(1)

F.No.89-455/E-6557/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Baidyanath Shukla College of Education, Jananpura, Majhauli, Bihar dated 03/06/2017 is against the Order No. ERC/236.12.5 (Part-II)/ERCAPP3295/4Yr. B.A.B.Sc.B.Ed. Integrated/2016/52045 dated 04/04/2017 of the Eastern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "a. Show cause notice was issued on 17.12.2016 on the following grounds:- (i) VT letter issued on 28.01.2016. (ii) The institution vide letter dated 22.04.2016 requested for extension of date of inspection as they are occupied on family engagement. (iii) The committee has not accepted the request of the institution for extension of time. (iv) As per NCTE Regulations, 2014, the inspection is not conducted as per willingness of the institution. b. No reply received from institution till date and the time limit has already been over. In view the above, the Committee decided as under: The Committee is of the opinion that application bearing code No. ERCAPP3295 of the institution regarding recognition for 4 years B.A. B.Sc. B.Ed. Integrated Programme is refused under section 14(3)(b) of NCTE Act 1993."

AND WHEREAS Baidyanath Shukla College of Education, Jananpura, Majhauli, Bihar was asked to present the case of the appellant institution on 25/09/2017 but nobody from the institution appeared. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

AND WHEREAS Sh. Rajeev Ranjan, Managing Trustee and Sh. Ajeet Kumar, Director, Baidyanath Shukla College of Education, Jananpura, Majhauli, Bihar presented the case of the appellant institution on 01.02.2018 i.e the second opportunity granted to them. In the appeal, the appellant submitted that while the V.T. letter dt. 28.01.2016 has been received by them, the Show Cause Notice dt. 17.12.2016 has not been received. The institution, on 22.04.2016, requested the

ERC to extend the date of inspection due to treatment of health from outside of State. ERC has not communicated to them that extension of time is not allowed. They have again requested ERC in their letter dt. 23.03.2017 to conduct inspection, as and when they feel it convenient. In the course of presentation, the appellant submitted a letter dt. 30.01.2018. In this letter, the appellant submitted that while they were ready for inspection on 15.02.2016 and communicated with V.T. members, a VT. Member sent a letter on 15.02.2016 to the ERC and to the institution for postponing the inspection due to his illness. The appellant also submitted that they received a mail on 21.04.2016 from another V.T. member to organise inspection on 25th and 26th April, 2016. The appellant has stated that they have written to the ERC (on 13.06.2017, as per a copy of the letter enclosed) for a hard copy of the show cause notice for their perusal.

AND WHEREAS the Committee noted from the file of the ERC that the appellant, after issue of the V.T. letter dt. 28.01.2016 proposing inspection of the institution within 20 days from 28.01.2016, wrote a letter dt. 22.04.2016 to the ERC, stating therein that the date of inspection scheduled during 25.04.2016 and 26.04.2016 may be extended by at least one month as they are pre-occupied with family engagement on that date and it was not possible to be physically present during inspection. On the other hand, in the appeal, the appellant stated that in their letter dt. 22.04.2016 extension of time was requested 'due to treatment of health from outside of State', which is contrary to what is stated in the letter, which is in the file.

AND WHEREAS the appellant, to their letter dt. 30.01.2018, enclosed a copy of a letter dt. 15.02.2016 stated to have been sent to the ERC and the institution by a member of the V.T. (Shri Surendra Nath Panda) about his illness preventing movement and work. This letter is not found in the file of ERC though the appellant enclosed a copy of the courier receipt bearing receipt stamp of the ERC. The appellant, to their letter dt. 30.01.2018 also enclosed a copy of a email reported to have been sent to them by V.T. members on 21.04.2016 informing that the team will be visiting the institution on 24th / 25th April, 2016.

AND WHEREAS the Committee noted from the file of the ERC that there is only one letter issued by them on 28.01.2016 proposing the inspection of the appellant

institution within 20 days from the date of issue of that letter. There is no other letter rescheduling the inspection to a later date. The name of the V.T. member as per the letter dt. 28.01.2016 is Shri Upendra Nath Panda and not Shri Surendra Nath Panda, whose reported letter dt. 15.02.2016 has been enclosed to the appellant's letter dt. 30.01.2018. The show cause notice dt. 17.12.2016 and the refusal order dt. 04.04.2017 mentioned the V.T. letter dt. 28.01.2016 only and the institution's letter dt. 22.04.2016 seeking extension of time. In the absence of any such rescheduling, the so-called email dt. 21.04.2016 stated to have been sent by Visiting Team members cannot be given any credence. The file does not indicate that the show cause notice dt. 17.12.2016 was returned undelivered.

AND WHEREAS the Committee noted that according to the provisions of Clause 7 (7) of the NCTE Regulations, 2014, inspection shall not be subject to the consent of the institution. In these circumstances, the Committee concluded that the ERC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the ERC confirmed.

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

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Baidyanath Shukla College of Education, Gananpura, Main Road, Majhauli – 844123, Bihar.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.

(2)

F.No.89-456/E-6542/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Baidyanath Shukla College of Education, Jananpura, Majhauli, Bihar dated 02/06/2017 is against the Order No. ERC/236.12.4 (Part-II)/ERCAPP3272/B.Ed./2016/52140 dated 05/04/2017 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "a. Show cause notice was issued on 17.12.2016 on the following grounds:- (i) VT letter issued on 28.01.2016. (ii) The institution vide letter dated 22.04.2016 requested for extension of date of inspection as they are occupied on family engagement. (iii) The committee has not accepted the request of the institution for extension of time. (iv) As per NCTE Regulations, 2014, the inspection is not conducted as per willingness of the institution. b. No reply received from institution till date and the time limit has already been over. In view the above, the Committee decided as under: The Committee is of the opinion that application bearing code No. ERCAPP3272 of the institution regarding recognition for 4 years B.Ed. Programme is refused under section 14(3)(b) of NCTE Act 1993."

AND WHEREAS Baidyanath Shukla College of Education, Gananpura, Majhauli, Bihar was asked to present the case of the appellant institution on 25/09/2017, but nobody from the institution appeared. The Committee decided to give the appellant another opportunity i.e. second opportunity to present their case.

AND WHEREAS Sh. Rajeev Ranjan, Managing Trustee and Sh. Ajeet Kumar, Director, Baidyanath Shukla College of Education, Jananpura, Majhauli, Bihar presented the case of the appellant institution on 01.02.2018 i.e the second opportunity granted to them. In the appeal, the appellant submitted that while the V.T. letter dt. 28.01.2016 has been received by them, the Show Cause Notice dt. 17.12.2016 has not been received. The institution, on 22.04.2016, requested the ERC to extend the date of inspection due to treatment of health from outside of State.

ERC has not communicated to them that extension of time is not allowed. They have again requested ERC in their letter dt. 23.03.2017 to conduct inspection, as and when they feel it convenient. In the course of presentation, the appellant submitted a letter dt. 30.01.2018. In this letter, the appellant submitted that while they were ready for inspection on 15.02.2016 and communicated with V.T. members, a VT. Member sent a letter on 15.02.2016 to the ERC and to the institution for postponing the inspection due to his illness. The appellant also submitted that they received a mail on 21.04.2016 from another V.T. member to organise inspection on 25th and 26th April, 2016. The appellant has stated that they have written to the ERC (on 13.06.2017, as per a copy of the letter enclosed) for a hard copy of the show cause notice for their perusal.

AND WHEREAS the Committee noted from the file of the ERC that the appellant, after issue of the V.T. letter dt. 28.01.2016 proposing inspection of the institution within 20 days from 28.01.2016, wrote a letter dt. 22.04.2016 to the ERC, stating therein that the date of inspection scheduled during 25.04.2016 and 26.04.2016 may be extended by at least one month as they are pre-occupied with family engagement on that date and it was not possible to be physically present during inspection. On the other hand, in the appeal, the appellant stated that in their letter dt. 22.04.2016 extension of time was requested 'due to treatment of health from outside of State', which is contrary to what is stated in the letter, which is in the file.

AND WHEREAS the appellant, to their letter dt. 30.01.2018, enclosed a copy of a letter dt. 15.02.2016 stated to have been sent to the ERC and the institution by a member of the V.T. (Shri Surendra Nath Panda) about his illness preventing movement and work. This letter is not found in the file of ERC though the appellant enclosed a copy of the courier receipt bearing receipt stamp of the ERC. The appellant, to their letter dt. 30.01.2018 also enclosed a copy of a email reported to have been sent to them by V.T. members on 21.04.2016 informing that the team will be visiting the institution on 24th / 25th April, 2016.

AND WHEREAS the Committee noted from the file of the ERC that there is only one letter issued by them on 28.01.2016 proposing the inspection of the appellant institution within 20 days from the date of issue of that letter. There is no other letter

rescheduling the inspection to a later date. The name of the V.T. member as per the letter dt. 28.01.2016 is Shri Upendra Nath Panda and not Shri Surendra Nath Panda, whose reported letter dt. 15.02.2016 has been enclosed to the appellant's letter dt. 30.01.2018. The show cause notice dt. 17.12.2016 and the refusal order dt. 04.04.2017 mentioned the V.T. letter dt. 28.01.2016 only and the institution's letter dt. 22.04.2016 seeking extension of time. In the absence of any such rescheduling, the so-called email dt. 21.04.2016 stated to have been sent by Visiting Team members cannot be given any credence. The file does not indicate that the show cause notice dt. 17.12.2016 was returned undelivered.

AND WHEREAS the Committee noted that according to the provisions of Clause 7 (7) of the NCTE Regulations, 2014, inspection shall not be subject to the consent of the institution. In these circumstances, the Committee concluded that the ERC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the ERC confirmed.

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

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Baidyanath Shukla College of Education, Gananpura, Main Road, Majhauli – 844123, Bihar.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.

(8)

F.No.89-528/E-8505/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Institute of Advanced Studies in Education Deemed University Gandhi Vidya Mandir, Sardarshahr Gandhi Vidya Mandir, Sardarshahr, Rajasthan dated 12/06/2017 is against the Order No. NRC/NCTE/NRCAPP-15310/267th (Part-3) Meeting/2017/173033 dated 30/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed./M.Ed. Course on the grounds that "reply dated 05.04.2017 of SCN dated 07.03.2017 was considered. Institution itself admitted vide its letter dated 31.01.2016 that it did not have a complete building at the time of VT visit on 31.01.2016 and it will run the course in another building till its completion, i.e., by April 2016. Building completion certificate is incomplete. Date of issue of land use certificate and the issuing authority column left blank. The building completion certificate issued by the JE, Nagar Palika is without date. The building plan of 2nd floor submitted is incomplete. It does not mention plot number. It does not have approval date by the issuing authority."

AND WHEREAS Sh. Devender Mohan, Pro Vice-Chancellor and Sh. Vineet, P.A. to Pro V.C., Institute of Advanced Studies in Education Deemed University Gandhi Vidya Mandir, Sardarshahr Gandhi Vidya Mandir, Sardarshahr, Rajasthan presented the case of the appellant institution on 27/09/2017. In the appeal and during personal presentation it was submitted that "on dated 31.01.2016 the building constriction work for the proposed course is in advanced stage and a letter in this regard was given to the V.T. stating that the proposed building will be completed by April 2016 and by this time if the course is started the studies will be conducted in another building available with us for ready to use in same premises. The building was as per NCTE Norms but V.T. did not inspect the building. Above statement for alternative building was relevant only if the students would have admitted here before April 2016 for the session 2016-17. The proposed building was completed in April 2016 as per our commitment. But no inspection by VT is carried out and our

application is rejected. The JE, Nagar Palika Municipal Board, Local Authority, issued the certificate for building completion, not putting the date of issue of building completion certificate was human error by issue authority. The total area of the second floor is 5000 sqmt. 3214.69 sqmt. For B.Ed. M.Ed. integrated program and remaining about 1800 sqmt. constructed for another program of Teacher Education. Plot No Khasra No. 115, 116, 117 was mentioned on Building Completion certificate and Application form submitted. The JE, Nagar Palika Govt. Authority, approved the building plan, without putting any date by mistake.

AND WHEREAS during the course of appeal presentation on 27.09.2017, appellant made a written request seeking another opportunity to present the case. The adjournment was allowed. Another (second) opportunity is granted to the appellant to present the case before Appeal Committee.

AND WHEREAS Prof. Devndra Mohan, Prof. V.C. and Sh. Vineet Kumar Pincha, Representative, Institute of Advanced Studies in Education Deemed University Gandhi Vidya Mandir, Sardarshahr Gandhi Vidya Mandir, Sardarshahr, Rajasthan presented the case of the appellant institution on 01.02.2018 i.e. the second opportunity granted to them. In the course of presentation, the appellant submitted a letter dt: 31.01.2018. The appellant enclosed to this letter a copy of the building completion certificate issued by the Junior Engineer, Nagar Palika, Sardarshahar bearing the date of 24.10.2016 and also mentioning the date of CLU, a copy of building plan for ground, first and second floors mentioning the Khasra Nos and approval by the Junior Engineer, Nagar Palika.

AND WHEREAS the Committee, noting that the appellant has furnished the information found wanting in the refusal order, concluded that the matter deserved to be remanded to the NRC with a direction to conduct a re-inspection of the institution, on payment of the prescribed fee by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward the documents submitted in the appeal to the N.R.C 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 appeal deserves to be remanded to the NRC with a direction to conduct a re-inspection of the institution, on payment of the prescribed fee by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward the documents submitted in the appeal to the N.R.C within 15 days of receipt of the orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Institute of Advanced Studies in Education Deemed University Gandhi Vidya Mandir, Sardarshahr Gandhi Vidya Mandir, Sardarshahr, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Registrar, Institute of Advanced Studies in Education Deemed University Gandhi Vidya Mandir, Sardarshahr Gandhi Vidya Mandir, Sardarshahr – 331403, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

(9)

F.No.89-533/E-8964/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Shri Ranjeet Singh Shikshan Sansthan, Jhab, Chitalwana, Rajasthan dated 20/06/2017 is against the Order No. NCTE/NRC/NRCAPP 2016472/B.A.B.Ed./B.Sc. B.Ed. -4 year Integrated/RJ-2017-18/2; dated 25.04.217 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 Land Use Certificate issued by the Competent Authority to use the land for educational purpose."

AND WHEREAS Shri Ranjeet Singh Shikshan Sansthan, Jhab, Chitalwana, Rajasthan was asked to present the case of the appellant institution on 27/09/2017 but nobody appeared. In the appeal Memoranda, it is submitted that "the first deficiency pointed out was non-submission of land use certificate by competent authority. The institution contrary to the NRCs observation had submitted the land use certificate issued by competent authority. The land use certificate submitted by the institution was issued by the office of Tehsildar Chitalwana, District Jalore, Rajasthan. This is an omission by the NRC to notice the document submitted by the institution."

