infrastructure, instructional facilities, employment of faculties and at this stage refusal of recognition shall be a great injustice to the institution.

AND WHEREAS Appeal Committee noted that the appellant institution in its online application dated 29.12.2012 submitted to Eastern Regional Committee (E.R.C.) had mentioned following address of the proposed B.Ed. institution:-

Plot no. - 1615
Khasra no. - 42
Village - Baradih
P.O. - Jainamore
Teh. - Chas
State - Jharkhand.

Building plan of the proposed building at the above site was also submitted alongwith application. The affidavit submitted by the appellant institution alongwith application form also confirmed the above address of application. The sale deed of land documents also pertained to property at plot no. 1615, Khata no. 42 at village – Baradih. Committee further noted that the team constituted to make inspection of the institution under section 14 of the Act was informed by ERC of the address of institution to be inspected and this address was exactly the same as mentioned in the application form and other documents enclosed with the application. The appellant had never informed to the E.R.C. its intention to make a change in the proposed address of the institution. The Visiting Team which conducted inspection of the institution on 03.02.2014 has however, made a mention in its overall assessment that the college has not been constructed on the proposed land. The college, inspected by the V.T., was constructed at Bokaro Public School Campus, Bokaro on a piece of land that belongs to the applicant society but was not on the land for which details were furnished in the application form. The fact revealed in the V.T. report was not noticed by the E.R.C. and based on other positive findings a letter of intent was issued to the appellant institution on 04.02.2015.

AND WHEREAS the letter of intent was issued to the appellant institution mentioning the address as "Plot no. 1615, Village Baradih, P.O. Jainamore. It was only after issue of the L.O.I. that E.R.C. noticed that there is change in the address of institution and sought clarification on this account. Thereafter a Show Cause Notice (S.C.N.) was issued to the institution on 30.04.15. The appellant institution furnished reply to the S.C.N. stating that B.Ed. college building at plot no. 948 is also registered in name of the society and has been found suitable for conducting B.Ed. course by the Visiting Team. The refusal order dated 30.07.2015 issued by E.R.C. is on the ground that institution has applied for B.Ed. course at plot no. 1615, village Baradih whereas appellant proposes to start conducting the course at Bokaro Public School Campus, Bokaro Steel City. Appeal Committee, having considered all the facts of the case decided as under: (i) The address and land documents as entered in the application form has a sanctity. Sale deed of land is one of the essential document to be enclosed with the application form as per NCTE Regulations, 2009 & 2014. The intention is clear that no change in the address can be entertained. The appellant institution must have been aware of the NCTE regulations and should not have taken the Visiting Team to a place which was not mentioned in the land and building documents submitted alongwith the application. (ii) The appellant institution has not voluntarily revealed its intention to E.R.C. at any point of time that they propose to start the course at a place other than the address mentioned in the application form.

AND WHEREAS Appeal Committee also observed that failure of the E.R.C. to detect the discrepancy relating to different address of the institution on the first occasion had caused inconvenience to the applicant institution. But this inconvenience does not bestow any right upon the appellant institution to over ride the regulations. Committee, therefore, decided to confirm the refusal order dated 30.07.2015 issued by E.R.C.

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

NOWTHEREFORE, the Council hereby confirms the Order appealed against.

(Jugal Singh)
Member Secretary

1. **The Secretary, Ram Krishna College of Education, 42, Ownership, 1615, Baradih, NA, Bokaro, Jharkhand – 829113.**

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of Jharkhand, Ranchi.

(16)

F.No. 89-93/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of DIET Charigaon Pauri, Srinagar, Pauri Garhwal, Uttarakhand – 248161 dated 25/05/2015 is against the Order No. NRC/NCTE/NRCAPP-9694/238th Meeting (Part-VI)/2015/114722 dated 06/06/2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "the institution has not submitted reply of SCN."

AND WHEREAS Sh. Lalit Mohan Chamola, Principal and Sh. Sarop Singh Mehra, Lecturer, DIET Charigaon Pauri, Srinagar, Pauri Garhwal, Uttarakhand – 248161 presented the case of the appellant institution on 04/09/2015. In the appeal and during personal presentation it was submitted that "Multipurpose Hall worth 2000 sq. ft. will be constructed completely within 06 months from 13 may 2015, in this reference delay condonation has been sent by mail and registered post on 15/05/2015 vide letter no. DIET/172-73/D.El.Ed recognition/2015-16 dated 13/05/2015."

