F.No.89-229/E-121082/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of Bhagwan Mahaveer Teacher Training College, Kachroli, Hindaun City, Rajasthan dated 11/06/2019 is against the Order dated "15/05/2019."

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 8525/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 15/05/2019, granting liberty to the petitioner to withdraw the Writ Petition and to file an appeal under Section 18 of the Act, dismissed the petition as withdrawn. The Hon'ble High Court also observed that if such an appeal is preferred, the question regarding limitation shall not be considered and appeal shall be decided on merits.

AND WHEREAS Sh. Madhusudan Sharma, Representative, Bhagwan Mahaveer Teacher Training College, Kachroli, Hindaun City, Rajasthan presented the case of the appellant institution on 31/07/2019. In the appeal it was submitted that the NRC decision to return the file of the institution without processing vide letter dated 25.09.2013 is bad, perverse and illegal and thus same cannot be sustained in the eyes of law. The letter dated 25.09.2013 and decision for returning of file are liable to be quashed and set aside. The application of the petitioners without any reference to the subsequent ban imposed by the state of Rajasthan in relation to granting permission/recognition for running the D.El.Ed. course. The Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtrasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held *"Those who are desirous of establishing teacher education colleges/institutions shall*

be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations." The Hon'ble High Court of New Delhi has also directed the NRC in the case of W.P.(C) 7593/2018 Order Date 23.07.2018 Rajasthan Delhi Education Society & ANR and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings. *The decision of the Hon'ble High Court is the respondents are directed to reconsider the petitioner meeting all the other prescribed eligibility criteria and dispose of the same by passing a reasoned and speaking order within twelve weeks from today. It is made clear that the petitioner's application would not be rejected on the ground of the imposition of the ban by the state of Rajasthan for opening of such educational institutions.* The petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course, but respondent is illegally blocking it from running the course which is clearly unwarranted and unlawful.

AND WHEREAS the relevant file of the NRC is not available. The Committee noted that the appellant, in the online appeal, has stated that the appeal is against the order dt. '15/05/2019.' This order, a copy of which has been enclosed to the appeal, is the order of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur in Civil Writ Petition No. 8525/2019. The appellant has not enclosed a copy of the order against which the appeal has been preferred. The appellant, in the memorandum of appeal, has mentioned a letter dt. 25/09/2013, with which their application is reported to have been returned. The appellant has not even enclosed a copy of this letter. In the course of presentation, the appellant was asked to furnish a copy of the order/communication against which he preferred the appeal so that it could be taken up for consideration. The appellant neither furnished a copy of the order nor gave any explanation for not submitting the same. The Committee decided not to admit the appeal, which is incomplete.

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

(Sanjay Awasthi)
Member Secretary

1. The Manager, Bhagwan Mahaveer Teacher Training College, Kachroli, Karauli Road, Hindaun City – 322230, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

(2)

F.No.89-230/E-121086/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of Siddharth College of Education, Bilwa, Saligrampura Scheme Road, Saganer, Rajasthan dated 12/06/2019 is against the Order No. dated "15/05/2019."

WHEREAS the appellant filed a S.B. Civil Writ Petition No. 8517/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 15/05/2019, granting liberty to the petitioner to withdraw the Writ Petition and to file an appeal under Section 18 of the Act, dismissed the petition as withdrawn. The Hon'ble High Court also observed that if such an appeal is preferred, the question regarding limitation shall not be considered and appeal shall be decided on merits.

AND WHEREAS Sh. Surendra Kumar Sharma, Representative, Siddharth College of Education, Bilwa, Saligrampura Scheme Road, Saganer, Rajasthan presented the case of the appellant institution on 31/07/2019. In the appeal it was submitted that because the NRC decision to return the file of the institution without processing vide letter dated 25.09.2013 is bad, perverse and illegal and thus same cannot be sustained in the eyes of law. The letter dated 25.09.2013 and decision for returning of file are liable to be quashed and set aside. The application of the petitioners without any reference to the subsequent ban imposed by the state of Rajasthan in relation to granting permission/recognition for running the D.El.Ed. course. The Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtrasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new

Regulations to 30.11.2013, had held *"Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations."* The Hon'ble High Court of New Delhi has also directed the NRC in the case of W.P.(C) 7593/2018 Order Date 23.07.2018 Rajasthan Delhi Education Society & ANR and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings. *The decision of the Hon'ble High Court is the respondents are directed to reconsider the petitioner meeting all the other prescribed eligibility criteria and dispose of the same by passing a reasoned and speaking order within twelve weeks from today. It is made clear that the petitioner's application would not be rejected on the ground of the imposition of the ban by the state of Rajasthan for opening of such educational institutions.* The petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course, but respondent is illegally blocking it from running the course which is clearly unwarranted and unlawful.

AND WHEREAS the relevant file of the NRC's not available. The Committee noted that the appellant in the online appeal, has stated that the appeal is against the order dt. "15/05/2019". This order, a copy of which has been enclosed to the appeal, is the order of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur in Civil Writ Petition No. 8517/2019. The appellant has not enclosed a copy of the order against which the appeal has been preferred. The appellant, in the memorandum of Appeal, has mentioned that their application was returned in original on the ground that the State Government of Rajasthan did not allow setting up new D.El.Ed. institutions in the State. The appellant has not enclosed a copy of the letter returning their application. In the course of presentation, the appellant was asked to furnish a copy of the order/communication against which the appeal has been preferred so that it could be taken up for consideration. The appellant neither furnished a copy of the

order/communication nor gave any explanation for not submitting the same. In these circumstances, the Committee decided not to admit the appeal, which is incomplete.

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Siddharth College of Education, Bilwa, Saligrampura Scheme Road, Tonk Road, Saganer – 302022, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

(3)

F.No.89-231/E-121221/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of St. Paul College St. Paul Academy, Khandwa, Madhya Pradesh dated 12/06/2019 is against the Order No. WRC/APW04140/223507/B.Ed./306th/2019/203338 dated 09.05.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the revised recognition order was issued to the institution on 31.05.2015. The Show Cause Notice was issued to the institution on 28.09.2016. The institution has submitted reply of Show Cause Notice vide letter dated 23/10/2016. On perusal of the reply of the institution, it is observed that the institution has not submitted the following documents: The institution has not submitted original staff profile along with a letter granting approval for the selection or appointment of faculty issued by the affiliating body as per NCTE Amendment Regulations 2017. The institution has not submitted NEC issued by the competent authority. The institution has not submitted building plan approved by the competent authority mentioning the name of the institution, name of course, total area, total built up area and earmarked area for each course being run in the same premises. The institution has not submitted proof of website. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for B.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS Sh. Gyanesh Karodi, Representative, St. Paul College St. Paul Academy, Khandwa, Madhya Pradesh presented the case of the appellant institution on 31/07/2019. In the appeal and during personal presentation and in a letter dt. 13/06/2019 it was submitted that in the staff appointment matter vide Letter No. B.Ed./2016/1197/23/10/2016 was sent to Regional Committee and staff already

appointed under Code 28 and approved by affiliating body before the NCTE Amendment Regulation 2017 and list was also deposited with WRC by hand. Institution already submitted CLU issued by competent authority vide Letter No B.Ed./2015/827/23/10/2015 to the Regional Committee before the issue of Show Cause Notice dated 28/09/2016. Institution already submitted NEC issued by competent authority institution vide letter No. B.Ed./2015/827/23/10/2015 before issue of Show Cause Notice dated 28/09/2016. Institution already submitted BP issued by competent authority vide letter no B.Ed./2015/827/23/10/2015 before the issue of Show Cause Notice dated 28/09/2016. Only NCTE Education Programme B.Ed. and D.Ed. are run in the same premises. Institution already submitted website proof at the time of inspection done by NCTE and website proof was not demanded in WRC Show Cause Notice dated 28/09/2016.

AND WHEREAS the appellant, with their letter dt. 13/06/2019, submitted notarised copies of (i) a letter dt. 25/05/2019 from the Registrar, Devi Ahilya University, Indore regarding approval of faculty; (ii) a faculty list comprising of 16 persons countersigned by the Registrar: (iii) CLU issued by Competent Authorities; (iv) NEC issued by the Competent Authority; (v) Building Plan approved by the Competent Authority; and (vi) Proof of website.

