



F.No.89-173(A)/E-67082/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Shree Maruti Kelvani Mandal Managed B.Ed. College, Jasapar, Gujarat dated 05/03/2018 is against the Order No. WRC/APW02569/323295/Guj./285th/2017/10145 dated 02/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "the case file was seen. Show Cause Notice was issued to the institution on 05.09.2017. The institution replied on 30.09.2017. The institution has submitted a staff profile of 1+12 faculty members, which is not approved by the competent authority. Additional FDR of Rs. 4.00 lakhs (in joint name) not submitted in original (total requirement is 12.00 lakhs). Building Completion Certificate in the prescribed format and counter signed by a Govt. Engineer not submitted. Therefore, Recognition is withdrawn from the academic session 2018-19."

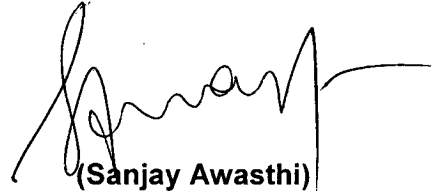
AND WHEREAS Sh. Meta Manish Kumar N, Trusty, Shree Maruti Kelvani Mandal Managed B.Ed. College, Jasapar, Gujarat presented the case of the appellant institution on 28/05/2018. In the appeal and during personal presentation the appellant submitted a letter dt. 28/05/2018. The appellant enclosed to this letter (i) a staff profile of 1+18 faculty members (including a Librarian) countersigned by the Registrar, Saurashtra University, Rajkot; (ii) copies of three F.D.Rs for Rs. 5 lakhs, Rs. 3 lakhs and Rs. 4 lakhs, totaling Rs. 12 lakhs and jointly held with the Regional Director, W.R.C; and (iii) a copy of the building completion certificate signed by Additional Assistant Engineer, Taluka Panchayat, District – Rajkot.

AND WHEREAS the Committee, noting that the appellant has submitted all the documents found wanting in the withdrawal order, concluded that the matter deserved to be remanded to the W.R.C. with a direction to consider these documents to be

submitted to them by the appellant and take further action as per the NCTE Regulations. 2014. The appellant is directed to forward to the W.R.C. all the documents submitted by them in the appeal with their letter dt. 28/05/2018, within 15 days of receipt of the orders on the appeal. In the meanwhile, the order of withdrawal shall be kept in abeyance.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the W.R.C. with a direction to consider these documents to be submitted to them by the appellant and take further action as per the NCTE Regulations. 2014. The appellant is directed to forward to the W.R.C. all the documents submitted by them in the appeal with their letter dt. 28/05/2018, within 15 days of receipt of the orders on the appeal. In the meanwhile, the order of withdrawal shall be kept in abeyance.

NOW THEREFORE, the Council hereby remands back the case of Shree Maruti Kelvani Mandal Managed B.Ed. College, Jasapar, Gujarat to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Managing Trustee, Shree Maruti Kelvani Mandal Managed B.Ed. College, Jasapar-Atkot, Jasapar – 360040, Gujarat.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.

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F.No.89-176/E-67014/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/7/18

ORDER

WHEREAS the appeal of Savitri Bai Phule Shikshak Prashikshan Mahavidyalaya, Bagwara, Near Daulatpura Toll Plaza, Amber, Rajasthan dated 27/02/2018 is against the Order No. NRC/NCTE/RJ-----/278th Meeting/2018/187347 dated 15/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the petitioner society has not submitted the application online electronically as per clause 5, of NCTE Regulation, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner society alongwith the application. The Institution has not submitted any proof/evidence of its being a composite institution as required under clause 2 (b) of NCTE Regulations 2014."

AND WHEREAS Sh. Subham Chand Saini, Vice Secretary, Savitri Bai Phule Shikshak Prashikshan Mahavidyalaya, Bagwara, Near Daulatpura Toll Plaza, Amber, Rajasthan presented the case of the appellant institution on 28/05/2018. In the appeal and during personal presentation it was submitted that the institution has applied for grant of recognition of D.El.Ed. course to NCTE from 2009-10 on 30.10.2008 with required processing fees of Rs. 40000/- and other relevant documents. The NRC, NCTE had returned the application of recognition for D.El.Ed. course to this institution on 07.03.2009. Being aggrieved from the action of NRC, NCTE, this institution has filed a S.B. Civil Writ No. 7545/2011 in the Hon'ble High Court of Rajasthan, Jaipur. Hon'ble Court had passed an order on 31.05.2011 in which court had directed the petitioner to file an application before NRC, NCTE for grant of recognition of D.El.Ed. course and also directed to NRC, NCTE to process the application of recognition for D.El.Ed. course as per direction given in D.B. Civil Special Appeal (Writ No.890/2009) and D.B. Civil Review Petition No. 5950/2011 dated 26.05.2011. Copy of order of Hon'ble Court is annexed and marked as Annexure-6. That This institution has submitted the required

documents and processing fees to NRC, NCTE in compliance to the order of Hon'ble Court on 13.06.2011. Copy of receipt letter is annexed. That this institution had submitted a letter to Principal Secretary, School and Sanskrit Education Deptt. Govt. of Rajasthan to send the recommendation to NRC, NCTE for processing of the application for grant of recognition of D.El.Ed. course. Copy of letter dated 13.06.2011 is annexed. That after being satisfied from the documents and procedure of application, NRC, NCTE had constituted the visiting team for inspection of this college. Accordingly, Inspection Letter dated 28.04.2016 had been issued by NRC, NCTE for inspection of this college. Copy of inspection letter is annexed. NRC, NCTE had sent a letter to Principal Secretary, Department of Higher Education, Govt. of Rajasthan on 24.05.2016 for State Recommendation as per requirement of clause 7(4,5,6) of NCTE Regulations 2014 as per direction given by Hon'ble Supreme Court of India dated 13.05.2016. Copy of letter dated 24.05.2016 is annexed. Accordingly inspection was conducted by the visiting team for grant of recognition of D.El.Ed. course to this college on 08.05.2016. Instead of granting recognition for D.El.Ed. course to this institution, NRC, NCTE had issued a Show Cause Notice to this institution on 31.03.2017. This institution had submitted a detailed reply along with required documents to NRC, NCTE on 25.04.2017. Copy of reply letter is annexed. Instead of granting recognition for D.El.Ed. course to this institution, NRC, NCTE had rejected the application of this institution for grant of recognition of D.El.Ed. course on 15.01.2018 on arbitrary, unjustified, illegal and unconstitutional basis. This institution is running B.Ed. course in the college campus. So, this institution full-fil the requirement of Composite Institution. Copy of Recognition letter is annexed. The Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the Regional Committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." Copy of Appeal Order is annexed. The Appellate Authority, NCTE had already decided by its order dated 16.10.2017 that "The ground of non-submission of application online cannot be held against the appellant at this stage and therefore, the matter deserve to remanded to the NRC for taking further action as per the NCTE Regulations 2014" Copy of Appeal Order is annexed. While disposing the S.B. Civil Writ Petition No. 12712/2017 Hon'ble High Court of Rajasthan, Jodhpur has passed an order on 17.02.2018 and directed to

NRC, NCTE to re-consider the application of the petitioner dated 17.10.2008 in the meeting of 20-21.02.2018 of the Committee which is stated to have already constituted for the purpose. Copy of order of Hon'ble High Court is annexed. That grounds for rejection of the application of petitioner for D.El.Ed. course mentioned by NRC, NCTE in refusal order should be raised before processing of the application. After processing of the application and conducting of inspection of this institution for grant of recognition for D.El.Ed. course, raising of such ground are illegal, unlawful, unjustified and unconstitutional. Thus, NRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course on illegal, unlawful, unjustified and unconstitutional basis. The action of NRC, NCTE is against the Principles of natural justice. So, it is prayed that the rejection order issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course.

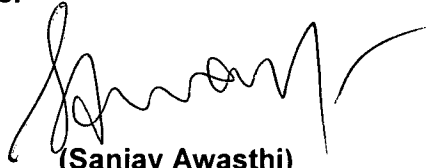
AND WHEREAS the Committee noted that the appellant submitted their application for D.El.Ed. course on 30/10/2008, which was returned by N.R.C. on 07/03/2009. Following the orders of the Hon'ble High Court of Judicature for Rajasthan at Jaipur Bench in S.B. Civil Writ Petition No. 7545/2011, the appellant submitted various documents to the N.R.C on 13.06.2011. N.R.C. conducted an inspection of the institution on 07/05/2016. Thereafter, the N.R.C, after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith Court orders through offline mode and processed, decided to issue show cause notice before refusing recognition. Accordingly, a show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued on 31.03.2017. The appellant submitted a reply on 24/04/2017. The N.R.C. after considering the reply refused recognition on the same grounds mentioned in the show cause notice.

AND WHEREAS the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution in May, 2016.

AND WHEREAS the Committee noted that in view of the position stated in para 4 above, the submissions of the appellant vis a vis the grounds of refusal deserved to be accepted and concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

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

NOW THEREFORE, the Council hereby remands back the case of Savitri Bai Phule Shikshak Prashikshan Mahavidyalaya, Bagwara, Near Daulatpura Toll Plaza, Amber, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Savitri Bai Phule Shikshak Prashikshan Mahavidyalaya, Khasara No. 1396, 1394, Bagwara, Express Highway NH-8, Near Daulatpura Toll Plaza, Amber – 303805, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-177/E-67207/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

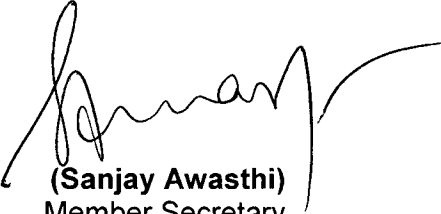
WHEREAS the appeal of Abdul Razzak Quadri Institute of P.G. Studies in Education and Research, Khultabad, Maharashtra dated 01/03/2018 is against the Order No. WRC/APW06391/125131/287th /2018/195121-26 dated 09/02/2018 of the Western Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that "The Institution has not submitted reply of Show Cause Notice dated 31.10.2016."

AND WHEREAS Dr. S.K. Faroz, Principal, Abdul Razzak Quadri Institute of P.G. Studies in Education and Research, Khultabad, Maharashtra presented the case of the appellant institution on 28/05/2018. In the appeal and during personal presentation it was submitted that the show cause notice dated 31 10 2016 which is claimed to have been issued by WRC NCTE Bhopal was not received by the institution. Since the institution did not receive the said SCN no reply was submitted. WRC NCTE Bhopal unilaterally passed the order of de-recognition without giving proper opportunity to the institution. Further the institution has complied with norms of NCTE It can produce documentary and physical proof of each and every requirement had the said SCN been served. Hence the said order of de-recognition needs to be revoked. The institution be given opportunity to reply SCN Then the WRC NCTE Bhopal can take appropriate decision.

AND WHEREAS the Committee, noting the submission of the appellant, concluded that the matter deserved to be remanded to the W.R.C. with a direction to re-issue the show cause notice to the appellant and take further action as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the W.R.C. with a direction to re-issue the show cause notice to the appellant and take further action as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Abdul Razzak Quadri Institute of P.G. Studies in Education and Research, Khultabad, Maharashtra to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The President, Abdul Razzak Quadri Institute of P.G. Studies in Education and Research, Survey No.45/1, Khultabad – 431101, Maharashtra.**
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 Maharashtra, Mumbai.



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F.No.89-178/E-67285/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Shri Sharda College of Education, Matrudham, Rajpur, Kadi, Gujarat dated 01/03/2018 is against the Order No. WRC/APW02540/323286/Guj./285th/2017/10161 dated 02/01/2018 of the Western Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that "the case file was seen. Show Cause Notice was issued to the institution on 11.09.2017. The institution replied on 22.10.2017. The institution has still not submitted staff profile of 1+15 faculty members for running two units of B.Ed. course duly approved by the competent authority. The institution has not maintained any FDRs. Building Completion Certificate in the prescribed format and counter signed by a Govt. Engineer not submitted. Therefore, Recognition is withdrawn from the academic session 2018-19."

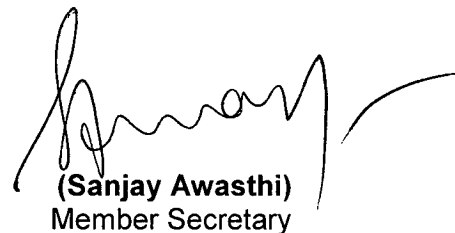
AND WHEREAS Sh. Bharat Bhai, Trustee, Shri Sharda College of Education, Matrudham, Rajpur, Kadi, Gujarat presented the case of the appellant institution on 28/05/2018. In the appeal and during personal presentation the appellant submitted a copy of the faculty list of 15 members countersigned by the Registrar, Hemchandracharya North Gujarat University, Patan; a copy of building completion certificate by Talati-cum-Mantri, Indrad Ta. Kadi, Distt. Mehsana; and copies of FDRs for Rs. 7 lakhs and Rs. 5 lakhs, jointly held with the Regional Director, W.R.C.

AND WHEREAS the Committee noting that the appellant has submitted all the documents found wanting in the withdrawal order, concluded that the matter deserved to be remanded to the W.R.C. with a direction to consider these documents to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC the documents

submitted during presentation on 28/05/2018, within 15 days of the receipt of the orders on the appeal. In the meanwhile, the order of withdrawal shall be kept in abeyance.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the W.R.C. with a direction to consider these documents to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC the documents submitted during presentation on 28/05/2018, within 15 days of the receipt of the orders on the appeal. In the meanwhile, the order of withdrawal shall be kept in abeyance.

NOW THEREFORE, the Council hereby remands back the case of Shri Sharda College of Education, Matrudham, Rajpur, Kadi, Gujarat to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Managing Trustee, Shri Sharda College of Education, Matrudham, Post – Rajpur, Kadi – 382715, Gujarat.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.



F.No.89-180/E-67290/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of The Ankur B.Ed. College, Kanva Basti Telion Ka Talab, Nand Samand, Nathdwara, Rajasthan dated 27/02/2018 is against the Order No. NCTE/NRC/NRCAPP201616189/B.A. B.Ed./B.Sc. B.Ed. – 4 Year Integrated /RJ/2017-18/2 dated 27/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed. / B.Sc. B.Ed. Course on the grounds that “the institution has not submitted the reply of SCN issued by the NRC within the stipulated time. Hence, the Committee decided that the application is rejected and recognition / permission is refused u/s 14/14 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.”

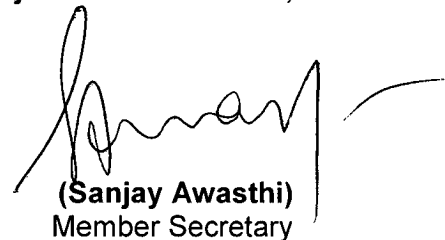
AND WHEREAS the submission of the appeal has been delayed by eight months beyond the prescribed period of 60 days. The appellant, in the appeal submitted that they have not received any show cause notice relating to their application and after a long time when they enquired about the status of their application, they found that the same has been rejected already. The Committee decided to condone the delay and consider the appeal.

AND WHEREAS Sh. Tulsi Ram Vyas, Lecturer and Kiran Kaushik, Director, The Ankur B.Ed. College, Kanva Basti Telion Ka Talab, Nand Samand, Nathdwara, Rajasthan presented the case of the appellant institution on 28/05/2018. In the appeal and during personal presentation and in a letter dt. 28/05/2018 it was submitted that they have not received any show cause notice before rejection of their file. The appellant requested that the Regional office may be instructed to issue them fresh show cause notice to enable them to reply the same for further processing of their application.

AND WHEREAS the Committee noting the submissions of the appellant concluded that the matter deserved to be remanded to the N.R.C. with a direction to re-issue their show cause notice dt. 23.01.2017 to the appellant and take further action as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to re-issue their show cause notice dt. 23.01.2017 to the appellant and take further action as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of The Ankur B.Ed. College, Kanva Basti Telion Ka Talab, Nand Samand, Nathdwara, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Appellate Authority, The Ankur B.Ed. College, Kanva Basti Telion Ka Talab, Nand Samand, Nathdwara – 313301, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-181/E-67287/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Anandgram Drushi Vikas Mandal, Girwali, Bhoom, Maharashtra dated 22/02/2018 is against the Order No. WRC/OAPW05202/123642/285th/2017/10052 dated 01/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "the case file was seen. Show Cause Notice was issued to the institution on 24.11.2016. The institution has not replied so far. Therefore, Recognition is withdrawn from the academic session 2018-19."