AND WHEREAS Appeal Committee decided to grant another (second) opportunity to the appellant for making a personal presentation before the Committee.

AND WHEREAS Sh. Gajendra Singh, Secretary, Shri Ranjeet Singh Shikshan Sansthan, Jhab, Chitalwana, Rajasthan presented the case of the appellant institution on 01.02.2018 i.e. the second opportunity granted to them. In the course of presentation, the appellant submitted a letter dt. 30.01.2018. The appellant enclosed to this letter a copy of the land conversion order dt. 15.01.2018 issued by the District Collector, Jalore.

AND WHEREAS the Committee, noting that the appellant has submitted the Land Use Certificate issued by the Competent authority, concluded that the matter deserved to be remanded to the NRC with a direction to consider the certificate and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward a copy of the Land Use Certificate dt. 15.01.2018 to the N.R.C. within 15 days of receipt of the orders on the appeal.

AND WHEREAS while taking further action suggested above the N.R.C. should note that the appellant who has applied for recognition for B.A. B.Ed./B.Sc. B.Ed. course is conducting B.A. course only and does not have B.Sc. course. According to the provisions of Clause 1.1 of the Norms and Standards for 4 year Integrated B.Sc. B.Ed./B.A. B.Ed. programme contained in Appendix – 13 to the NCTE Regulations, 2014, the programme aims at integrating general studies comprising Science (B.Sc. B.Ed.) and Social Sciences or Humanities (B.A. B.Ed.) and Professional Studies.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to the NRC with a direction to consider the certificate and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward a copy of the Land Use Certificate dt. 15.01.2018 to the N.R.C. within 15 days of receipt of the orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Shri Ranjeet Singh Shikshan Sansthan, Jhab, Chitalwana, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shri Ranjeet Singh Shikshan Sansthan, Jhab, Chitalwana – 343040, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

(12)

F.No.89-495/E-10152/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Abhiruchi Institute of Physical Education (AIPE), Gobhali, Mayang, Chandrapur, Assam dated 20/06/2017 is against the Order No. ERC/7-196.102/ERCAPP2255/B.P.Ed./2015/37103 dated 22/10/2015 of the Eastern Regional Committee, refusing recognition for conducting B.P.Ed. Course on the grounds that "(i) Registered land document is not submitted. Therefore, it is summarily rejected as per Clause 7(2)(b) of NCTE Regulation 2014."

AND WHEREAS the submission of the appeal has been delayed by one year and six months beyond the prescribed time limit of 60 days. The appellant submitted that they entrusted the task of filling the appeal to an advocate in the Hon'ble Supreme Court of India, who did not file the appeal and misrepresented the facts to the management. The fact that the appeal was never filed by the advocate came to the notice of the management at a much later date and hence the delay in filing the appeal took place. The appellant also enclosed copies of correspondence between them and the Advocate. The Committee, noting the submission of the appellant, decided to condone the delay and consider the appeal.

AND WHEREAS Abhiruchi Institute of Physical Education (AIPE), Gobhali, Mayang, Chandrapur, Assam was asked to present the case of the appellant institution on 28/09/2017, but nobody appeared. As per extant appeal rules three opportunities can be provided to an appellant to make personal presentation of its case before Appeal Committee. Appeal Committee decided to grant another (second) opportunity to the appellant to make presentation before the Committee.

AND WHEREAS Sh. Balendra M., President and Sh. Navnit Kumar, Representative, Abhiruchi Institute of Physical Education (AIPE), Gobhali, Mayang, Chandrapur, Assam presented the case of the appellant institution on 01.02.2018 i.e. the second opportunity granted to them. In the appeal memorandum it is submitted that "the order dated October 22, 2015 passed by the Eastern Regional

Committee, NCTE is erroneous as the Land documents duly registered in the name of Abhiruchi Institute of Physical Education were submitted to the Regional Director which unfortunately went unnoticed. Further, the Certificate of Mutation in favour of Abhiruchi Institute of Physical Education in original as well as the English translations were duly submitted before the Regional Director, NCTE. Therefore, the order dated October 22, 2015 is bad in law and facts and ought to be quashed. The appellant with the appeal submitted copies of sale deeds for land signed by the Sub- Registrar, Kamrup Metro, Guwahati.

AND WHEREAS the Committee, noting the land documents submitted by the appellant, concluded that the matter deserved to be remanded to the ERC 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 the documents submitted in the appeal to the ERC 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 appeal deserves to be remanded to ERC 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 the documents submitted in the appeal to the ERC within 15 days of receipt of the orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Abhiruchi Institute of Physical Education (AIPE), Gobhali, Mayang, Chandrapur, Assam to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The President, Abhiruchi Institute of Physical Education (AIPE), 130, M.C. Road, Chenikuthi, Guwahati - 781003, Assam.
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 Assam, Dispur.

(16)

F.No.89-556/E-11168/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Vivekanand Shikshak Prashikshan Sansthan, Sarendhi, Kheragarh, Uttar Pradesh dated 04.07.2017 is against the Order No. NRC/NCTE/NRCAPP-14422/268th (Part-3) Meeting/2017/173438 dated 02/05/2017 of the Northern Regional Committee, withdrawing recognition for conducting D.El.Ed. course on the grounds that, the institution submitted reply dated 10.04.2017 of Show Cause Notice which was considered by NRC in its 268th Meeting (Part 1) held on 19th to 21st April, 2017. The Committee observed that the institution was granted recognition, under clause 7(16) vide order 03.03.2016. After recognition NRC received a letter from the Secretary, Examination Regulatory Authority, Alenganj, Allahabad, Uttar Pradesh. In the letter the Secretary, Examination Regulatory Authority, mentioned that the institution has been given recognition on fake faculty list. Hence, institution was given show cause notice. The institution misled the NRC by submitting a fake list of teachers. The Committee, therefore, decided to withdraw the recognition of the institution for D.El.Ed. course under Section-17 of the NCTE Act, 1993."

AND WHEREAS Vivekanand Shikshak Prashikshan Sansthan, Sarendhi, Kheragarh, Uttar Pradesh was asked to present the case of the appellant institution on 23/10/2017, but nobody from the institution appeared. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

AND WHEREAS Sh. Pramod Sharma, Manager, Vivekanand Shikshak Prashikshan Sansthan, Sarendhi, Kheragarh, Uttar Pradesh presented the case of the appellant institution on 01.02.2018 i.e. the second opportunity granted to them. The appellant in the appeal and during the course of presentation submitted that the Show Cause Notice issued by NCTE does not make any mention of fake staff

appointed. In fact fake staff were never appointed. The staff appointed were duly approved by Pareeksha Niyamak Pradhikari, Allahabad. Hence, the withdrawal of recognition is not justified.

AND WHEREAS the Committee noted from the file that the Examination Regulatory Authority, Allahabad approved the staff list of the appellant institution for B.T.C. couse in their letter dt. 03.03.2016 and the N.R.C. issued the order of recognition to the appellant institution for conducting D.El.Ed. course with two units (100 intake) on 03.03.2016. The Committee noted that N.R.C. received a letter dt. 12.09.2016 from the Examination Regulatory Authority, Allahabad in which the Authority requested the N.R.C. to consider cancellation of the recognition granted to the appellant institution as they did not rectify the deficiencies pointed out to them by the Authority. The N.R.C. issued a Show Cause Notice dt. 10.03.2017 pointing out two deficiencies, namely that (i) the size of the library room is 633 sq. ft., which is much less than the required size and (ii) there is no electricity connection and facilities for toilets. The appellant sent a reply dt. 07.04.2017 which was received in the N.R.C. on 10.04.2017. After considering this reply, the N.R.C. decided to withdraw recognition on the ground that in a letter received from the Examination Regulatory Authority, Allahabad, it is mentioned that the appellant institution was given recognition on fake faculty list.

AND WHEREAS the Committee noted from the file of the N.R.C. that the letter of the Examination Regulatory Authority, Allahabad dt. 12.09.2016 did not mention anything about the faculty list. Further the letter in which the Authority is reported to have informed N.R.C. about the submission of a fake faculty list by the appellant is not available in the file. The withdrawal order also does not mention the date of this letter. As submitted by the appellant the show cause notice issued to them did not make any mention of fake faculty list.

AND WHEREAS in these circumstances, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to consider the reply of the appellant to the show cause notice issued to them and issue a fresh show cause notice to them if there is any further letter from the Examination Regulatory Authority about the genuineness of the faculty list submitted by them 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 deserves to be remanded to the N.R.C. with a direction to consider the reply of the appellant to the show cause notice issued to them and issue a fresh show cause notice to them if there is any further letter from the Examination Regulatory Authority about the genuineness of the faculty list submitted by them 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 Vivekanand Shikshak Prashikshan Sansthan, Sarendhi, Kheragarh, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Manager, Vivekanand Shikshak Prashikshan Sansthan, Sarendhi, Kheragarh – 283119, 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, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(18)

F.No.89-561/E-11044/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Gurukul College, Budhal, Girwa, Udaipur, Rajasthan dated 05.07.2017 is against the Order No. NRC/NCTE/NRCAPP-12479/B.A. B.Ed./B.Sc. B.Ed./266th Meeting (Part-3)/2017/170703dated 10/04/2017 of the Northern Regional Committee, granting recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course of one unit 50 (seats). The appellant wants recognition for two units as applied for.

AND WHEREAS Gurukul College, Budhal, Girwa, Udaipur, Rajasthan was asked to present the case of the appellant institution on 23/10/2017, but nobody from the institution appeared. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

AND WHEREAS Sh. Dinesh Kumar Mali, Director, Gurukul College, Budhal, Girwa, Udaipur, Rajasthan presented the case of the appellant institution on 01.02.2018 i.e. the second opportunity granted to them. In the appeal, during personal presentation and in a letter dt. 01.02.2018 the appellant submitted that (i) they applied for one unit of 50 seats each in B.A. B.Ed./B.Sc. B.Ed.; (ii) they have 4104 sq. mts. of land and 3000 sq. mts. of constructed building; (ii) the Visiting Team also inspected for two units; (iv) an affidavit on Rs. 100/- stamp paper has been filed mentioning therein that the intake applied for is 50 +50; (v) a faculty of 16 members (one principal and 15 academic staff), who have been selected and approved by the Registrar, Mohan Lal Sukhadia University, Udaipur, have been appointed and (vi) Fixed deposits for Rs. 7 lakhs and Rs. 5 lakhs been taken. The appellant also submitted that in the recognition order dt. 10.04.2017, the N.R.C. indicated the name of the affiliating university as Pandit Deendayal Upadhya Shekhawat University, Sikar instead of Mohan Lal Sukhadia University, Udaipur to which the appellant institution is affiliated. This mistake has been brought to the notice of the N.R.C.

with a request to issue a corrigendum. The appellant submitting that they applied for two units as per the Regulations of 2014, requested that the N.R.C. may be directed to grant recognition for two units (50+50) of B.A. B.Ed./B.Sc. B.Ed. for the academic session 2018-19.

AND WHEREAS the Committee noted that while there is no mention of intake in B.A. B.Sc. Ed. in the online application dt. 30.052015, the appellant has not enclosed any affidavit to the hardcopy of the application. It is only in the affidavit dt. 24.04.2016 submitted at the time of inspection on 24.04.2016, the appellant indicated that they are seeking recognition for B.A. B.Ed./B.Sc. B.Ed. with an intake of 50 + 50. The Visiting Team in their report mentioned the intake for the proposed courses as 50 + 50. While no formal Letter of Intent appears to have been issued as per Clause 7 (13) of the NCTE Regulations, 2014, N.R.C. in the decision taken in their 252nd Meeting held from 19th April to 2nd May, 2016 to issue Letter of Intent to the appellant institution, did not mention the intake. The appellant, with their letter dt. 08.08.2016 inter-alia forwarded a faculty list of one Principal and 15 lecturers, countersigned by the Registrar, Mohan Lal Sukhadia University, Udaipur. Thereafter, the N.R.C. issued a recognition order dt. 10.04.2017 for conducting one unit (50 seats) of B.A. B.Ed./B.Sc. B.Ed. integrated four-year course.

AND WHEREAS the Committee, finding that no reasons have been given for granting recognition for one unit only, concluded that the matter deserved to be remanded to the N.R.C. with a direction to issue a speaking order/communication to the appellant. While doing so, the N.R.C. should note that the appellant institution is running only B.A. course and has no B.Sc. course and according to the provisions of Clause 1.1 of the Norms and Standards for B.Sc. B.Ed./B.A. B.Ed. programme contained in Appendix – 13 to the NCTE Regulations, 2014, this programme aims at integrating general studies comprising Science (B.Sc. B.Ed.) and Social Science or Humanities (B.A. B.Ed.) and professional studies. The N.R.C. should also take into account the submission of the appellant that their affiliating university is Mohan Lal Sukhadia University, Udaipur and not Pandit Deendayal Upadhya Shekhawat University, Sikar.

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 deserves to be remanded to the N.R.C. with a direction to issue a speaking order/communication to the appellant. While doing so, the N.R.C. should note that the appellant institution is running only B.A. course and has no B.Sc. course and according to the provisions of Clause 1.1 of the Norms and Standards for B.Sc. B.Ed./B.A. B.Ed. programme contained in Appendix – 13 to the NCTE Regulations, 2014, this programme aims at integrating general studies comprising Science (B.Sc. B.Ed.) and Social Science or Humanities (B.A. B.Ed.) and professional studies. The N.R.C. should also take into account the submission of the appellant that their affiliating university is Mohan Lal Sukhadia University, Udaipur and not Pandit Deendayal Upadhya Shekhawat University, Sikar.

NOW THEREFORE, the Council hereby remands back the case of Gurukul College, Budhal, Girwa, Udaipur, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Director, Gurukul College, Bhdhal, Girwa, Udaipur – 313703, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

(19)

F.No.89-571/E-11955/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Baba Ramnath Utkarsh Mahavidyalaya, Balpur Kharaila, Saraipaltu, Lalganj, Azamgarh, Uttar Pradesh dated 07.7.2017 is against the Order No. NRC/NCTE/NRCAPP-8522/262nd (Part-8) Meeting/2017/165887dated 01/02/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "The institution has not replied to the SCN issued on 17.10.2016. The two grounds in the Show Cause Notice are (i) non submission of the approved faculty for fine arts and physical education; and (ii) non submission of FDRs for Rs. 7 lakhs and Rs. 5 lakhs.