AND WHEREAS Appeal Committee noted that DIET, Charigaon Pauri, Srinagar, Uttrakhand was inspected on 15.03.2014. The Visiting Team in its report mentioned that the DIET centre is having two multipurpose halls with an area of 985 sq. feet each. Show Cause Notice (SCN) dated 20.03.2015 was issued to the appellant institution on account of lesser area of the multipurpose hall, than prescribed in the norms. Refusal of recognition is on the ground of failure of the institution to respond to the S.C.N.

AND WHEREAS the appellant neither in the appeal memoranda nor during the appeal presentation stated any reason for not responding to the S.C.N. dated 20.03.2015 within stipulated time. The appellant, however, during the appeal presentation stated that arrangements for a multipurpose hall have been made at a place which is 10 KMs. away from the DIET Centre. Appeal Committee considering that it may not be practicable to have a multipurpose hall 10 K.Ms away from the centre and also that appellant institution had failed to respond to the S.C.N. within stipulated time, confirms the refusal order issued by N.R.C., Jaipur.

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

NOWTHEREFORE, the Council hereby confirms the Order appealed against.

(Jugal Singh)
Member Secretary

1. The Principal, DIET Charigaon Pauri, Srinagar, Pauri Garhwal, Uttarakhand – 248161.

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttarakhand, Dehradun.

(18)

F.No. 89-96/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of DIET Dehradun, Mayur Vihar Village – Kandoli Sahastradhara Road, Dehradun, Uttarakhand – 248001 dated 24/07/2015 is against the Order No. NRC/NCTE/NRCAPP-9667/238th Meeting (Part-V)/2015/09430 dated 31/05/2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "reply of the Show Cause Notice dt. 18/05/2015 has been submitted by institution on 25/05/2015. The reply is not acceptable in NRC."

AND WHEREAS Sh. Rakesh Jugran, Principal and Sh. N.C. Mishra, Lecturer, DIET Dehradun, Mayur Vihar Village – Kandoli Sahastradhara Road, Dehradun, Uttarakhand – 248001 presented the case of the appellant institution on 04/09/2015. In the appeal and during personal presentation it was submitted that "multipurpose hall (2052.7 sq.ft.) is under construction and is likely to be completed by the end of 31 December, 2015. Multipurpose hall (3520 sq.ft.) of Phoolchand Nari Shilpa Mandir Girls Inter College will be used by the time construction is completed, permission from the Principal already taken. Un-edited CD of VT visit already sent, will be provided at the time of appeal."

AND WHEREAS Appeal Committee noted that N.R.C. in its meeting held on 2.05.2015 decided to issue a Show Cause Notice (SCN) to the appellant institution on the grounds of inadequate size of multipurpose hall and asking for unedited C.D. The appellant furnished reply to the S.C.N. on 25.05.2015. Appeal Committee further noted that refusal order dated 31.05.2015 issued by N.R.C. is simply for the reason that the reply was not found acceptable. Committee observed that reasons/grounds on which the reply to S.C.N. was found not acceptable should have been explained making the refusal order to be a speaking order. Committee therefore, decided to remand back the case to N.R.C. with a direction to issue a speaking 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 that the appeal deserves to be remanded to NRC with a direction to issue a speaking order.

NOW THEREFORE, the Council hereby remands back the case of DIET Dehradun, Mayur Vihar Village – Kandoli Sahastradhara Road, Dehradun, Uttarakhand – 248001 to the NRC, NCTE, for necessary action as indicated above.

(Juglal Singh)
Member Secretary

1. To, The Principal, DIET Dehradun, Mayur Vihar Village – Kandoli Sahastradhara Road, Dehradun, Uttarakhand – 248001.

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttarakhand, Dehradun.

(19)

F.No. 89-97/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of Sadhu College of Education, Chakra Basu Nagar, Post Dargah, District – Mau, Uttar Pradesh - 276306 dated 03/08/2015 is against the Order No. NRC/NCTE/NRCAPP 6552/235th Meeting/2013/108636-09 dated 31/05/2015 / 05/06/2015 of the Northern Regional Committee, refusing recognition for conducting D.E.C.Ed. course on the grounds that "the institution did not reply to the Show Cause Notice."