AND WHEREAS the Committee, noting that the appellant has submitted the documents found wanting in the withdrawal order, concluded that the matter deserved to be remanded to the WRC with a direction to consider the documents to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC all the documents submitted in appeal, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to consider the

documents to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC all the documents submitted in appeal, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of St. Paul College St. Paul Academy, Khandwa, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The President, St. Paul College St. Paul Academy, Khandwa – 450001, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

(4)

F.No.89-232/E-121220/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of Vijaya Behara College of Education, Narava, Pendurthy Mandal, Andhra Pradesh dated 04/06/2019 is against the Order No. SRO/NCTE/SRCAPP2541/B.Sc.B.Ed/AP/2019-102905 dated 05.04.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "the Committee perused the reply received from Vijaya Behara College of Education, Plot No. 72/2, 3,5,8 & 99/1,2,3, 57th Ward, Narava Village & Post Office, Pendurthy Mandal, Visakhapatnam City & District-530027, Andhra Pradesh in response to the Show Cause Notice issued on 13.11.2018. It is observed that the Management instead of furnishing the information sought in the Show Cause Notice dated 13.11.2018 simply addressed a letter with some misleading information. Further, the Committee is of the view that it is the NCTE's right to obtain the information from any recognized institution at any point of time. Whereas the institution under reference is not willing to share the information sought for. Viewing it as an irresponsible Act on the part of the institution it is decided to withdraw the recognition under Section 17(1) of the NCTE Act."

AND WHEREAS Sh. K. Srinivasulu, Admin Officer, Vijaya Behara College of Education, Narava, Pendurthy Mandal, Andhra Pradesh presented the case of the appellant institution on 31/07/2019.

AND WHEREAS the Committee noted that the appellant, in their appeal or during personal presentation, did not furnish any explanation. The appellant merely enclosed a number of documents, as if at random, without linking with the grounds mentioned in the show cause notice. The appellant enclosed a copy of their reply sent to the SRC. A perusal of their reply indicates that it did not answer the grounds in the Show

Cause Notice, making it irrelevant for consideration. In these circumstances, the Committee concluded that the SRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of the SRC confirmed.

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

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Vijaya Behara College of Education, Plot No. 72/2, GVMC, Narava, Pendurthy Mandal – 530027, Andhra Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.

(5)

F.No.89-233/E-121382/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of Ramjyoti Kameshwar College of Teacher Education, Shivdaha Barail, Baruari-Singhwara Road, Gaighat, Bihar dated 10/06/2019 is against the Order No. ERC/266.12(i).2/9364/D.El.Ed./ERCAPP201646153 /2019/60242 dated 15.04.2019 of the Eastern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "two VT members accepted for inspection. The VT members informed through e-mail that they tried to contact the institution several times but the institution did not respond. Due to non-cooperation from the institution, inspection could not be conducted. In view of the above, the Committee decided as under:- The Committee is of the opinion that application bearing application No. ERCAPP201646153 of the institution regarding recognition of D.El.Ed. programme is refused under section 14(3)(b) of NCTE Act 1993."

AND WHEREAS Sh. Sunil Kumar, Chairman, Ramjyoti Kameshwar College of Teacher Education, Shivdaha Barail, Baruari-Singhwara Road, Gaighat, Bihar presented the case of the appellant institution on 31/07/2019. In the appeal and during personal presentation it was submitted that the third term constituted VT members though contacted us but telephonically informed us that they may not be able to conduct the inspection within stipulated time owing to domestic engagement of one of the VT members. We have requested them to complete the inspection within stipulated time on which they have although replied us affirmatively and also sent email dated 29th September, 2018 confirming us the date of inspection on 9th and 10th October, 2018 but never started their journey for the purpose of conducting the inspection on above scheduled dates from their native place and afterwards to our utter surprise they have illegally and erroneously imposed the onus of their own non-performance about their written email commitment on us by making false statements to ERC, NCTE

Bhubaneswar which reads as that due to non-cooperation from the institution they could not conduct the inspection. This is not correct on the part of highly learned VT members. Besides, that their statements that they have contacted the institution several times but the institution did not respond is totally baseless and bereft of the fact. Sir if they would have got the right spirit and intention, they could have visited our institution and after visiting our college premises they could have levelled such allegation on us that institution has not cooperated with VT members for the purpose of conducting inspection. Hence VT members allegation on us that too without approaching either the institution premises or atleast in the city in which the institution is located certainly speaks volumes of irresponsible and false statements. Besides that as per inspection Rule the VT members has to inform the range of dates on which the institution is likely to be inspected and institution should have been informed about the fact of their arrival 15 days before their actual arrival on the main city within which institution is located. Merely telephonic conversation and emails sent by VT members does not substantiate their allegations levelled on us pertaining to our non-cooperation and no response. In the wake of above circumstances, we request your good selves to avert the order appealed against and remand back our cases for constitution of fresh VT teams and further processing for recognition.

AND WHEREAS the Committee noted that the Visiting Team members, in their e-mails dt. 15/11/2018 and 26/11/2018, sent to the Regional Director, ERC clearly mentioned that despite contacting the college representative many times they were not responding or did not get any satisfactory reply. On the other hand, the explanation of the appellant and the allegations are devoid of any substance or evidence. In these circumstances, 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 confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the ERC was justified in refusing

recognition and therefore, the appeal deserved to be rejected and the order of the ERC is confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Chairman, Ramjyoti Kameshwar College of Teacher Education, Shivdaha Barail, Baruari-Singhwara Road, Gaighat – 847107, Bihar.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.

(6)

F.No.89-234/E-121380/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of Ramjyoti Kameshwar College of Teacher Education, Shivdaha Barail, Baruari-Singhwara Road, Gaighat, Bihar dated 10/06/2019 is against the Order No. ERC/266.12(i).3/9347/B.Ed./ERCAPP201646154/ 2019/60241 dated 15.04.2019 of the Eastern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "two VT members accepted for inspection. The VT members informed through e-mail that they tried to contact the institution several times but the institution did not respond. Due to non-cooperation from the institution, inspection could not be conducted. In view of the above, the Committee decided as under:- The Committee is of the opinion that application bearing application No. ERCAPP201646154 of the institution regarding recognition of B.Ed. programme is refused under section 14(3)(b) of NCTE Act 1993."

AND WHEREAS Sh. Rajeev Kumar, Administrator, Ramjyoti Kameshwar College of Teacher Education, Shivdaha Barail, Baruari-Singhwara Road, Gaighat, Bihar presented the case of the appellant institution on 31/07/2019. In the appeal and during personal presentation it was submitted that the third term constituted VT members though contacted us but telephonically informed us that they may not be able to conduct the inspection within stipulated time owing to domestic engagement of one of the VT members. We have requested them to complete the inspection within stipulated time on which they have although replied us affirmatively and also sent email dated 29th September, 2018 confirming us the date of inspection on 9th and 10th October, 2018 but never started their journey for the purpose of conducting the inspection on above scheduled dates from their native place and afterwards to our utter surprise they have illegally and erroneously imposed the onus of their own non-performance about their written email commitment on us by making false statements to ERC, NCTE,

Bhubaneswar which reads as that due to non-cooperation from the institution they could not conduct the inspection. This is not correct on the part of highly learned VT members. Besides, that their statements that they have contacted the institution several times but the institution did not respond is totally baseless and bereft of the fact. Sir if they would have got the right spirit and intention, they could have visited our institution and after visiting our college premises they could have levelled such allegation on us that institution has not cooperated with VT members for the purpose of conducting inspection. Hence VT members allegation on us that too without approaching either the institution premises or atleast in the city in which the institution is located certainly speaks volumes of irresponsible and false statements. Besides that as per inspection Rule the VT members has to inform the range of dates on which the institution is likely to be inspected and institution should have been informed about the fact of their arrival 15 days before their actual arrival on the main city within which institution is located. Merely telephonic conversation and emails sent by VT members does not substantiate their allegations levelled on us pertaining to our non-cooperation and no response. In the wake of above circumstances, we request your good selves to avert the order appealed against and remand back our cases for constitution of fresh VT teams and further processing for recognition.