AND WHEREAS Baba Ramnath Utkarsh Mahavidyalaya, Balpur Kharaila, Saraipaltu, Lalganj, Azamgarh, Uttar Pradesh was asked to present the case of the appellant institution on 23/10/2017, but nobody from the institution appeared. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

AND WHEREAS the submission of the appeal has been delayed by three months and seven days beyond the prescribed time limit of 60 days. The appellant, in their letter dt. 1.2.2018 submitted that initially there was a technical problem in sending the appeal online and after obtaining help and guidance of the NCTE's technician, they could file the online appeal on 7.7.2017. The Committee noting the submission of the appellant decided to condone the delay and consider the appeal.

AND WHEREAS Sh. Ravindra Kr. Mishra, Representative and Sh. Ravi Kant Tiwari, Clerk, Baba Ramnath Utkarsh Mahavidyalaya, Balpur Kharaila, Saraipaltu, Lalganj, Azamgarh, Uttar Pradesh presented the case of the appellant institution on 01.02.2018 i.e. the second opportunity granted to them. The appellant in the appeal and in a letter dt. 01.02.2018 submitted that the show cause notice was received by them after two months. They initially selected the faculty as per the norms of the university for 50 seats. After coming to know that two more lecturers are needed

they initiated the selection process. The appellant has now submitted a copy of the letter dt. 22.05.2017 from the Registrar, Veer Bahadur Singh Purvanchal University, Jaunpur approving one lecturer each for fine arts and physical education. The appellant also submitted copies of FDRs for Rs. 5 lakhs, Rs. 3 lakhs and Rs. 4 lakhs (Total of Rs. 12 lakhs) in the joint names of the institution and the Regional Director, N.R.C.

AND WHEREAS the Committee, noting the steps taken by the appellant to meet the requirements pointed out in the show cause notice concluded that the matter deserved to be remanded to the N.R.C. with a direction to consider the documents mentioned above to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the N.R.C, the approval letter for the two additional faculty members and the copies of he FDRs 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 deserves to be remanded to N.R.C. with a direction to consider the documents mentioned above to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the N.R.C, the approval letter for the two additional faculty members and the copies of he FDRs within 15 days of receipt of the orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Baba Ramnath Utkarsh Mahavidyalaya, Balpur Kharaila, Saraipaltu, Lalganj, Azamgarh, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Manager, Baba Ramnath Utkarsh Mahavidyalaya, Balpur Kharaila, Saraipaltu, Lalganj, Azamgarh, Uttar Pradesh – 276302.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(20)

F.No.89-575/E-12782/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Shri Bhagwan Singh Girls College of Education and Technology, Akbarpur, Samshabad, Sadar, Agra, Uttar Pradesh dated 14.07.2017 is against the Order No. NRC/NCTE/NRCAPP-10794/263rd (Part-1) Meeting/2017/176062 dated 24/05/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The institution was given recognition for B.Ed. (100) seats vide order dated 15.05.2014 on Khasara No. 449. Institution has again submitted application for D.El.Ed. course on same Khasara No. 449 with total built-up area of 2092.03 sq. meters. and total land area of 2650 sq. meters. Institution was given SCN. Reply submitted by institution indicates that land area and total built-up area is less than as required for running both the courses, as per NCTE Regulations, 2014. 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. P.K. Singh, Chairman, Shri Bhagwan Singh Girls College of Education and Technology, Akbarpur, Samshabad, Sadar, Agra, Uttar Pradesh presented the case of the appellant institution on 23/10/2017. In the appeal and during personal presentation it was submitted that "1. Institution has applied for D.El.Ed Course for One Unit on 27.05.2015. 2. Visiting Team has visited the college on 03.02.2016. 3. NCTE has granted recognition D.El.Ed. Course with one unit to the Institution on 03.03.2016. 4. The Institution has applied once again for second unit of D.El.Ed. Course. For this institution has submitted additional teacher approval letter required for second unit as per norms. 5. NCTE has granted second unit of D.El.Ed. Course on 02.05.2016. 6. As per the minutes 253rd meeting Part 2 of NRC held from 10th to 14th June, NCTE has decided to issue Show Cause

Notice to institution on the ground of insufficient built up area. 7. Though NRC did not issue any show cause notice and the institution came to know about the decision from the NCTE website, they replied against the show cause notice on 29.06.2016. In their reply, the institution has showed the additional built up area and approved building layout plan with covered area of 3584.08 sq. mt. After almost about one year, refusal order dated 24.05.2017 was received by the institution in the fourth week of June, 2017. The appellant also submitted that the NRC did not consider their reply dt. 29.06.2016, in which the institution indicated about the availability of 3584.08 Sq. mts. of built up area and submitted approved building plan as evidence. Regarding land area, the appellant referred to the NCTE Regulations, 2014 and stated that for institutions established prior to these Regulations, for an additional intake of 100 students, built up area is to be increased by 500 Sq. mts and the requirement of additional land may not apply to them. The appellant requested either to allow the previous recognition order dt. 02.05.2016 or allow them to run at least B.Ed. course with one unit (50) and D.El.Ed. course with one unit (50).

AND WHEREAS in the course of presentation, the appellant gave a letter dt. 23.10.2017 requesting for another opportunity to submit the Building Completion Certificate which is not available in the file. The Committee decided to accede to the request and give the appellant another opportunity i.e. the second the opportunity to present their case.

AND WHEREAS Sh. Pradeep Kumar, Chairman and Dr. S.K. Tyagi, Representative, Shri Bhagwan Singh Girls College of Education and Technology, Akbarpur, Samshabad, Sadar, Agra, Uttar Pradesh presented the case of the appellant institution on 01.02.2018 i.e. the second opportunity granted to them. In the course of presentation, the appellant submitted a letter dt. 01.02.2018. The appellant, in this letter, made submissions similar to those made in the appeal. The appellant enclosed to this letter copies of the two recognition orders issued by the N.R.C. on 03.03.2016 (for one unit of 50 students) and on 02.05.2016 (for two units of 100 seats) and a building completion certificate issued by a private engineer and countersigned by the Gram Pradhan. This certificate showed built up area as

3584.08 (at one place the units are indicated as sq. mts. and at another place as sq. ft.).

AND WHEREAS the Committee noted that the appellant, who is already running B.Ed. course with an intake of 100, in the affidavit enclosed to their online application dt. 27.05.2015 for D.El.Ed. course, stated that they are seeking recognition for one unit (50 seats). The appellant, in the affidavit dt. 04.02.2016 submitted as a part of the essential data for the purpose of inspection, also mentioned the intake sought in D.El.Ed. is 50 (one unit). The V.T. in their report dt. 03.02.2016 also recorded that the proposed intake was 50 (one unit). The decision of the NRC, taken in their 250th meeting (Part – 5) held on 24.02.2016 to issue a Letter of Intent, did not mention the intake. On receipt of a reply dt. 01.03.2016 from the institution with reference to the minutes of the 250th Meeting (Part – 5), N.R.C. in their 250th meeting (Part – II) held on 01.03.2016 decided to grant recognition for one unit (50 students). While the file does not contain the recognition order dt. 03.03.2016 for one unit, the appellant, with their letter dt. 01.02.2018 forwarded a copy of this order. The Committee further noted from the file that the N.R.C., in their 252nd meeting held from 19th April to 02nd May, 2016, while confirming the minutes of the 250th meeting decided to grant recognition to the appellant institution D.El.Ed. course with two units (100 students). Recognition order for two units was issued on 02.05.2016. The staff list enclosed to the appellant's reply dt. 01.03.2016 consisted of one Principal/HOD and seven lecturers approved by the Examination Regulatory Authority, Allahabad, Uttar Pradesh. No. reason/justification for revising the intake is to be found in the file. There are no papers in the file to show that the appellant applied for a second unit and submitted additional teachers approval for the second unit, as claimed in the appeal. The N.R.C. in their 253rd meeting (Part- II) held from 10th to 14th June, 2016, while confirming the minutes of their 252nd meeting decided to issue a show cause notice to the appellant on the grounds of inadequate built up area for the existing B.Ed. course and the proposed. D.El.Ed. course. A Show Cause Notice was issued on 25.07.2016 and simultaneously N.R.C issued a corrigendum dt. 25.07.2016 cancelling the recognition order dt. 02.05.2016 for two units. The appellant replied to the show cause notice on 29.06.2016 claiming that they have a built-up area of

3580.08 sq. mts. required as per NCTE norms. But N.R.C. in their 263rd meeting (Part – I) held from 6th to 11th Feb, 2017 decided to refuse recognition and issued the refusal order on 24.05.2017.

AND WHEREAS the appellant in the appeal, while claiming that they have 3584.04 sq. mts. of built up area, prayed that either the refusal order 24.05.2017 be withdrawn restoring previous recognition order dt. 02.05.2016 or allow them to run B.Ed. course with one unit and D.El.Ed. course with one unit. The appellant, on the other hand, in their letter dt. 01.02.2018, submitted that eventhough they fulfil the requirements of land and built up area for both the courses, they are agreeable to surrender B.Ed. course and run D.El.Ed. course only with two units.

AND WHEREAS in view of the position brought out in paras 5 and 6 above, the Committee concluded that the matter be remanded to the N.R.C. with a direction to thoroughly re-examine the issues involved including the alternative prayers made by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward (i) the building completion certificate duly issued / countersigned by a Competent Government Engineer and correcting the discrepancy in the unit of measurement of built up area and (i) a specific prayer with regard to recognition for the D.El.Ed. course for which they applied in 2015 within 15 days of receipt of the orders of the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the N.R.C. with a direction to thoroughly re-examine the issues involved including the alternative prayers made by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward (i) the building completion certificate duly issued / countersigned by a Competent Government Engineer and correcting the discrepancy in the unit of measurement of built up area and (ii) a specific prayer with regard to recognition for the D.El.Ed. course for which they applied in 2015 within 15 days of receipt of the orders of the appeal.

NOW THEREFORE, the Council hereby remands back the case of Shri Bhagwan Singh Girls College of Education and Technology, Akbarpur, Samshabad, Sadar, Agra, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Chairman, Shri Bhagwan Singh Girls College of Education and Technology, Akabarpur, Samshabad, Sadar Tehsil, Agra – 283125, 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, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(21)

F.No.89-589/E-14908/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Bharti Vidhya Bhawan, Rati Talai Link Road, Banswara, Rajasthan dated 22.07.2017 is against the Order No. NCTE/NRC/NRCAPP201716707/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-18/3.dated 06/06/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds that "SCN issued in NRC Meeting 267th (Part-2) from 5th to 7th April, 2017) and the reply received 01.05.2017 was considered and the following observations were made:- The institution has not submitted the certified registered land documents issued by the Registering Authority or civil authority concerned. The institution has not submitted the Non-Encumbrance Certificate issued by the Competent Authority indicating that the land is free from all encumbrances. 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. The allotted land is for opening a primary school and not for B.A. B.Ed. / B.Sc. B.Ed. course. Hence, the Committee decided that the application is rejected and recognition / permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution. A copy of the refusal order is not in the file.

AND WHEREAS Sh. Saroj Nagawat, Secretary, Bharti Vidhya Bhawan, Rati Talai Link Road, Banswara, Rajasthan presented the case of the appellant institution on 24/10/2017. In the appeal Memoranda it was submitted that "The impugned order dated 6. 06.2017 was passed in total ignorance. Reply dated 29.04.2017 submitted by appellant clarified each and every deficiency pointed with proper documentary

evidence. So far as non-submission of certified registered land document issued by registering authority is concerned, it is stated that appellant has, placed it on record with its reply. Copy of letter dated 25. 09.1992 and other documents as stated in Column 3 of reply to SCN. So far as deficiency with regard to non-submission of Non-Encumbrance Certificate is concerned, appellant had clearly mentioned in clause 6 of reply dated 29.04 .2017 that an affidavit in this regard had been prepared and submitted by it. Regarding deficiency with regard to non-submission of building plan signed by competent authority is concerned, it is stated that appellant had submitted building plan signed by Assistant Engineer, Public Works Department along with building completion certificate which was as per requirement of NCTE, Regulations, 2014. However, without any justification, application of petitioner has been rejected on this ground which is unjust and unfair. Regarding observation of respondent—NRC that allotted land was meant for opening primary school and not for running B.A. B. Ed. / B.Sc. B. Ed. Course is concerned, it is stated in reply dated 29.04 .2017 at point No. 4, that the land in question was allotted by State Government to Bharti Vidhya Bhawan, Banswara and under the same parent society a primary school was run previously. However, out of the total allotted area 2500 Sq. Meter land having built up area of 2919.3 Sq. Meter was demarcated for running teacher training course exclusively. Rejection order dated 06.06.2017 is totally mechanical, unwarranted & unjust. Thus, order dated 06.06.2017 deserves to be set aside.

AND WHEREAS during the course of appeal presentation on 24.10.2017, Ms. Saroj Nagawat, Secretary of the institution submitted a written request for grant of another opportunity to submit essential documents. Appeal Committee decided to grant another (second) opportunity to the appellant institution to submit documents before the Committee.

AND WHEREAS Sh. Piyush, Teacher and Sh. Saroj Nagawat, Secretary, Bharti Vidhya Bhawan, Rati Talai Link Road, Banswara, Rajasthan presented the case of the appellant institution on 01.02.2018 i.e. the second opportunity granted to them. The appellant alongwith the appeal and their subsequent letter dt. 01.02.2018, submitted a copy of the certified land document, a copy of approved building plan indicating name of the institution, Khasra No. and measurements of various facilities

and a copy of non-encumbrance certificate dt. 18.07.2017 issued by the Tehsildar, Banswara, Rajasthan. The appellant has clarified that the land was allotted by the State Government to Bharti Vidya Bhawan, Banswara, where a primary school was run previously and 2500 sq. mts. of land having a built-up area of 2919.3 sq. mts. has been demarcated for running teacher training courses exclusively.

AND WHEREAS the Committee, noting the submissions of the appellant and the documents, concluded that the matter deserved to be remanded to the N.R.C. with a direction to consider the relevant documents to be submitted to them by the appellant, and take necessary action as per the NCTE Regulations, 2014. The appellant is directed to forward to the N.R.C. the documents submitted in the appeal, to the N.R.C. within 15 days of receipt of the orders on the appeal. While taking further action suggested above N.R.C. should take into account the provisions Clause 1.1 of the Norms and Standards for the 4 year Integrated Programme of B.Sc. B.Ed./B.Sc. B.Ed. contained in Appendix – 13 to the NCTE Regulations, 2014. According to these provisions, this programme aims at integrating general studies comprising Science (B.Sc. B.Ed.) and Social Science and Humanities (B.A. B.Ed.) and professional studies related to the tasks and functions of a school teacher. It is observed that the appellant is running only B.Ed. and has no B.A. or B.Sc. programme.