AND WHEREAS Sh. Surendra Prasad, Clerk, Sadhu College of Education, Chakra Basu Nagar, Post Dargah, District – Mau, Uttar Pradesh - 276306 presented the case of the appellant institution on 04/09/2015. In the appeal and during personal presentation it was submitted that "I submit Show Cause Notice for this institution."

AND WHEREAS Committee noted that a Show Cause Notice dated 20.09.2013 was issued to the appellant institution seeking clarification on certain points relating to the nomenclature of the course applied for on line and attaching building plan indicating the name of some other institution. On being asked, the appellant, during the course of appeal presentation, could not produce any evidence to establish that reply to Show Cause Notice was ever furnished to N.R.C. The building plan furnished by the appellant institution in response to the deficiency letter pertains to Dr. Bheemrao Ambedkar Mahavidyalaya (B.Ed. faculty).

AND WHEREAS Committee, therefore, decided to confirm the refusal order dated 31/05/2015 / 5/06/2015 issued by N.R.C.

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

NOWTHEREFORE, the Council hereby confirms the Order appealed against.

(Jugla Singh)
Member Secretary

1. The Manager, Sadhu College of Education, Chakra Basu Nagar, Post Dargah, District – Mau, Uttar Pradesh – 276306.

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

21

F.No. 89-99/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of Dr. Bhimrao Ambedkar Kramottar Shikshan Seva Sansthan, Kolhuakhas, Post Dargah, District – Mau, Uttar Pradesh – 276306 dated 06/07/2015 is against the Order No. NRC/NCTE/NRCAPP-6556/238th Meeting (Part-III)/2015/111598 dated 05/06/2015 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "the institution has not submitted reply to show cause notice within stipulated time."

AND WHEREAS Sh. Surendra Parsad, Clerk, Dr. Bhimrao Ambedkar Kramottar Shikshan Seva Sansthan, Kolhuakhas, Post Dargah, District – Mau, Uttar Pradesh – 276306 presented the case of the appellant institution on 04/09/2015. In the appeal and during personal presentation it was submitted that "Building Completion Certificate has been completed and approved by authority person."

AND WHEREAS Appeal Committee perused the Inspection Report dated 28.02.2014 and the enclosed documents. The copy of Building Completion Certificate (BCC) enclosed with the Inspection Report is neither in the prescribed format available on NCTE Website nor does it mention the details of property for which the certificate was issued on 29.11.2013. The Show Cause Notice dated 26.03.2015 issued to appellant institution has also not been replied to by the appellant institution. The appellant has furnished a copy of its letter dated 1/08/2015 wherein it is stated Show Cause Notice (SCN) dated 26.03.2015 was duly replied to vide appellant's letter dated 21.04.2015 through registered post. Appellant was asked to show evidence of having sent a letter to N.R.C. on 21.04.2015 or alternatively produce copy of the above said reply so as to examine its contents. The appellant failed to do so. Committee, therefore, decided to confirm the refusal order dated 05.06.2015 issued by N.R.C., Jaipur.

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

NOWTHEREFORE, the Council hereby confirms the Order appealed against.

(Jugtar Singh)
Member Secretary

1. The Manager, Dr. Bhimrao Ambedkar Kramottar Shikshan Seva Sansthan, Kolhuakhas, Post Dargah, District – Mau, Uttar Pradesh – 276306.

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

22

F.No. 89-100/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of Shri Sai Academy, A-70 Ganga Nagar, Mawana Road, Meerut, Uttar Pradesh – 250001 dated 29/07/2015 is against the Order No. NRC/NCTE/NRCAPP-6517/239th Meeting/2015/1118578 dated 14/07/2015 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "the institution has not submitted any reply till date to the SCN issued by NRC on 26/03/2015. Hence, rejected."