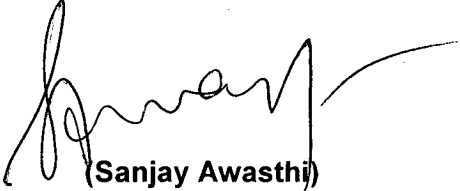
AND WHEREAS Sh. Ashok A. Ghule, Representative, Anandgram Drushi Vikas Mandal, Girwali, Bhoom, Maharashtra presented the case of the appellant institution on 28/05/2018. In the appeal and during personal presentation it was submitted that teaching staff list is in process by the competent authority. As per WRC letter No. WRC/APW05202/123642/FDR/2016, WRC are unable to locate the original copy of FDR. Copies of Renewed FDR No. 988661 & 988662 08.05.2013, FDR No. 988663 27/10/2014 for Endowment fund and Reserve fund are enclosed. Notarized Building Completion Certificate with necessary documents is attached. The appellant, in the course of presentation, submitted a copy of the letter dt. 23/05/2018 from Dr. Babasaheb Ambedkar Marthwada University, Aurangabad approving thirteen faculty members, including one librarian for the appellant institution.

AND WHEREAS the Committee noting that the withdrawal of recognition is on the ground that the institution has not replied to the Show Cause Notice and the appellant in the appeal has furnished some documents called for in the show cause notice, concluded that the matter deserved to be remanded to the W.R.C. with a direction to consider these documents to be submitted to them by the appellant and take further

action as per the NCTE Regulations, 2014. The appellant is directed to forward to the W.R.C. all relevant documents with reference to the Show Cause Notice, including the approval letter of the university, within 15 days of receipt of the orders on the appeal.

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

NOW THEREFORE, the Council hereby remands back the case of Anandgram Drushi Vikas Mandal, Girwali, Bhoom, Maharashtra to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Anandgram Drushi Vikas Mandal, Girwali, Bhoom – 413526, Maharashtra.
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 Maharashtra, Mumbai.



F.No.89-182/E-67287/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Smt. Jayaben Dhirajlal Thakkar (Pumpvala) B.Ed. College, Himmatvidhya Nagar, Radhanpur, Gujarat dated 27/02/2018 is against the Order No. WRC/323021/Guj./285th/2017/10226 dated 02/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "the case file was seen. Show Cause Notice was issued to the institution on 05.07.2017. The institution replied on 04.08.2017. The institution has still not submitted staff profile of 1+15 faculty members for running two units of B.Ed. course duly approved by the competent authority. Therefore, Recognition is withdrawn from the academic session 2018-19."

AND WHEREAS Sh. Mahesh H. Mulani, President, Smt. Jayaben Dhirajlal Thakkar (Pumpvala) B.Ed. College, Himmatvidhya Nagar, Radhanpur, Gujarat presented the case of the appellant institution on 28/05/2018. In the appeal and during personal presentation and in a letter dt. 28/05/2018 it was submitted that the Show Cause Notice dt. 05.07.2017 issued under Section 17 of the N.C.T.E. Act did not mention the proposed penal action sought to be taken against the appellant in case of failure to submit necessary or sufficient reply to the satisfaction of the Committee. The Show Cause Notice did not provide specifically that in case of failure to submit necessary reply, the recognition of the institution itself will be withdrawn, and, therefore, the Show Cause Notice is not a proper and sufficient notice to the appellant. Pursuant to the Notice dt. 05.07.2017, the appellant had submitted detailed reply dated 04.08.2017 wherein it was pointed out in detail the details of list of principal and faculties currently working, selected, selected but not joined and had also submitted the request to reduce the intake of students by one unit i.e. 50 students from the current permitted status of two units i.e. 100 units. The appellant had also surrendered/waived

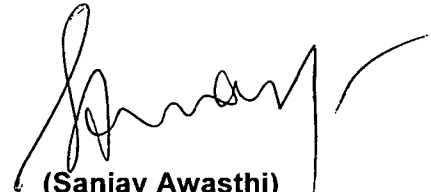
its one intake unit from the originally permitted strength of two units in view of non-availability of enough staff members for the second additional unit. From the minutes of the meeting of the 285th W.R.C. meeting held on December 19-21, 2017, on bare perusal thereof it is clear that at Sr. No.145 the W.R.C. has not considered the reply of the appellant in which specific request was made for reducing the unit of students from two units to one unit in spite of the appellant having specifically pleaded to have waived one unit thereof. There is no discussion of reduction of one unit for the appellant institution and without appreciating the reply of the appellant in letter and spirit, the recognition has been withdrawn from the academic session 201819, without considering the fact that the appellant has sufficient principal and teachers for one unit. The W.R.C. in its 285th meeting has taken various decisions, more particularly at Sr. No. 44, 71, 72, 77 and 137 wherein other institutions have either been given sufficient time to submit compliance, to consider reduction in units or where units have been reduced of the institution. However, the reply of the appellant was not considered in letter and spirit wherein similar request was made by the appellant to reduce the intake by one unit, but the same was not considered for the appellant institution. This shows that the decision suffers from arbitrariness and is discriminatory to the appellant institution. The Order dt. 02.01.2018 passed by the Regional Director (I/C) is completely disproportionate as the same withdraws the recognition of the appellant from the academic session 2018-19, even when the appellant had specifically requested for reduction of one unit out of the two units for the reasons stated in its reply to the Show Cause Notice dt. 04.08.2017. The Authority has passed the Order dt. 02.01.2018 only upon the minutes of the meeting and the decision taken therein of the 285th meeting held on December 19-21, 2017 and has not considered the explanation given by the appellant and has straight away passed the Order dt. 02.01.2018. This reflects non-consideration of the reply dt. 04.08.2017 even while passing of the Order withdrawing recognition of the appellant by the appropriate authority. Since the Order dt. 02.01.2018 passed by Regional Director (I.C.) bearing Ref. No. WRC/323021/GUJ./285th/2017/10226 is illegal on the grounds stated hereinabove, the said order be withdrawn, cancelled, set aside and permit the appellant to continue with the recognition of one unit of 50 students and modify the recognition dated

31.05.2015 of the appellant to one unit intake from the earlier 2 units intake and permit the appellant to continue with intake of one unit i.e. 50 students. The appellant enclosed a faculty list of one Principal and seven lecturers countersigned by the Registrar, Hemchandracharya North Gujarat University, Patan.

AND WHEREAS the Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the W.R.C. with a direction to consider the request of the appellant for one unit of B.Ed. in place of two units and issue an appropriate revised order. In the meanwhile the order of withdrawal shall be kept in abeyance.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the W.R.C. with a direction to consider the request of the appellant for one unit of B.Ed. in place of two units and issue an appropriate revised order. In the meanwhile the order of withdrawal shall be kept in abeyance.

NOW THEREFORE, the Council hereby remands back the case of Smt. Jayaben Dhirajlal Thakkar (Pumpvala) B.Ed. College, Himmatvidhya Nagar, Radhanpur, Gujarat to the WRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Managing Trustee, Smt. Jayaben Dhirajlal Thakkar (Pumpvala) B.Ed. College, Himmatvidhya Nagar, Himmatlal Mulani Marg, Radhanpur – 385340, Gujarat.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.



F.No.89-183/E-67464/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of S.R.N. School of Education, Kanwat Bye Pass Road, Neem Ka Thana, Sikar, Rajasthan dated 04/03/2018 is against the Order No. NRC/NCTE/NRCAPP-7939/278th Meeting/2017/186781 dated 05/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.E.C.Ed. Course on the grounds that "the petitioner society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner society alongwith the application. The institution has not submitted any proof/evidence of its being a composite institution as required under Clause 2(b) of NCTE Regulations, 2014."

AND WHEREAS Dr. Manoj Kataria, Vice President, S.R.N. School of Education, Kanwat Bye Pass Road, Neem Ka Thana, Sikar, Rajasthan presented the case of the appellant institution on 28/05/2018. In the appeal and during personal presentation it was submitted that the NRC erred in deciding the matter and did not make any effort to even look at the application in consonance of NCTE's Regulation under which the application was submitted offline. Further, it is also reiterated here that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court the application was submitted offline. This fact was also submitted in their written representation against Show Cause Notice which certainly was not considered and it is convinced that neither anybody in NRC even spread a glimpse on the Court's order and Regulations of NCTE applied on this particular application. If the institution were provided opportunity to file afresh as per the directions of Hon'ble Court, it would have been done but due to the virtual impossibility, afresh submission the application online was totally impossible. The rejection of their application on the ground of non-

submission of application online is solely baseless. Further, in the similar matters while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E8922/2017 Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application on-line within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal." A copy of Order dated 16.10.2017 is annexed herewith. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that ...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further The Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s). The Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government." A copy of Order dated 27.11.2017 is annexed herewith. The NRC did not take care to implement its own Regulations specifically provision of 7(4) of NCTE Regulations, 2014 which is reproduced under: "A written communication alongwith a copy of the application form submitted by the institution shall be sent by the office of Regional Committee to the State Government or the Union territory administration and the affiliating body concerned within thirty days from the receipt of application, in chronological order of the receipt of the original/ application in the Regional Committee. The NRC failed in asking the affiliating body about its no objection as per provisions reproduced above and shifted its failure on the shoulders of institution which resulted in refusal of their application on this ground. The appellant institution is already running a B.Ed. Course since 2008 and the recognition was granted by the NRC vide order dated 20.09.2007 and the same is revised on 22.05.2015. Revised Recognition order is annexed. The NCTE had granted recognitions to the institutions for D.El.Ed. course which were already running single

B.Ed. course or submitted two applications for grant of recognition of two courses (proposed composite). The N.R.C. also conducted an inspection of the institution on 25/09/2016.

AND WHEREAS the Committee noted that the appellant applied for grant of recognition online for 'D.E.C.Ed.' course on 31.12.2012. The N.R.C. returned the application to the appellant on 15/10/2013 on account of the State Government's decision not to allow running pre-primary programmes in the State. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 02/06/2016 in S.B. Civil Writ Petition No. 6819/2016, the appellant with their letter dt. 06/06/2016 resubmitting their returned file requested the N.R.C. to take further action. In this letter the appellant stated that their application was for 'D.El.Ed.' course. N.R.C. conducted an inspection of the institution on 25th and 26th September, 2016. The name of the proposed course has been mentioned in the V.T. report as 'D.El.Ed.' Thereafter the N.R.C. after obtaining legal advice and considering the matter wherein applications were resubmitted along with Court orders and processed, decided to issue a Show Cause Notice, before refusing recognition. Accordingly, a show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued on 02.05.2017. The appellant sent a reply on 02/05/2017. N.R.C., after considering the reply refused recognition on the same grounds mentioned in the show cause notice. In the refusal order the name of the course is mentioned as 'D.E.C.Ed.'


AND WHEREAS the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant

submitted their application in the year 2012 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has althrough processed that application only and conducted an inspection of the institution in September, 2016.

AND WHEREAS the Committee noted that in view of the position stated in para 4 above, the submissions of the appellant vis a vis the grounds of refusal deserved to be accepted and concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014. While taking further action NRC should mention the name of the course under consideration correctly.

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

NOW THEREFORE, the Council hereby remands back the case of S.R.N. School of Education, Kanwat Bye Pass Road, Neem Ka Thana, Sikar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, S.R.N. School of Education, Kanwat Bye Pass Road, Neem Ka Thana, Sikar – 332708, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-184/E-67619/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Pitambra Pith Shiksha Prasarni Institute, Village Jasguwan, Post – Bijawar, Chhatarpur Road, Bijawar, Madhya Pradesh dated 26/02/2018 is against the Order No. WRC/APP145/222/285th/{M.P.}/2018/10564 dated 09/01/2018 of the Western Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “Show Cause Notice was issued in this case on 07.09.2017. Reply received from the institution on 25.09.2017. There has not been any substantive reply from the institution. Therefore, Recognition is withdrawn from the academic session 2018-19.”

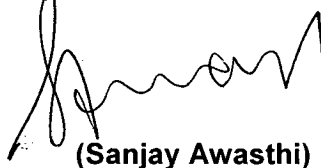
AND WHEREAS Dr. S.K. Bhatnagar, Principal, Pitambra Pith Shiksha Prasarni Institute, Village Jasguwan, Post – Bijawar, Chhatarpur Road, Bijawar, Madhya Pradesh presented the case of the appellant institution on 28/05/2018. In the appeal and during personal presentation it was submitted that the appellant institution has made a detailed submission in the appeal.

AND WHEREAS the Committee noted that in the Show Cause Notice at 07/09/2017 issued to the appellant institution it is simply stated that Rajya Shiksha Kendra, Bhopal forwarded the report from the Collector, Chhatarpur regarding complaints against the institution and recommended recognition be withdrawn for D.El.Ed. course. This Notice is devoid of any details, which are essential for the appellant to respond. Further the statement that “there has not been any substantive reply from the institution” is vague. In these circumstances, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to re-issue the show cause notice enclosing a copy of the Report of the Collector and highlighting the points to which the appellant has to furnish their explanation, and take further action

as per the NCTE Regulations, 2014. In the meanwhile, the order of withdrawal shall be kept in abeyance.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to re-issue the show cause notice enclosing a copy of the Report of the collector and highlighting the points to which the appellant has to furnish their explanation, and take further action as per the NCTE Regulations, 2014. In the meanwhile, the order of withdrawal shall be kept in abeyance.

NOW THEREFORE, the Council hereby remands back the case of Pitambra Pith Shiksha Prasarni Institute, Village Jasguwan, Post – Bijawar, Chhatarpur Road, Bijawar, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Pitambra Pith Shiksha Prasarni Institute, Village – Jasguwan, Post – Bijawar, Chhatarpur Road, Bijawar – 471405, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-185/E-67590/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018
NATIONAL COUNCIL FOR TEACHER EDUCATION
 Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 24/7/18

ORDER

WHEREAS the appeal of B.R. Teacher Training College, Reengus, Rajasthan dated 06/03/2018 is against the Order No. NRC/NCTE/RJ-----/278th Meeting/2018/188300 dated 01/02/2018 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "the petitioner society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner society alongwith the application. The institution has not submitted any proof/evidence of its being a composite institution as required under Clause 2(b) of NCTE Regulations, 2014."