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 N.R.C. with a direction to consider the relevant documents to be submitted to them by the appellant, and take necessary action as per the NCTE Regulations, 2014. The appellant is directed to forward to the N.R.C. the document submitted in the appeal, to the N.R.C. within 15 days of receipt of the orders on the appeal. While taking further action suggested above N.R.C. should take into account the provisions Clause 1.1 of the Norms and Standards for the 4 year Integrated Programme of B.Sc. B.Ed./B.Sc. B.Ed. contained in Appendix – 13 to the NCTE Regulations, 2014. According to these provisions, this programme aims at integrating general studies comprising Science (B.Sc. B.Ed.) and Social Science and Humanities (B.A. B.Ed.) and professional studies related to the tasks and

functions of a school teacher. It is observed that the appellant is running only B.Ed. and has no B.A. or B.Sc. programme.

NOW THEREFORE, the Council hereby remands back the case of Bharti Vidhya Bhawan, Rati Talai Link Road, Banswara, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Bharti Vidhya Bhawan, Banswara, Rati Talai Link Road, Banswara – 327001, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

(22)

F.No.89-590/E-15111/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Modi Institute of Management & Technology, Modi Educational Complex, Dadabari Ext., Dadabari, Rajasthan dated 24.07.2017 is against the Order No. NCTE/NRCAPP201615146/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-18/2;dated 25/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./ B.Sc. B.Ed. course on the grounds that "The reply of the institution received in NRC on 16.02.2017 and SCN issued by NRC in 262nd Meeting (Part-8) item No. 3, was considered and following observations were made:- The institution has not submitted the certified registered land documents issued by the Registering Authority or civil authority concerned. The institution has not submitted the Non-Encumbrance Certificate issued by the Competent Authority indicating that the land is free from all encumbrances. 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 Modi Institute of Management & Technology, Modi Educational Complex, Dadabari Ext., Dadabari, Rajasthan was asked to present the case of the appellant institution on 24/10/2017 but not body appeared. In the appeal Memoranda it is submitted that "they have approached civil authority to certify their registered land documents but they told that it is already issued by civil authority. So further certification and authentication is not needed. For this they can produce original copy before the Appeal Committee. Further they are producing self-attested land documents and submitting affidavit that their land is free from loan and having no liabilities. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

AND WHEREAS Dr. N. K. Joshi, Director and Sh. Vishnu Kumar, Secretary, Modi Institute of Management & Technology, Modi Educational Complex, Dadabari Ext., Dadabari, Rajasthan presented the case of the appellant institution on 01.02.2018 i.e. the second opportunity granted to them. The appellant in the course

of presentation, with their letter dt. 31.01.2018 submitted (i) a copy of the land document issued by the Nagar Vikas Nyas, Kota duly attested by the Assistant Engineer, Nagar Vikas Nyas Kota; and (ii) a copy of the Non-Encumbrance Certificate dt. 11.08.2017 signed by the Tahsildar and Executive Officer, Tahsil Ladpura, Distt. Kota.

AND WHEREAS the Committee, noting that the appellant has submitted the two documents found wanting in the refusal order, concluded that the matter deserved to be remanded to the N.R.C. with a direction to consider these documents to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward the documents submitted in the appeal to the N.R.C. within 15 days of receipt of the orders on the appeal. The N.R.C, while taking further action, should note that the appellant has applied for grant of recognition for B.Sc. B.Ed. course only as they are running B.Sc. course and do not have B.A. course.

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 N.R.C. with a direction to consider these documents to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward the documents submitted in the appeal to the N.R.C. within 15 days of receipt of the orders on the appeal. The N.R.C, while taking further action, should note that the appellant has applied for grant of recognition for B.Sc. B.Ed. course only as they are running B.Sc. course and do not have B.A. course.

NOW THEREFORE, the Council hereby remands back the case of Modi Institute of Management & Technology, Modi Educational Complex, Dadabari Ext., Dadabari, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Director, Modi Institute of Management & Technology, Modi Educational Complex, Dadabari Ext., Dadabari – 324009, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

(25)

F.No.89-597/E-16284/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Mahadev B.Ed. College, Chhoti Khatu, Didwana, Rajasthan dated 25.07.2017 is against the Order No. NCTE/NRC/NRCAPP201615040/B.A.B.Ed./4Year integrated/RJ/2017-18/2; dated 11/02/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds that "The land is in the name of an individual and not in the name of the society / institution. The institution has not submitted the Non-Encumbrance Certificate issued by the Competent Authority indicating that the land is free from all encumbrances. The institution has not submitted the Land Use Certificate issued by the Competent Authority to use the land for educational purpose. The institution has not submitted any proof / evidence to prove that it is a composite institution as per clause 2(b) of NCTE Regulations, 2014. Hence, the Committee decided that the application is rejected and recognition / permission for B.A. B.Ed./B.Sc. B.Ed. course is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

AND WHEREAS Sh. Munna Lal Verma, Secretary, Mahadev B.Ed. College, Chhoti Khatu, Didwana, Rajasthan presented the case of the appellant institution on 24/10/2017. In the appeal and during personal presentation it was submitted that Registry of land, LUC certificate and Non-encumbrance Certificate have been given.

AND WHEREAS appellant during the course of appeal presentation on 24.10.2017 submitted a written request seeking another opportunity to submit land related documents. Appeal Committee decided to grant another (second) opportunity to the appellant.

AND WHEREAS Sh. Munnalal Verma, Secretary Mahadev B.Ed. College, Chhoti Khatu, Didwana, Rajasthan presented the case of the appellant institution on 01.02.2018 i.e. the second opportunity granted to them. In the appeal and in the course of presentation, the appellant submitted a copy of the certificate dt. 22.02.2017 issued by the Sub – Divisional Magistrate certifying the land is registered in the name of Mahadev Shiksha Samity bearing registration number 2007000149 dt. 17.01.2007 by way of ownership. In this certificate it is also certified that the land is free from all encumbrances. The appellant also enclosed a copy of Land Use Certificate.

AND WHEREAS the Committee noted that the Registration number mentioned in the Sub-Divisional Magistrate's Certificate is the same given in the sale deed submitted by the appellant. Therefore, the ownership of the land by the society is established. This certificate also clarified that there is no encumbrance on the land. The appellant has given copy of CLU. Regarding composite nature of the institution, the appellant, who is running only B.Ed. course, in the course of presentation, verbally stated that they have applied for B.A. and B.Sc. but did not produce any evidence.

AND WHEREAS the Committee, in view of the position stated above concluded that the matter deserved to be remanded to the N.R.C. with a direction to consider the documents submitted in the appeal and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the N.R.C. the proof/evidence about their commencing B.A. and B.Sc. course 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 deserves to be remanded to the N.R.C. with a direction to consider the documents submitted in the appeal and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the N.R.C. the proof/evidence about their commencing B.A. and B.Sc. course within 15 days of receipt of the orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Mahadev B.Ed. College, Chhoti Khatu, Didwana, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Mahadev B.Ed. College, Chhoti Khatu, Didwana – 341302, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

(26)

F.No.89-598/E-16204/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Shakti Saraswati Shikshan Prashikshan Sansthan, Sardarshahar, Rajasthan dated 24.07.2017 is against the Order No. NRC/NCTE/RJ-2138/269th (Part-9) Meeting/2017/174914 dated 02/05/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "The institution has not submitted application online in accordance with Regulation 5(3) of NCTE Regulations, 2014. The institution is not a composite institution."

AND WHEREAS Sh. Pawan Kumar Sharma, Member, Shakti Saraswati Shikshan Prashikshan Sansthan, Sardarshahar, Rajasthan presented the case of the appellant institution on 24/10/2017. In the appeal and during personal presentation it was submitted that " The appellant institution submitted application in the year 2007 for grant of recognition for the academic session 2008-09 and at that time the NCTE Regulations, 2007 were in force. The institution fulfilled all the requirements of Regulations. Further, the NRC itself decided to grant recognition to the institution after enactment of Regulation, 2014 and issued LOI which was replied by the institution and only formal order of recognition was to be issued. Thus, the NRC cannot apply the Regulations retrospectively. There is no provisions in NCTE Regulations, 2007 and also in 2009 to submit NOC from the affiliating body. The NRC in 252nd meeting (Part 10) decided to process the application further in terms of the order passed by the Hon'ble high Court and it sought certain documents from the appellant which were considered and it was decided to constitute a visiting team for causing inspection in the 252nd Meeting of NRC. Thus, the above facts and steps taken by the NRC, made it clear that NRC had treated original application of appellant filed in 2008 to be valid and pending. That the NRC in its 250nd meeting held from 29.02.2016 decided to issue letter of intent to appellant. The reply of the letter of intent was submitted on 10.03.2016 and for no reason the NRC sought legal opinion from Senior Advocate thereafter on the basis of legal opinion, the NRC in its 263rd

meeting decided to issue a show cause notice to appellant on 23.03.2017. As per the Regulations, no show cause notice for deficiencies can be issued after issuance of L.O.I. That bare perusal of show cause notice, it is evident that show cause notice was issued on following points viz. Application submitted by appellant was not in online mode, no objection certificate of affiliating body was not submitted and proof of the composite institution had not been provided. Challenging the show cause notice, appellant filed writ petition before the Hon'ble Court detailed as SBCWP No. 5213/2017. The Hon'ble court vide its order dated 24.04.2017 disposed the writ petition directing the respondent NRC to decide the matter after considering reply to the show cause notice in a non-discriminating manner. A special appeal against the order dated 24.04.2017 was filed by the respondent but same was withdrawn by the NRC with a view to pass the order of recognition as the Hon'ble High Court was not inclined to grant any relief to NRC. The ground mentioned in show cause Notice are not the one covered under section 14/15 of the 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. 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 NRC has considered the VTR and LOI was issued. Now the NRC cannot turn back and say the applicant to go at very initial stage and to submit fresh application at this stage. In view of this, the third objection is also not sustainable. The other grounds will be argued at the time of hearing of appeal."

AND WHEREAS appellant during the course of appeal presentation on 24.10.2017 submitted a written request seeking another opportunity to make presentation before Appeal Committee. Appeal Committee decided to grant another (second) opportunity to the appellant institution.

AND WHEREAS Sh. Pawan Kumar, Member, Shakti Saraswati Shikshan Prashikshan Sansthan, Sardarshahar, Rajasthan appeared before Appeal Committee on 02/02/2018 and submitted a copy of application dated 18.12.2017 submitted to Government of Rajasthan seeking affiliation for conducting undergraduate course in different Arts and Science subjects. The appellants also apprised the Appeal Committee of an appeal order dated 16.10.2017 made in the case of St. Meera T.T. College, Jhambutalab, Rajasthan. In the above case, the reasons for inability to submit online application being closure of the NCTE portal for submission of online applications was accepted as appellant could not have submitted the application online within the time frame allowed by Hon'ble Court. Appeal Committee in the case of St. Meera T.T. College had concluded that non-submission of online application cannot be held against the appellant.

AND WHEREAS in the instant case the appellant institution had submitted application in the year 2007 after passing through different stages of processing, the appellant institution was inspected on 09.06.2016 and the N.R.C. in its 255th Meting held between 2nd to 6th August, 2016 decided to issue Letter of Intent (L.O.I.). The appellant institution submitted compliance to the L.O.I. which was received in the office of N.R.C. on 03.10.2016. Appeal Committee further noted that a Show Cause Notice (SCN) dated 23.03.2017 was issued to appellant institution on following three grounds:

(i) Applicant should submit online application alongwith processing fee and relevant documents.

(ii) To submit N.O.C. of affiliating body.

(iii) Proof of being composite institution.

AND WHEREAS Appeal Committee noted that appellant institution submitted reply dated 18/21.04.2017 to the S.C.N. and also filed a Civil Writ Petition 5217/2017 in the Hon'ble High Court of Jaipur. The Hon'ble High Court in its order dated

21.04.2017 directed N.R.C. to finally decided on its Show Cause Notice dated 23.03.2017 in a non-discriminatory manner. Appeal Committee further noted that N.R.C. in order to maintain parity and decide the case in a non-discriminatory manner took reference of the legal opinion and judgement of the Supreme Court dated 08/09/2016 in S.L.P. No. 22637/15 and concluded to reject the application on the ground that (i) institution has not submitted application online in accordance with Regulations 5 (3) of NCTE Regulations, 2014 and (ii) Institution is not composite institution.

AND WHEREAS Appeal Committee noted that in a similar case of Sh. Meera T.T. College, Jhambatalab, Rajasthan it was 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. With the decision to issue L.O.I., the Regional Committee had already confirmed the eligibility of the institution to start the course. As regards composite status, the recognition order should be made conditional subject to the appellant institution seeking affiliation from the concerned university. Appeal Committee decided that case deserved to be remanded to N.R.C. for taking 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, Appeal Committee concluded to remand back the case to N.R.C. for taking further action as per NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Shakti Saraswati Shikshan Prashikshan Sansthan, Sardarshahar, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Appellant, Shakti Saraswati Shikshan Prashikshan Sansthan, Sardarshahar – 331403, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

(28)

F.No.89-77/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Smt. Champa Devi Shiksha Prashikshan College, Tilaura, Pali, Shajanawa, Gorakhpur, Uttar Pradesh dated 30.01.2017 is against the Order No. NRC/NCTE/NRCAPP-14350/260th Meeting/2016/162545 dated 30/11/2016 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "the institution was issued letter of intent under clause 7(13) of NCTE Regulations, 2014. The institution did not submit any compliance/reply to letter of intent."

AND WHEREAS Shri Jayant Dubey, Representative, Smt. Champa Devi Shiksha Prashikshan College, Tilaura, Pali, Shajanawa, Gorakhpur, Uttar Pradesh presented the case of the appellant institution on 02/05/2017. In the appeal and during personal presentation it was submitted that "The appellant was issued LOI by NRC, NCTE dt. 12/06/2016. The appellant approached the affiliating University for faculty process. The appellant submitted an application for approval of scheme of administration dt. 30/07/2016 and the scheme of administration was approved by University on 20/08/2016. The appellant again submitted an application for approval of Managing Committee dt. 26/09/2016. The Managing Committee was approved by University on 18/01/2017. Again, the appellant submitted the reply of show cause notice dt. 15/10/2016 to NRC, NCTE. The subsequent development clearly indicated that the University had already ordered the approval of scheme of administration of appellant and thus the impediment for making compliance of LOI had already been over."

AND WHEREAS Appeal Committee noted that letter of intent (LOI) dated 12.06.2016 was issued to appellant seeking compliance within two months. Committee further noted that a Show Cause Notice (SCN) dated 31.08.2016 was issued to appellant institution for non-submission of compliance to LOI.