AND WHEREAS Sh. Naveen Kumar, Chairman and Sh. Kapil Baliyan, Clerk from Shri Sai Academy, A-70 Ganga Nagar, Mawana Road, Meerut, Uttar Pradesh – 250001 presented the case of the appellant institution on 04/09/2015. In the appeal and during personal presentation it was submitted that "in the 221st meeting of the NRC held from November 15th to 17th 2013, our institute Shri Sai Academy, A-70 Ganga Nagar, Mawana Road, Meerut, Uttar Pradesh – 250001 (Application No. NRCAPP-6517) has been issued the letter of intent under clause 7(9). But due to some postal error no hard copy of the order delivered to our correspondence address, due to which we did not knew the time frame in which we were supposed to submit the reply. On 14/03/2014 we have submitted the letter to the RD, NRC requesting the office to issue the letter of intent under clause 7(9) again to our institution so that we can follow the given instructions timely. On 9th Jan 2015 our institute received a letter from the NRC, NCTE regarding the submission of affidavit, showing the willingness to process our file as per the NCTE Regulations 2014 for which we have submitted the reply on time. On 30/01/2015 our affiliating University CCS University, Meerut appointed the experts for the faculty approval. Since then we have started the process of the same which include the faculty requirement advertisement, receiving the applications etc. but due to the uncooperative behaviour from some experts it took a long time to get completed, the Selection Committee selected 1 Principal and 15 Lecturers in the process. On 232nd Meeting of the NRC (2nd Sitting) held from 9th-14th and 16th-17th February 2015, Committee decided that recognition be granted to our institute for B.Ed. course under clause 7(16) of the NCTE Regulations 2014 (No hard copy of the order delivered to our correspondence address, due to which we did not knew the time frame in which we were supposed to submit the reply). On 233rd Meeting of the NRC from February 18, 2015 (Part1), Committee decided that recognition be granted to our institute for B.Ed. course under clause 7(16) of the NCTE Regulations 2014 (No hard copy of the order delivered to our correspondence address, due to which we did not knew the time frame in which we were supposed to submit the reply). On 233rd Meeting (Part5) of the NRC from February 18, 2015. As we have already mentioned above that no hard copy of the order delivered to our correspondence address, due to which we did not knew the time frame in which we were suppose to submit the reply. We have done with the faculty selection process in the Month of May 2015 under the guidance of the experts appointed for the same by our affiliating University i.e. CCS University Meerut. For the approval of the selected faculty members we have tried to submit the file to the affiliation department of our affiliating University but they refused to submit the file, saying that currently University is busy in processing the affiliation process of the institutes for the current academic session i.e. 2015-16 hence submit this faculty approval file later."

AND WHEREAS Appeal Committee noted that the N.R.C. in its 221st Meeting held between 15-17 Nov, 2013 decided to issue Letter of Intent to the appellant institution and accordingly issued a L.O.I. in favour of the appellant institution on 19/12/2013. Simultaneously a letter was also issued to Union Bank of India, Rajpura to facilitate conversion of endowment & reserve fund related F.D.Rs in joint account. Copy of L.O.I. dated 19/12/2013 was also endorsed to Registrar, C.C.S. University, Meerut for providing assistance to the institution in selection & appointment of faculty. The relevant file also contains letter dated 14/03/2014 of the appellant institution in which the appellant institution has informed that L.O.I. dt. 19/12/13 has not been received by them and hence reissue of L.O.I. was requested for. N.R.C. without responding to the request of the appellant institution issued a Show Cause Notice dated 26.03.2015 on the ground that Institution has not submitted reply to the L.O.I. It is also worth noting that the appellant institution was asked vide letter dated 24.01.2015 to exercise its option for consideration of its application under Regulations, 2014 within a period of 60 days and the appellant even before getting this letter dated 24.01.2015 had exercised its option vide letter dated 06.01.2015. Another peculiarity noted in file is that appellant's letter dated 14/3/2014 requesting copy of L.O.I is placed at p 325 & 326 whereas letters dated 09/01/2015 & 24/01/2015 are placed at pp. 322 to 324/correspondence. The note portion of the file also does not indicate anywhere that request made by appellant institution was taken cognisance of at any stage. Though it is fact, proved from available records, that the appellant institution had failed to respond to the Show Cause Notice dated 26.03.2015 yet the Committee is of the opinion that based on the option given the appellant institution for consideration of its application under NCTE Regulations, 2014 a revised L.O.I. should have been issued. The appellant during the course of appeal presentation has furnished copy of the lists of faculty selected by associating nominees from the affiliating University. So it will be harsh upon the appellant institute to deny processing of its case at this stage. Committee, therefore, concluded to remand back the case to N.R.C. with a direction to further processing the case by considering reissue of the L.O.I. under NCTE Regulations, 2014.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to further processing the case by considering reissue of the L.O.I. under NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Shri Sai Academy, A-70 Ganga Nagar, Mawana Road, Meerut, Uttar Pradesh – 250001 to the NRC, NCTE, for necessary action as indicated above.