AND WHEREAS the Committee noted from the file of the ERC that the ERC, in their communication dt. 17/09/2018, informed the appellant institution that the proposed inspection will be carried out between 25/09/2018 and 15/10/2018, the time frame being 21 days. The V.T. members informed the institution on 29/09/2018 through e-mail that they will inspect on 9th and 10th October, 2018. One of the V.T. members informed the Regional Director, ERC through e-mail dt. 06/10/2018 that Shri Sunil Kumar Singh, owner of the College neither replied to their e-mail nor is picking up the phone. The second member of the V.T. informed the Regional Director, ERC through e-mail dt. 07/10/2018 on similar lines adding that he had made reservation for journey by train on 08/10/2018. The explanation of the appellant and their allegations are devoid of any substance or evidence. On the other hand, the action taken by the ERC is supported by the documents on record. In these circumstances, 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 confirmed.

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

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

(Sanjay Awasthi)
Member Secretary

1. The Chairman, Ramjyoti Kameshwar College of Teacher Education, Shivdaha Barail, Baruari-Singhwara Road, Gaighat – 847107, Bihar.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.

(7)

F.No.89-235/E-121485/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of Deptt. of Continuing Education, Barkatullah University, Bhopal, Madhya Pradesh dated 17/05/2019 is against the Order No. WRC/APW01845/223358/B.Ed./305th/2019/203034-203040 dated 25.04.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the revised recognition order was issued to the institution on 29.01.2015. The Show Cause Notice was issued to the institution 30.08.2016. The institution has submitted reply of Show Cause Notice 27.09.2016. On perusal of the reply of the institution it is observed that the institution has not submitted the following documents: The University has not submitted a letter of approval of faculty of affiliating body, alongwith detailed staff profile approved by competent authority of the University as per NCTE amendment Regulations 09.06.2017. The University has not submitted building plan approved by the competent authority mentioning name of University, name of course, khasra No./Plot number, total land area, total built up area and earmarked area for each course being run in the same premises. The University has not submitted land use certificate issued by the competent authority. The University has not submitted Building Compliance Certificate issued by the competent authority. The University has not submitted NEC issued by the competent authority. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for B.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS the appellant filed a W.P. (C) 6783/2019 & C.M. APPLs28960/2019 and 28961/2019 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court, in their order dt. 01/07/2019, on the prayer of the petitioner, stayed the order of withdrawal dt. 25/04/2019 till the disposal of the appeal under Section 18 of the NCTE Act, 1993 which has been filed by the petitioner, with a direction to dispose of the appeal within a period of eight weeks from 01/07/2019.

AND WHEREAS Dr. Hemant, H.O.D., Deptt. of Continuing Education, Barkatullah University, Bhopal, Madhya Pradesh presented the case of the appellant institution on 31/07/2019. In the online appeal, the appellant has not given any explanation. The appellant, with their letter dt. 15/05/2019, enclosed an affidavit stating therein that the State Government has accepted ten faculty positions for their B.Ed. course and after getting the State Government's approval action will be initiated to fill them up. The appellant forwarded a copy of the building plan signed by the University Engineer and a copy of Building Completion Certificate dt. 07/06/2019, issued by the University Engineer. The latter is not in the prescribed form and also devoid of any details. There is no explanation in respect of the other grounds of withdrawal.

AND WHEREAS in view of the above position, the Committee concluded that the WRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of the WRC confirmed.

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

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

(Sanjay Awasthi)
Member Secretary

1. The Registrar, Deptt. of Continuing Education, Barkatullah University, Bhopal – 462026, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

(8)

F.No.89-236/E-121435/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of Amrutha College of Education, Alape, Padil, Mangalore, Karnataka dated 12/06/2019 is against the Order No. SRO/NCTE/APSO8959/B.Ed/KA/2019/104644 dated 23.05.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "certified land documents issued by the competent authority not submitted. LUC issued by the competent authority not submitted. The latest Non-Encumbrance Certificate issued by the competent authority not submitted. Original BCC issued by the competent authority not submitted. Faculty list in original approved by the affiliating body not submitted. FDRs are in original not submitted towards the Endowment and Reserve Fund of Rs. 12 Lakh in the joint account RD, SRC with 5 years validity."

AND WHEREAS Mrs. Chadrakala G. Bhat, President, Amrutha College of Education, Alape, Padil, Mangalore, Karnataka presented the case of the appellant institution on 31/07/2019. In the appeal and during personal presentation it was submitted that they have submitted to the SRC with their letters dt. 24/05/2019 and 29/05/2019 certified copy of land dt. 29/05/2019 document; Encumbrance Certificate issued by the Competent Authority; Building Completion Certificate issued by the Government Engineer and faculty list of 8 members alongwith a letter from the affiliating body; FDRs for Rs. 7 lakhs and Rs. 5 lakhs and a certificate of land use issued by Karnataka State Revenue Department, Taluk Office, Mangalore dt. 27/05/2019. The appellant requested continuance of their B.Ed. course with an intake of 50 students (one unit).

AND WHEREAS the Committee noted that the letters of the appellant dt. 24/05/2019 and 29/05/2019 written after the issue of withdrawal order dt. 23/05/2019 are in the file of the SRC. The appellant enclosed copies of the documents sent to SRC to the appeal. In these circumstances, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents submitted by the appellant with their letters dt. 24/05/2019 and 29/05/2019 and take further action as per the NCTE Regulations, 2014. While doing so SRC should consider the shortage in the built up area, which as per the B.C.C. submitted to them by the appellant with their letter dt. 24/05/2019, shows only a built up area of 11,560 sq. ft. (including basement).

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents submitted by the appellant with their letters dt. 24/05/2019 and 29/05/2019 and take further action as per the NCTE Regulations, 2014. While doing so SRC should consider the shortage in the built-up area, which as per the B.C.C. submitted to them by the appellant with their letter dt. 24/05/2019, shows only a built up area of 11,560 sq. ft. (including basement).

NOW THEREFORE, the Council hereby remands back the case of Amrutha College of Education, Alape, Padil, Mangalore, Karnataka to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The President, Amrutha College of Education, Alape, Padil, Mangalore – 575007, Karnataka.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.

(9)

F.No.89-237/E-121470/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of NES College of Education, Hoshangabad, Madhya Pradesh dated 04/06/2019 is against the Order No. WRC/APW03847/225016/304th/{M.P.}/2019/202649 dated 12.04.2019 of the Western Regional Committee, withdrawing recognition for conducting for M.Ed. Course on the grounds that "the institution has submitted list of five faculty (one Principal, one Professor, three Assistant Professor) signed by Registrar, Baraktullah University, Bhopal but date of Signature of Registrar of University not mentioned. Only six approval letter of Assistant Professor issued by Barakutullah University vide letter dated 27.10.2015 which was submitted by the institution. As per NCTE Regulations 2014 for M.Ed. programme two Professor, two Associate Professor and six Assistant Professor is required. The institution has not submitted a letter granting approval for the selection or appointment of six faculty, issued by the affiliating body as per NCTE Regulations 2014. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for M.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS Prof. Asrarul Ghane, Professor, NES College of Education, Hoshangabad, Madhya Pradesh presented the case of the appellant institution on 31/07/2019. In the appeal and during personal presentation it was submitted that the Institution due to the lack of faculty of the M.Ed. course, for the fulfilment of the faculty, on 03/02/2019 advertised and for the selection for the faculty, on 13/03/2019 the Committee was formed by Barkatullah University. The selection was made for the staff vacant posts by the Committee. The list approved by the university will be sent upon receipt. The appellant, in the course of presentation, with their letter dt. 29/07/2019, submitted, copies of the Barakatullah University's letters dt. 03/07/2019

and 24/07/2019 constituting the Selection Committee and approving the faculty of the appellant institution, respectively, together with the staff profile.

AND WHEREAS the Committee, noting that the appellant has submitted the documents found wanting in the withdrawal order, concluded that the matter deserved to be remanded to the WRC with a direction to consider the documents submitted in appeal and which are to be submitted to them by the appellant and take further action as per NCTE Regulations, 2014. The appellant is directed to forward to the WRC, the documents submitted in appeal, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to consider the documents submitted in appeal and which are to be submitted to them by the appellant and take further action as per NCTE Regulations, 2014. The appellant is directed to forward to the WRC, the documents submitted in appeal, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal.