AND WHEREAS Appeal Committee noted that appellant institution submitted reply dated 15.10.2016 to NRC stating that selection and appointment of faculty is being processed in consultation with the affiliating university and NRC will be informed as soon approval of affiliating body is received. During the course of appeal presentation on 02.05.2017, appellant informed that subject experts have been nominated by the affiliating body on 18.04.2017 and appellant institution still requires one month's time to complete the process. Appeal Committee decided to give another (second) opportunity to the appellant to submit list of faculty approved by affiliating body.

AND WHEREAS the appellant institution was asked to present the case of the appellant institution on 29.06.2017 i.e. the second opportunity granted to them, but nobody from the institution appeared. The Committee decided to give the appellant another opportunity i.e. the third and final opportunity to present their case and accordingly, appellant institution was asked to present the case on 25.10.2017 i.e. the third and final opportunity was granted to them. The appellant sent a letter dt. 07.11.2017 stating that the notice dt. 12.10.2017 for attending the hearing on 25.10.2017 was received by them only on 27.10.2017 and therefore, they could not be present on 25.10.2017. In this letter the appellant submitted that while the matter relating to the Head of the Deptt. is pending, 15 faculty members have already been approved by Gorakhpur University, Gorakhpur and enclosed a copy of the University's letter dt. 13.06.2017 approving the faculty for the B.Ed. course. The appellant further submitted that they have filed a petition regarding selection of the Head of the Deptt. before the Hon'ble High Court and recognition for the proposed B.Ed. course in the appellant institution, which is already conducting B.T.C course, is essential as per the NCTE Regulations, 2014. The appellant enclosed copies of their correspondence with the University about selection of the Head of the Deptt. The appellant also submitted a copy of the order of the Hon'ble High Court dt. 08.11.2017, in which the Hon'ble Court directed the Registrar of the University to provide an Expert for constituting the Selection Committee for selection of the Head of the Deptt. and intimate the institution within a period of two weeks from 08.11.2017. The appellant, in these circumstances, requested that another date for hearing of their appeal may kindly be fixed by which time the approval of the University (for the Head of the Deptt.) will be available.

AND WHEREAS the Committee, noting that the appellant has already obtained the approval of the affiliating University for 15 faculty members for the proposed B.Ed. course and is making determined efforts to get the University's approval for the Head of the Deptt. also, concluded that the request of the appellant for another hearing deserved to be accepted. The Committee therefore, decided to give the appellant, one more opportunity, as a very special case, to present their case.

AND WHEREAS Shri Jayant Dubey, Representative, Smt. Champa Devi Shiksha Prashikshan College, Tilaura, Pali, Shajanawa, Gorakhpur, Uttar Pradesh appeared before Appeal Committee 02/02/2018. On being asked to submit evidence of having made the selection of Head of Department and the consent / approval of affiliating body, the appellant submitted that approval of H.O.D. is still under process and may take few weeks. Appeal Committee noted that as a special case appellant has already been granted adjournments on four occasions and appellant has not been able to submit compliance to the L.O.I. dated 12.06.2016 which was otherwise required to be submitted within two months from the date of issue of L.O.I. Enough opportunities having already been granted to the appellant for submitting compliance to the L.O.I. dated 12.06.2016, Appeal Committee decided to confirm the impugned refusal order dated 30.11.2016 issued by N.R.C. Jaipur on ground of non-submission of the compliance report to L.O.I.

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 30.11.2016 issued by N.R.C. Jaipur on ground of non-submission of the compliance report to L.O.I.

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

(Sanjay Awasthi)
Member Secretary

1. The Manager, Smt. Champa Devi Shiksha Prashikshan College, Khasara No.204, Village – Tilaura Post – Pali, Tehsil-Shajanawa District – Gorakhpur, Uttar Pradesh – 273209.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

29

F.No.89-252/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Padmavathi College of Education Society, Idupur, Markapur, Prakasam, Andhra Pradesh dated 09.03.2017 is against the Order No. SRO/NCTE/SRCAPP2794/D.El.Ed/AP/2016-17/91396 dated 25/01/2017 of the Southern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "1. The LOI was issued on 17.02.2016. 2. They have still not submitted the reply. 3. Their reply about financial constraints is not acceptable. 4. We cannot wait indefinitely. 5. Reject the application. Cancel the LOI. 6. Return FDRs, if any. 7. Close the file."

AND WHEREAS Padmavathi College of Education Society, Idupur, Markapur, Prakasam, Andhra Pradesh was asked to present the case of the appellant institution on 29/06/2017 and 25/10/2017, but nobody from the institution appeared. The Committee decided to give the appellant opportunities i.e. the second & third opportunity to present the case.

AND WHEREAS Sh. B. Nagaprasad, President and Sh. B. Venkatreddy, Representative, Padmavathi College of Education Society, Idupur, Markapur, Prakasam, Andhra Pradesh appeared before Appeal Committee on 02/02/2018. The appellant submitted a written statement declaring that due to family commitments and financial crisis, the appellant could not submit compliance to the Letter of Intent (L.O.I) which included submission of Fixed Deposits and list of faculty approved by the affiliating body.

AND WHEREAS Appeal Committee noted that Letter of Intent (LOI) dated 17/02/2016 was issued to appellant institution seeking compliance to be submitted within 2 months. Southern Regional Committee (SRC) considering a report made by appellant granted extension of time upto 31.12.2016 to the appellant for

submission of the compliance. The impugned refusal order dated 25.01.2017 was issued by S.R.C. after the extended time for submission of compliance was over.

AND WHEREAS Appeal Committee noted that appellant was given opportunities on 29.06.2017 and 25.10.2017 to appear before Appeal Committee to show reason for not submitting compliance but appellant preferred not to appear before the Committee. The reasons given by appellant on 02.02.2018 for not sending compliance are not held justified keeping in view that L.O.I. was issued almost 2 years back and still there is no progress reported made towards compliance. Appeal Committee decided that impugned refusal order dated 25.01.2017 deserved to be confirmed.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that impugned refusal order dated 25.01.2017 deserved to be confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Padmavathi College of Education Society, 910/2, Sri Maharshi Dayananda Education Society, 910/2, Idupur, Markapur, Prakasam, Andhra Pradesh – 523320.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.

30

F.No.89-253/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Padmavathi College of Education Society, Idupur, Markapur, Prakasam, Andhra Pradesh dated 09.03.2017 is against the Order No. SRO/NCTE/SRCAPP2817/B.Ed/AP/2016-17/91396 dated 25/01/2017 of the Southern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "1. The LOI was issued on 17.02.2016. 2. They have still not submitted the reply. 3. Their reply about financial constraints is not acceptable. 4. We cannot wait indefinitely. 5. Reject the application. Cancel the LOI. 6. Return FDRs, if any. 7. Close the file."

AND WHEREAS Padmavathi College of Education Society, Idupur, Markapur, Prakasam, Andhra Pradesh was asked to present the case of the appellant institution on 29/06/2017 and 25/10/2017, but nobody from the institution appeared. The Committee decided to give the appellant opportunities i.e. the second & third opportunity to present the case.

AND WHEREAS Sh. B. Nagaprasad, President and Sh. B. Venkatreddy, Representative, Padmavathi College of Education Society, Idupur, Markapur, Prakasam, Andhra Pradesh appeared before Appeal Committee on 02/02/2018. The appellant submitted a written statement declaring that due to family commitments and financial crisis, the appellant could not submit compliance to the Letter of Intent (L.O.I) which included submission of Fixed Deposits receipts and list of faculty approved by the affiliating body.

AND WHEREAS Appeal Committee noted that Letter of Intent (LOI) dated 17/02/2016 was issued to appellant institution seeking compliance to be submitted within 2 months. Southern Regional Committee (SRC) considering a report made by appellant granted extension of time upto 31.12.2016 to the appellant for

submission of the compliance. The impugned refusal order dated 25.01.2017 was issued by S.R.C. after the extended time for submission of compliance was over.

AND WHEREAS Appeal Committee noted that appellant was given opportunities on 29.06.2017 and 25.10.2017 to appear before Appeal Committee to show reason for not submitting compliance but appellant preferred not to appear before the Committee. The reasons given by appellant on 02.02.2018 for not sending compliance are not justified keeping in view that L.O.I. was issued almost 2 years back and still there is no progress report towards compliance. Appeal Committee decided that impugned refusal order dated 25.01.2017 deserved to be confirmed.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that impugned refusal order dated 25.01.2017 deserved to be confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Padmavathi College of Education 910/2, Sri Maharshi Dayananda Education Society, 910/2, Idupur, Markapur, Prakasam, Andhra Pradesh – 523320.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.

(31)

F.No.89-276/E-1893/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Amrit Nath College Jaipur, Bikaner Highway, Ramgarh, Rajasthan dated 20.04.2017 is against the Order No. NCTE/NRC/NRCAPP201616428/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-18/2; dated 11/04/2017 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 copy of the affiliation letter issued by the affiliating University for the session 2017-18. 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. 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. Awatar Singh, Director and Sh. Naveen Sharma, Addl. Director, Amrit Nath College, Bikaner Highway, Ramgarh, Rajasthan presented the case of the appellant institution on 30/06/2017. In the appeal and during personal presentation the appellant submitted that "Affiliation letter of session 2015-16 and 2016-17 is enclosed. For session 2017-18 college has applied to affiliating University on January 4, 2017 and as per practice affiliation letter will be issued in month of November or December 2017 by the affiliating University. College has also received NOC from Affiliating University for the session 2017-18. Copy of NOC is enclosed. Amrit Nath College started in session 2015-16 and this is the third year of college. Initially building map was approved in the name of Amrit Nath College and the same was submitted by the college. Revised approved Building Plan signed by the Competent Govt. Authority, with the details 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. is enclosed."

AND WHEREAS appellant during the course of appeal presentation submitted a written request letter dt. 30.6.2017 seeking another opportunity to submit required documents in prescribed format. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case. Amrit Nath College, Bikaner Highway, Ramgarh, Rajasthan was asked to present the case of the appellant institution on 25.10.2017 and 02.02.2018 i.e. the second and third opportunity was granted to them, but nobody appeared. The Committee decided to consider the appeal on the basis of available records.

AND WHEREAS Committee noted that impugned refusal order dated 11.04.2017 is basically on two grounds:

(i) Non-submission of affiliation letter issued by affiliating university.

(ii) Building Plan submitted by applicant lacked in details like name of institution, Khasra/Plot Number, land area, built up area and measurement of classrooms, multipurpose hall etc.

AND WHEREAS Appeal Committee noted that appellant alongwith appeal memoranda had enclosed copy of a building plan approved by Jr. Engineer, SNV Section, Shekhavati, Rajasthan. This building plan is for a structure located at khasra no. 299, 301 & 302. The plan bears measurement of different facilities proposed in the appellant institution. Appeal Committee further noted that appellant had also made available necessary evidence to prove that applicant institution is affiliated with Pt. Deen Dayal Upadhyay Shekhavati University for conducting B.A. B.Com, B.A. (Geo, Phy. Edu.) courses.

AND WHEREAS Appeal Committee considering that deficiencies leading to refusal of recognition either did not exist or have been rectified, decided to remand back the case to N.R.C. for further processing of the application. Para 1.1 (Appendix 13) of the Norms & Standards for B.A. B.Ed./B.Sc. B.Ed. programme which requires integrating general studies and professional studies among different

components of the programme may be kept in view. Since the appellant institution has not provided evidence of conducting undergraduate course in science subject, it does not seem possible for the institute to integrate general studies comprising science subjects. Processing of application therefore, should be restricted to Art subjects leading to degree in B.A. B.Ed. (4 year Integrated).

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 for further processing of the application keeping in view para 1.1 of Appendix 13 of the Norms & Standards. The appellant institution is required to submit to N.R.C. within 15 days the copies of the approved building plan containing necessary details and latest affiliation letters for the undergraduate courses.

NOW THEREFORE, the Council hereby remands back the case of Amrit Nath College Jaipur, Bikaner Highway, Ramgarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Amrit Nath College, Rolsabsar, Jaipur – Bikaner Highway, Ramgarh, Rajasthan – 332304.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

(32)

F.No.89-279/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Saveetha Institute of Medical and Technical Sciences (SIMATS) – (Saveetha University), Velappanchavadi, Chennai, Tamil Nadu dated 03.04.2017 is against the Order No. NCTE/SRC/SRCAPP201630117/Master of Physical Education [M.P.Ed]/TN/2017-18/4; dated 10/02/2017 of the Southern Regional Committee, refusing recognition for conducting M.P.Ed. course on the grounds that 1. The land is leased land. 2. The building shown in the BCC is earmarked for the Medical College. The Building Plan or Building Completion Certificate do not indicate any earmarked area for B.Ed. 3. The reply to SCN does not cover these points at all."

AND WHEREAS Dr. V. Thiagrajan, Registrar, Saveetha Institute of Medical and Technical Sciences (SIMATS) – (Saveetha University), Velappanchavadi, Chennai, Tamil Nadu presented the case of the appellant institution on 30/06/2017. In the appeal and during personal presentation it was submitted that "The land where the building in which the proposed M.P.Ed. course is proposed to be started is leased to Saveetha Institute of Medical and Technical Sciences for 99 years by the Parent Trust Saveetha Medical and Educational Trust on 27th day of August 2007 by a registered deed. The Regulations of the NCTE do not preclude the use of leased land for imparting M.P.Ed. course. Therefore, it is submitted that there is no violation of NCTE Regulations in this regard. The land is leased land. It is submitted that four floors of the Building are utilized for the Saveetha Medical College. The entire fifth floor of the building is exclusively earmarked for the proposed Saveetha School of Physical Education and Saveetha School of Education. The building plan clearly shows that the left wing of the fifth floor consisting of 19838 sq. ft. (1843 sq. mtrs.) is allotted to Saveetha School of Teacher Education and right wing consisting of equal space is earmarked to Saveetha School of Physical Education. The BCC shows that the Building accommodates Medical College and the Saveetha School of Physical

Education. Adequate extra space is available in the said building as indicated in the 5th floor plan for imparting M.P.Ed. course. SIMATS assures that adequate space for imparting M.P.Ed. course is available in the said building as per the BP submitted. The Building shown in the BCC is earmarked for Medical College. It is submitted to the Hon'ble Council that at the time of inspection of the Building by the Engineer (on 26.04.2016) for the purpose of issue of BCC Saveetha Medical College was already functioning in the Building. The BP or BCC do not indicate any earmarked area for M.P.Ed. It is submitted that it has been clarified in Para-1 of our reply to the SCN that the area earmarked for the proposed Saveetha School of Teacher Education is in the building which stands only in the leased land of 68.2 acres. We had also explained the above fact in our reply to SCN."