AND WHEREAS Sh. Jagan Singh, Secretary, B.R. Teacher Training College, Reengus, Rajasthan presented the case of the appellant institution on 28/05/2018. In the appeal and during personal presentation it was submitted that the show cause notice dated 04.05.2017 as also the decision for refusal dated 01.02.2018 are bad, perverse and illegal and thus same cannot be sustained in the eyes of law. The show cause notice dated 05.04.2017 and decision for rejection are liable to be quashed and set aside. The show cause notice dated 05.04.2017 is also in bad in the eye of law for the reason that same has been passed de hors the NCTE Act, 1993 and NCTE Regulations, 2014. The ground mentioned in Show Cause Notice are not the ones covered under Section 14/15 of NCTE Act, 1993 as SCN u/s 14/15 can be issued to institution only if there is deficiency in infrastructure and facilities which is not at all the case of appellant. Thus, very show

cause notice is bad and nullity making decision taken in pursuance to show cause notice to be bad and perverse. The show cause notice dated 05.04.2017 as also the rejection/refusal order/decision dated 01.02.2018 is bad in the eye of law as processing of application of appellant made in terms of previous regulations was lawful and authorized by law and it stood saved and protected. Reference may be placed to clause 13 of NCTE Regulations, 2014 which is repeal and saving provision. It is stated that in view of saving clause in Regulations, 2014, the processing done in previous Regulations starting from filing of application in 2008 is valid. Thus, appellant having applied in accordance with applicable Regulations in 2008, its application is/was valid and same was in accordance with applicable Regulations. Thus, there is /was no requirement to again apply online after coming into force of Regulations, 2014 in online as valid application was already pending/active for being processed. All the action taken by NRC in previous Regulations (including acceptance of application in 2008) is valid and protected and thus the requirement of filing application online does not apply to appellant. Because Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtrasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held "Those who are desirous of establishing teacher education be free to make applications in accordance with the new regulations. The 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. Thus, when Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot treat such application nullity and reject them by saying that same were not in on-line mode. The refusal order dated 01.02.2018 is bad and unsustainable and it is clearly contrary to Supreme Court order mentioned above as once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application contrary to judgment of Supreme Court. Because appellant is not required to make duplicate application/second application online when its initial application made in accordance with Regulation, 2007/2009 was still pending for consideration before NRC. The Hon'ble Rajasthan High Court, Jaipur has also directed the NRC in the case of Murli

Singh Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L. Indoria in a nondiscriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The decision of the Hon'ble High Court is binding on NRC. That the application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1st Mtg. 2018/1st & 2nd Feb., 2018 dated 27.2.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. Because the respondent NRC-NCTE while issuing the show cause notice as also the decision for refusal dated 01.02.2018 acted in most arbitrary and unlawful manner as by insisting applicant-petitioner for online application, it has applied the NCTE Regulations, 2014 from back date which is illegal and untenable. Because by issuing show cause notice dated 05.04.2017, NRC has attempted to revise and review its action which is not permissible under NCTE Act, 1993. It is settled law that power of review or recall can be exercised only if there is an express provision to review or recall. There is no such provision in NCTE Act, 1993 permitting review of decision by NRC. Thus, refusal order dated 01.02.2018 is unauthorized and unlawful as it amounts to review of decision taken by NRC. Because petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which clearly is unwarranted and unlawful. Because appellant has available with it all the infrastructure and facilities for running B.Ed. Course as per applicable norms but it has been unlawfully deprived from running the course. Online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated/objected appellant to submit the same online during stipulated period. Because respondents have failed to carry out the

compliance of Adarsh Shikshan Prashikshan Case decided by Hon'ble High Court on 26.09.2013 and the law laid down therein. Because the decision has been taken by NRC-NCTE without application of mind and without appreciating the reply submitted by institution. Because action on part of respondent NRC-NCTE is illegal and irrational and same violates Article 14, 19 & 21 of the Constitution of India. Because the objection/ground of rejection that appellant is not composite institution is not sustainable as same is contrary to the provisions of NCTE Act, 1993 as well as NCTE Regulations, 2014. It is stated that appellant had applied for recognition in 2008 when Regulations 2007 were applicable and there was no requirement to have composite institution. Further, various similarly placed institution who applied with appellant in 2008 or subsequently, have already been granted recognition without requiring them proof of being composite institution. The appellant institution submitted application in the year 2008 for grant of recognition for the academic session 2008-09 and at the time the NCTE Regulations, 2007 were in force. The institution fulfilled all the requirement of Regulations. Thus, the NRC cannot apply the Regulations retrospectively. There are no provisions in NCTE Regulation, 2007 and also in 2009 to submit NOC from the affiliating body. Therefore, it is humbly prayed and requested that that instant appeal be considered and decided on merits, delay (if any) be condoned and the show cause notice dated 05.04.2017 as well as the refusal order dated 01.02.2018 be quashed and set aside and it may be directed to NRC to immediately issue formal recognition order to appellant for running B.Ed. course. Any other order or direction be fit and proper in the facts and circumstance of the case be passed in favour of appellant.

AND WHEREAS the Committee noted that the appellant applied for B.Ed. course on 14/10/2008. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 13/04/2016 in S.B. Civil Writ Petition No. 4572/2016, the appellant in their letter dt. 18.4.2016 forwarding certain documents, requested the N.R.C. to take further action as per the orders of the Hon'ble High Court. The N.R.C. conducted an inspection of the appellant institution on 02/06/2016. Thereafter, the N.R.C., after obtaining legal advice and considering the matter wherein applications were re-submitted along with court orders and processed, decided to issue a Show

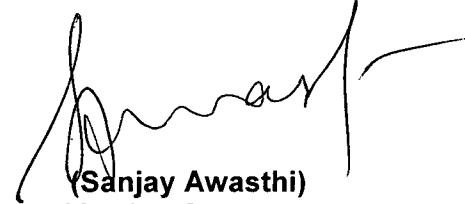
Cause Notice before refusing recognition. Accordingly, a show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued on 05.04.2017. The appellant replied on 26/04/2017. NRC, after considering the reply refused recognition on the same grounds mentioned in the show cause notice.

AND WHEREAS the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution in June, 2016.

AND WHEREAS the Committee noted that in view of the position stated in para 4 above, the submissions of the appellant vis a vis the grounds of refusal deserved to be accepted and concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

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

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



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, B.R. Teacher Training College, Reengus – 332404, Rajasthan.**
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.**
- 4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.**



F.No.89-186/E-67593/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of B.R. Teacher Training College, Reengus, Rajasthan dated 06/03/2018 is against the Order No. NRC/NCTE/RJ-----/278th Meeting/2018/186941 dated 08/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the petitioner society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner society alongwith the application. The institution has not submitted any proof/evidence of its being a composite institution as required under Clause 2(b) of NCTE Regulations, 2014."

AND WHEREAS Sh. Jagan Singh, Secretary, B.R. Teacher Training College, Reengus, Rajasthan presented the case of the appellant institution on 28/05/2018. In the appeal and during personal presentation it was submitted that the show cause notice dated 05.05.2017 as also the decision for refusal dated 08.01.2018 are bad, perverse and illegal and thus same cannot be sustained in the eyes of law. The show cause notice dated 05.04.2017 and decision for rejection are liable to be quashed and set aside. The show cause notice dated 05.04.2017 is also in bad in the eye of law for the reason that same has been passed de hors the NCTE Act, 1993 and NCTE Regulations, 2014. The ground mentioned in Show Cause Notice are not the ones covered under Section 14/15 of NCTE Act, 1993 as SCN u/s 14/15 can be issued to institution only if there is deficiency in infrastructure and facilities which is not at all the case of appellant. Thus, very show cause notice is bad and nullity making decision

taken in pursuance to show cause notice to be bad and perverse. The show cause notice dated 05.04.2017 as also the rejection/refusal order/decision dated 01.02.2018 is bad in the eye of law as processing of application of appellant made in terms of previous regulations was lawful and authorized by law and it stood saved and protected. Reference may be placed to clause 13 of NCTE Regulations, 2014 which is repeal and saving provision. It is stated that in view of saving clause in Regulations, 2014, the processing done in previous Regulations starting from filing of application in 2008 is valid. Thus, appellant having applied in accordance with applicable Regulations in 2008, its application is/was valid and same was in accordance with applicable Regulations. Thus, there is /was no requirement to again apply online after coming into force of Regulations, 2014 in online as valid application was already pending/active for being processed. All the action taken by NRC in previous Regulations (including acceptance of application in 2008) is valid and protected and thus the requirement of filing application online does not apply to appellant. Because Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtrasant TMS and SBVMCA.VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held "Those who are desirous of establishing teacher education be free to make applications in accordance with the new regulations. The 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. Thus, when Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot treat such application nullity and reject them by saying that same were not in on-line mode. The refusal order dated 08.01.2018 is bad and unsustainable and it is clearly contrary to Supreme Court order mentioned above as once the Supreme Court treated offline application to be valid and proper and directed its processing under Regulations, 2014, NRC cannot insist for filing online application contrary to judgment of Supreme Court. Because appellant is not required to make duplicate application/second application online when its initial application made in accordance with Regulation, 2007/2009 was still pending for consideration before NRC. The Hon'ble Rajasthan High Court, Jaipur has also directed the NRC in

the case of Murli Singh Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L. Indoria in a nondiscriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The decision of the Hon'ble High Court is binding on NRC. That the application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1st Mtg. 2018/1st & 2nd Feb., 2018 dated 27.2.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. Because the respondent NRC-NCTE while issuing the show cause notice as also the decision for refusal dated 08.01.2018 acted in most arbitrary and unlawful manner as by insisting applicant-petitioner for online application, it has applied the NCTE Regulations, 2014 from back date which is illegal and untenable. Because by issuing show cause notice dated 05.04.2017, NRC has attempted to revise and review its action which is not permissible under NCTE Act, 1993. It is settled law that power of review or recall can be exercised only if there is an express provision to review or recall. There is no such provision in NCTE Act, 1993 permitting review of decision by NRC. Thus, refusal order dated 08.01.2018 is unauthorized and unlawful as it amounts to review of decision taken by NRC. Because petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which clearly unwarranted and unlawful. Because appellant has available with it all the infrastructure and facilities for running B.Ed. Course as per applicable norms but it has been unlawfully deprived from running the course. Online applications can be filled only for a limited duration when web portal link is made available. NRC had never ever indicated/objected appellant to submit the

same online during stipulated period. Because respondents have failed to carry out the compliance of Adarsh Shikshan Prashikshan Case decided by Hon'ble High Court on 26.09.2013 and the law laid down therein. Because the decision has been taken by NRC-NCTE without application of mind and without appreciating the reply submitted by institution. Because action on part of respondent NRC-NCTE is illegal and irrational and same violates Article 14, 19 & 21 of the Constitution of India. Because the objection/ground of rejection that appellant is not composite institution is not sustainable as same is contrary to the provisions of NCTE Act, 1993 as well as NCTE Regulations, 2014. It is stated that appellant had applied for recognition in 2008 when Regulations 2007 were applicable and there was no requirement to have composite institution. Further, various similarly placed institution who applied with appellant in 2008 or subsequently, have already been granted recognition without requiring them proof of being composite institution. The appellant institution submitted application in the year 2008 for grant of recognition for the academic session 2008-09 and at the time the NCTE Regulations, 2007 were in force. The institution fulfilled all the requirement of Regulations. Thus, the NRC cannot apply the Regulations retrospectively. There are no provisions in NCTE Regulation, 2007 and also in 2009 to submit NOC from the affiliating body. Therefore, it is humbly prayed and requested that that instant appeal be considered and decided on merits, delay (if any) be condoned and the show cause notice dated 05.04.2017 as well as the refusal order dated 08.01.2018 be quashed and set aside and it may be directed to NRC to immediately issue formal recognition order to appellant for running D.El.Ed. Course. Any other order or direction be fit and proper in the facts and circumstance of the case be passed in favour of appellant.

AND WHEREAS the Committee noted that the appellant applied for D.El.Ed. course on 27/10/2008. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 13/04/2016 in S.B. Civil Writ Petition No. 4571/2016, the appellant, in their letter dt. 18/04/2016, forwarding certain documents, requested the NRC to take further action as per the orders of the Hon'ble High Court. The NRC conducted an inspection of the appellant institution on 02/06/2016. Thereafter, the

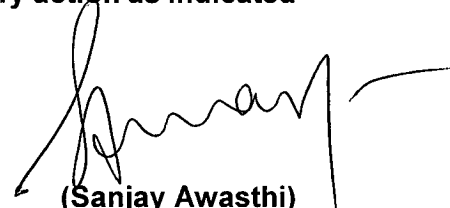
N.R.C., after obtaining legal advice and considering the matter wherein applications were re-submitted alongwith Court orders and processed, decided to issue a show cause notice before refusing recognition. Accordingly, a show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued on 05.04.2017. The appellant replied on 26/04/2017. The N.R.C. after considering the reply refused recognition on the same grounds mentioned in the show cause notice.

AND WHEREAS the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution in June, 2016.

AND WHEREAS the Committee noted that in view of the position stated in para 4 above, the submissions of the appellant vis a vis the grounds of refusal deserved to be accepted and concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

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

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



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, B.R. Teacher Training College, Reengus – 332404, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-187/E-67937/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

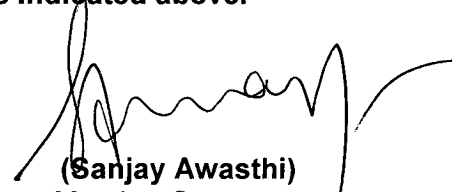
WHEREAS the appeal of Om Shiv College, Karahal, Madhya Pradesh dated 07/03/2018 is against the Order No. WRC/APP121/223/285th /2017/10524 dated 08/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that in response to show cause notice dt. 02/02/2017, the institution has not submitted approved staff profile, Building Completion Certificate and FDRs of Rs. 4 lakhs (in joint name) in original.

AND WHEREAS Sh. Anurag Singh Tomar, Clerk and Dr. Sukhram Sharma, Secretary, Om Shiv College, Karahal, Madhya Pradesh presented the case of the appellant institution on 28/05/2018. In the course of presentation, the appellant submitted a staff profile consisting of a Principal and seven lecturers verified by the Director, College Department Council, Jiwaji University, Gwalior and countersigned by the Registrar of that University; a copy of the Building Completion Certificate signed by a Government Engineer; and copies of three FDRs including one for Rs. 4 lakhs, jointly held with the Regional Director, WRC, Bhopal.

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

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

NOW THEREFORE, the Council hereby remands back the case of Om Shiv College, Karahal, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. **The Principal, Om Shiv College, 1412/3, Karahal – 476355, Madhya Pradesh.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-190/E-67981/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Arihant College, Khandwa Road, Indore, Madhya Pradesh dated 28/02/2018 is against the Order No. WRC/APPW03497/223473/B.Ed./285th/2017/10447 dated 08/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "In response to the Show Cause Notice dated 23.05.2017, the institution has not submitted approved staff profile, Building Completion Certificate and FDRs of Rs. 12.00 lakhs (in joint name) in original. Hence, Recognition is withdrawn from the academic session 2018-19. FDRs, if any, be returned."

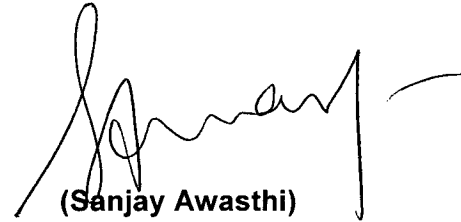
AND WHEREAS Sh. Jayant Kasliwal, Chariman and Sh. Sandesh Acharya, Principal, Arihant College, Khandwa Road, Indore, Madhya Pradesh presented the case of the appellant institution on 28/05/2018. The appellant, in the course of presentation, submitted (i) a staff profile consisting of a Principal, 12 Assistant Professors, a Fine Arts Teacher, a Music Teacher and a Physical Education Teacher, countersigned by the Registrar, Devi Ahilya Vishwavidyalaya, Indore; (ii) a copy of the Building Completion Certificate signed by the Executive Engineer, Rural Engineering Services, Indore Division, Indore; and (iii) copies of FDRs for Rs. 7 lakhs and Rs. 5 lakhs, jointly held with the Regional Director, WRC, NCTE, the date of maturity being 17/04/2023.

AND WHEREAS the Committee, noting that the appellant has submitted all the wanting documents mentioned in the withdrawal order, concluded that the matter deserved to be remanded to the WRC with a direction to consider these documents to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC all the documents

submitted in the appeal, within 15 days of receipt of the orders on the appeal. In the meanwhile, the order of withdrawal shall be kept in abeyance.

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

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



(Sanjay Awasthi)
Member Secretary

1. **The Principal, Arihant College, 453, Khandwa Road, Indore – 452017, M.P..**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

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F.No.89-191/E-67991/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Arawali Shiksha and Anusandhan Sansthan, Tamakupura, Danta Ramgarh, Rajasthan dated 05/03/2018 is against the Order No. NRC/NCTE/RJ-2212/278th Meeting/2017/186793-98 dated 05/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the petitioner society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner society alongwith the application. The Institution has not submitted any proof/evidence of its being a composite institution as required under clause 2 (b) of NCTE Regulations 2014."