(Jugal Singh)
Member Secretary

1. The Secretary, Shri Sai Academy, A-70 Ganga Nagar, Mawana Road, Meerut, Uttar Pradesh – 250001.

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

23

F.No. 89-101/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of District Institute of Education and Training (DIET), Baswa Dist. Dausa, Rajasthan – 303327 dated 27/07/2015 is against the Order No. NRC/NCTE/RJ-266/208th Meeting/2012/27405 dated 04.02.2013 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "Show cause notice was issued to the institution on 19/02/2008 by the NRC to which the institution has not responded till date."

AND WHEREAS Sh. Anil Kumar Garg, Sr. Lecturer and Sh. Manish Kumar Sharma, Clerk, District Institute of Education and Training (DIET), Baswa Dist. Dausa, Rajasthan – 303327 presented the case of the appellant institution on 04/09/2015. In the appeal and during personal presentation it was submitted that "Show cause notice was issued on 19/02/2008 and reply was given by the institute by registered letter no. 661 dt. 12/03/2008. These letters did not receive in the institute till date. Regular Principal is appointed in the institute as below: From 22/05/2006 to 16/10/2009. From 22/06/2013 to 31/08/2013. From 10/04/2014 to 31/10/2014. From 08/05/2015 to cont... (Retirement on 31/07/2015) so when the application refused of institute regular Principal is not appointed. Sir This institute is a Govt. Institute please consider matter."

AND WHEREAS Appeal Committee noted that refusal order was issued by N.R.C. on 04.02.2013 and the appellant was required to prefer appeal if it so desired within a period of 60 days. The appellant preferred appeal on 27.07.2015 and thus there is a delay of more than 2 years & 3 months. It is further noted that the appellant had also failed to submit compliance to the deficiency letter dated 14.11.2005 and Show Cause Notice (SCN) dated 09.02.2008. **Committee, therefore, decided not to condone the delay in preferring appeal. Appeal is accordingly not admitted.**

(Jugal Singh)
Member Secretary

1. The Principal, District Institute of Education and Training (DIET), Baswa Dist. Dausa, Rajasthan – 303327.

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

24

F.No. 89-102/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of Bala Ji Girls College, Bhabhaura Aurihar Ghazipur, Uttar Pradesh – 233 221 dated 07/07/2015 is against the Order No. NRC/NCTE/NRCAPP/5755/236thMeeting/2014/98944-947 dated 18/05/2015 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that "reply of the show cause notice is not acceptable. In the online application, Khasra No. given is 296 and 297 whereas in all the documents/land documents Khasra No. is 477."

AND WHEREAS Sh. Ram Palat, Manager, Bala Ji Girls College, Bhabhaura Aurihar Ghazipur, Uttar Pradesh – 233 221 presented the case of the appellant institution on 04/09/2015. In the appeal and during personal presentation it was submitted that "by mistake we have filled khasara no. 296, 297 village laulehara but college situated on khasara no. 477 S Village, Dinaura."

AND WHEREAS noting that land documents are one of the essential documents to be furnished alongwith the application, Appeal Committee is of the opinion that there can be no change in the land and address of the institution as furnished in the online application. The appellant's plea that khasra numbers and name of village were inadvertently mentioned in the online application form is not substantiated as the building plan found enclosed with the original copy of application also pertains to a proposed building of Balaji Girls Degree College at Arazi No. 296. 297 at village – Bhabhaura, Teh. Saidpur. Appeal Committee, therefore, decided to confirm the refusal order dated 18/05/2015 issued by N.R.C.

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

NOWTHEREFORE, the Council hereby confirms the Order appealed against.

(Jugal Singh)
Member Secretary

1. The Chairman, Bala Ji Girls College, Bhabhaura Aurihar Ghazipur, Uttar Pradesh – 233 221.

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(26)

F.No.89-104/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of Amitha College of Education, 2, 3rd Main West of Chord Road, 2nd Stage Mahalakshmi Puram Bangalore Urban District Karnataka – 560086 dated 07/08/2015 is against the Order No. SRO/NCTE/APS02174/B.Ed/KA/2014-15/58886 dated 07/08/2014 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that "the institution was served with a show cause notice on 06.02.2014 to reply within 21 days from the date of receipt of the notice along with necessary certificates/ documents, but the institution failed to reply to the show cause notice even after a time period of more than four months since issuing of show cause notice on 06.02.2014."