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

(Sanjay Awasthi)
Member Secretary

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

(10)

F.No.89-238/E-121345/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of Mother College of Education, Yellavaram Dondapeta, Nathavaram, Visakhapatnam, Andhra Pradesh dated 21/06/2019 is against the Order No. SRO/NCTE/APSO0383/B.Ed/AP/2019/103618 dated 24.04.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the original files of the institution alongwith other related documents, NCTE Act, 1993, Regulations Guidelines issued by NCTE from time to time and documents furnished by the institution were carefully considered by the SRC and the following observations were made:- The NCTE vide its order dated 05.10.2015 reduced the intake from 2 units to 1 unit of 50 students subject to the fulfilling certain conditions mentioned in the order. But the institution has not complied with the conditions stipulated in the said order. Even then they are running the B.Ed. programme. Further another SCN has been issued asking to submit the information. On perusal of the documents submitted, it is observed that the Management has not submitted the English version of land documents. The Encumbrance Certificate issued in 2015 indicate that the land Survey No. 210-1 is in favour of individual by name Chode Sowbhagya Lakshmi which is contrary to NCTE Regulations. The latest staff list duly approved by the affiliating body is not submitted. The enclosed FDR are not as per NCTE Regulations. Hence, the Committee decided to withdraw the recognition for B.Ed. course under Section 17(1) of the NCTE Act."

AND WHEREAS Sh. Hariprasd Lagudu, Administrative Officer and Chikkonu Umesha, Admin. Assistant, Mother College of Education, Yellavaram Dondapeta, Nathavaram, Visakhapatnam, Andhra Pradesh presented the case of the appellant institution on 31/07/2019. In the appeal and during personal presentation it was submitted that the notarised English translated copy of the land documents had been

submitted during shifting inspection and proposed D.El.Ed. inspection and they are being submitted herewith. The appellant also submitted that they had purchased the land in the name of Mother Educational Society from the Executant Nandipalli Appalanaidu for an area of extent 1.00 Acres that is equal to 100 cents land bearing Document number 746/2001 office of the Sub Registrar, Kotauratla. Only a 0.13 Acres that is equal to 13 cents of land are left with Nandipalli Appalanaidu only. Chode Sowbhagya Lakhmi claimant purchased this renaming land for an extent of 344 square Yards that is equal to 7 cents from Nandipalli Appalanaidu executant not from our Mother Education Society or any other representative belongs to Mother Educational Society. Here with we are submitting the Adangal which means a revenue record contains details of land such as owners details, area assessment. The submitted adangal clearly shows the area of land and owners pertaining to the Survey Number 210/1. The available total extent of 1.00 Acres equal to 100 cents are exclusively for Teacher Education and not even single cent was given to any other Claimants. Total area of land belongs to Mother Educational Society are 100 cents equal to 1.00 Acres. Total area of land belongs chode Sowbhagya Lakshmi is 344 Sqr. Yards equal to 7 cents which is equal to 0.07 acres which was purchased from Nandipalli Appalanaidu Executant. Regarding faculty the appellant submitted that they requested Andhra University on 14/02/2019 to approve their faculty for the academic year 2018-19. The appellant, stating that the same faculty approved for the academic year 2017-18 are working requested for an opportunity to submit the approved list. Regarding the FDRs, the appellant, submitting that they have five FDRs for various amounts, jointly held with the Regional Director, SRC, requested that they may be given permission to withdraw these amounts so that they can submit FDRs for Rs. 7 lakhs and Rs. 5 lakhs jointly with the Regional Director, SRC.

AND WHEREAS the appellant, in the course of presentation, with their letter dt. 31/07/2019 submitted a faculty list of 10 members for the academic year 2018-19 signed by the Registrar, Andhra University on 18/07/2019.

AND WHEREAS the Committee, noting the submissions of the appellant vis a vis the grounds of withdrawal, concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents relating to land and faculty to be submitted to them by the appellant and simultaneously giving an opportunity to the appellant to submit revised FDRs for Rs. 7 lakhs and Rs. 5 lakhs as per the Regulations and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the SRC, the documents submitted in appeal regarding land and faculty within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents relating to land and faculty to be submitted to them by the appellant and simultaneously giving an opportunity to the appellant to submit revised FDRs for Rs. 7 lakhs and Rs. 5 lakhs as per the Regulations and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the SRC, the documents submitted in appeal regarding land and faculty within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Mother College of Education, Yellavaram Dondapeta, Nathavaram, Visakhapatnam, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Mother College of Education, 210/1, Yellavaram Dondapeta, Yd Peta, Nathavaram, Visakhapatnam – 531115, Andhra Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.

(11)

F.No.89-239/E-121480/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of Vijaya College of Education, Krishna Nagara, Pandavapura, Mandya, Karnataka dated 25/06/2019 is against the Order No. SRO/NCTE/APS01743/B.Ed/KA/2019/104112 dated 01.05.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the original files of the institution alongwith other related documents, NCTE Act, 1993. Regulations Guidelines issued by NCTE from time to time and documents furnished by the institution were carefully considered by the SRC and the following observations were made:- Encumbrance Certificate issued by the Competent Authority not submitted. Built-up area is not adequate. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act."

AND WHEREAS Sh. Basava Raju, Hon. Secretary and Sh. Ravi, Representative, Vijaya College of Education, Krishna Nagara, Pandavapura, Mandya, Karnataka presented the case of the appellant institution on 31/07/2019. In the appeal and during personal presentation it was submitted that production of Encumbrance Certificate was and is not fatal so as to cause a major imposition of punishment of withdrawal of the Recognition. Admittedly, the institution has not subjected the property to any kind of Encumbrance since the beginning till date and there is no need to do so. However, the fresh Encumbrance Certificate obtained on fresh application which is produced along with the present appeal would comply with the said requirement and the said objection stand complied with. Admittedly in the previous meeting held by the SRC Committee itself, the adequacy of the requirement of square details is decided in as much as on inspection it was found that the area is 3815 s.q.m.t as against the requirement of 1500 s.q.m.t. The said objection appears to have been raised in ignorance of its own

decision taken earlier. The inadequacy of the sq. mts. does not arise as of now. Further, the total intake previously was with 100 students which was later reduced to 50 students with one unit. Since it was found to be adequate, the question of inadequacy of sq. mts. dose not arise. In this behalf, there appears to be an apparent mistake/error committed in raising such an objection so as to cause an order of withdrawal of recognition. This needs serious consideration. In view of the compliance of the sated objection, the question of withdrawing of Recognition does not arise. The institution is running since 2004-05. It is almost 14 years since its commencement. It is running successfully because of the teaching culture maintained at higher level. The institution has been recognised to be one of the best among other affiliated institutions in the university itself. This is also compared to other institution running such courses in and around the place. Therefore, the order of withdrawal now passed would be too harsh on the institution and it leads to great injustice apart from causing great injustice and irreparable loss to the students career. Therefore, such an order of withdrawal of recognition/affiliation does not stand to reason and accordingly liable be to set aside. The appellant most humbly prays that this Hon'ble authority may kindly be pleased to call for relevant records and (i) set aside the order of withdrawal bearing no. F. SRO/NCTE/APSO1743/B.Ed./ KA/2019/104112 passed by the respondent as arbitrary, illegal and void and contrary to the facts (ii) to reconsider the decision relating to withdrawal of Recognition in view of the compliance of deficiencies pointed out/indicated in the impugned order dated 01.05.2019 and to pass appropriate suitable orders in the interest of justice (iii) issue any other incidental orders as deemed fit in the facts and circumstances of the case in the interest of justice and equity.

AND WHEREAS the Committee noted that the appellant has submitted a Non – Encumbrance Certificate dt. 13/05/2019 issued by the Deputy Registrar, Pandavapura with an English translation. Regarding the adequacy of built up area, the appellant besides making a general statement claiming that the built up area is 3851 sq. mts., which is sufficient for one unit of B.Ed. (50 students), has not produced any documentary evidence in the form of a Building Completion Certificate in the prescribed form issued by the Competent Government Authority. On the other hand

the file of the SRC contains only one Building Completion Certificate showing 10,773.25 Sq. ft. of built up area only and that certificate has been taken into consideration by the SRC. This area, which is less than 1500 sq. mts. required for one unit of 50 students is, therefore, inadequate.

AND WHEREAS in view of the above position, the Committee concluded that the SRC was justified in withdrawing recognition and therefore the appeal deserved to be rejected and the order of the SRC confirmed.