AND WHEREAS Ms. Sabita Agrawal, Secretary and Sh. Bhagirath Singh, Member, Arawali Shiksha and Anusandhan Sansthan, Tamakupura, Danta Ramgarh, Rajasthan presented the case of the appellant institution on 28/05/2018. In the appeal and during personal presentation it was submitted that the NRC erred in deciding the matter and did not make any effort to even look at the application in consonance of NCTE's Regulation under which the application was submitted offline. Further, it is also reiterated here that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court the application was submitted offline. This fact was also submitted in then written representation against Show Cause Notice which certainly was not considered and it is convinced that neither anybody in NRC even spread a glimpse on the Court's order and Regulations of NCTE applied on this particular application. If the institution were provided opportunity to file afresh as per the directions of Hon'ble Court, it would have been done but due to the virtual impossibility, afresh submission the application online was totally impossible. The

rejection of their application is solely baseless. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E8922/2017 Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application on-line within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal." A copy of Order dated 16.10.2017 is annexed herewith. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further The Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s). The Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government." A copy of order dated 27.11.2017 is annexed herewith. The NRC did not take care to implement its own Regulations specifically provision of 7(4) of NCTE Regulations, 2014 which is reproduced under: "A written communication alongwith a copy of the application form submitted by the institution shall be sent by the office of Regional Committee to the State Government or the Union Territory administration and the affiliating body concerned within thirty days from the receipt of application, in chronological order of the receipt of the original application in the Regional Committee. The NRC failed in asking the affiliating body about its no objection as per provisions reproduced above and shifted its failure on the shoulders of institution which resulted in refusal of their application on this ground. The appellant institution is already running a B.Ed. course since 2008 and the recognition was granted by the NRC vide order dated 26.08.2016 thereafter the respondent issued corrigendum in regard to Academic Session on 05.09.2016. A copy of Recognition Order and Corrigendum are annexed herewith. The NCTE had granted recognitions

to the institutions for D.El.Ed. Course which were already running single B.Ed. course or submitted two applications for grant of recognition of two courses (proposed composite). The N.R.C. also conducted an inspection of the institution on 29/04/2016.

AND WHEREAS the Committee noted that the appellant applied for grant of recognition for D.El.Ed. course on 23/10/2008. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 10/03/2011 in S.B. Civil Misc. Application No. 53/2011 in S.B. Civil Writ Petition No. 6520/2009, the appellant, in their letter dt. Nil and received on 01/08/2011 forwarding certain documents requested the N.R.C. to take further action. The N.R.C. conducted an inspection of the institution on 29/04/2016 and issued a Letter of Intent on 13/05/2016. Thereafter, the N.R.C. after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith Court orders through offline mode and processed, decided to issue show cause notice, before refusing recognition. Accordingly, a show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued on 11/04/2017. The appellant sent a reply on 09/05/2017. The NRC, after considering the reply refused recognition on the same grounds mentioned in the show cause notice.

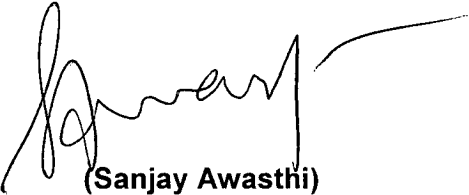
AND WHEREAS the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2012 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C.

has althrough processed that application only and conducted an inspection of the institution on 29/04/2016 and issued a Letter of Intent on 13/05/2016.

AND WHEREAS the Committee noted that in view of the position stated in para 5 above, the submissions of the appellant vis a vis the grounds of refusal deserved to be accepted and concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

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

NOW THEREFORE, the Council hereby remands back the case of Arawali Shiksha and Anusandhan Sansthan, Tamakupura, Danta Ramgarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Arawali Shiksha and Anusandhan Sansthan, Jeen Mata Road, Tamakupura, Danta Ramgarh – 332406, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-192/E-68260/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Rama Devi Mahila T.T. College, Harnathpura, Jhunjhunu, Rajasthan dated 09/03/2018 is against the Order No. NCTE/NRC/NRCAPP201615332/Bachelor of Education & Master of Education [B.Ed. M.Ed.]-3 Year Integrated/SCN/RJ/2017-18/4; dated 04/03/2018 of the Northern Regional Committee, refusing recognition for conducting B.Ed./M.Ed. Course on the grounds that "the institution was issued SCN dt. 23.02.2018. reply submitted by the institution is not acceptable as the institution has failed to submit accreditation certificate. The certificate given expired in September, 2016. Hence, the Committee decided that the application is rejected and recognition / permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any be returned to the institution."

AND WHEREAS Dr. Ashok Godara, Principal and Dr. Ramakant Sharma, Secretary, Rama Devi Mahila T.T. College, Harnathpura, Jhunjhunu, Rajasthan presented the case of the appellant institution on 28/05/2018. In the appeal and during personal presentation and in a letter dt. 26/05/2018, it was submitted that when B.Ed. & M.Ed. (integrated courses) came into existence and it was to be applied in the stipulated period. Ramadevi Mahila T -T. college (B.Ed. &M.Ed.) applied within the period, it means in the month of May 2016. At that point of time the college was equipped with "Accreditation Certificate" (NAAC). Lengthy Procedure of integrated courses consumed time and eventually a single deficiency of non-submission of "Accreditation Certificate" was found and "Show Cause Notice" was served to the college by NRC NCTE, Jaipur. Within a week, the college replied with reasons and affidavit as to why the Certificate of Accreditation was not submitted. The period of NAAC expired on Sept. 2016 and at the time when college applied for integrated courses "Accreditation Certificate" was with the college. The institute simultaneously initiated the procedure/proceeding of NAAC but on the part of Hon'ble Members of the Council (NAAC) the further progress remained stand

still, on account of some unavoidable circumstances with Council itself. The appellant in their letter dt. 26/05/2018 stated that they learnt that the programme of Accreditation will start from June, 2018. The appellant, with their letter dt. 28.05.2018 enclosed a copy of the communication dt. 16/05/2018 signed by Director (Actg), NAAC in which it is stated that NAAC – NCTE MOU stands terminated and Assessment & Accreditation of Teacher Education Institutions by NAAC-is discontinued forthwith. The appellant also enclosed a copy of NAAC's Notification dt. 01/09/2017 intimating their decision to discontinue Assessment & Accreditation of TEIs and henceforth not to accept any applications for Assessment & Accreditation.

AND WHEREAS the Committee noted that the NCTE in their letter dt. 13/04/2017 informed the NAAC that they should not undertake any accreditation of Teacher Education Institutions. In view of this letter and the submissions made by the appellant, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per NCTE Regulations, 2014 and on the basis of the NCTE's letter dt. 13/04/2017 (copy enclosed).

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per NCTE Regulations, 2014 and on the basis of the NCTE's letter dt. 13/04/2017 (copy enclosed).

NOW THEREFORE, the Council hereby remands back the case of Rama Devi Mahila T.T. College, Harnathpura, Jhunjhunu, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Chairman, Rama Devi Mahila T.T. College, Harnathpura, Jhunjhunu – 333041, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-193/E-68172/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Late Dr. Rawatmalji Dhanrupmalji Sojatia College of Education, Neemthur, Bhanpura, Madhya Pradesh dated is against the Order No. WRC/APW01777/223324/285th/2017/10426 dated 08/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "In response to the Show Cause Notice dated 29.08.2016, the institution has not submitted approved staff profile; Building Completion Certificate not submitted in the prescribed format in original; FDRs, of Rs. 4.00 lakhs (in joint name) not submitted in original; Hence, Recognition is withdrawn from the academic session 2018-18."

AND WHEREAS Sh. Krishna Kumar Dwivedi, Member and Sh. Sumit Jain, Member, Late Dr. Rawatmalji Dhanrupmalji Sojatia College of Education, Neemthur, Bhanpura, Madhya Pradesh presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that "(i) University conducted the staff selection for code 28 on 24/05/2017. (ii) We have already submitted the prescribe Building Completion Certificate. (iii) Original FDR enclosed".

AND WHEREAS during the course of appeal hearing on 29.05.2018, appellant submitted copies of (i) Building Completion Certificate, (ii) Additional F.D.R. of Rs. 4 lakh and (iii) List of faculty containing the names of one Principal and 15 faculty members approved by Competent Authority. Appellant is required to submit authenticated copies of all three documents to W.R.C. for consideration within 15 days of the issue of appeal order. Committee decided to remand back the case to W.R.C.

for revisiting the matter considering the documents which appellant institution is required to submit within 15 days of the issue of appeal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to W.R.C. for revisiting the matter considering the documents which appellant institution is required to submit within 15 days of the issue of appeal order.

NOW THEREFORE, the Council hereby remands back the case of Late Dr. Rawatmalji Dhanrupmalji Sojatia College of Education, Neemthur, Bhanpura, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Late Dr. Rawatmalji Dhanrupmalji Sojatia College of Education, Plot / Khasra No. 453, Neemthur, Bhanpura – 458775, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-195/E-68031/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Anjuman Mahavidyalaya, Makrana, Rajasthan dated 23/02/2018 is against the Order No. NCTE/NRC/NRCAPP201616012/B.A. B.Ed./B.Sc. B.Ed. – 4 Year Integrated SCN/RJ/2017-2018/6 dated 20/01/2018 of the Northern Regional Committee, refusing recognition for conducting B.Ed. B.Ed./B.Sc. B.Ed. Course on the grounds that “The institution was issued SCN dt. 12.05.2017. The institution has yet not submitted the list of faculty duly approved by affiliating body. 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.”

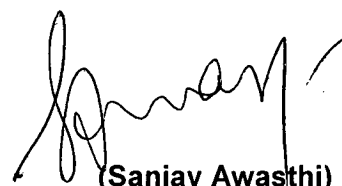
AND WHEREAS Sh. Mohammed Yunus, UDC and Sh. Shafee Mohammad, Lecturer, Anjuman Mahavidyalaya, Makrana, Rajasthan presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that “Maharishi Dayanand Saraswati University, Ajmer approved the faculty on 19/05/2018. Approval letter is submitted.”

AND WHEREAS Committee noted that Letter of Intent (L.O.I.) dated 31/07/2017 was issued to appellant institution seeking compliance within a period of two months. Committee further noted that appellant institution submitted a compliance letter dated 23/11/2017. N.R.C. on finding that list of faculty submitted by appellant with its compliance letter dated 23/11/2017 was not approved by affiliating university issued impugned refusal order dated 20/01/2018 without giving the appellant any opportunity to make a written representation on the proposed ground of refusal. Reference to S.C.N. dated 12/05/2017 made in the impugned refusal order is a misquote as S.C.N. dated 12/05/2017 was issued pointing out some other deficiencies in the institution.

AND WHEREAS appellant during the course of appeal presentation on 29/05/2018 submitted copy of a letter dated 19/05/2018 issued by Maharishi Dayanand Saraswati University, Ajmer addressed to NRC by which the affiliating university has approved the names of Head of Department and 15 faculty members. Considering the recent development in this case, Committee decided that the case deserves to be remanded back to N.R.C for further processing of the application as per NCTE, Regulations, 2014. Appellant institution is required to submit list of faculty approved by affiliating university to N.R.C. within 15 days of the issue of appeal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to N.R.C for further processing of the application as per NCTE, Regulations, 2014. Appellant institution is required to submit list of faculty approved by affiliating university to N.R.C. within 15 days of the issue of appeal order.

NOW THEREFORE, the Council hereby remands back the case of Anjuman Mahavidyalaya, Makrana, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. **The Manager, Anjuman Mahavidyalaya, Makrana – 341505, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-197/E-68151/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of H.B. Bhansali T.T. School, Dewani, Sujangarh, Rajasthan dated is against the Order No. NRC/NCTE/RJ----/278th Meeting/2018/186749 dated 05/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the petitioner society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner society alongwith the application. The Institution has not submitted any proof/evidence of its being a composite institution as required under clause 2 (b) of NCTE Regulations 2014."

AND WHEREAS Dr. S.S. Shekhawati, Secretary, H.B. Bhansali T.T. School, Dewani, Sujangarh, Rajasthan presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that "It is reiterated that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court the application was submitted offline. This fact was also submitted in our written representation against Show Cause Notice which certainly was not considered. Due to the virtual impossibility, submission the application online was totally impossible. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E-8922/2017 Appeal/15th Meeting 2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal." The appellant institution

submitted NOC in the office of the respondent but the same was not considered by the respondent. The respondent Committee totally ignored the letter dt. 12.08.2016 issued by the State Government of Rajasthan inter-alia communicating the policy decision taken by it and communicated to NCTE. The NRC unquestionably ignored the recommendations of the State Government / affiliating body wherein the Churu District has been opened for grant of recognition of D.El.Ed. course by the Government and affiliating body. In a similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellant authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting 2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for Teacher Education course in a particular state for the prospective academic year(s). The appellant institution is already running a B.Ed. course since 2015 and the recognition was granted by the NRC vide order dated 03.03.2015. It is further added that clause 2(b) of NCTE Regulations, 2014 provides that "Composite Institution" means a duly recognized Higher Education Institution offering undergraduate or postgraduate programmes of study in the field of liberal arts or humanities or social sciences or sciences or commerce or mathematics, as the case may be, at the time of applying for recognition of Teacher Education Programmes, or an institution offering multiple teacher education programmes;" meaning thereby that the definition of composite institution includes the application of additional intake in itself. The ground of rejection of our application do not have any foundation."

AND WHEREAS Appeal Committee noted that three grounds of refusal mentioned in the impugned order dated 05/01/2018 are the same as intimated to the appellant institution by a Show Cause Notice (SCN) dated 05/04/2017. Committee further noted that appellant institution by its letter received in the office of N.R.C. on 22/05/2017 had submitted a copy of order dated 17/05/2017 of Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur. By this order Hon'ble High Court had stayed the

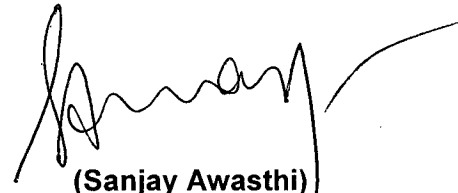
respondent N.R.C. to issue any order adverse to the petitioner institution. Appellant with its appeal memoranda has enclosed a copy of order dated 23/05/2017 issued by Director, Primary Education, Rajasthan, Bikaner conveying N.O.C. for D.El.Ed. programme to the appellant institution. Further the appellant institution is already recognized for conducting B.Ed. programme by an order dated 16/09/2008 issued by N.R.C. thus fulfilling the requisite condition of 'composite' institution.

AND WHEREAS Appeal Committee noted that applicant had for the first time submitted application in 2008 as per the then prevailing Regulations, and at that time there was no provision for online application, no condition of composite status of institution and also applicant was not required to obtain N.O.C. from affiliating body. All the above three grounds on the basis of which refusal order was issued by N.R.C. were introduced for the first time, in the NCTE Regulations, 2014. These conditions are required to be fulfilled when applications are invited pursuant to these Regulations and applications can be filed online only during the period when NCTE portal is open and not any other time. N.R.C. has although processed the application submitted by the appellant institution in 2008 and already conducted inspection on 10.05.2016 and issued Letter of Intent (L.O.I.) on 15/09/2016.

AND WHEREAS the Committee noted that in view of the position stated in para 3 and 4 above, the submissions of the appellant vis a vis the grounds of refusal deserve to be accepted and concluded that the matter deserved to be remanded to N.R.C. with a direction to take further action as per NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that in view of the position stated in para 3 and 4 above, the submissions of the appellant vis a vis the grounds of refusal deserve to be accepted and concluded that the matter deserved to be remanded to N.R.C. with a direction to take further action as per NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of H.B. Bhansali T.T. School, Dewani, Sujangarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, H.B. Bhansali T.T. School, Khasra No. 68, Dewani, Sujangarh – 331502, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-198/E-68152/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Annpurana BSTC School, Maonda Railway Station, Neem Ka Thana, Rajasthan dated 06/03/2018 is against the Order No. NRC/NCTE/NRCAPP-4650/278th Meeting/2018/186833 dated 08/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the petitioner society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner society alongwith the application. The Institution has not submitted any proof/evidence of its being a composite institution as required under clause 2 (b) of NCTE Regulations 2014."

AND WHEREAS Sh. Sunil Kumar, Secretary, Annpurana BSTC School, Maonda Railway Station, Neem Ka Thana, Rajasthan presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that "Application of our institution was submitted online with processing fees on 27.12.2012 at 4:41:12 P.M. The opportunity to file application afresh was not provided at all and the same application bearing ID No. NRCAPP4650 was considered by the NRC and preceded for inspection after accepting it. On the grounds discussed and narrated above, the ground of rejection of our application is solely baseless. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E8922/2017 Appeal/15th Meeting-2017 dt. 16.10.2017 titled Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application on-line within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due

to closure o NCTE portal." Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority NCTE vide order No. 89-88/9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further, the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year(s) applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government." The NRC did not take care to implement its own Regulations specifically provision of 7(4) of NCTE Regulations, 2014 which is reproduced under : "A written communication alongwith a copy of the application form submitted by the institution shall be sent by the office of Regional Committee to the State Government or the Union territory administration and the affiliating body concerned within thirty days from the receipt of application, in chronological order of the receipt of the original application in the Regional Committee. The NRC failed in asking the affiliating body about its no objection as per provisions reproduced above and shifted its failure on the shoulders of institution which resulted in refusal of our application on this ground. The appellant institution is already running a B.Ed. Course since 2008 and the recognition was granted by the NRC vide order dated 16.09.2008 the same was revised by respondent as per latest regulations 2014 vide order dated 01.05.2015."