AND WHEREAS Appeal Committee took on record a written request dated 30.06.2017 made by appellant to grant another (second) opportunity for making available some relevant documents pertaining to ownership of land and earmarking of land and built up area for M.P.Ed. programme and granted another (second) opportunity to the appellant to submit documentary evidence and personally present the case before Appeal Committee. Saveetha Institute of Medical and Technical Sciences (SIMATS) – (Saveetha University), Velappanchavadi, Chennai, Tamil Nadu was asked to present the case of the appellant institution on 25.10.2017 i.e the second opportunity granted to them. The appellant, in a letter dt. 25.10.2017, stated that the Council's letter dt. 12.10.2017 for attending the meeting on 25.10.2017 was received in their office only on 25.10.2017 and therefore, the University could not be represented in the Council on 25.10.2017. The appellant requested to afford them another opportunity to present their case. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the third and final opportunity to present their case.

AND WHEREAS Dr. V. Thiagrajan, Registrar and Dr. Sheila, Principal, Saveetha Institute of Medical and Technical Sciences (SIMATS) – (Saveetha University), Velappanchavadi, Chennai, Tamil Nadu appeared before Appeal Committee on 02.02.2018 but did not submit any new evidence to prove that ownership of land lies with the appellant institution. Appeal Committee noted that name of organisation and

name of applicant institution is the same as per entries made in the application form i.e. Saveetha Institute of Medical and Technical Science (SIMATS) – (Saveetha University). As is known from its name the organisation is conducting different courses in medical and technical education. The appellant stated that land for the proposed M.P.Ed. course is leased to the institute by parent Trust. The name of the Trust as per sale deed documents is 'M/s Saveetha Medical and Educational Trust'. The name of the Trust as above is not reflected anywhere in the online application form. Moreover, appellant in its submission made before Appeal Committee on 02.02.2018 had stated that 'In the above leased land 20 Acres of land has been earmarked for the purpose of physical education. Appeal Committee is of the view that land for all teacher education courses should not only be held by the institution on ownership basis but should also be separately demarcated away from medical and technical institutions.

AND WHEREAS Appeal Committee noting that land & built up area earmarked for M.P.Ed. course is not possessed by the appellant institution on ownership basis and the lease agreement is from a Trust whose name does not appear in the online application, decided to confirm the impugned refusal order dated 10.02.2017.

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 10.02.2017.

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

(Sanjay Awasthi)
Member Secretary

1. The Registrar, Saveetha Institute of Medical and Technical Sciences (SIMATS) – (Saveetha University), Velappanchavadi, 162, Poonamallee High Road, Chennai – 600077, T.N.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu, Chennai.

(33)

F.No.89-280/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Saveetha Institute of Medical and Technical Sciences (SIMATS) – (Saveetha University), Velappanchavadi, Chennai, Tamil Nadu dated 03.04.2017 is against the Order No. NCTE/SRC/SRCAPP201630116/Bachelor of Education [B.Ed.]/TN/2017-18/4; dated 10/02/2017 of the Southern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "The land is leased land. The building shown in the BCC is earmarked for the Medical College. The Building Plan or BCC do not indicate any earmarked area for B.Ed. The reply to SCN does not cover these points at all."

AND WHEREAS Dr. V. Thiagrajan, Registrar, Saveetha Institute of Medical and Technical Sciences (SIMATS) – (Saveetha University), Velappanchavadi, Chennai, Tamil Nadu presented the case of the appellant institution on 30/06/2017. In the appeal and during personal presentation it was submitted that "The land where the building in which B.Ed. course is proposed to be started is leased to Saveetha Institute of Medical and Technical Sciences for 99 years by the Parent Trust Saveetha Medical and Educational Trust on 27th day of August, 2007 by a registered deed. The Regulations of the NCTE do not preclude the use of leased land for imparting B.Ed. course. Therefore, it is submitted that there is no violation of NCTE Rules/Regulations in this regard. The land is leased land. It is submitted that four floors of the Building are utilized for the Saveetha Medical College. The entire fifth floor of the building remains unutilized and is exclusively earmarked for the proposed Saveetha School of Physical Education and Saveetha School of Education. The building plan clearly shows that the left wing of the fifth floor consisting of 19838 sq. ft. (1843 sq. mtrs.) is allotted to Saveetha School of Teacher Education and right wing consisting of equal space is earmarked to Saveetha School of Physical Education. The BCC shows that the Building accommodates Medical College and the Saveetha School of Physical Education but there is adequate extra space is

available in the said building as indicated in the 5th floor plan for imparting B.Ed. course. SIMATS assures that adequate space for imparting B.Ed. course is available in the said building as per the BP submitted. It is further submitted that this arrangement is purely temporary and separate building for housing B.Ed. course is under construction, which is nearing completion. Photographs of the new building are enclosed for favour of perusal of the Honourable Council. The Building shown in the BCC is earmarked for Medical College. It is submitted to the Hon'ble Council that at the time of inspection of the Building by the Engineer (on 26.04.2016) for the purpose of issue of BCC Saveetha Medical College was already functioning in the Building. The BP or BCC do not indicate any earmarked area for B.Ed. It is submitted that it has been clarified in Para-1 of our reply to the SCN that the area earmarked for the proposed Saveetha School of Teacher Education is in the building which stands only in the leased land of 68.2 acres. We had also explained the above fact in our reply to SCN."

AND WHEREAS Appeal Committee took on record a written request dated 30.06.2017 made by the appellant to grant another (second) opportunity for making available some relevant records pertaining to ownership of land and earmarking of land and built up area for B.Ed. programme and granted another (second) opportunity to the appellant to submit documentary evidence and personally present the case before Appeal Committee. Saveetha Institute of Medical and Technical Sciences (SIMATS) – (Saveetha University), Velappanchavadi, Chennai, Tamil Nadu was asked to present the case of the appellant institution on 25.10.2017 i.e the second opportunity granted to them. The appellant, in a letter dt. 25.10.2017, stated that the Council's letter dt. 12.10.2017 for attending the meeting on 25.10.2017 was received in their office only on 25.10.2017 and therefore, the University could not be represented in the Council on 25.10.2017. The appellant requested to afford them another opportunity to present their case. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the third and final opportunity to present their case.

AND WHEREAS Dr. V. Thiagrajan, Registrar and Dr. Sheila, Principal, Saveetha Institute of Medical and Technical Sciences (SIMATS) – (Saveetha University), Velappanchavadi, Chennai, Tamil Nadu appeared before Appeal Committee on

02.02.2018 but did not submit any new evidence to prove that ownership of land lies with the appellant institution. Appeal Committee noted that name of organisation and name of applicant institution is the same as per entries made in the application form i.e. Saveetha Institute of Medical and Technical Science (SIMATS) – (Saveetha University). As know from its name the organisation is conducting different courses in medical and technical education. The appellant stated that land for the proposed B.Ed. course is leased to the institute by parent Trust. The name of the Trust as per sale deed documents is 'M/s Saveetha Medical and Educational Trust'. Appeal Committee noted that name of the Trust as above is not reflected anywhere in the online application form. Moreover, appellant in its submission made before Appeal Committee on 02.02.2018 had stated that 'In the above leased land 20 Acres of land has been earmarked for the purpose of physical education. Appeal Committee is of the view that land for all teacher education courses should be held by the institution on ownership basis.

AND WHEREAS Appeal Committee noting that land & built up area earmarked for B.Ed. course is not possessed by the appellant institution on ownership basis and the lease agreement is from a Trust whose name does not appear in the online application, decided to confirm the impugned refusal order dated 10.02.2017.

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 10.02.2017.

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

(Sanjay Awasthi)
Member Secretary

1. The Registrar, Saveetha Institute of Medical and Technical Sciences (SIMATS) – (Saveetha University), Velappanchavadi, 162, Poonamallee High Road, Chennai – 600077, T.N..
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu, Chennai.

(34)

F.No.89-286/E-1903/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of H.L. Girls Degree College, Morthal, Aligarh, Uttar Pradesh dated 21.04.2017 is against the Order No. NRC/NCTE/NRCAPP-14644/262nd (Part-8) Meeting/2017/166002 dated 02/02/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The institution is already running two units of B.Ed. course. Total built-up area of the institution is 3284.67 sq. Metrs. which is not sufficient for existing two units of B.Ed. and proposed one unit of D.El.Ed. course. The institution has not submitted NEC by the competent Govt. Authority. The institution has not submitted any reply of SCN till date."

AND WHEREAS H.L. Girls Degree College, Morthal, Aligarh, Uttar Pradesh was asked to present the case of the appellant institution on 30/06/2017 but nobody appeared. In the appeal Memoranda, it is submitted that "Area of institution is 5175 sq. mtr. and the built-up area of institution is 5720.13 sq. mtr. Blue print is attached with documents. Certificate of NEC was given to inspection team and which is certified by S.D.M. and a copy of certificate also attached with documents. The copy of certificate also attached with previous documents." The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

AND WHEREAS Sh. Shailendra Kumar, Clerk, H.L. Girls Degree College, Morthal, Aligarh, Uttar Pradesh presented the case of the appellant institution on 25.10.2017 i.e. the second opportunity granted to them. In the course of presentation the appellant gave a letter dt. 25.10.2017 in which he stated that they were not issued the show cause notice. On being pointed out that there is no building completion certificate signed by a competent Govt. Engineer in support of their claim for a built

up area of 5720.13 Sq.Mts, the appellant requested for another opportunity to submit the required document. The Committee decided to give the appellant another opportunity i.e. the third and final opportunity to present their case.

AND WHEREAS Sh. Shailendra Kumar, Clerk, H.L. Girls Degree College, Morthal, Aligarh, Uttar Pradesh appeared before Appeal Committee on 02.02.2018 and submitted copy of a Building Completion Certificate (B.C.C.) certified by Junior Engineer (RBS) Block Dhanipur (Aligarh). The B.C.C. is for a built-up area 50807.47 Sq. feet (4720 sq. meter). Appeal Committee noted that Visiting Team in its report dated 14.02.2016 has mentioned the built-up area of 3284 sq. meters. The management of the institution in its self-declaration submitted to V.T. had also declared that built up area is 3284 sq. meters.

AND WHEREAS Appeal Committee observed some of the photographs of appellant institution attached with the V.T. report and found that structure of the building consists of ground and first floor only whereas the B.C.C. submitted by appellant before Appeal Committee is for Ground + First + Second floor. While going through relevant records on the regulatory file, Appeal Committee came across a letter dated 15.05.2015 issued by Examination Regulatory Authority stating that built up area of the institute is 2350 sq. meters and institution is already conducting B.A. B.Sc. and B.Ed. courses. The built-up area is thus not adequate as per NCTE norms for conducting D.El.Ed. programme. Appeal Committee further noted that appellant institution at no stage prior to the issue of impugned refusal order dated 02/02/2017 had made a submission that it possessed a built-up area of 4720 sq. meters and as such its submission made before Appeal Committee which of course is supported by a new B.C.C. without any date mentioned therein cannot be relied upon. Appeal Committee decided that impugned refusal order dated 02.02.2017 deserved to be confirmed.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that impugned refusal order dated 02.02.2017 deserved to be confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, H.L. Girls Degree College, Morthal, 6020300045 Koil, Aligarh, Uttar Pradesh - 202125.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(35)

F.No.89-294/E-1956/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Channabasavamma Deshmukh College of Education for Women, Bidar, Karnataka dated 11.04.2017 is against the Order No. SRO/NCTE/SRCAPP2238/B.Ed/KA/2016-17/91918 dated 17/02/2017 of the Southern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "1. No reply has been received to our SCN and other communications. 2. We cannot wait indefinitely. 3. Reject the application. 4. Return FDRs, if any. 5. Close the file."

AND WHEREAS Channabasavamma Deshmukh College of Education for Women, Bidar, Karnataka was asked to present the case of the appellant institution on 01/07/2017, 25.10.2017 and 02.02.2018 but nobody from the institution appeared. As three opportunities have already been granted to the appellant institution for making personal presentation of its case before Appeal Committee and appellant has not turned up, Committee decided to consider the case exparte on the basis of available documents.

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 30.11.2016 was issued to appellant institution which some how came back undelivered. The S.R.C. then uploaded the S.C.N. on NCTE website. The S.C.N. was required to be replied within 21 days of its issue. As per submission made in the Appeal Memoranda, only first page of the S.C.N. dated 30.11.2016 appeared on the website and rest of the points contained in subsequent pages were not known to the appellant. The appellant has also submitted that personal efforts made by him to get S.C.N. did not bear desired results. Appeal Committee after considering the facts of the case decided that S.C.N. dated 30.11.2016 be reissued to appellant institution and also the complete notice placed on the website. The appellant is required to submit a comprehensive reply to S.C.N. with documentary

evidence within 15 days of the receipt of S.C.N. or the date on which S.C.N. is placed on the official website of S.R.C. The matter is thus remanded back to S.R.C. for reissue of the S.C.N.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record, Appeal Committee concluded to remand back the case to S.R.C. for reissue of S.C.N. dated 30.11.2016.

NOW THEREFORE, the Council hereby remands back the case of Channabasavamma Deshmukh College of Education for Women, Bidar, Karnataka to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Channabasavamma Deshmukh College of Education for Women, Gornalli, Bidar, Karnataka – 585403.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.

(36)

F.No.89-303/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of The Schram College of Education, Katrambakkam Village, Penalur PO – Sriperumbudur Taluk, Kanchipuram District. Tamil Nadu dated 22.03.2017 is against the Order No. SRO/NCTE/SRCAPP2135/B.Ed/TN/2017-18/91399 dated 25/01/2017 of the Southern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "The faculty list has still not been submitted."

AND WHEREAS The Schram College of Education, Katrambakkam Village, Penalur PO – Sriperumbudur Taluk, Kanchipuram District. Tamil Nadu was asked to present the case of the appellant institution on 01/07/2017, 25/10/2017 and 02/02/2018 but nobody from the institution appeared.

AND WHEREAS The Schram College of Education, Katrambakkam Village, Penalur PO – Sriperumbudur Taluk, Kanchipuram District. Tamil Nadu was asked to present the case of the appellant institution on 25.10.2017 i.e. the second opportunity granted to them. The appellant, in a letter dt. 24.10.2017, submitted that as they received the Council's letter dt. 12.10.2017 about the meeting on 25.10.2017 only on 23.10.2017 they are unable to make arrangements to attend the hearing on 25.10.2017. The appellant requested that they may be given another opportunity to appear for a hearing. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the third and final opportunity to present their case.