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

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

(Sanjay Awasthi)
Member Secretary

1. The Principal, Vijaya College of Education, 3201, Pandavapura, Krishna Nagara, Pandavapura, Mandya – 571434, Karnataka.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.

(12)

F.No.89-240/E-121549/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of Karnal Jagannath Singh Mahavidyalaya, Peethapur, Bheeti, Akbarpur, Uttar Pradesh dated 01/11/2017 is against the dated 02/05/2016. While the appellant has not enclosed a copy of the order appealed against, it is noted from the file of the NRC that they issued a consolidated Order No. NRC/NCTE/Recognition/D.EL.Ed./2016/146821-7694 dt. 02/05/2016 covering 868 institutions, including the appellant institution, which was granted recognition for conducting D.El.Ed. course of one unit (50 intake).

AND WHEREAS the appellant filed a W.P. (C) 1886/2018 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court, in their order dt. 27/02/2018, disposed of the petition with a direction to the respondent to dispose of the pending appeal of the petitioner within four weeks by passing a reasoned and speaking order.

AND WHEREAS Sh. Rajiv Kumar Singh, Manager, Karnal Jagannath Singh Mahavidyalaya, Peethapur, Bheeti, Akbarpur, Uttar Pradesh presented the case of the appellant institution on 31/07/2019. In the appeal and during personal presentation it was submitted that appellant institution after receipt of the NOC from the office of the Examination Regulatory Authority applied to the NRC, NCTE for grant of recognition for the D.El.Ed. Course alongwith the affidavit for grant of 100 intake. It is submitted that the Expert Team of the NRC also conducted its inspection and inspected and satisfied that the institution has sufficient built up area for the two units. Affiliating body vide its letter dated 30.04.2016 also approved the 16 faculties in the appellant institution for the 100 intake and the same was also submitted before the NRC vide letter dated 28/02/2016 with request to issue the recognition for the 2 Units. NRC NCTE in its 252nd meeting held between 19th April to 02 May 2016 decided to grant the recognition only for one Unit. It is submitted that the NCTE also in similar appeal granted the intake of 100 to the identical placed institutions.

AND WHEREAS the submission of the appeal has been delayed by one year three months and 29 days beyond the prescribed period of sixty days.

AND WHEREAS the Committee noted that according to the provisions of Section 18 (1) of the NCTE Act, 1993, any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed. According to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under the above mentioned Sections of the Act may prefer an appeal to the Council within sixty days of issue of such orders. According to the provisions of Section 18 (2) of the NCTE Act, no appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor; provided such an appeal may be admitted after the expiry of the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period.

AND WHEREAS the Committee noted that the appellant, in the appeal, has not given any reason, whatsoever, for not preferring the appeal within the prescribed period. In these circumstances, the Committee decided not to admit the appeal.

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

(Sanjay Awasthi)
Member Secretary

1. The Manager, Karnal Jagannath Singh Mahavidyalaya, Peethapur, Bheeti, Akbarpur – 224151, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(13)

F.No.89-241/E-121621/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of Bhartiya Mahila P.G. Mahavidyalaya, Chandpura, Sanwali Sikar, Rajasthan dated 11/05/2017 is against the Order No. NCTE/NRC/NRCAPP201615547/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-18/2; dated 27.02.2017 of the Northern Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "the institution was given show cause notice dated 19.01.2017 reply submitted by the institution on 09.02.2017. The institution has not submitted the certified registered land documents issued by the Registering Authority or civil authority concerned. Khasra No. in building plan is 306/164, Khasra No. in land documents is 208/164 which do not match. Total area as per land documents is 4000 sq. Mtr. In which B.Ed. (four units) required 4000 sq. mtr. As per such land is not sufficient for present and proposed course. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

AND WHEREAS Sh. Jagdish Prasad Pilania, Professor, Bhartiya Mahila P.G. Mahavidyalaya, Chandpura, Sanwali Sikar, Rajasthan presented the case of the appellant institution on 31/07/2019. In the appeal and during personal presentation it was submitted that the certified copy of the registered land documents was submitted by the institution along with the reply to the show Cause Notice which has not been considered by the Regional Committee. The difference in khasra number in building plan and in land documents was sufficiently explained in the reply to the show Cause Notice in the form that due to conversion of the land for institutional use different khasra numbers were provided by the concerned authority and the institution is the owner of the land of both khasra numbers. The regional committee has wrongly

provided the requirement of the land. 4000 square Metres of land is already in the ownership of the institution apart from more than 7000 square metre adjoining land. the maximum required land is 4000 square metre upon which all the teacher training institutes can be established as per the norms and Standards of each and every teacher training course.

AND WHEREAS the Committee noted from the file of the NRC that the appellant in their reply to the show cause notice has not submitted certified copy of the registered land documents and has not given any satisfactory explanation in respect of mismatch of Khasra numbers. Even in the appeal, the appellant has not submitted certified copy of the registered land document. In these circumstances, 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 confirmed.

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

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Bhartiya Mahila P.G. Mahavidyalaya, Chandpura, Sanwali by Pass Chouraha, Sikar – 332021, Rajasthan
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

(14)

F.No.89-242/E-121541/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of Kalpnanand Girls Degree College, Larkhaur (Shahjahanpur) Jaswantnagar, Uttar Pradesh dated 19/02/2018 is against the Order No. NRC/NCTE/NRCAPP-5224/261st Meeting/2016/186640 dated 03.01.2018 of the Northern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "the institution was given show cause notice dt. 23.09.2015 to submit the reply of letter of intent. The institution has not submitted the reply of letter of intent under clause 7(13) of the NCTE Regulations, 2014 issued by the NRC."

AND WHEREAS Dr. Pramod Yadav, Director, Kalpnanand Girls Degree College, Larkhaur (Shahjahanpur) Jaswantnagar, Uttar Pradesh presented the case of the appellant institution on 31/07/2019. In the appeal and during personal presentation it was submitted that in compliance of the Letter of Intent, dt. 26/05/2015 which they actually received on 27/01/2016, they submitted their compliance on 04/03/2016, with all necessary documents. The appellant enclosed a copy of their letter which bears the receipt stamp of NRC with no. 134750 dt. 04/03/2016. The appellant with their letter dt. 31/07/2019, inter-alia, enclosed copies letters dt. 29/06/2015 and 08/06/2015 issued by Chhatrapati Sahu Ji Maharaj University regarding approval of faculty.

AND WHEREAS the Committee noted that the appellant's letter received on 04/03/2016 is not available in the file of the NRC. Since the appellant has shown proof of receipt of their reply, the Committee concluded that the matter deserved to be remanded to the NRC with a direction to consider the reply received on 04/03/2016, to be resubmitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the NRC all the required

documents once again within 15 days of receipt of orders on the appeal. The appellant, inter-alia, should ensure that the faculty fulfil the requirements of the NCTE Regulations, as amended in 2017.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the NRC with a direction to consider the in reply received on 04/03/2016, to be resubmitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the NRC all the required documents once again within 15 days of receipt of orders on the appeal. The appellant, inter-alia, should ensure that the faculty fulfil the requirements of the NCTE Regulations, as amended in 2017.

NOW THEREFORE, the Council hereby remands back the case of Kalpnanand Girls Degree College, Larkhaur (Shahjahanpur) Jaswantnagar, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Manager, Kalpnanand Girls Degree College, Larkhaur (Shahjahanpur) NH-2, Jaswantnagar – 206130, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(15)

F.No.89-243/E-121642/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of Sri Krishna Dutt Academy, Vrindavan Yojana, Rai Bareilly Road, Sadar, Uttar Pradesh dated 13/06/2019 is against the Order No. NRC/NCTE/NRCAPP-201615079/(ID No. 7997)/293rd Meeting/2018/199754 dated 31.01.2019 of the Northern Regional Committee, granting recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course of one unit (50 intake). The appellant wants recognition for two units.