AND WHEREAS Appeal Committee noted that three grounds of refusal mentioned in the impugned order dated 08/01/2018 are the same as intimated to the appellant institution by a Show Cause Notice (SCN) dated 05/04/2017. Committee further noted that appellant institution by a letter address to N.R.C. had submitted a copy of order dated 17/05/2017 of Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur. By this order Hon'ble High Court had stayed the respondent N.R.C. to issue any order adverse to the petitioner institution. Appellant with its appeal memoranda has

enclosed a copy of order dated 23/05/2017 issued by Director, Primary Education, Rajasthan, Bikaner conveying N.O.C. for D.El.Ed. programme to the appellant institution. Further the appellant institution is already recognized for conducting B.Ed. programme by an order dated 03/03/2015 issued by N.R.C. thus fulfilling the requisite condition of 'composite' institution.

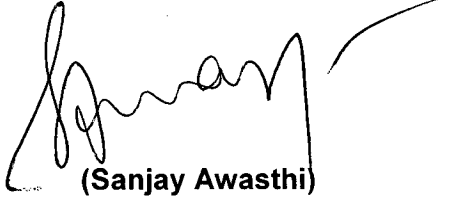
AND WHEREAS Appeal Committee noted that applicant had for the first time submitted application in 2012 as per the then prevailing Regulations, and at that time there was no provision for online application, no condition of composite status of institution and also applicant was not required to obtain N.O.C. from affiliating body. All the above three grounds on the basis of which refusal order was issued by N.R.C. were introduced for the first time, in the NCTE Regulations, 2014. These conditions are required to be fulfilled when applications are invited pursuant to these Regulations and applications can be filed online only during the period when NCTE portal is open and not any other time. N.R.C. has although processed the application submitted by the appellant institution in 2012 and already conducted inspection on 06/10/2016 and issued Letter of Intent (L.O.I.) on 15/09/2016.

AND WHEREAS the Committee noted that in view of the position stated in para 3 and 4 above, the submissions of the appellant vis a vis the grounds of refusal deserve to be accepted and concluded that the matter deserved to be remanded to N.R.C. with a direction to take further action as per NCTE Regulations, 2014. Committee however noted that built up area as per building completion certificate submitted by applicant institution does not match with the built up area reported by the Visiting Team.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that in view of the position stated in para 3 and 4 above, the submissions of the appellant vis a vis the grounds of refusal deserve to be accepted and concluded that the matter deserved to be remanded to N.R.C. with a direction to take further action as per NCTE Regulations, 2014. Committee however noted that built up area as per

building completion certificate submitted by applicant institution does not match with the built up area reported by the Visiting Team.

NOW THEREFORE, the Council hereby remands back the case of Annpurana BSTC School, Maonda Railway Station, Neem Ka Thana, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Annpurana BSTC School, Maonda Railway Station, Neem Ka Thana – 332711, Rajasthan.**
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.**
- 4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.**



F.No.89-199/E-68150/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 24/7/18

ORDER

WHEREAS the appeal of Swami Vivekanand T.T. College, Gothara, Bassi, Rajasthan dated is against the Order No. NRC/NCTE/NRCAPP-3586/278th Meeting/2018/187002-07 dated 05/03/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the petitioner society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner society alongwith the application. The Institution has not submitted any proof/evidence of its being a composite institution as required under clause 2 (b) of NCTE Regulations 2014."

AND WHEREAS Sh. Vishal Singh Rathore, Member and Sh. Radhesh Chandra Sharma, Chairman, Swami Vivekanand T.T. College, Gothara, Bassi, Rajasthan presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that Application bearing application ID NRCAPP3586 was submitted online on 22.12.2012 at 7:37:14 P.M. This fact was also submitted in our written representation dt. 29.04.2017 against Show Cause Notice which certainly was not considered. The institution was not provided any opportunity to file application afresh as per the directions of Hon'ble Court. The same application bearing ID No. NRCAPP3586 was considered by the NRC and proceeded for inspection after accepting it. On the grounds discussed and narrated above, the ground of rejection of our application is solely baseless. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-

534/E8922/2017 Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application on-line within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal." Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that ...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further The Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year(s). The NRC did not take care to implement its own Regulations specifically provision of 7(4) of NCTE Regulations, 2014 which is reproduced under : *"A written communication alongwith a copy of the application form submitted by the institution shall be sent by the office of Regional Committee to the State Government or the Union territory administration and the affiliating body concerned within thirty days from the receipt of application, in chronological order of the receipt of the original application in the Regional Committee.* The NRC failed in asking the affiliating body about its no objection as per provisions reproduced above and shifted its failure on the shoulders of institution which resulted in refusal of our application on this ground. The appellant institution is already running a B.Ed. Course and the recognition was granted by the NRC vide order dated 03.03.2015."

AND WHEREAS Appeal Committee noted that three grounds of refusal mentioned in the impugned order dated 16/09/2008 are the same as intimated to the appellant institution by a Show Cause Notice (SCN) dated 05/04/2017. Committee further noted that appellant institution by its letter received in the office of N.R.C. on 22/05/2017 had submitted a copy of order dated 17/05/2017 of Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur. By this order Hon'ble High Court had stayed the respondent N.R.C. to issue any order adverse to the petitioner institution. Appellant


with its appeal memoranda has enclosed a copy of order dated 23/05/2017 issued by Director, Primary Education, Rajasthan, Bikaner conveying N.O.C. for D.El.Ed. programme to the appellant institution. Further the appellant institution is already recognized for conducting B.Ed. programme issued by N.R.C. thus fulfilling the requisite condition of 'composite' institution.

AND WHEREAS Appeal Committee noted that applicant had for the first time submitted application in 2012 as per the then prevailing Regulations, and at that time there was no provision for online application, no condition of composite status of institution and also applicant was not required to obtain N.O.C. from affiliating body. All the above three grounds on the basis of which refusal order was issued by N.R.C. were introduced for the first time, in the NCTE Regulations, 2014. These conditions are required to be fulfilled when applications are invited pursuant to these Regulations and applications can be filed online only during the period when NCTE portal is open and not any other time. N.R.C. has although processed the application submitted by the appellant institution in 2012 and already conducted inspection on 20-21/09/2016 and issued Letter of Intent (L.O.I.) on 15/09/2016.

AND WHEREAS the Committee noted that in view of the position stated in para 3 and 4 above, the submissions of the appellant vis a vis the grounds of refusal deserve to be accepted and concluded that the matter deserved to be remanded to N.R.C. with a direction to take further action as per NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that in view of the position stated in para 3 and 4 above, the submissions of the appellant vis a vis the grounds of refusal deserve to be accepted and concluded that the matter deserved to be remanded to N.R.C. with a direction to take further action as per NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Swami Vivekanand T.T. College, Gothara, Bassi, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Swami Vivekanand T.T. College, Gothara, Ratan Road, Bassi – 303305, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-201/E-68486/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of S.M.Y. College of Education, Morar, Gwalior, Madhya Pradesh dated 09/03/2018 is against the Order No. WRC/APP42/223/B.Ed./285th/2017/10517 dated 08/01/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "and whereas, the matter was placed before the WRC in its 285th meeting held on December 19-21, 2017 and the Committee decided that "...In response to the Show Cause Notice dated 02.02.2017, the institution has not submitted approved staff profile and Building Completion Certificate. FDRs of Rs. 4.00 lakhs (in joint name) not submitted in original. Hence, Recognition is withdrawn from the academic session 2018-19. FDRs if any, be returned."

AND WHEREAS Sh. Prem, Director and Sh. Kedar, Representative, S.M.Y. College of Education, Morar, Gwalior, Madhya Pradesh presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that "letters issued by NCTE were not received in proper time Now we are submitting the reply of show cause notice of 02/02/2017 as well as the full explanation and description of withdrawal letter of recognition which has been issued on 08/01/2018. All the letters issued by NCTE were received very late. We admit our mistake and assure you that we will not make such type of mistakes in future. Appellant was granted revised recognition order for two basic units of 50 students each on 26/05/2015. It is pertinent to mention here that appellant institution was granted recognition after due inspection and scrutiny of the documents. Appellant institution had submitted building completion certificate issued by Gram Panchayat, Rai dated 26/03/2013. It had also submitted verification report regarding completion of the Building issued by PWD. 4. Similarly Staff profile duly attested by Registrar of Jiwaji

University Gwalior was also submitted to WRC in compliance of the original recognition order. Same is resubmitted. Appellant had also submitted FDRs No. 50138019275 dated 27/12/2012 duly renewed upto 27/12/2022 for Rs 300000 on Allahabad Bank and No. 50138018963 dated 27/12/2012 renewed upto 27/12/2022 for Rs 500000 on Allahabad Bank. The aforesaid requisite completion certificate Staff profile and FDRs were already on record of WRC as precondition of recognition Appellants recognition is continuing since 2014 till date. Appellant has also resubmitted these documents along with FDR No. 50429382242 dated 16/01/2018 for Rs. 40,00,00/- on Allahabad Bank after issue of show cause notice and impugned withdrawal order through its letter dated 30/01/2018 Postal receipt dated 02/02/2018 are also annexed."

AND WHEREAS Committee noted that impugned withdrawal order dated 08/01/2018 is on grounds of non submission of:

- (i) Approved staff profile.
- (ii) Building Completion Certificate.
- (iii) F.D.Rs of Rs. 4 lakh.

AND WHEREAS appellant submitted that late compliance of requisite formalities was due to late receipt of S.C.N. dated 02/02/2017. Appellant submitted copies of

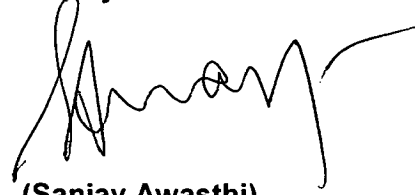
- (i) List of faculty approved by Registrar, Jiwaji University.
- (ii) Building Completion Certificate (B.C.C.) signed by Sub Engineer, P.W.D., Morar and F.D.Rs of 5 lakh, 3 lakh and 4 lakh respectively.

AND WHEREAS appellant is required to submit copy of all these documents to W.R.C. within 15 days of the issue of appeal order. Committee decided to remand back the case to W.R.C. for revisiting the case expeditiously.

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

has submitted to them copies of approved faculty list, B.C.C. and FDRs within 15 days of the issue of appeal order.

NOW THEREFORE, the Council hereby remands back the case of S.M.Y. College of Education, Morar, Gwalior, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, S.M.Y. College of Education, Rai 27 MIN-2K, Morar, Gwalior – 474006, Madhya Pradesh.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-202/E-68570/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Lal Bahadur Shastri Teacher Training College, Surajpol Road, Chittorgarh, Rajasthan dated 13/03/2018 is against the Letter No. Old App/RJ- ----/297/2017/170544 dated 05/04/2017 of the Northern Regional Committee, returning the application seeking recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS Sh. Madan Mohan Mishra, Secretary, Lal Bahadur Shastri Teacher Training College, Surajpol Road, Chittorgarh, Rajasthan presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that "NRC decision to return the file of the institution without processing vide letter dated 05.04.2017 is bad, perverse and illegal and thus same cannot be sustained in the eyes of law. Because Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtasant TMS and SBVMCA/VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held "Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations." When Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot reject them by saying that same were not in on-line mode. The Hon'ble Rajasthan High Court. Jaipur has also directed the NRC in the case of Murli

Singh Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L- Indoria in a non-discriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The decision of the Hon'ble High Court is binding on NRC and it is not desirable to approach the Hon'ble High Court when the court has already passed order in a similar case. That the application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/Ist Mtg. 2018/1st & 2nd Feb., 2018 dated 27.2.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. Appellant has available with it all the infrastructure and facilities for running D.El.Ed. course as per applicable norms but it has been unlawfully deprived from running the course. Online applications can be filled only for a limited duration when web portal link is made available. It is humbly prayed and requested that that instant appeal be considered and decided on merits."

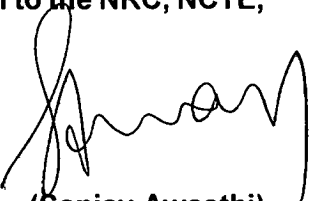
AND WHEREAS the appellant aggrieved by the letter dated 05/04/2017 returning the application submitted by the institution filed a S.B. Civil Writ Petition No. 17857/2017 before the Hon'ble High Court of Judicature for Rajasthan Bench a Jaipur. The Hon'ble High Court in its order dated 26/02/2018 permitted the petitioner institution to take alternative remedy by filing an appeal under Section 18 of the NCTE Act, 1993.

AND WHEREAS the regulatory file is not available to Appeal Committee. There is no evidence that a Show Cause Notice was issued to appellant institution before finally returning its application.

AND WHEREAS the Committee noted that the N.R.C. before taking an adverse decision on the application of the appellant should have given them an opportunity to make such representation which they may wish. The Committee also noted that even in cases where summary rejection is provided in the NCTE Regulations, 2014, Show Cause Notice are being issued before deciding on rejection/refusal. That being the position, the Committee concluded that the matter deserved to be remanded to the N.R.C. to issue a Show Cause Notice on the action proposed to be taken and take further action on the application as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to N.R.C. to issue a Show Cause Notice on the action proposed to be taken and take further action on the application as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Lal Bahadur Shastri Teacher Training College, Surajpol Road, Chittorgarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Manager, Lal Bahadur Shastri Teacher Training College, Chittorgarh, Surajpol Road, Chittorgarh – 302001, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-203/E-68575/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Siddharth College of Education, Saligrampura Scheme Road, Sanganer, Rajasthan dated 13/03/2018 is against the Letter No. Old App/RJ---/183/2017/171717 dated 24/04/2017 of the Northern Regional Committee, returning the application seeking recognition for conducting M.Ed. Course on the grounds that "in cases where the institutions have submitted the applications offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications are per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS Sh. Pavan Sharma, Representative and Sh. Surandra Sharma, Representative, Siddharth College of Education, Saligrampura Scheme Road, Sanganer, Rajasthan presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that "Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtasant TMS and SBVMCA/VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held. *"Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations."* When Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot reject them by saying that same were not in on-line mode. The letter dated 24.03.2017 returning file of the institution is bad and unsustainable and it is clearly contrary to Supreme Court order mentioned above. The Hon'ble Rajasthan High Court. Jaipur has also directed the NRC in the case of Murli Singh Yadav and

other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L. Indoria in a non-discriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The decision of the Hon'ble High Court is binding on NRC and it is not desirable to approach the Hon'ble High Court when the court has already passed order in a similar case. That the application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1st Mtg. 2018/1st & 2nd Feb., 2018 dated 27.02.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. Appellant has available with it all the infrastructure and facilities for running M.Ed. course as per applicable norms but it has been unlawfully deprived from running the course. Online applications can be filled only for a limited duration when web portal link is made available. It is humbly prayed and requested that that instant appeal be considered and decided on merits."

AND WHEREAS the appellant aggrieved by the letter dated 24/04/2017 returning the application submitted by the appellant institution quotes an order dated 07/02/2018 issued by Hon'ble High Court of Rajasthan at Jaipur. The Hon'ble High Court in its order dated 07/02/2018 decided as follows:-

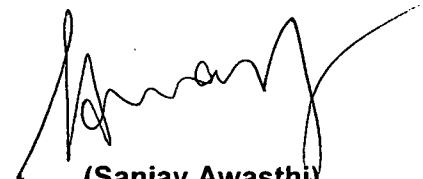
"In the event of the appeal being filed, it is expected that it will be disposed of expeditiously by the appellate authority keeping in mind that the last date for grant of recognition to a teacher course in each academic year is 3rd March as per NCTE Regulations, 2014."

AND WHEREAS the regulatory file is not available to Appeal Committee. There is no evidence that a Show Cause Notice (SCN) was issued to appellant institution before finally returning the application seeking recognition for M.Ed. course.