AND WHEREAS Appeal Committee noted that appellant in its letter dated 01/02/2018 again informed NCTE that appeal notice dated 17.01.2018 was received by the appellant institution on 30.01.2018 and due to shortage of time the appellant was unable to make necessary arrangement for hearing.

AND WHEREAS Appeal Committee noted that a Letter of Intent (L.O.I.) dated 23.11.2015 was issued to appellant institution seeking compliance within a period of 2 months. The appellant institution in reply to L.O.I. dated 23.11.2016 submitted a letter dated 21.01.2016 seeking extension of time for submitting list of faculty approved by the affiliating university. Further, the appellant institution vide its letter dated 02.03.2016 requested S.R.C. to issue provisional recognition for commencement of the course pending approval of the faculty by the affiliating university. S.R.C., did not agree to the issue of provisional recognition but allowed the appellant institution extension of time upto 30.06.2016 for submitting compliance to the L.O.I. The time was then extended upto 31.12.2016 by a letter dated 30.11.2016 of S.R.C. The appellant further requested S.R.C. to extend this time limit upto 31.01.2017.

AND WHEREAS Appeal Committee noted that impugned refusal order dated 25.01.2017 was issued by S.R.C. after giving repeated opportunities to the appellant to submit list of faculty duly approved and countersigned by authority of affiliating university. After issue of the impugned refusal order dated 25.01.2017 appellant was given three opportunities on 01.07.2017, 25.10.2017 and 02.02.2018 to appear before the Appeal Committee for making personal representation of its case. The appellant had not submitted any evidence in support of faculty having been approved by the affiliating University. The appellant has preferred to abstain from the hearing on the pretext of late receipt of the notices for appeal hearing.

AND WHEREAS Appeal Committee noticed that notices for the appeal hearing are also placed on the official Website of NCTE and appellant being the aggrieved partly should have remained in touch with the NCTE Website. There appears to be no valid reason for the appellant to have not complied with the terms and conditions of L.O.I. dated 23.11.2015 and also not appearing before Appeal Committee despite three notices. Appeal Committee decided to confirm the impugned refusal order dated 25.01.2017 issued by S.R.C., Bangalore.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record, Appeal Committee concluded not to grant further opportunities to appellant for making personal presentation and the impugned refusal order dated 25.01.2017 is confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Manager, The Schram College of Education, Plot/Khasara No. 7981/09, Plot No. 16, Sipcot Industrial Park, Street No. 98, Katrambakkam Village, Penalur PO – Sriperumbudur Taluk, Kanchipuram District – 602117, Tamil Nadu.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Tamil Nadu, Chennai.

(37)

F.No.89-323/E-2591/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Maa Murati Shikshak Prashikshan Sansthan, Balrampur Post Pathkhauli, Sadar, Azamgarh, Uttar Pradesh dated 25/04/2017 is against the Order No. NRC/NCTE/NRCAPP-14719/262nd (Part-8) Meeting/2017/165821 dated 01.02.2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "The institution was issued SCN on 01.12.2016 with regard to proof of being a composite institution and land documents. No reply has been submitted by the institution."

AND WHEREAS Maa Murati Shikshak Prashikshan Sansthan, Balrampur Post Pathkhauli, Sadar, Azamgarh, Uttar Pradesh was asked to present the case of the appellant institution on 03/07/2017 and 25.10.2017 but no body appeared. In the appeal Memoranda it is submitted that the institution is already running B.Ed. course, the proof of which had been submitted. New proposed D.El.Ed. course is composite. Both the institution Maa Murati Balika Mahavidyalaya, Balrampur, Pathkhauli, Sadar, Azamgarh and Maa Murati Shikshan Prasikshan Sansthan, Balrampur, Pathkhauli, Sadar, Azamgarh are being governed by Maa Murati Educational Siksha Samiti Balrampur, Pathkhauli, Sadar, Azamgarh. The institution did not receive any show cause notice with regard to proof of being a composite institution and land documents issued on 01.12.2016. Therefore, they were unable to submit the reply to SCN issued."

AND WHEREAS the appellant institution remained unrepresented on 03/07/2017 and 25/10/2017. So, the Committee decided to give the appellant another opportunity i.e. the third and final opportunity to present their case.

AND WHEREAS Sh. H. Kumar Yadav, Representative and Sh. Sudhir Kumar, Member, Maa Murati Shikshak Prashikshan Sansthan, Balrampur Post Pathkhauli,

Sadar, Azamgarh, Uttar Pradesh appeared before Appeal Committee on 02.02.2018 and submitted that Show Cause Notice (SCN) dated 01.12.2016 was not received by the appellant institution resulting in non-reply. Appeal Committee noted that S.C.N. dated 01.12.2016 was issued to appellant institution on the ground that (i) non-submission of proof of being a composite institution and (ii) non-submission of land documents to prove land area of 5428 sq. meters.

AND WHEREAS Appeal Committee further noted that a Visiting Team inspected the premises of appellant institution on 29.01.2016 and based on the documents submitted to it such as affidavit, B.C.C. and self declaration pointed out the land area to be 2630 sq. meters and built up area of 4000 sq. meters. The V.T. report also indicated that a B.Ed. course is being conducted in the institutions with an intake of 2 units (100 seats). The S.C.N. dated 01/12/2016 on grounds of composite status, therefore, does not seem justified.

AND WHEREAS as regards land area, the appellant in its letter dated 29.07.2016 had stated that land area of 2630 sq. meters pertains to proposed D.El.Ed. course and if land area for B.Ed. course is also taken into account the total land area comes to 5428 sq. meters. The appellant however, did not submit certified copy to land documents to prove that area of land for B.Ed. & D.El.Ed. programmes put together is 5428 sq. meters. However, since the appellant has stated that reply to S.C.N. dated 01.12.2016 could not be furnished for non-receipt of S.C.N., Appeal Committee decided that appellant may be given an opportunity to substantiate its claim of possessing 5428 sq. meter of land by sending originally certified copy of the land documents to N.R.C. in response to the S.C.N. dt. 01/12/2016. Appeal Committee decided to remand back the case to N.R.C. for reissue of the S.C.N. dated 01/12/2016. Appellant institution is required to submit copy of required land documents 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 reissue of the S.C.N.

dated 01/12/2016. Appellant institution is required to submit copy of required land documents to N.R.C. within 15 days of the issue of Appeal order.

NOW THEREFORE, the Council hereby remands back the case of Maa Murati Shikshak Prashikshan Sansthan, Balrampur Post Pathkhauli, Sadar, Azamgarh, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary/Manager, Maa Murati Shikshak Prashikshan Sansthan, Balrampur Post Pathkhauli, Hafizpur by pass Road, Sadar, Uttar Pradesh – 276001.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(38)

F.No.89-347/E-3122/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of M.G. Educational and Training College, Sindhora, Dagmagpur, Sadar, Mirzapur Distt., Uttar Pradesh dated 03.05.2017 is against the Order No. NRC/NCTE/NRCAPP-13052/264th (Part-1) Meeting/2017/168221dated 07/03/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "the institution has submitted reply dated 27.01.2017 in response to SCN which does not contain the list of faculty approved by the affiliating body, joint FDRs and print out of the website."

AND WHEREAS M.G. Educational and Training College, Sindhora, Dagmagpur, Sadar, Mirzapur Distt., Uttar Pradesh was asked to present the case of the appellant institution on 04/07/2017 and 25/10/2017, but nobody from the institution appeared. The Committee decided to give the appellant another opportunity i.e. the second and third opportunity to present their case.

AND WHEREAS S/Sh. M.L. Gupta, Representative and Uma Shanker Gupta, Manager, M.G. Educational and Training College, Sindhora, Dagmagpur, Sadar, Mirzapur Distt., Uttar Pradesh appeared before the Appeal Committee on 02.02.2018 and submitted that affiliating body may take some more time in approving the faculty.

AND WHEREAS Appeal Committee noted that Letter of Intent (L.O.I.) dated 02.11.2016 was issued to appellant institution seeking compliance within a period of 2 months. Subsequently a Show Cause Notice (SCN) dated 02.02.2017 was issued to appellant institution seeking written representation within 30 days for non-submission of compliance to the L.O.I. The appellant institution submitted a written request dated 27.01.2017 seeking extension of time for processing the appointment of faculty with the assistance of affiliating body.

AND WHEREAS appellant institution, after issue the impugned refusal order dated 17/03/2017 was asked twice to appear before Appellate authority and apprise the authority of the progress of action taken to get the faculty approval from the affiliating body. The appellant in its third opportunity appeared before Appellate Authority but could neither satisfactorily explain the reasons for prolonged delay in getting the faculty approved by affiliating body nor specify a firm date by which it can submit the list of faculty duly approved by affiliating university. In these circumstances, Appeal Committee decided that impugned refusal order dated 17/03/2017 deserved to be confirmed.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that impugned refusal order dated 17/03/2017 deserved to be confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Manager, M.G. Educational and Training College, Sindhaura (Dagmagpur), Chunar, Mirzapur, Uttar Pradesh – 2313304.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(39)

F.No.89-358/E-3901/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Shridevi Group of Higher Studies, Vamanpura, Jaingara, Kiraoli, Uttar Pradesh dated 16.5.2017 is against the Order No. NRC/NCTE/NRCAPP.10175/263rd meeting/2017168369-75 dated 18.3.2017 of the Northern Regional Committee, refusing recognition for conducting M.Ed. course on the ground that "the institution was given show cause notice. The institution did not submit reply of SCN."

AND WHEREAS Shridevi Group of Higher Studies, Vamanpura, Jaingara, Kiraoli, Uttar Pradesh was asked to present the case of the appellant institution on 04/07/2017, but nobody from the institution appeared. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case. Sh. Brijesh Chahar, Managing Director appeared before Appeal Committee on 26.10.2017 and submitted a written request for grant of another opportunity for personal hearing. Appeal Committee decided to grant another (Third & final) opportunity to the appellant for making a presentation before the Committee.

AND WHEREAS Appeal Committee noted that a notice dated 17/01/2018 was issued to appellant institution for making personal presentation of the case on 02/02/2018 but nobody from the appellant institution appeared before the Committee. As this was the final opportunity for the appellant institution, Committee decided to conclude the appeal matter on its merit.

AND WHEREAS Appeal Committee noted that appellant institution submitted online application dated 22.05.2015 seeking recognition for M.Ed. programme. The appellant institution failed to submit N.O.C. from affiliating body as required under Clause 5(3) of the NCTE Regulations, 2014. A Show Cause Notice (SCN) dated 06.11.2015 on grounds of failure to submit N.O.C. was issued to appellant

institution. The appellant institution did neither submit N.O.C. nor submit any reply to S.C.N. The representative of the appellant institution in its appearance before Appeal Committee on 16.10.2017 sought another opportunity but did not state anything about the status of N.O.C.

AND WHEREAS Appeal Committee noting that N.O.C. issued by affiliating body is required to be submitted along with application and appellant institution have even failed to submit it after issue of S.C.N., decided to confirm the impugned refusal order dated 18.03.2017.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record, Appeal Committee concluded to confirm the impugned refusal order dated 18.03.2017.

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary/Manager, Shridevi Group of Higher Studies, Vamanpura, Jaingara, 251/2, 72, Koraoli, Uttar Pradesh – 283122.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(46)

F.No.89-361/E-3875/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Baba Mohan Das College of Education, Motla Kalan, Rewari, Haryana dated 09.05.2017 is against the Order No. NRC/NCTE/NRCAPP-13104/265th (Part-3) Meeting/2017/168740 dated 09/03/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds that "The Govt. of Haryana vide its letter dated 12.04.2016 has requested the NCTE not to entertain the applications for B.A. B.Ed./B.Sc. B.Ed. course for the year 2016-17 and 2017-18 in the State of Haryana. 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 Baba Mohan Das College of Education, Motla Kalan, Rewari, Haryana was asked to present the case of the appellant institution on 04/07/2017 and 26.10.2017, but nobody from the institution appeared. The Committee decided to give the appellant another opportunity i.e. the third & final opportunity to present their case.

AND WHEREAS Dr. Som Prakash, Principal, Baba Mohan Das College of Education, Motla Kalan, Rewari, Haryana presented the case of appellant institution on 02.02.2018 and stated that negative recommendations of the State Government of Haryana conveyed vide their letters dated 12.04.2016 and 12.04.2017 cannot be made applicable in the case as their application is dated 02.06.2015 and NCTE had issued public notification inviting applications for the B.A. B.Ed./B.Sc. B.Ed. programme after seeking no objection from the State Government.

AND WHEREAS Appeal Committee noted that under Clause 7 (4) of the NCTE Regulation, a written communication alongwith a copy of application form should be sent to the State Government and the affiliating body concerned. Further under

Regulations 7 (5) State Government shall furnish its recommendations or comments to Regional Committee within 45 days. In case State Government is not in favour of recognition, it shall provide detailed reasons or grounds thereof. Clause 7 (6) of the Regulations provide for the manner of disposal of application in case individual recommendations are not received within the time limit stipulated in Clause 7 (4), 7 (5) and 7 (6).

AND WHEREAS Appeal Committee noted that in the instant case there is no evidence on regulatory file to show that copy of the application was ever sent to the State Government seeking recommendations as required under Clause 7(4), 7 (5) and 7 (6). The general recommendations of the State Government dated 12.04.2016 requesting NCTE not to entertain the applications for B.A. B.Ed./B.Sc. B.Ed. course for the year 2016-17 and 2017-18 in the State of Haryana had put such institutions in dilemma who were allowed to make applications by NCTE earlier and were inspected also. Appeal Committee further noted that recognition was earlier refused to appellant institution by issue of order dated 29.06.2016 on the ground that it is not composite as mentioned in Clause 2 (b) of NCTE Regulations. The case was remanded back to NRC for revisiting the matter as institution was fulfilling the definition of composite as given in para 2 (b) but was not fulfilling the requirement of para 1.1 of Appendix 13 of the Norms & Standards.

AND WHEREAS since the appellant institution has applied for 4 year integrated course of B.A. B.Ed./B.Sc. B.Ed. it would have been more appropriate and important for the Regional Committee to have issued the order quoting appropriate Clause. The question of taking into account the general recommendations of the State Government conveyed vide letter dated 12.04.2016 shall be examined subsequent to the institution satisfying that appellant institution can satisfy integrating general studies comprising science (B.Sc. B.Ed.) and Social Science or Humanities (B.A. B.Ed.) and professional studies comprising foundation of education, pedagogy of school subject and maintain balance between theory and practice. Appeal Committee would also like to place on record that NCTE should invite applications for only such programmes which are allowed by the respective State Governments and once applications are invited after seeking written concurrence of the respective State Government, should not reject applications based on such general

recommendations and go by the individual merit of the applicant institution. Appeal Committee decided to remand back the case to N.R.C. for revisiting holistically the whole case and issue revised speaking order on valid ground. As the case is already delayed for more than 2 years, orders should be issued expeditiously.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to N.R.C. for revisiting holistically the whole case and issue revised speaking order on valid ground. As the case is already delayed for more than 2 years, orders should be issued expeditiously.