AND WHEREAS Dr. Navin Kumar, Deputy Director, Sri Krishna Dutt Academy, Vrindavan Yojana, Rai Bareilly Road, Sadar, Uttar Pradesh presented the case of the appellant institution on 31/07/2019. In the appeal and during personal presentation it was submitted Online appeal was not possible due to some technical error. On contacting NCTE head office the technical error was resolved on 10/06/2019. They had applied for B.A. B.Ed./B.Sc. B.Ed course for two units. However due to delay in approval of lecturers by University of Lucknow, NCTE NRC did not grant approval to the Institute. The Institute then filed an appeal and during hearing of the appeal they were directed to get the remaining lecturers and H.O.D. approved and submit the approval letter. They accordingly got approval from University of Lucknow for H.O.D., remaining lecturers and three additional teachers for Physical Education, Music and Art. The approval letter was issued by University of Lucknow on 15/11/2018. All the relevant documents in connection with H.O.D. and lecturers together with relevant affidavit were submitted on 22/11/2018. However, in the 293rd meeting only one unit was approved. They had in the past sent many letters of appeal to the R.D. NCTE NRC for approval of two units vide application no. NRC/NCTE/NRCAPP 2016 15079 ID NO. 7997. They received a letter from R.D. NCTE NRC advising to appeal for two units under NCTE Act u/s 18.

AND WHEREAS the Committee noted that in pursuance of the Appellate order dt. 05/10/2018, remanding the matter to the NRC, the appellant, with their letter dt. 17/10/2018 forwarded to the NRC certain documents, which included, copy of a letter dt. 31/01/2018 from Lucknow University approving nine faculty members. The NRC on consideration of the appellant's letter issued a Show Cause Notice on 12/12/2018 pointing out certain deficiencies in the faculty. The appellant with their letter dt. 20/11/2018 forwarded to the NRC a faculty list of nine members approved by Lucknow University on 15/11/2018. In that letter the appellant also referred to the faculty got approved by the university earlier and sent to the NRC. There is no reply to the Show Cause Notice. The NRC on the basis of the staff list of nine faculty members forwarded with the appellant's letter dt. 20/11/2018 and in the absence of a reply to their Show Cause Notice granted recognition for one unit. In these circumstances, the Committee concluded that the NRC was justified in granting recognition for one unit (50 intake) and therefore, the appeal deserved to be rejected and the order of the NRC confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the NRC was justified in granting recognition for one unit (50 intake) and therefore, the appeal deserved to be rejected and the order of the NRC is confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Director, Sri Krishna Dutt Academy, 2 D/HS-1, Vrindavan Yojana, Rai Bareilly Road, Sadar – 226025, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(16)

F.No.89-244/E-121665/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of AISECT College of Education and Technology, Village – Balkhadsura, Post Chhegaon Makhan, Khandwa, Madhya Pradesh dated 17/06/2019 is against the Order No. WRC/APP3107/223/305th/2019/202962 dated 23.04.2019 of the Western Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "The original file of the institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, and reply dated 06.02.2019 of Show Cause Notice dated 24.01.2019, were carefully considered by WRC and the following observations were made:- In the original application of the institution the address in mentioned as Village – Balkhandsura whereas on the building plan submitted by the institution it is mentioned as Gram – Chhegaon, Makhan. Hence, the Committee decided to refuse the recognition of B.Ed. programme under Section 14(3)(b) of the NCTE Act, 1993."

AND WHEREAS Sh. Amitabh Saxena, Director, AISECT College of Education and Technology, Village – Balkhadsura, Post Chhegaon Makhan, Khandwa, Madhya Pradesh presented the case of the appellant institution on 31/07/2019. In the appeal and during personal presentation it was submitted that the land identified by khasra no. 59/1, 64/1 is in the village – Balkhadsura, Patwari Halka No. 34, Block – Chhegaon Makhan, Distt. Khandwa (M.P.) This address may also be verified through land registry documents as well land conversion documents or search report. The name of gram Chhegaon Makhan is wrongly written in the building plan. Correction has already been done and certified by Sarpanch. The building completion certificate is correct in all manner. The corrected copy of building plan is enclosed. Also find enclosed a letter from Tehsil office stating the correct building location of AISECT College of Education and Technology. Finally, a new map (Corrected) is enclosed.

AND WHEREAS the Committee, being satisfied with the explanation furnished by the appellant, concluded that the matter deserved to be remanded to the WRC with a direction to consider the documents given in appeal, to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC all the documents submitted in appeal, within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that the matter deserved to be remanded to the WRC with a direction to consider the documents given in appeal, to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC all the documents submitted in appeal, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of AISECT College of Education and Technology, Village – Balkhadsura, Post Chhegaon Makhan, Khandwa, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Director, AISECT College of Education and Technology, Village – Balkhadsura, Post Chhegaon Makhan, Khandwa – 450771, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

(17)

F.No.89-245/E-121733/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of Sri Chenna Krishna Goud Memorial Integrated College of Education or SCKGM Integrated College of Education, Bheemnagar, Gadwal, Telangana dated 11/06/2019 is against the Order No. SRO/NCTE/SRCAPP2568/B.A.B.Ed/AP/2019/103002 dated 05.04.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "the original files of the institution alongwith other related documents, NCTE Act, 1993, Regulations Guidelines issued by NCTE from time to time and documents furnished by the institution were carefully considered by the SRC and the following observations were made:- The matter pertaining to Sri Chenna Krishna Goud Integrated College of Education, Bheemanagar, Mahaboobnagar, Telangana was considered. The matter was thoroughly discussed in the light of the Hon'ble Court of AP and Hon'ble Supreme Court observations along with the letter received from the Special Chief Secretary, Education Department, Government of Telangana pointing out deficiencies such as library, laboratory, lesser size of classrooms, non-qualified staff etc. The Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act."

AND WHEREAS Dr. A. Narayan, Correspondent, Sri Chenna Krishna Goud Memorial Integrated College of Education or SCKGM Integrated College of Education, Bheemnagar, Gadwal, Telangana presented the case of the appellant institution on 31/07/2019. In the appeal and during personal presentation it was submitted that in this case the SRC had issued a show cause notice dated 10.01.2019 observing that NCTE had issued formal recognition without realizing that the amendment to the Regulations on 09.06.2017 had been violated by our college. We replied to the above show cause notice vide Letter dated 08.02.2019. We had applied for formal recognition

on 28.05.2015. The NCTE vide Letter dated 05.12.2016 communicated the decision taken by the SRC that we need to apply afresh for the BA B.Ed. programme as the SRC is not allowed to consider applications for two courses for different academic years on a common application. We submitted our representation dated 16.12.2016 requesting for grant of recognition. We filed a Writ Petition No. 23781 of 2017 before the Hon'ble High Court at Hyderabad against NCTE. The High Court vide Order dated 24.07.2017 was pleased to direct the SRC to deal with the Representation of the Petitioner dated 16.12.2016 in accordance with law. Pursuant to the above order, the SRC vide letter dated 24.08.2017 communicated to us that it had reviewed its order and granted recognition to our college. The allegations in the show cause notice are vague and baseless. The Show cause notice merely states that our college is in violation of the Amendment to the NCTE Regulations without specifying any violation on the part of our college. In any case, it is submitted that the amended Regulation is not applicable to the present case as the application of our college for recognition and the representation dated 16.12.2016 based on which LOI and FRO was issued were prior to the 2017 amendment. The Hon'ble High Court had directed NCTE to consider the representation as made on 16.12.2016 which is clearly prior to the 2017 amendment. The SRC has vide the Impugned Order dated 05.04.2019 withdrawn the recognition on the ground of deficiencies such as library, laboratory, lesser size of classroom, non-qualified staff, etc. It is submitted that the Impugned Order of the SRC is vague and not clear as to what are the breaches committed by our college. Moreover, the show cause notice dated 10.01.2019 issued by NCTE does not mention any of these breaches and merely states that the 2017 amendment to the Regulations have been violated. Our college has not been provided with an opportunity to address the allegations with respect to deficiencies such as library, laboratory, lesser size of classroom, non-qualified staff etc. Even the Impugned order is extremely vague with respect to the alleged violations committed by our college and no specific violation has been listed in the Impugned Order. It is submitted that the NCTE cannot withdraw recognition under Section 17 on the basis of grounds deficiencies which have not even been mentioned in the show cause notice. The same amounts to violation of principles of natural justice as our college has not been given the option of replying to the

allegations that have been mentioned in the impugned order. On this ground alone, the impugned order of the SRC is liable to be set aside. We submit that our college has not violated any norms or regulations and is in compliance with all requirements as applicable to our college. The decision of the SRC of withdrawing Formal recognition to Sri Chenna Krishna Goud Memorial Integrated College of Education, Gadwal for B.A. B.Ed. is irregular causing a lot of loss to the management. We humbly pray that the NCTE may be directed to withdraw the Impugned Order dated 05.04.2019 and restore the Formal Recognition granted to our college. The appellant, with their letter dt. 31/07/2019, enclosed a list of books, list of laboratory apparatus and a copy of building plan. In this letter the appellant stated 'Non-qualified staff; not applicable'.