AND WHEREAS the Committee noted that the N.R.C. before taking an adverse decision on the application of the appellant should have given them an opportunity to make such representation which they may wish. The Committee also noted that even in cases where summary rejection is provided in the NCTE Regulations, 2014, Show Cause Notice are being issued before deciding on rejection/refusal. That being the position, the Committee concluded that the matter deserved to be remanded to the N.R.C. to issue a Show Cause Notice on the action proposed to be taken and take further action on the application as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to N.R.C. to issue a Show Cause Notice on the action proposed to be taken and take further action on the application as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Siddharth College of Education, Saligrampura Scheme Road, Sanganer, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Siddharth College of Education, Bilwa, 655, Saligrampura Scheme Road, Sanganer – 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.



F.No.89-204/E-68577/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Rajasthan College of Teacher Training, Kheda Hindaun, Rajasthan dated 13/03/2018 is against the Letter No. Old App/RJ-----/213/2017/169527 dated 23/03/2017 of the Northern Regional Committee, returning the application seeking recognition for conducting M.Ed. Course on the grounds that "in cases where the institutions have submitted the applications offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications are per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS Sh. Pavan Sharma, Representative and Sh. Surandra Sharma, Representative, Rajasthan College of Teacher Training, Kheda Hindaun, Rajasthan presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that "Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtasant TMS and SBVMCA/VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held. "Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations." When Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot treat such application nullity and reject them by saying that same were not in on-line mode. The letter dated 23.03.2017 returning file of the institution is bad and unsustainable and it is clearly contrary to Supreme Court order mentioned above. The Hon'ble Rajasthan High Court. Jaipur has also directed the

NRC in the case of Murli Singh Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L. Indoria in a non-discriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The decision of the Hon'ble High Court is binding on NRC and it is not desirable to approach the Hon'ble High Court when the court has already passed order in a similar case. That the application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1st Mtg. 2018/1st & 2nd Feb., 2018 dated 27.02.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. Appellant has available with it all the infrastructure and facilities for running M.Ed. course as per applicable norms but it has been unlawfully deprived from running the course. Online applications can be filled only for a limited duration when web portal link is made available. It is humbly prayed and requested that that instant appeal be considered and decided on merits."

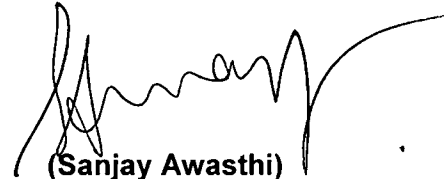
AND WHEREAS the appellant is aggrieved by the letter dated 23/03/2017 returning the application submitted by it in year 2008 seeking recognition for M.Ed. course. The appellant drew reference to various court cases in similar cases and pleaded relief.

AND WHEREAS the regulatory file is not available to Appeal Committee. There is no evidence that a Show Cause Notice (SCN) was issued to appellant institution before finally returning the application seeking recognition for M.Ed. course submitted in the year 2008.

AND WHEREAS the Committee noted that the N.R.C. before taking an adverse decision on the application of the appellant should have given the appellant institution an opportunity to make such representation which they may wish. The Committee also noted that even in cases where summary rejection is provided in the NCTE Regulations, 2014, Show Cause Notice are being issued before deciding on rejection/refusal. That being the position, the Committee concluded that the matter deserved to be remanded to the N.R.C. to issue a Show Cause Notice on the action proposed to be taken and take further action on the application as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to N.R.C. to issue a Show Cause Notice on the action proposed to be taken and take further action on the application as per the NCTE Regulations, 2014.

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Rajasthan College of Teacher Training, Kheda Hindaun – 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.

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F.No.89-205/E-68584/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Rajasthan College of Teacher Training, Kheda Hindaun, Rajasthan dated 10/03/2018 is against the Order No. Old App/RJ-----/213/2017/169527 dated 23/03/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "In cases where the institutions have submitted the applications offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications are per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS Sh. Pavan Sharma, Representative and Sh. Surandra Sharma, Representative, Rajasthan College of Teacher Training, Kheda Hindaun, Rajasthan presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that "Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtasant TMS and SBVMCA/VID and others had passed an interim order dated 10.09.2013 wherein the Hon'ble Supreme Court, while granting time to NCTE for notifying the new Regulations to 30.11.2013, had held. "Those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations." When Hon'ble Supreme Court had directed to treat applications "pending", NRC cannot treat such application nullity and reject them by saying that same were not in on-line mode. The letter dated 23.03.2017 returning file of the institution is bad and unsustainable and it is clearly contrary to Supreme Court order mentioned above. The Hon'ble Rajasthan High Court. Jaipur has also directed the

NRC in the case of Murli Singh Yadav and other similar writ petitions that similar treatment may be given to the Institutions which are on similar footings and they may be considered as per the case of B.L. Indoria in a non-discriminatory manner. NRC is a statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The decision of the Hon'ble High Court is binding on NRC and it is not desirable to approach the Hon'ble High Court when the court has already passed order in a similar case. That the application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. The Appellate Authority in the case of Shri Shakti Saraswati Prashikshan Sansthan, Sardarshahar, Rajasthan vide order No. 89-598/E-16204/2017 Appeal/1st Mtg. 2018/1st & 2nd Feb., 2018 dated 27.02.2018 concluded that non-submission of online application cannot be held against the appellant at this stage as NCTE portal for submitting application online was closed. Appellant has available with it all the infrastructure and facilities for running B.Ed. course. Online applications can be filled only for a limited duration when web portal link is made available. It is humbly prayed and requested that that instant appeal be considered and decided on merits."

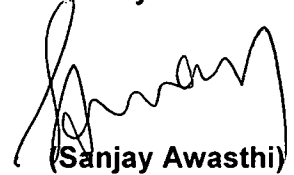
AND WHEREAS the appellant is aggrieved by the letter dated 23/03/2017 returning the application submitted by it in the year 2008 seeking recognition for B.Ed. course (Additional). The appellant drew reference to various court cases in similar matter and pleaded relief.

AND WHEREAS the regulatory file is not made available to Appeal Committee. There is no evidence that a Show Cause Notice (SCN) was issued to appellant institution before finally returning the application seeking recognition for B.Ed. (Addl.) course. It is also not clear whether the application made was for additional intake in B.Ed. or for B.Ed. as an additional course.

AND WHEREAS the Committee noted that the N.R.C. before taking an adverse decision on the application of the appellant should have given them an opportunity to make such representation which they may wish. The Committee also noted that even in cases where summary rejection is provided in the NCTE Regulations, 2014, Show Cause Notice are being issued before deciding on rejection/refusal. That being the position, the Committee concluded that the matter deserved to be remanded to the N.R.C. to issue a Show Cause Notice on the action proposed to be taken and take further action on the application as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to N.R.C. to issue a Show Cause Notice on the action proposed to be taken and take further action on the application as per the NCTE Regulations, 2014.

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


(Sanjay Awasthi)
Member Secretary

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



F.No.89-206/E-68573/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018
NATIONAL COUNCIL FOR TEACHER EDUCATION
 Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 24/7/18

ORDER

WHEREAS the appeal of Sorabh College of Teacher Training, Kheda, Hindaun City, Rajasthan dated 13/03/2018 is against the Order No. NRC/NCTE/RJ-----/278th Meeting/2018/186991 dated 09/01/2018 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "the petitioner society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner society alongwith the application. The Institution has not submitted any proof/evidence of its being a composite institution as required under clause 2 (b) of NCTE Regulations 2014."

AND WHEREAS the appellant, aggrieved by the order of N.R.C. filed a S.B. Civil Writ Petition No. 1133/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 07.02.2018 remitted the petitioner to the remedy of the statutory appeal provided under Section 18 of the Act of 1993. The Hon'ble High Court in their order also observed that in the event of the appeal being filed, it is expected that it will be disposed of expeditiously by the Appellate Authority keeping in mind that the last date for grant of recognition to a teacher course in each academic year is 3rd of March as per the NCTE Regulations, 2014.

AND WHEREAS Sh. Pavan Sharma, Representative and Sh. Surandra Sharma, Representative, Sorabh College of Teacher Training, Kheda, Hindaun City, Rajasthan presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that show cause notice dated 05.04.2017 is bad in the eye of law for the reason that same has been passed de hors the NCTE Act, 1993

and NCTE, Regulations, 2014. The rejection/refusal order/decision dated 09.01.2018 is bad in the eye of law as processing of application of appellant made in terms of previous regulations was lawful and authorized by law and it stood saved and protected. Reference may be placed to elapse 13 of NCTE Regulations, 2014 which is repeal and saving provision. It is stated that in view of saving clause in Regulations, 2014, the processing done in previous Regulations starting from filing of application 2008 is valid. Thus, appellant having applied in accordance with applicable Regulations in 2008, its application is/was valid and same was in accordance with applicable Regulations. Thus, there is/was no requirement to again apply online after coming into force of Regulations, 2014 in online as valid application was already pending/active for being processed. All the action taken by NRC in previous Regulations (including acceptance of application in 2008) is valid and protected and thus the requirement of filing application online does not apply to appellant. Because Hon'ble Supreme Court in SLP No. 4247-4248/2009 Rashtrasant TMS and SBVMCA/VII) 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 fret' 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." Appellant is not required to make duplicate application second application online when its initial application made in accordance with Regulation, 2007/2009 was still pending for consideration before NRC. The Hon'ble Rajasthan High Court, Jaipur has also directed the NRC in the case of Murli Singh Yadav and other similar writ petitions that similar treatment may be given to the Institution which are on similar footings and they may be considered as per the case of B.L. Indore in a non-discriminatory manner. NRC is a Statutory body and cannot discriminate and raise such objection of composite institution only in the case of the applicant as so many institutions have been granted recognition even they are not composite institutions and submitted the applications after the application of the applicant institution. The decision of the Hon'ble High Court is binding on NRC and it is not desirable to approach the Hon'ble High Court when the Court has

already passed order in a similar ease. That the application of the applicant has already been processed, the visiting team was constituted, and the team has submitted its report to the NRC. By issuing show cause notice dated 05.04.2017 NRC has attempted to revise and review its action which is not permissible under NCTE Act, 1993. It is settled law that power of review or recall can be exercised only if there is an express provision to review or recall. There is no such provision in NCTE Act, 1993 permitting review of decision by NRC. Online applications can be filled only for a limited duration when web portal line is made available. NRC had never ever indicated/objected appellant to submit the same online during stipulated period. The ground of rejection that appellant is not composite institution is not sustainable as same is contrary to the provisions of NCTE Act, 1993 as well as NCTE, Regulations, 2014. It is stated that appellant had applied for recognition in 2008 when Regulations, 2007 were applicable and there was no requirement to have composite institution. Further, various similarly placed institution who applied with appellant in 2008 or subsequently, have already been granted recognition without requiring them proof of being composite institution. The appellant institution submitted application in the year 2008 for grant of recognition for the academic session 2008-09 and at the time the NCTE Regulations, 2007 were in force. The institution fulfilled all the requirement of Regulations. Thus, the NRC cannot apply the Regulations retrospectively. There are no provisions in NCTE Regulation, 2007 and also in 2009 to submit NOC from the affiliating body."

AND WHEREAS the Committee noted that the appellant submitted their application for Shiksha Shastri course in the year 2008. Following the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 02.06.2016 in S.B. Civil Writ Petition No. 7211/2016, the appellant, in their letter dt. 11.06.2016 resubmitting their returned file, requested the N.R.C. to take further action. The N.R.C. conducted an inspection of the appellant institution on 21-22, November, 2016. Thereafter, the N.R.C. after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith Court orders through offline mode and processed, decided to issue show cause notice, before refusing recognition. Accordingly, a show cause notice on three points, namely, (i) non-submission of application online electronically along with

the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued to the appellant institution on 05.04.2017. The appellant sent a reply on 16.08.2017 stating that (i) they submitted their application in the year 2008 as per the then prevailing Regulations and at that time there was no provision for online application and either manual application be considered or open the online application portal to file online application; (ii) the institution will seek N.O.C. from affiliating body after issue of L.O.I., and (iii) there was no condition of composite institution during 2008, but the institution is running B.A. Course from 2017 onwards. The N.R.C. after considering their reply refused recognition on the same grounds mentioned in their show cause notice.

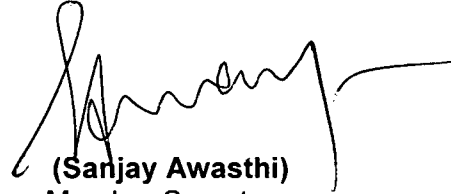
AND WHEREAS the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application and conducted inspection of the institution in November, 2016.

AND WHEREAS the Committee noted that in view of the position stated in para 5 above, the submissions of the appellant vis a vis the grounds of refusal deserved to be accepted and concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

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

the Committee concluded that the matter deserved to be remanded to N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

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



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Sorabh College of Teacher Training, Kheda, Karauli Road, Hindaun City – 32234, Rajasthan.**
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.**
- 4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.**



F.No.89-207/E-68740/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Sagarpara Education College, Sagarpara Domkol, Jalangi, West Bengal dated 06/03/2018 is against the Order No. ERC/248.12.4/ERCAPP2905/D.El.Ed./2018/55808 dated 30/01/2018 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "(i) VT constituted online for conduct of inspection during the schedule from 08.05.2017 to 28.05.2017. (ii) As reported by the VT experts viz. Dr. Cherla Raja Mouli and Dr. Rambabu Akina Pally vide their email dated 03.05.2017 & 28.05.2017 that the institution requested them to postpone the inspection and the institution seems to be not ready. In the meantime, the schedule dates are over. This report has been uploaded by the VT experts on dashboard. (iii) As per NCTE Regulations, 2014, the inspection is not conducted as per consent of the institution. In view the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP2905 of the institution regarding permission of applied D.El.Ed. Programme is refused under section 15(3)(b) of NCTE Act 1993."

AND WHEREAS Sh. Dipankar Singha, Secretary and Dipak Jyoti Sarkar, Assistant Secretary, Sagarpara Education College, Sagarpara Domkol, Jalangi, West Bengal presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that "The Applicant Society, submitted its online application for grant of recognition for the academic session 2016 to 2017 on 29/05/2015 for D.El.Ed Programme ERCAPP2905 with an annual intake of 50, one basic unit, along with the B.Ed Programme ERCAPP1494 as a composite institute in the name of Sagarpara Education College under Sagarpara Apollo Educational Welfare Society. ERC, NCTE refused the application of D.El.Ed ERCAPP2905, Vide Order No. ERC/219.7.15/ERCAPP2905/D.El.Ed/2016/48825, dated 04/08/2016 on

infrastructural issues as per VT inspection report, with liberty to file an appeal to the Applicant Institution as per NCTE Act, 1993. C. The Applicant thereafter filed an Appeal Application under Section 18 before the Hon'ble Appeal Committee. Appeal Committee after perusal of the Memorandum of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, concluded to REMAND BACK the case to ERC NCTE Bhubaneswar for conducting another inspection on payment of fee by the appellant institution, vide F.No.89.633/2016 Appeal/1st Meeting 2017, dated 13/02/2017. ERC NCTE decided to conduct another inspection on payment of inspection fee of Rs. 1,50,000. There is no discussion found on the minutes of the same meeting, ERC NCTE website information, that the VT constituted, online conduct of inspection during the schedule from 08.05.2017 to 28.05.2017 as claimed by the ERC NCTE in the refusal order. However, the Applicant Society/Institute, vide its Letter No. SEC/MSD/04/01, dated 18.04.2017 has submitted the demand draft of Rs. 1, 50,000, Demand Draft No. 281527, dated 19.04.2017, from SBI, Sagarpara Branch, in favour of Member Secretary NCTE New Delhi, Payable at Bhubaneswar against Re Inspection Fee ERC after receiving the inspection fee of Rs. 1,50,000, neither placed the file in any meetings from 236th Meeting, Part I, held on 25th to 28th March, 2017 to 247th Meeting held on 16th to 17th December 2017, nor send any intimation, by email/letter/ERC NCTE. E.R.C. in its meeting held on 12th to 13th January 2018 refused the same application of D.El.Ed ERCAPP2905 for the second time Vide Order ERC/248.12.4/ERCAPP2905/D.El.Ed/2018/55808, dated 30.01.2018, without conducting any Inspection/Show Cause Notice/Providing any opportunity to the Applicant Society/Institute. The Applicant Society/Institute, further submitted the facts that ERC NCTE published a public notice vide Ref. No. F.15.1/NCTE/ERC/VT/2016/55150, dated 21st November 2017 to aware all the TEIs not to entertain any unauthorized persons visiting the institutions for conducting inspection. The Applicant Society/Institute, submitted the facts that ERC NCTE failed to process the aforementioned application of the appellant as per time scheduled stipulated in the NCTE Regulation 2014 and also as per the time schedule laid down by Hon'ble Supreme Court of India in the matter of Maa Vaishno Devi Mahila Mahavidalaya Vs. State of Uttar Pradesh and others reported on 13th December 2012,

passed in W.P. C. 276 of 2012. The Applicant Society/Institute, in good intention and willingness approached Hon'ble Appeal Committee, NCTE New Delhi, to resolve the issue which was absolutely unpredicted and the said refusal only to negligence of the ERC. The Applicant Society/Institute, is ready for VT Inspection and presently having all the necessary documents including, Building Plan and Building Completion Certificate, duly signed by Govt. Engineer and issued by competent authority, in accordance with the requirements laid down by the NCTE to establish its position and may satisfy the Hon'ble Appeal Committee in favour of the institution against such refusal. Hence, the Applicant Society/Institute had no other alternate but to file an Appeal under Section 18 of the NCTE Act to reconsider the case and remand back to the ERC NCTE for further processing of the application to start our D.El.Ed Programme ERCAPP2905 from the academic session 2018 to 2019.