AND WHEREAS Sh. M. Nagaraju, Administrator, Amitha College of Education, 2, 3rd Main West of Chord Road, 2nd Stage Mahalakshmi Puram Bangalore Urban District Karnataka – 560086 presented the case of the appellant institution on 04/09/2015. In the appeal and during personal presentation it was submitted that "in the city of Bangalore, being a Metropolitan City, the building completion certificate should be taken from the PWD Engineer who works in the State Secretariat after the approval of the Bangalore Metropolitan City Corporation. It is a lengthy process wherein the Commissioner of the Corporation should approve and depute Executive Engineer for issuance of Building Completion Certificate. As you are aware, Bangalore is a Metro City and getting a specific certificates from the Public Authorities. We wish to submit that we have made attempt to submit the Appeal through online mode in the NCTE website immediately after the Withdrawal order from SRC, NCTE. However, we tried repeatedly, the SUBMIT button has not worked in the website. We tried several times. Hence we have taken raw application entered in the website and taken print out and the same was submitted to NCTE, New Delhi."

AND WHEREAS there is a delay of about 10 months in preferring appeal. Appellant during the course of appeal presentation stated that initially there were some problems in submitting online appeal and hence delay occurred. Committee decided to condone delay in preferring appeal and decide the case on merits.

AND WHEREAS Committee further observed that S.R.C. had issued a Show Cause Notice (SCN) to the appellant institution on 27.08.2013 on the grounds that the appellant institution has not shifted to the new premises after grant of conditional recognition. Another S.C.N. was issued to the appellant institution on 06/02/2014 on the ground that 'Building Completion Certificate (BCC) submitted by the institution is not approved by the competent authority and also is not in the prescribed format.' Committee, examined the relevant records and observed that recognition for conducting B.Ed. course was granted to the institution on 25.11.2004 with the institution address as C.A. No. 2/3rd Main West of Chord Road, 2nd Stage, Mahalakshmipuram, Bangalore – 560086. Before grant of recognition, inspection under Sec. 14 of the NCTE was also conducted at the same site.

AND WHEREAS as per terms for grant of recognition mentioned in para 3(C) of the recognition order dated 25.11.2004 'the institution shall shift to its own premises/building within three years from the date of recognition (in case the course is started in a rented premises.)' Committee further observed that the appellant institution continues to function from the same address. Site of the institution is held on Government lease from Bangalore Dev. Authority for a period of 30 years. Committee therefore, is of the opinion that institution was under no obligation to shift premises as government lease of land was allowed as per 2007, 2009 regulations and is also permissible as per 2014 regulations. Since shifting of premises is not required, the requirement of a revised B.C.C. also becomes redundant. The appellant however, furnished a B.C.C. issued by Competent Authority before the Appeal Committee.

AND WHEREAS Appeal Committee, keeping in view the above status, decided to reverse the impunged order dated 07/08/2014.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded to reverse the impunged order dated 07/08/2014 issued by SRC.

NOW THEREFORE, the Council hereby reverses the orders of SRC.

(Jugal Singh)
Member Secretary

1. The Correspondent/Secretary, Amitha College of Education, Bangalore Urban District Karnataka – 560086.

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.

29

F.No.89-123/2014 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of Tirupati Pratisthan, At – Post – Andhori, Tq.-Ahmedpur, Latur – 413523, Maharashtra dated 10/03/2014 against the Order No. WRC/APW03026/123392(Mino.)(Court Case)/153rd/2011/81617-24 dated 19/09/2011 of the Western Regional Committee, refusing recognition for conducting B.El.Ed. course on the grounds that "building is not located on the land specified in the application; Laboratories are ill-equipped. Instructional facilities are inadequate; Toilet facilities are inadequate." was decided by the Appeal Committee and Appeal order issued on 06.06.2014. The appellant subsequently filed a Writ Petition no. 8310/2014 before the Hon'ble High Court of Bombay at Aurangabad. As per judgement order dated 27.04.2015, the application of the petitioner institute was to be processed under NCTE Regulations of 2014. The petitioner also undertook to comply with the NCTE Regulations, 2014.