AND WHEREAS the Committee noted from the Show Cause Notice dt. 10/01/2019, that it is vaguely worded and did not contain grounds in clear and specific terms for proposing withdrawal of recognitions so as to enable the appellant to make a representation as required under the provisions of Section 17 (1) of the NCTE Act, 1993. Further in the withdrawal order dt. 05/04/2019 only a reference has been made to a letter received from the Special Chief Secretary, Education Department Government of Telangana in which deficiencies "such as library, laboratory, lesser size of classrooms, non-qualified staff etc." are reported to have been pointed out. In these circumstances, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to issue a Show Cause Notice to the appellant, intimating the specific grounds clearly, and take further action as per the provisions of NCTE Act, 1993 and NCTE Regulations.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to issue a Show Cause Notice to the appellant, intimating the specific grounds clearly, and take further action as per the provisions of NCTE Act, 1993 and NCTE Regulations.

NOW THEREFORE, the Council hereby remands back the case of Sri Chenna Krishna Goud Memorial Integrated College of Education or SCKGM Integrated College of

Education, Bheemnagar, Gadwal, Telangana to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Sri Chenna Krishna Goud Memorial Integrated College of Education or SCKGM Integrated College of Education, Bheemnagar, Gadwal – 509125, Telangana.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Telangana, Hyderabad.

(19)

F.No.89-248/E-121881/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of A.B.R. College of Education, Chinairlapadu Village – Kandukur Road, Kanigiri, Andhra Pradesh dated 10/06/2019 is against the Order No. SRO/NCTE/APSO7757/B.Ed/AP/2019-103641 dated 24.04.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the land documents submitted by the institution is not a clear deed rather it is a gift deed. Further it is observed that there is a confusion with reference to Survey Nos. & Extent of land in two different documents. The Building Completion Certificate is not issued by the Competent Authority. The latest faculty list is also not furnished as per the Amended NCTE Regulations, 2017. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act."

AND WHEREAS Sh. SK. Nayab Rasool, Vice Principal and Sh. S. Murali, C.E.O.,A.B.R. College of Education, Chinairlapadu Village – Kandukur Road, Kanigiri, Andhra Pradesh presented the case of the appellant institution on 31/07/2019. In the appeal and during personal presentation it was submitted that their institution is having only one land document. From the date of making application to till date there is only one document submitted. Further, the Survey No. is 8 and there is no other survey number. Hence the statement of rejection is false. We are enclosing herewith the Land document along with English translated version for kind consideration. The Building Completion Certificate in the NCTE prescribed format is submitted. The BCC is issued by the Secretary, Gram Panchayat and Assistant Executive Engineer, Mandal Praja Parishad which is Government of Andhra Pradesh body. We have submitted the duly approved staff list as per the NCTE Regulations in the prescribed format. The Staff List is duly approved by the Registrar, Acharya Nagarjuna University. A copy of the approved staff list is submitted for kind consideration.

AND WHEREAS the Committee, noting that the appellant, has submitted the documents found wanting in the withdrawal order, with due explanations, and as per approved staff list all the faculty members were appointed prior to the notification of amended Regulations in 2017, concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents submitted in appeal, to be sent to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the SRC all the documents submitted in appeal within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents submitted in appeal, to be sent to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the SRC all the documents submitted in appeal within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of A.B.R. College of Education, Chinairlapadu Village – Kandukur Road, Kanigiri, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Principal, A.B.R. College of Education, Chinairlapadu Village – Kandukur Road, Kanigiri – 523234, Andhra Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.

(20)

F.No.89-249/E-122134/2019 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of S.J.V.P. College of Education, Honnali, Karnataka dated 14/06/2019 is against the Order No. SRO/NCTE/APSO1749/B.Ed/KA/2019-103596 dated 24.04.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the Management has not submitted English version of the land document. LUC issued by the Competent Authority not submitted. The latest Encumbrance Certificate is not submitted. The building plan submitted is not reflecting the approving authority along with their official seal. The Management has not submitted approved faculty list duly approved by the affiliation University. Hence, the Committee decided to withdraw the recognition for B.Ed. course under Section 17(1) of the NCTE Act."

AND WHEREAS Dr. H. S. Jayappa, Professor and Administrator, S.J.V.P. College of Education, Honnali, Karnataka presented the case of the appellant institution on 31/07/2019. The appellant, with their appeal submitted land documents (with English translation), LUC, Non Encumbrance Certificate, building plan and building completion certificate approved by Government Authorities and a copy of faculty list approved by the Registrar, Davanagere University.

AND WHEREAS the Committee, noting that the appellant submitted the documents found wanting in the withdrawal order, concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents submitted in appeal, to be sent to them by the appellant, and take further action as per the NCTE Regulation, 2014. While doing so, it may be noted that two staff members appointed after the amended Regulations of 2017, are not NET/SET qualified. The appellant is

directed to forward to the SRC all the documents submitted in appeal within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents submitted in appeal, to be sent to them by the appellant, and take further action as per the NCTE Regulation, 2014. While doing so, it may be noted that two staff members appointed after the amended Regulations of 2017, are not NET/SET qualified. The appellant is directed to forward to the SRC all the documents submitted in appeal within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of S.J.V.P. College of Education, Honnali, Karnataka to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, S.J.V.P. College of Education, Honnali – 577217, Karnataka.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.

(21)

F.No.89-30/E-59908/2018 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of College of Commerce, Arts & Science, Kankarbagh, Patrakar Nagar, Bihar dated 12/01/2018 is against the Order No. ERC/245.7.2/8821/B.Ed./ERCAPP201645129/2017/55022 dated 14/11/2017 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "a. Show Cause Notice was issued on 24.05.2017 on the following grounds: i. As per application form, the type of management mentioned is "State Government" whereas in the NOC issued from Magadh University dated 27.05.2016 countersigned by Registrar on 16.02.2017 it is mentioned that B.Ed. course is as applied for by the college under "Self-Financing Scheme". ii. Being a private institution, processing fee is mandatory while submitting the application through online mode at the time of submission of application. b. In response, the institution submitted reply vide letter dated 11.07.2017 stating therein that it is a constituent unit of Magadh University and is not a private institution. Further, the institution stated that the applied B.Ed. course is on self-financing mode. c. The Committee observed that the institution is still deficient on the ground of non-submission of processing fee which is mandatary as per NCTE Regulation, 2014. In view of the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP201645129 of the institution regarding recognition of applied B.Ed. Programme is refused under Section 14(3)(b) of NCTE Act 1993."

AND WHEREAS Dr. Tapan Kumar Shandilya, Principal, College of Commerce Arts & Science, Kankarbagh, Patrakar Nagar, Bihar presented the case of the appellant institution on 05/04/2018. In the appeal and during personal presentation and in a letter dt. 05/04/2018 it was submitted that "College of Commerce Arts and Science is a Constituent unit of Magadh University Bodh, Gaya which is a university

established and administered in terms of the provisions contained under the Bihar State University Act 1976 and as such the college is bound by the rules and regulations as well as directives issued by the State Government as well as the university from time to time in the matters of management and administration of the college as well as the financial matters. As per the Regulations of the U.G.C., 1996, Constituent / Government aided colleges are allowed to run vocational/professional job oriented courses under self financed scheme with due mandate of the university. That means constituent colleges/Government aided colleges are allowed to conduct courses whose financial liabilities shall neither be borne by the affiliating university nor by the State Government. The Department of Higher Education, Government of Bihar in their letter dt. 25.03.2015 instructed all the universities and their constituent colleges to obtain approval of the NCTE to start different teacher training courses under self-finance scheme. For Teacher Education programmes under the self-financing mode the college being a constituent unit of the Magadh University Bodh Gaya is not a private institution. Financial liability and employability by the State Government and fee of students is decided jointly by the State Government and the university. Consent of the State Government is obtained for opening the B.Ed. Course under Self finance mode on No Profit No Loss basis. Their college is neither fully government nor private, it is semi government and they receive funds from UGC since their college is recognised under section 2f and 12B of UGC Act 1956. They receive funds from State Government as such there is need to properly interpret the word 'Constituent' since there was no option of Constituent under the head type of College. There were only three options Government, Government Aided Private and Government un-added and by mistake they opted 'Government'. They should have opted Government Aided. The appellant requested the Committee to consider their issue positively and give a chance to rectify their mistake in the application form. If NCTE considers their college in the category to pay processing fee, they are ready pay the processing fee.