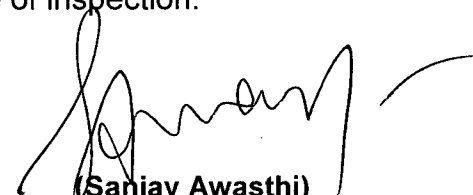
AND WHEREAS Committee noted that by issue of an Appeal order dated 13/02/2017 it was decided that E.R.C. will resolve the issue by conducting another inspection on payment of fee. E.R.C. accordingly by issue of a letter dated 03/04/2017 asked the appellant institution to deposit a Demand Draft of Rs. 1,50,000/- toward reinspection fee. The appellant institution by its letter dated 21/04/2017 deposited the required Inspection fee.

AND WHEREAS Appeal Committee observes from the regulatory file that Sh. Cherla Raja Mouli was appointed as a V.T. member by an E-mail dated 01/05/2017 and E.R.C. on 15/06/2017 asked Sh. Raja Mouli to verify the acceptance of offer of Inspection by the second member of Visiting Team. E.R.C. finally by an E-Mail dated 31/05/2017 asked the V.T. members to conduct inspection. Sh. Cherla Raja Mouli sent another E-Mail to E.R.C. on 05/06/2017 asking as to whether inspection is to be conducted or not as due date for Inspection was already over. There is another E-mail dated 28/05/2017 from Dr. Rambabu Akinapally, seeking permission to conduct inspection on 17/06/2017 since the last date prescribed by E.R.C. for inspection was 28/05/2017. Committee observed that regulatory file of E.R.C. does not contain any

correspondence addressed to appellant institution intimating the names of V.T. members and the proposed dates of inspection.

AND WHEREAS appellant in its Appeal Memoranda and oral arguments contested that it had no written information about the constitution of Visiting Team and the dates of proposed inspection. The regulatory file of E.R.C. also does not contain any evidence to prove that appellant institution was informed about the Visiting Team members and the probable date of inspection of the institution. In the circumstances, Committee decided to set aside the impugned refusal order dated 30/01/2018. E.R.C. is required to get the appellant institution inspected by giving them an advance notice intimating the particulars of V.T. members and the proposed date of inspection.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to set aside the impugned refusal order dated 30/01/2018. E.R.C. is required to get the appellant institution inspected by giving them an advance notice intimating the particulars of V.T. members and the proposed date of inspection.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Sagarpara Education College, Plot No.5802, 10733, Sagarpara Domkol, Jalangi – 742306, W.B..
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.



F.No.89-208/E-68885/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Sister Nivedita Primary Teachers Training Institute, Bareriya, Ajodhya Hill Pathardih, West Bengal dated 14/03/2018 is against the Order No. ERC/248.8(113)/ERCAPP201646244/B.Ed./2018/55821 dated 31/01/2018 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "(i) Show Cause Notice was issued on 01.11.2017 on the ground of non-submission of NOC issued from the concerned affiliating body. (ii) The institution submitted reply vide letter dated 22.11.2017 without NOC and requested to give some more time for compliance. (iii) The Committee has not accepted the request and the institution is still deficient on the above ground. In view the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP201646244 of the institution regarding permission of applied B.Ed. programme is refused under section 15(3)(b) of NCTE Act 1993."

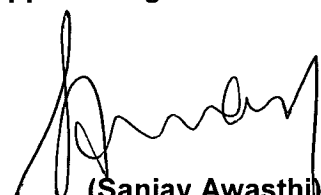
AND WHEREAS Sh. Mrinmoy Khanna, Representative and Sh. Chandra Kanta Kuiry, Representative, Sister Nivedita Primary Teachers Training Institute, Bareriya, Ajodhya Hill Pathardih, West Bengal presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that we apply for NOC for the first time to the affiliating body of SKBU on 19.07.2016 And they made inspection on 21.07.2016. Next WBSCH, Kolkata has made inspection on 15.12.2017 in our Institution, but we have not given NOC. Thereafter, on 31.01.2018 NCTE, ERC, Bhubaneswar has refused our B.Ed. application because we cannot submit NOC. But latter on we have received NOC from State Government of WB dated on 09.03.2018 and from SKBU, Purulia dated on 12.03.2018.

AND WHEREAS Committee noted that appellant institution submitted online application dated 29/06/2016 seeking recognition for conducting B.Ed. programme. The applicant however, failed to enclose N.O.C. issued by affiliating body alongwith its application as is required under Clause 5 (3) of the NCTE Regulations, 2014.

AND WHEREAS Committee further noted that appellant institution failed to submit copy of N.O.C. even in reply to Show Cause Notice (SCN) dated 17/03/2017 and 01/11/2017. The impugned refusal order dated 31/01/2018 on grounds of non submission of N.O.C. is therefore, justified as Regional Committee is not expected to wait indefinitely for the applicant to submit N.O.C. and keep the regulatory file pending. Inspite of the fact that appellant was able to submit N.O.C. dated 12/03/2018 issued by affiliating university alongwith its appeal memoranda. Appeal Committee decided to confirm the impugned refusal order dated 31/01/2018.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned refusal order dated 31/01/2018.

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


(Sanjay Awasthi)
Member Secretary

1. The Chairman, Sister Nivedita Primary Teachers Training Institute, Bareriya, Ajodhya Hill Pathardih – 723152, W.B..
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.



F.No.89-209/E-68739/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Shri Sharma Teachers Training College, Jaisinghpura Baas Nevta, Sanganer, Rajasthan dated 10/03/2018 is against the Order No. NRC/NCTE/RJ-----/278th Meeting/2018/187778 dated 22/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the petitioner society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner society alongwith the application. The Institution has not submitted any proof/evidence of its being a composite institution as required under clause 2 (b) of NCTE Regulations 2014."

AND WHEREAS Sh. C.L. Sharma, Secretary and Sh. Vimal Kumar, Representative, Shri Sharma Teachers Training College, Jaisinghpura Baas Nevta, Sanganer, Rajasthan presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that "there was virtual impossibility in submitting the application online and after directions of Hon'ble Court the application was submitted offline. If the institution had been provided opportunity to file application afresh as per the directions of Hon'ble Court, it would have been done but due to the virtual impossibility, afresh submission of the application online was totally impossible. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E8922/2017Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "*...the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual*

impossibility due to closure of NCTE portal." The blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year(s) when applications are invited. The Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government." The NRC failed in asking the affiliating body about its no objection as per Regulations and shifted its failure on the shoulders of institution which resulted in refusal of our application on this ground. The appellant institution is already running a B.Ed. Course since 2007 and the recognition was granted by the NRC vide order dated 01.05.2007 the same was revised by respondent as per latest regulations 2014 vide order dated 15.04.2015. The NCTE had granted recognitions to the institutions for D.El.Ed. course which were already running single B.Ed. course or submitted two applications for grant of recognition of two courses (proposed composite).

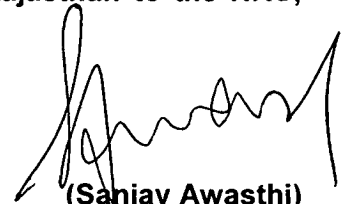
AND WHEREAS Committee noted that following the orders dated 09/03/2016 of Hon'ble High Court of Judicature for Rajasthan at Jaipur Bench in S/B Civil Writ Petition no. 1563/2016, the applicant had resubmitted on 30/03/2016 its application dated 23/10/2008 for D.El.Ed. programme. The appellant in its letter dated 30/03/2016 resubmitting its earlier returned file, requested the N.R.C. to take further necessary action. Considering the application which was resubmitted by appellant institution, the N.R.C. conducted an inspection of the institution on 03/05/2016 and issued Letter of Intent (L.O.I.) on 15/09/2016. Thereafter, the N.R.C. after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith Court orders through offline mode and processed, decided to issue show cause notice, before refusing recognition. Accordingly, a show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued to the appellant institution on 05.04.2017. The N.R.C. refused recognition on the same grounds mentioned in the show cause notice dated 05/04/2017.

AND WHEREAS the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application conducted an inspection of the institution in November, 2016; issued Letter of Intent (L.O.I.) dated 15/09/2016.

AND WHEREAS the Committee noted that in view of the position stated in para 3 and 4 above, the submissions of the appellant vis a vis the grounds of refusal deserved to be accepted and concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

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

NOW THEREFORE, the Council hereby remands back the case of Shri Sharma Teachers Training College, Jaisinghpura Baas Nevta, Sanganer, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Appellant, Shri Sharma Teachers Training College, Jaisinghpura Baas Nevta, Sanganer – 302029, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-210/E-68925/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of R.J. Barasiya T.T. College, Chirawa Road, Surajgarh, Rajasthan dated 10/03/2018 is against the Order No. NRC/NCTE/RJ-1302/278th Meeting/2018/187154 dated 11/01/2018 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "the petitioner society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner society alongwith the application. The Institution has not submitted any proof/evidence of its being a composite institution as required under clause 2 (b) of NCTE Regulations 2014."


AND WHEREAS Dr. N.L. Arrawatia, Joint Secretary and Sh. Suresh Kumar, Representative, R.J. Barasiya T.T. College, Chirawa Road, Surajgarh, Rajasthan presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that "The institution has applied for grant of recognition of B.Ed. course on 03/09/2007. That this institution has applied for grant of recognition of B.Ed. course to NCTE from 2008-09 on 03/09/2007. That NRC, NCTE had issued a deficiency letter vide letter no. NRC/NCTE/RJ-1302/2008/52138 dated 13/06/2008. This institution had submitted required documents to NRC, NCTE on 12/06/2008, 13/07/2008 and 22/07/2008 and requested to NRC, NCTE for inspection of this college. NRC, NCTE had issued a letter for giving unconditional consent for inspection vide letter no. 55106 dated 23/07/2008. NRC, NCTE had issued a letter to Education Secretary, Government of Rajasthan, Secretariat, Jaipur for State recommendation as required under Clause 7(2)(iv) of NCTE Regulations, 2007. This institution had submitted a letter for unconditional consent for inspection for B.Ed. course

their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has althrough processed that application only and conducted an inspection of the institution in November, 2016.

AND WHEREAS the Committee noted that in view of the position stated in para 5 above, the submissions of the appellant vis a vis the grounds of refusal deserved to be accepted and concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

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

NOW THEREFORE, the Council hereby remands back the case of R.J. Barasiya T.T. College, Chirawa Road, Surajgarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Joint-Secretary, R.J. Barasiya T.T. College, Surajgarh, Chirawa Road, Surajgarh – 333029, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-667/E-38573/2017 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Rani College of Education, Huzur, Rausar, Rewa, Madhya Pradesh dated 23/10/2017 is against the Order No. WRCAPP201660116/9363/B.A.B.Ed./2711th /{M.P.}/2017/188861 dated 24/08/2017 of the Western Regional Committee, refusing recognition for conducting B.A. B.Ed. Course on the grounds that "and whereas, the reply dt. 12.05.2017 of the Institution was placed before WRC in its 279th meeting held on August 10-12, 2017. The Committee decided that "...Show Cause Notice was issued to the institution on 19.05.2017 regarding approval of staff profile as well as non-appointment of required staff as per appendix 13 of the NCTE Regulations, 2014. The institute has not fulfilled this requirement. Hence, Recognition is refused. FDRs, if any, be returned."

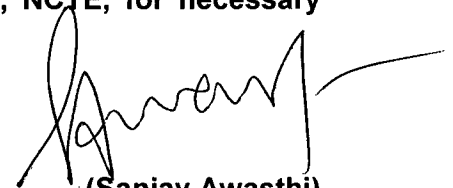
AND WHEREAS Sh. Vivek Tewari, Chairman, Rani College of Education, Huzur, Rausar, Rewa, Madhya Pradesh presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that "we have previously sent that staff list approved by competent authority on 12/05/2017. Now we are sending the soft copy of staff list."

AND WHEREAS Committee noted that appellant institution had submitted online application dated 31/05/2016 seeking recognition for conducting B.A./B.Ed. programme with an intake of 50 seats. The appellant institution is already recognized for conducting B.Ed. programme with an intake of 100 seats since 2014. Committee further noted that L.O.I. for conducting one unit of B.A. B.Ed. programme was issued to appellant institution on 10/03/2017. The appellant institution with its reply dated 01/05/2017 addressed to W.R.C. submitted a list of 6 faculty members. The list of 6 faculty members was supported by a letter dated 01/05/2017 signed by Vice Chancellor of Awadesh Partap Singh University, Rewa. After the W.R.C. took a

decision to issue S.C.N. to appellant institution in its 275th Meeting held on May 1 – 2, 2017, the appellant submitted on 12/05/2017, the particulars of faculty signed by the affiliating body. Committee noted that impugned refusal order is not on grounds of appointment of academic faculty but on grounds of failure of appellant institution to submit list of other staff (Administrative and Professional) which the appellant institution has failed to submit. Committee therefore, decided to remand back the case to W.R.C. for revisiting the matter for issue of Show Cause Notice seeking written representation from the appellant institution on the status of appointment of administrative and professional staff. While revisiting the matter, Regional Committee should also keep in view the eligibility condition for the said course as mentioned in para 1.1 of Appendix 13 of the Norms and Standards for 4 year integrated programme.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to W.R.C. for revisiting the matter for issue of Show Cause Notice seeking written representation from the appellant institution on the status of appointment of administrative and professional staff. While revisiting the matter, Regional Committee should also keep in view the eligibility condition for the said course as mentioned in para 1.1 of Appendix 13 of the Norms and Standards for 4 year integrated programme.

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



(Sanjay Awasthi)
Member Secretary

- 1. The Principal, Rani College of Education, Rausar, Tiger Safari Road, Huzur, Rausar, Rewa, Madhya Pradesh – 486006.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-217/E-69248/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

24/7/18

ORDER

WHEREAS the appeal of Shree Ram T.T. College, Dadu Marg Near Mother Grace School, Tonk Phatak, Jaipur, Rajasthan dated 14/03/2018 is against the Order No. NRC/NCTE/RJ-----/280th Meeting/2018/189300 dated 16/02/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the petitioner society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner society alongwith the application. The Institution has not submitted any proof/evidence of its being a composite institution as required under clause 2 (b) of NCTE Regulations 2014."

AND WHEREAS Dr. Manoj Kataria, Vice President, Shree Ram T.T. College, Dadu Marg Near Mother Grace School, Tonk Phatak, Jaipur, Rajasthan presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that It is reiterated that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. This fact was also submitted in our written representation against Show Cause Notice which certainly was not considered. The institution was not provided opportunity to file application afresh as per the directions of Hon'ble Court. On the grounds discussed and narrated above, the ground of rejection of our application is solely baseless. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E8922/2017 Appeal/15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that "...the Committee noted that the appellant could not have submitted the application online

within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal." The blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular state for the prospective academic year(s). Applications once invited; the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government." The NRC failed in asking the affiliating body about its no objection as per NCTE, Regulation and shifted its failure on the shoulders of institution which resulted in refusal of our application on this ground. The appellant institution is already running a B.Ed. Course since 2007 and the recognition was granted by the NRC vide order dated 20.09.2007 and the same is revised on 22.05.2015.