AND WHEREAS Sh. Sandip Santram Rabbewar, Secretary, Tirupati Pratisthan, At – Post – Andhori, Tq.-Ahmedpur, Latur – 413523, Maharashtra presented the case of the appellant institution on 04/09/2015. In the appeal and during personal presentation it was submitted that "the application of the appellant was earlier rejected on 30/12/2009 on the ground that as per NCTE Regulation 2007 land is required to be on ownership basis or land leased by Govt. and the appellant has acquired land on lease from private person, however the respondent failed to consider that the proposal of the appellant was as per 2005 regulation which permitted land either of ownership or long term lease from private individual. That the appellant has already purchased its own land on 06/03/2010 and same was submitted to the respondent, however the same was not consider and therefore the Hon'ble High Court in Writ Petition No. 5900 of 2010 allowed the petition in terms of prayer clause B & C by which the order dt. 30/12/2009 passed by the respondent and the Council file No. 89-158/2010 and directed respondent to grant recognition to the appellant institution to run the B.Ed. course at Vasmatnagar, Dist. Hingoli subject to compliance of all norms and standards as applicable under 2005 Regulation. That appellant's proposal is wrongly rejected vide order dt. 19/21.09.2011 assigning the reason that building is not located on the land specified in application and laboratories are ill equipped as well as instructional and toilet facilities in adequate to which the appellant has already satisfied the respondent. That the respondent on every occasion is assigning different reasons for rejection of the application this Council and the Hon'ble High Court."

AND WHEREAS Appeal Committee noted that the appellant has not referred to any fresh orders issued by W.R.C. Bhopal under NCTE Regulations, 2014. No useful purpose will be served by quoting references prior to the issue of present judgement of Hon'ble Court which inter-alia lays down for consideration of the application under NCTE Regulations, 2014. In fact, there cannot be a valid appeal till there is an order issued under 2014 regulations. Since the application of the appellant institution is pending for a very long time, the matter is remanded to W.R.C. with a direction to take a decision on the case expeditiously.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to WRC with a direction to take a decision on the case expeditiously.

NOW THEREFORE, the Council hereby remands back the case of Tirupati Pratisthan, At – Post – Andhori, Tq.-Ahmedpur, Latur – 413523, Maharashtra to the WRC, NCTE, for necessary action as indicated above.

(Jugal Singh)
Member Secretary

1. **The Secretary, Tirupati Pratisthan, At – Post – Andhori, Tq.-Ahmedpur, Latur – 413523, Maharashtra.**

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra, Mumbai.

(31)

F.No.89-85/2013 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS Amritha Akshitha College of Education, 862, Own, 36-242, Metpally, Wanaparthy, Mahbubnagar, Andhra Pradesh - 509103 had preferred an appeal against the Order No. SRCAPP834/D.El.Ed/AP/2011-12/43192 dated 27/06/2012 of the Southern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "the institution has submitted reply to Show Cause Notice after the expiry of stipulated time of 21 days period."

AND WHEREAS Sh. M. S. Nagesh Chander, Secretary, Amritha Akshitha College of Education, 862, Own, 36-242, Metpally, Wanaparthy, Mahbubnagar, Andhra Pradesh - 509103 presented the case of the appellant institution on 04/09/2015. Appeal Committee vide its order no. 89-85/2013, Appeal dated 15/10/2013 decided not to accept the appeal on grounds of delay of more than 5 months.

AND WHEREAS Appeal Committee noted that the petitioner institution had filed a Writ Petition no. 16102/2014 in the Hon'ble High Court of Hyderabad at Telangana, Andhra Pradesh. The Hon'ble Court vide order dated 30.06.2015 stated that 'since the impunged order is passed considering the petitioner's request under old regulations, the same is set aside.' The matter was remitted to respondent no. 1 for passing appropriate orders if necessary be remitting the matter to respondent no. 2 Appellate authority (NCTE) is respondent no. 1 and S.R.C. is respondent no. 2 in the case. Appeal Committee noted that a Show Cause Notice (S.C.N.) dated 27.04.2012 was issued to the appellant institution on seven points and the institution has submitted reply to the S.C.N. after expiry of the stipulated period. The issue of above Show Cause Notice as per directions of the Hon'ble Court, is required to be revisited by S.R.C. keeping in view the provisions of NCTE Regulations, 2014. Appeal Committee, therefore, decided to remand back the case to S.R.C. with a direction to examine the reply to the Show Cause Notice in compliance with orders dated 30.06.2015 in W.P. no. 16102/2014.