AND WHEREAS the appellant in their letter dt. 05.04.2018 submitted that several colleges e.g. A.N. College, Patna (a constituent college under Magadh University); Shanti Prasad Jain College, Sasaram (a constituent college under Veer

Kunwar Singh University, Ara); A M College, Gaya, Bihar (a constituent college under Magadh University); and S. Sinha College, Aurangabad (a Constituent College under Magadh University), which are of same type as theirs, obtained approval to run B.Ed. courses. The appellant enclosed copies of recognition orders for B.Ed. course issued in respect of S.P. Jain College and A.M. College.

AND WHEREAS the Committee noted that the appellant with their application dt. 30.05.2016, did not enclose any certificate of Registrar of the parent Organisation/Society/Trust but enclosed a copy of the Registration certificate of the college issued by Magadh University certifying that the college is a constituent unit of Magadh University, which is fully managed and maintained by the university. It is also certified therein that it is taken over by Bihar Government in their letter dt. 18/09/1975. In the appeal, the appellant submitted that their college is neither fully Government nor private but it is semi-Government.

AND WHEREAS the Committee noted that according to the proviso to Rule 9 of the NCTE Rules, 1997 Government institutions shall be exempt from payment of the fee. Since the appellant admitted that their college is not fully Government, they are not exempt from payment of this fee. There is no provision to correct the nature of management indicated in the online application and the application has to be accompanied by the processing fee ab – initio and not at a later stage.

AND WHEREAS the Committee, in their meeting held on 31/07/2019, also noted that the Regional Director, ERC informed that they have not exempted any Private/Self - Finance/Constituent units of the university from payment of processing fee.

AND WHEREAS in these circumstances, the Committee concluded that the E.R.C. was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the E.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, and 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.

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

(Sanjay Awasthi)
Member Secretary

1. The Principal, College of Commerce Arts & Science, Kankarbagh, Main Road, Patrakar Nagar – 800020, Bihar.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.

(22)

F.No.89-751/E-2016 Appeal/22nd Mtg.-2019/31st July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/08/2019

ORDER

WHEREAS the appeal of Avimanyu College of Education, Madiaghat Malda, West Bengal dated 14/11/2016 is against the Letter No. ER-/APP3996/49261 dated 19/09/2016 of the Eastern Regional Committee, refusing to accord revised recognition for the required unit of B.Ed. Course as "the cut off date for grant of recognition is over."

AND WHEREAS Avimanyu College of Education, Maliaghat (Sovanagar), Malda, West Bengal was asked to present the case of the appellant institution on 25/02/2017 and 28/04/2017, but nobody form that institution appeared. The Committee decided to give the appellant another opportunity i.e. the third and final opportunity to present their case.

AND WHEREAS Avimanyu College of Education, Maliaghat (Sovanagar), Malda, West Bengal was asked to present the case of the appellant institution on 29.06.2017 i.e. the third and final opportunity given the them, but nobody from the institution appeared. In the circumstances, the Committee decided to consider the appeal on the basis of the records.

AND WHEREAS the Committee noted that the appellant, aggrieved by the order of the ERC dt. 01.05.2016 granting recognition for only one unit of D.El.Ed. course from the academic session 2016-17, filed a Writ Petition No. 10349 (w) of 2016 before the Hon'ble High Court of Calcutta. The Hon'ble High Court in their order dt. 17.06.2016, as corrected by their subsequent order dt. 27.06.2016 quashed and set aside the impugned rejection of intake order (of 1st May 2016) and directed the Respondent No. 2, namely, the Regional Director, ERC to revisit the issue within four

weeks from the date of communication of their order, after giving an opportunity of hearing to the petitioners or their authorized representative and thereafter communicate the decision to the petitioners within one week.

AND WHEREAS the Committee further noted that in compliance of the Hon'ble Court's order, the ERC heard the Secretary of the institution and their two representatives on 09.08.2016. Thereafter, ERC issued a detailed letter on 19.09.2016 (i) pointing out certain deficiencies in respect of some selected faculty members; and (ii) explaining the reasons for and circumstances under which recognition for only one unit was granted; and the impossibility of taking up the matter for issue of revised recognition for required one unit for consideration at present as the cut-off date (02.05.2016) for grant of recognition is over. In that letter, the appellant was advised to make a fresh application for the next academic session. The appellant filed an appeal on 14.11.2016 against the decision conveyed by the ERC in their letter dt. 19.09.2016.

AND WHEREAS the appellant in the appeal, with reference to the deficiencies in respect of certain faculty members pointed out by the ERC in their letter dt. 19.09.2016, submitted that none of the degrees are issued by the Registrar of the University and all degrees are issued on behalf of the Registrars of the Universities. The appellant also enclosed copies of the certificates issued by the Registrar of Lucknow University certifying the genuineness of the Marks Sheet of the faculty members mentioned in the ERC's letter dt. 19.09.2016.

AND WHEREAS the Committee noted from the file of the ERC that the appellant filed another Writ Petition No. 24937 (w) of 2016 before the Hon'ble High Court. The Hon'ble High Court in their interim order dt. 11.11.2016 directed as below:-

> "In such circumstances, it would be appropriate to request the ERC of NCTE to write to the respective institutions or Universities from which faculty members of the petitioner No. 1 claim to have received relevant education qualifications, if it has any doubts as to its authenticity. The ERC of NCTE will be entitled to call upon the petitioner No. 1 to furnish any other documents or information in support

of the claim of requisite educational qualifications of its faculty members. It is expected that the ERC of NCTE will complete the entire exercise by the month of December, 2016".

The writ petition was to be listed in Jan, 2017. In the meanwhile, the petitioner submitted two representations dated 29.11.2016 and 06.12.2016 to the ERC, furnishing details of the authenticity of the certificates of the faculties appointed by the institution and requesting grant of recognition for one additional unit from the academic session 2017-18. The ERC in their 227th meeting held on 8-10 December, 2016 decided to send the marks sheets of the disqualified candidates as mentioned in their order dt. 19.09.2016 (for D.El.Ed. and B.Ed.) to the Registrars of the concerned Universities for verification and authentication with a request report to submit the report within 21 days. The ERC wrote letters dt. 22.12.2016 to the Registrars of Chhatrapati Shahuji Maharaj Kanpur University and Veer Bahadur Singh Purvanchal University, Jaunpur for verification and report the authenticity of mark sheets within 21 days. A copy of the letter was endorsed to the appellant. The file does not indicate whether any reply has been received or not and what further action was taken in the matter. The file also does not indicate whether the Hon'ble High Court passed any final order on the WP No. 24937 of 2016.

AND WHEREAS the Committee, in their meeting held on 31/07/2019, noted that the Regional Director, ERC informed that they wrote letters to V.B.S. Purvanchal University, Lucknow University and CSJ University about genuineness / authenticity of the marks sheets of certain lecturers, which were found to be doubtful and only the Registrar of VBS Purvanchal University submitted the authenticity / genuineness of one lecturer.

AND WHEREAS the Committee, noting that (i) the appellant neither appeared before the Committee on three opportunities admissible under the NCTE Rules, 1997 and granted to him nor pursued the matter with the Council after filing the appeal as far back as 14/11/2016; and (ii) all the concerned universities have not confirmed the genuineness / authenticity of the marks sheets of doubtful candidates, concluded that

the ERC was justified in taking the decision not to grant recognition for one more unit of B.Ed. as conveyed in their letter dt. 19/09/2016. Therefore, the appeal is rejected.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, and the documents available on records, 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.

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Avimanyu College of Education, 4036, Mohini Mandal Welfare Trust, 420, Madiaghat (Sovanagar), Malda, West Bengal – 732204
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.