AND WHEREAS Committee noted that following the orders dated 09/03/2016 of Hon'ble High Court of Judicature for Rajasthan at Jaipur Bench in S/B Civil Writ Petition no. 1563/2016, the applicant had resubmitted on 30/03/2016 its application dated 23/10/2008 for D.El.Ed. programme. The appellant in its letter dated 30/03/2016 resubmitting its earlier returned file, requested the N.R.C. to take further necessary action. The N.R.C. conducted an inspection of the institution on 03/05/2016 and issued Letter of Intent (L.O.I.) on 15/09/2016.

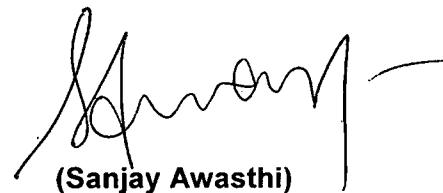
AND WHEREAS thereafter, the N.R.C. after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith Court orders through offline mode and processed, decided to issue show cause notice, before refusing recognition. Accordingly, a show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued to the appellant institution on 05.04.2017. The N.R.C. refused recognition on the same grounds mentioned in the show cause notice dated 05/04/2017.

AND WHEREAS the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application, conducted an inspection of the institution in November, 2016; issued Letter of Intent (L.O.I.) dated 15/09/2016.

AND WHEREAS the Committee noted that in view of the position stated in para 5 above, the submissions of the appellant vis a vis the grounds of refusal deserved to be accepted and concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

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

NOW THEREFORE, the Council hereby remands back the case of Shree Ram T.T. College, Dadu Marg Near Mother Grace School, Tonk Phatak, Jaipur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

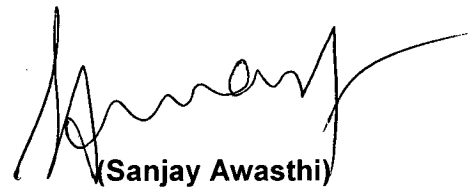

(Sanjay Awasthi)
Member Secretary

1. The Manager, Shree Ram T.T. College, Dadu Marg Near Mother Grace School, Tonk Phatak, Jaipur – 302015, 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.

Trust has issued possession certificate of the building on 24.12.2003. Approved building plan was also enclosed with this letter. The appellant institution has further submitted copies of F.D.Rs duly renewed upto 16/09/2020. Appellant during the course of appeal presentation submitted copies of the letter approving the names of Principal and other faculty members. Appeal Committee considering that appellant institution had replied to S.C.N. on time and was able to comply with most of the requirements and subsequently had also obtained the approval of affiliating body to the appointment of Principal and faculty, decided to remand back the case to W.R.C. for revisiting the matter. The appellant is required to resubmit to W.R.C. a complete and comprehensive reply on all the points of deficiency mentioned in the S.C.N. dated 05/12/2016 within 15 days of the issue of appeal order. The Withdrawal order dated 06/02/2018 is kept in abeyance.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to W.R.C. for revisiting the matter. The appellant is required to resubmit to W.R.C. a complete and comprehensive reply on all the points of deficiency mentioned in the S.C.N. dated 05/12/2016 within 15 days of the issue of appeal order. The Withdrawal order dated 06/02/2018 is kept in abeyance.

NOW THEREFORE, the Council hereby remands back the case of Mumbai B.Ed. College for Women, Nadkarni Park Near MBPT Hospital, Wadala, Maharashtra to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Principal, Mumbai B.Ed. College for Women, J.K. Knowledge Center, Nadkarni Park Near MBPT Hospital, Wadala – 400037, Maharashtra.
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 Maharashtra, Mumbai.



F.No.89-219/E-69383/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date:

24/7/18

ORDER

WHEREAS the appeal of Shree Narayan Shikshan Sansthan, Sikar Road, Kuchman City, Rajasthan dated 14/03/2018 is against the Order No. NCTE/NRC/NRCAPP201616173/B.A. B.Ed./B.Sc. B.Ed. – 4 Year Integrated/SCN/RJ/2017-18/4; dated 03/01/2018 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that “the institution was given SCN dt. 08.02.2018. Reply of the institution dt. 22.02.2018 submitted in the NRC is not acceptable as. The institution has submitted the approved Building plan signed by the Competent Govt. Authority, however, the details with regard to the name of the course, name of the institution, Khasra No./Plot No., total land area, total built-up area and the measurements of the Multi-purpose Hall as well as the other infrastructural facilities such as class rooms etc., have not been indicated thereon. Un-edited CD & Pen drive not submitted. Najri Naksha for different Khasra numbers not submitted Hence, the Committee decided that the application is rejected and recognition/ permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.”

AND WHEREAS Sh. Ramlal, Lecturer, Shree Narayan Shikshan Sansthan, Sikar Road, Kuchman City, Rajasthan presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that “Building plan has been submitted to the office however will show again at the time of hearing. The same has been made by the Patwari and has been deposited to the office however will show the larger copy at the time of hearing.”

AND WHEREAS Appeal Committee noted that appellant institution had submitted a building plan approved by Executive Engineer, Kuchaman Sub Division alongwith its

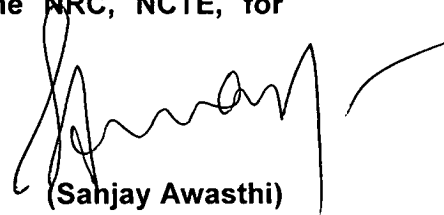
application. Survey number of land was not mentioned on the building plan. The Visiting Team conducted inspection of the institution on 31/01/2018 and 01/02/2018 and observed that institution is already conducting B.Ed. programme (2 units) and D.El.Ed. programme (1 unit). The institution is already conducting B.Ed. and D.El.Ed. programmes and thus deficiency relating to mentioning the name of proposed programme on the building plan approved much earlier is not valid. The appellant has submitted to N.R.C. a copy of building plan mentioning all the Khasra number entered in the online application. Committee, however, observed that the building plan submitted by appellant on 22/02/2018 do not bear any identification of multipurpose hall neither on the ground floor nor on the first floor. But the V.T. in its report says that size of multipurpose hall and classrooms is adequate. It was therefore, essential for the Regional Committee to have cross checked as to where the multipurpose hall is located. The Visiting Team was also duty bound to obtain unedited C.D. and forward it to Regional Committee alongwith Inspection Report. The appellant institution cannot be held responsible for the deficiency on account of non-furnishing of unedited C.D. and pen drive.

AND WHEREAS Appeal Committee, therefore, decided to remand back the case to N.R.C. for thoroughly examining the V.T. report with reference to location of multipurpose hall and incase Inspection report alongwith C.D. etc. is not found upto the mark, get another composite inspection conducted. The case deserves consideration on merit subject to fulfilment of Clause 1.1 of Appendix 13 of the Norms and Standards for B.A. B.Ed./B.Sc. B.Ed. programme.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to N.R.C. for thoroughly examining the V.T. report with reference to location of multipurpose hall and in case Inspection report alongwith C.D. etc. is not found upto the mark get another composite inspection conducted. The case deserves consideration on merit subject to

fulfilment of Clause 1.1 of Appendix 13 of the Norms and Standards for B.A. B.Ed./B.Sc. B.Ed. programme.

NOW THEREFORE, the Council hereby remands back the case of Shree Narayan Shikshan Sansthan, Sikar Road, Kuchman City, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Shree Narayan Shikshan Sansthan, Kuchman City, Sikar Road, Kuchman City – 341508, Rajasthan.**
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.**
- 4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.**

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F.No.89-220/E-69391/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Vinayak College, Vivek Vihar, Katarathal, Sikar, Rajasthan dated is against the Order No. NRC/NCTE/RJ-1391/278th Meeting/2018/186985 dated 19/01/2018 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the petitioner society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014. No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner society alongwith the application. The Institution has not submitted any proof/evidence of its being a composite institution as required under clause 2 (b) of NCTE Regulations 2014."

AND WHEREAS Sh. Ramji Lal Sethi, Lecturer, Vinayak College, Vivek Vihar, Katarathal, Sikar, Rajasthan presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that "There was virtual impossibility in submitting the application online and after directions of Hon'ble Court the application was submitted offline. This fact was also submitted in our written representation against Show Cause Notice which certainly was not considered. Had the institution been provided opportunity to file application afresh as per the directions of Hon'ble Court, it would have been done. In the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E 8922/2017 Appeal/15th Meeting-201 dt. 16.10.2017 titled "St. Meera T.T College" directed the NRC to process further the application on the ground that "the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court of 10.12.2015 i.e. one month, which is virtual impossibility due to closure of NCTE portal." The NRC did not

take care to implement its own Regulations specifically provision of 7(4) of NCTE Regulations, 2014 which is reproduced under: "A written communication alongwith copy of the application form submitted by the institution shall be sent by the office of Regional Committee to the State Government or the Union territory administration and the affiliating bod concerned within thirty days from the receipt of application, in chronological order of the receipt of the original application in the Regional Committee. The NRC failed in asking the affiliating body about its no objection as per provisions reproduced above and shifted its failure on the shoulders of institution which resulted in refusal of our application on this ground. The appellant institution is already running a Degree Course (Graduation Programme) and the recognition was granted by the Directorates, College Education vide order dated 16.12.2011.

AND WHEREAS Appeal Committee noted that appellant institution first submitted application seeking recognition for conducting D.El.Ed. programme in the year 2007 which after initial processing was returned to the applicant institution as State Government of Rajasthan subsequent to the submission of application had put a blanket ban on grant of recognition for D.El.Ed. programme in the State. Subsequently on directions of Hon'ble High Court of Rajasthan in S.B. Civil Writ Petition no. 7216/2016, the appellant institution was allowed to resubmit application strictly under NCTE Regulations, 2014. Committee observed that N.R.C. thereafter opted to process the application submitted by appellant in 2007 instead of requiring the appellant to submit an online application as and when the NCTE portal is open after inviting fresh applications. Not only the application made in 2007 was allowed to be resubmitted, N.R.C. processed the resubmitted application of 2007 and got an inspection of the institution conducted on 15/10/2016.

AND WHEREAS thereafter, the N.R.C. after obtaining legal advice and considering the matter wherein applications were resubmitted alongwith Court orders through offline mode and processed, decided to issue show cause notice, before refusing recognition. Accordingly, a show cause notice on three points, namely, (i) non-submission of application online electronically along with the fees and relevant

documents as per Clause 5 of the NCTE Regulations, 2014; (ii) non-submission of No Objection Certificate issued by the concerned affiliating body and (iii) non-submission of any proof/evidence of its being a composite institution as required under Rule 2 (b) of the NCTE Regulations, 2014 was issued to the appellant institution on 05.04.2017. The appellant sent a reply on 16.08.2017 stating that (i) they submitted their application in the year 2008 as per the then prevailing Regulations and at that time there was no provision for online application and either manual application be considered or open the online application portal to file online application; (ii) the institution will seek N.O.C. from affiliating body after issue of L.O.I., and (iii) there was no condition of composite institution during 2008, but the institution is running B.A. Course from 2017 onwards. The N.R.C. after considering their reply refused recognition on the same grounds mentioned in their show cause notice.

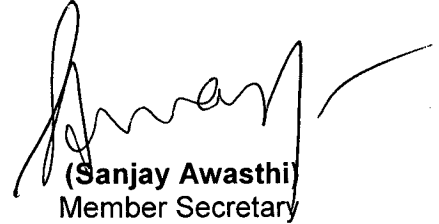
AND WHEREAS the Committee noted that all the three grounds mentioned in the show cause notice and the refusal order are the requirements, introduced for the first time, in the NCTE Regulations, 2014 and which are required to be fulfilled when the applications are invited pursuant to these Regulations and which can be filed only during the period when NCTE portal is open and not any other time. The appellant submitted their application in the year 2008 and the then existing Regulations did not contain the requirements mentioned in the show cause notice / refusal order. N.R.C. has although processed that application only and conducted an inspection of the institution in November, 2016.

AND WHEREAS the Committee noted that in view of the position stated in para 5 above, the submissions of the appellant vis a vis the grounds of refusal deserved to be accepted and concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

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

the Committee concluded that the matter deserved to be remanded to N.R.C. with a direction to take further action as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Vinayak College, Vivek Vihar, Katarathal, Sikar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Appellant, Vinayak College, Plot No.9, Vivek Vihar, Post Office Katarathal, Sikar – 332001, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-221/E-69426/2018 Appeal/11th Mtg.-2018/28th & 29th May, 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 24/7/18

ORDER

WHEREAS the appeal of Amrita Singh Memorial Degree College, Tejpur Gabhana, Jawan, Uttar Pradesh dated 13/03/2018 is against the Order No. NRC/NCTE/NRCAPP-6634/243rd Meeting/2015/125079-82 dated 09/10/2015 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "in the light of the Court order dt. 22.11.2017 passed by the Hon'ble High Court of Rajasthan at Jaipur Bench, it was observed that recognition had already been refused by the NRC and refusal order was issued on 09.10.2015."

AND WHEREAS Sh. Vikram Singh, Secretary and Dr. Gopal Swaroop Sharma, Principal, Amrita Singh Memorial Degree College, Tejpur Gabhana, Jawan, Uttar Pradesh presented the case of the appellant institution on 29/05/2018. In the appeal and during personal presentation it was submitted that "After promulgation of NCTE Regulations, our institution was in regular touch with the University for approval of staff list as per NCTE Regulations 2014 and finally the staff list was approved by the university on 20th June 2016 and 30th April 2017. At present, our institution is having 1 plus 15 qualified staff duly approved by the University copy of approval of University attached.

AND WHEREAS Appeal Committee noted that a Letter of Intent (L.O.I) dated 31/05/2015 was issued to appellant institution. Subsequently, a Show Cause Notice (SCN) dated 17/08/2015 was issued to appellant on grounds of non submission of reply to the L.O.I. and further seeking information on (i) Composite status of the institution (ii) N.O.C. from affiliating body. Reply to S.C.N. was required to be submitted within 30 days of the issue of S.C.N.

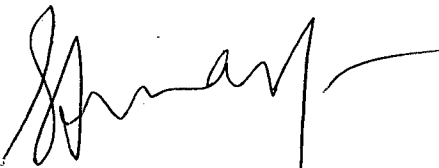
AND WHEREAS Appeal Committee noted that appellant institution submitted reply to the S.C.N. which was received in the office of N.R.C. on 15/09/2015. Appellant institution with this reply could not submit list of faculty approved by affiliating university

and stated that list of faculty will be submitted as soon as approval from Dr. Bhim Rao Ambedkar University, Agra is received. As submission of list of faculty approved by affiliating university is one of the basic requirement and the appellant did not specifically mention a time limit to obtain and submit this list, N.R.C. finally opted to refuse recognition by issue of refusal order dated 09/10/2015. Further the appellant was given a time limit of 60 days to appeal against the refusal order in case institution was not satisfied with the order.

AND WHEREAS Appeal Committee noted that appeal dated 13/03/2018 against the refusal order dated 09/10/2015 delayed by over 2 years and five months is time barred. The appellant in its appeal memoranda has referred to an order dated 22/11/2017 issued by Hon'ble High Court of Judicature for Rajasthan at Jaipur n S.B. Civil Writ Petition No. 9661/2017. The Hon'ble Court without commenting on the merit of the case has simply dismissed the petition as withdrawn.

AND WHEREAS Appeal Committee considered the argument of appellant that it had now obtained the approval of affiliating university to the appointment of faculty which should be considered by appellate authority as delay in approval was caused by the university. Appeal Committee is of the opinion that filing of appeal is delayed deliberately to gain time for completing the formalities which are required to be complied with within a stipulated time frame.

AND WHEREAS Appeal Committee decided not to accept the appeal which is delayed by more than 2 years.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Amrita Singh Memorial Degree College, Tejpur 93, Gabhana, Jawan – 202001, 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.