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 appeal deserves to be remanded to SRC with a direction to examine the reply to the Show Cause Notice in compliance with orders dated 30.06.2015 in W.P. no. 16102/2014.

NOW THEREFORE, the Council hereby remands back the case of Amritha Akshitha College of Education, 862, Own, 36-242, Metpally, Wanaparthy, Mahbubnagar, Andhra Pradesh - 509103 to the SRC, NCTE, for necessary action as indicated above.

(Jugal Singh)
Member Secretary

1. The Correspondent/Secretary, Amritha Akshitha College of Education, 862, Own, 36-242, Metpally, Wanaparthy, Mahbubnagar, Andhra Pradesh - 509103

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.

3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.

4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.

(33)

F.No. 89-54/2015 Appeal/8th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

23/09/2015

ORDER

WHEREAS the appeal of Shri Gumani Singh College, Sikandrarao, Mahamaya Nagar, U.P. dated 19/05/2015 is against the Order No. NRC/NCTE/NRCAPP-4821/234th Meeting/2015/99777-778 dated 24/04/2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the ground that "institution did not submit reply to Show Cause Notice."

AND WHEREAS Sh. Ginesh Chandra Yadav, Secretary and Sh. Ravindra Kumar, Representative, Shri Gumani Singh College, Sikandrarao, Mahamaya Nagar, U.P. presented the case of the appellant institution on 27/06/2015. In the appeal and during personal presentation it was submitted that the institution, in response to the deficiency letter dt. 10.05.2013, has replied through a letter dated 05/07/2013 with required documents and which was under the time limit given by the NRC, NCTE, Jaipur. It is also submitted that the institution replied to the show cause notice dt. 21.10.2013 through a letter dated 12/11/2013 with required documents which was also under the time limit of 30 days given by the NRC. In the letter no. 99777-776 dated 24/04/2015 of NRC, Jaipur it is mentioned that FDRs no. 815278 and 815277 are returned herewith in original, but with this letter the institution has not found any FDR. The appellant also enclosed copies of his replies to the deficiency letter and show cause notice bearing the dated receipt stamp of the N.R.C. In the course of presentation, the appellant gave a letter dt. 27.06.2015 in which he submitted that while the file number of their institution is NRCAPP4824, the file number in the refusal order has been mentioned as NRCAPP.4821.

AND WHEREAS due to non-availability of relevant file, Committee could not consider the appeal in its meeting held on 27.06.2015.

AND WHEREAS relevant file pertaining to the appellant institution has been received from N.R.C. and made available to the Appeal Committee. Appeal Committee observed that appellant during the course of appeal presentation on 27.06.2015 had furnished copy of its reply submitted to N.R.C. on 12.11.2013 which contained reply to the Show Cause Notice (SCN) dated 21.10.2013. Copy of the letter contains acknowledgement stamp bearing diary no. 69221 dated 12.11.2013 affixed by the office of N.R.C. Jaipur. The above reply is however, not found available on the relevant file.

AND WHEREAS Committee, further noted that S.C.N. was issued to the appellant institution mentioning one deficiency i.e. "Demarcated building plan for both the courses under clause 8(7)(ii) of NCTE Regulations 2009 not submitted."

AND WHEREAS on glancing through the application of the appellant institution, Committee did not find any trace or evidence from which it could be found that the institution is applying for two courses or is having any other course running. Also the institution has furnished a reply to the S.C.N. enclosing an affidavit signed to the effect that institution has applied for only one course. Committee, therefore, concluded to remand back the case to N.R.C. with direction to reconsider the application as per extant NCTE regulations, 2014 and reply dated 12.11.2013 to the S.C.N. already furnished by the appellant to the N.R.C.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to reconsider the application as per extant NCTE regulations, 2014 and reply dated 12.11.2013 to the S.C.N. already furnished by the appellant to the N.R.C.

NOW THEREFORE, the Council hereby remands back the case of Shri Gumani Singh College, Sikandrarao, Mahamaya Nagar, U.P. to the NRC, NCTE, for necessary action as indicated above.

(Juglal Singh)
Member Secretary

1. **The Secretary, Shri Gumani Singh College, Dhawar, Agsauli, Sikandrarao, Mahamaya Nagar, Uttar Pradesh – 204211.**

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.