NOW THEREFORE, the Council hereby remands back the case of Baba Mohan Das College of Education, Motla Kalan, Rewari, Haryana to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary/Manager, Baba Mohan Das College of Education, Motla Kalan, Berli Road, Rewari – 123411, Haryana.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.

(42)

F.No.89-608/E-16958/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Pragati Kissan College, Chandgothi, Pilani to Rajgarh Road, Rajgarh, Rajasthan dated 30.07.2017 is against the Order No. NCTE/NRC/NRCAPP201615534/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-18/2; dated 06/06/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds that "The institution has not submitted any proof/evidence to prove that "it is a composite institution as per clause 2(b) of NCTE Regulations, 2014. 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 Pragati Kissan College, Chandgothi, Rajgarh, Rajasthan was asked to present the case of the appellant institution on 26/10/2017 but nobody appeared. In the appeal Memoranda, it is submitted that "Institute is already a well-established institution which is operating continuously with BA, BSc, MA, Course from 2010."

AND WHEREAS Sh. Navneet Dhattarwal, Director and Dr. Promila Phogat, Sectary, Pragati Kissan College, Chandgothi, Rajgarh, Rajasthan appeared before Appeal Committee on 02.02.2018 and stated that appellant institution is already conducting B.A. course since 2010, B.Sc. course since 2011 and M.A. since 2016. The appellant had submitted copies of the affiliation letters issued by Maharaja Ganga Singh University and Department of Higher Education, Government of Rajasthan from time to time. Appeal Committee noted that details of having B.A. and B.Sc. courses by the appellant institution was entered in the online application form also, Subsequently the applicant in its reply dated 15.05.2017 had submitted copies of the orders issued by the State Government showing evidence that institution is conducting B.A. and B.Sc. course. Appellant further substantiated its statement by submitting

copies of the NOCs for B.A. B.Sc. courses which is stated to be issued by State Government on year to year basis.

AND WHEREAS Appeal Committee having regard to the submission made by appellant and evidence on record decided to set aside the impugned refusal order dated 06.06.2017 and remand back the case to N.R.C. for further processing of the application. The appellant is also required to submit to N.R.C. any further evidence to prove that it is conducting B.A. B.Sc. and M.A. courses.

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 06.06.2017 and remand back the case to N.R.C. for further processing of the application. The appellant is also required to submit to N.R.C. any further evidence to prove that it is conducting B.A. B.Sc. and M.A. courses.

NOW THEREFORE, the Council hereby remands back the case of Pragati Kissan College, Chandgothi, Pilani to Rajgarh Road, Rajgarh, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Manager, Pragati Kissan College, Chandgothi, Pilani to Rajgarh Road, Rajgarh – 331305, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

43

F.No.89-612/E-18215/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Abul Kalam Azad Mahavidyalaya, Ramgarh, Raniganj, Uttar Pradesh dated 11.08.2017 is against the Order No. NRC/NCTE/NRCAPP-11181/268th (Part-3) Meeting/2017/172449 dated 29/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "The institution was given SCN on dated 06.12.2016. the institution has not submitted NOC & approved building Plan. 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. Aabaad Ali, Manager and Sh. Jahid Khan, Principal, Abul Kalam Azad Mahavidyalaya, Ramgarh, Raniganj, Uttar Pradesh presented the case of the appellant institution on 02/02/2018. In the appeal and during personal presentation it is submitted that "the Regional Committee failed to substantiate the material on record and the replies against the Show Cause Notice were not considered. Appeal of appellant institution may be allowed on the following grounds:- Because the Northern Regional Committee has wrongly observed that appellant institution has not replied the Show Cause Notices. Because the appellant institution has been accorded affiliation since 2009 by Dr. Ram Manohar Lohia Awadh University, Faizabad. Because the appellant institution is fulfilling all the requisite qualification for grant of recognition as per the section 14, 15, of the Act of 1993 as well as provision of the Notification 2014. Because the alleged deficiency observed by the Northern Regional Committee has already been made good."

AND WHEREAS Appeal Committee noted that as per Clause 5 (3) of the NCTE Regulations, 2014, N.O.C. issued by affiliating body is required to be submitted at

the time of online submission alongwith processing fee and other scanned copies of required documents. Committee noted that appellant institution submitted online application on 28.05.2015 seeking recognition for B.Ed. programme. The appellant institution was issued Show Cause Notice (SCN) on 17.11.2015 and 06.12.2016 inter-alia on the ground that the institution has not submitted N.O.C. of the affiliating university. The impugned refusal order dated 29.04.2017 is on the ground that the institution has not submitted N.O.C. and building plan.

AND WHEREAS Appeal Committee noted that appellant had failed to comply with the deficiency relating to N.O.C. even inspite of getting two opportunities to submit N.O.C. Appellant during the course of appeal presentation submitted copy of N.O.C. dated 30.06.2017 issued by Allahabad State University, Allahabad. The date of issue of N.O.C. is two months after the issue of impugned order of refusal and there is no way that Regional Committee could have considered this N.O.C. or awaited for the submission of N.O.C. indefinitely. Appeal Committee, therefore, decided to confirm the impugned refusal order dated 29.04.2017.

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 29.04.2017.

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

(Sanjay Awasthi)
Member Secretary

1. The Manager, Abul Kalam Azad Mahavidyalaya, Ramgarh, Raniganj – 230304, 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, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(45)

F.No.89-434/E-5865/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Bhavnath Chaudhary College of Education, Maganpur, Durgapur (Diwanganj) P.O. – Koora, Pindrajora, Chas, Jharkhand dated 30.05.2017 is against the Order No. ERC/239.8.3/(part-1) I.D. No. 8176/D.El.Ed./2017/52750 dated 02.05.2017 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "Show Cause Notice was issued on 03.04.2017 on the following grounds: NOC for the applied D.El.Ed. course issued on 09.08.2016 i.e. after the stipulated date of 15th July, 2016 which is not accepted. In response, the institution submitted reply vide letter dated 28.03.2017 with copy of No. Objection Certificate issued by Director, Directorate of Primary Education, Jharkhand, Ranchi on 09.08.2016 i.e. after 15th July, 2016 as per Regulation, 2014 which is not accepted by the Committee. In view the above, the Committee decided as under: The Committee is of the opinion that application bearing No. ERCAPP201646386 of the institution regarding recognition of D.El.Ed. Programme is hereby refused under section 14(3)(b) of NCTE Act 1993."

AND WHEREAS Sh. A. Kumar Chaudhary, Director, Bhavnath Chaudhary College of Education, Maganpur, Durgapur (Diwanganj) P.O. – Koora, Pindrajora, Chas, Jharkhand presented the case of the appellant institution on 26/08/2017. In the appeal and during personal presentation it was submitted that "they had applied to Director Primary Education Department of Human Resource Development of Jharkhand Government to issue no objection certificate for opening D.El.Ed. course vide their letter dated 18.05.2016. It was mentioned that the last date of online application to NCTE is 31.05.2016. Though they had applied for NOC to the Jharkhand Government well in advance but the NOC was issued by them vide letter 09.08.2016. The delay in issuance of NOC is not attributable to them which was beyond their control. It has come to their knowledge that institutions having submitted the NOC even after them have got the opportunity for Visiting Team.

Therefore, it is their submission that they should also get a chance on the same ground. As per NCTE Regulations 2014, it has been mentioned that those organizations who conduct B.Ed course can conduct D.El.Ed course which is the mandatory requirement. Their Institution has the required infrastructure to conduct the two composite courses."

AND WHEREAS the Committee noted that according to the provisions of Clause 5(3) of the NCTE Regulations, 2014 a No Objection Certificate (NOC) issued by the concerned affiliating body shall be submitted along with the copy of the on-line application. Since, the appellant institution obtained the NOC only on 9.8.2016 i.e. after the last date of 15.7.2016 for submission of hard copies of the on-line application, the Committee concluded that the ERC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the ERC confirmed.

Court Orders:-

"Learned counsel for the petitioner places reliance upon a judgment of this Court reported in 2017 (162) DRJ 276 Rambha College of Education Vs. National Council for Teacher Education and Anr wherein a similar issue had arisen. The learned Single Judge in W.P. (C) No. 7847/2016 Dr. C.C. Mahto Teachers Training College Vs. National Council for Teacher Education and Anr decided on 01.03.2017 while relying upon the ratio of the aforenoted judgment, had allowed the petition remanding the matter back to the appellate authority to consider the appeal of the petitioner afresh by taking into consideration the NOC issued by the affiliating body. It is ordered accordingly. Liberty is granted to the petitioner to make a request to respondent No. 2 for considering his case for the next session which will be for the academic session 2018-19. An appropriate order in accordance with law shall be passed by respondent No. 2. Petition disposed of in the above terms."

AND WHEREAS Appeal Committee noted that appellant institution filed a Writ Petition (C) 9970/2017 in the Hon'ble High Court of Delhi and the Hon'ble High Court vide its order dated 16.11.2017 relied upon the judgements reported in 2017 (162) DRJ 276 Rambha College of Education Vs. NCTE and W.P. (C) No. 7847/2016 Dr. C.C. Mahto Teacher Training College Vs. NCTE. The Hon'ble High Court remanded the matter back to appellate authority to consider the appeal afresh by taking into consideration the N.O.C. issued by affiliating body.

AND WHEREAS Appeal Committee considering that (i) appellant institution had submitted N.O.C. dated 09.08.2016 issued by Directorate of Primary Education by its letter dated 08/09/2016 addressed to E.R.C., Bhubaneswar and (ii) the verdict of Hon'ble High Court, decided to remand back the case to E.R.C., Bhubaneswar for further processing of the case.

AND WHEREAS in compliance with the submissions made by appellant institution and order dated 16.11.2017 passed by Hon'ble High Court of Delhi in W.P. (C) No. 9970/2017, Appeal Committee concluded to remand back the case to E.R.C., Bhubaneswar for further processing of the application of appellant institution for seeking recognition of D.El.Ed. programme.

NOW THEREFORE, the Council hereby remands back the case of Bhavnath Chaudhary College of Education, Maganpur, Durgapur (Diwanganj) P.O. – Koora, Pindrajora, Chas, Jharkhand to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Director, Bhavnath Chaudhary College of Education, Maganpur, Durgapur (Diwanganj) P.O. – Koora, P.S. – Pindrajora, NH 32 (Near Chas College Chas), Chas – 827013, Jharkhand.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of Jharkhand, Ranchi.

(46)

F.No.89-552/2013 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Vatsalya College of Education, 140, Sri Hosamath, Shankarmath Road, Mysore – 570004, Karnataka dated 14.08.2013 is against the Order No. APSO4077/B.Ed./KA/ 2013-14/52167 dated 07/06/2013 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that "the institution has not submitted the approval of the appointments of Principal from the University. 2. The building plan is not in the name of institution. 3. As per the copy of the sale deed submitted by the institution at Sy. No. 140/1AF3/1A situated at Hosamath, Shankar Math Road, Fort Mohalla, Mysore the institution is having a land area of 140x30 sq.ft. i.e. 4200 sq.ft. and a built up area of 50 squares i.e. 5000 sq.ft. As per NCTE Regulations 2009, the institution should have 1500 sq.mts."

AND WHEREAS Appeal Committee noted that the appeal was rejected and S.R.C. order was confirmed by the appellate authority vide its order no. 89-552/2013, Appeal/15th Meeting, 2013, dated 12.11.2013. Aggrieved by the withdrawal order dated 07/06/2013 and Appeal order dated 12.11.2013, the appellant had filed a Writ Petition no. 2397/2014 in the High Court of Karnataka at Bangalore. Hon'ble High Court in its order dated 27.08.2014 remitted the matter back to the Appellate Authority to reconsider the matter by assessing additional material if any put forward by the appellant institution. The appellant, failed to appear before the Appeal Committee in its hearing held on 04.09.2015 and 28.10.2015 Since there was an embargo that proceedings shall be completed before the admission process for the ensuing academic year commences, NCTE issued notice of hearing to the appellant institution specifically mentioning that if the appellant fails to make appearance before the Committee in its next meeting and submit any additional document, the case will be decided on the basis of available documents without any further opportunity to the appellant for making personal presentation. Ms. Sujatha, Trustee and Sh. Mahesha,

Principal of the College appeared before the Appeal Committee on 14.01.2016 and submitted before the Committee:-

(i) Copy of order dated 17/12/2014 issued by University of Mysore recommending selection of a retired Principal 'Sh. Basavaraju' as principal for one year from the date of order.

(ii) Building drawing of the property situated at 140/1A, F-3/1A, 140/1B, F-3/1B, 140/1, F3/3 and 140/8A, F3/8A, Shankar Matt Road, Fort Mohalla, Mysore.

(iii) Copy of Property Tax Notice dated 19.06.2015 issued by revenue Inspector.

(iv) Copy of a Rectification sale deed – Property Measuring 30x140 feet situated at 140 Shanker Matt Road, Fort Mohalla, Mysore.

(v) Building Completion Certificate issued by Mysore City Corp. (Built up area 15218.13 sq. feet.) 5072 sq. feet on each floor.

AND WHEREAS Appeal Committee noted the background of the case. The impunged order dated 07/06/2013 was appealed against in August 2013 and was considered and confirmed by the Appeal Committee vide order dated 12.11.2013. Appellant filed a Writ Petition No. 2397 of 2014 in the High Court of Karnataka at Bangalore and the Hon'ble Court passed an order dated 27.08.2014 directing as under:

"Therefore, keeping these aspects in view if an opportunity is provided to the petitioner to put forth all materials before the Appellate Authority and if the Appellate Authority is directed to reconsider the matter taking note of all materials, interest of justice would be met. Hence, to enable the same, the order dated 12/11/2013 (Annexure-Z) passed by the second respondent - Appellate Authority is quashed. The matter is remitted to the second respondent – Appellate Authority to restore the case in F.No.89-55/2013. The petitioner is granted liberty to produce additional material if any before the Appellate Authority shall thereafter provide an opportunity to the petitioner, reconsider the matter and pass fresh orders in accordance with law.

In terms of the above, the petition stands disposed of. Needless to mention that the proceedings shall be completed before the admission process for the ensuing academic year is commenced."

AND WHEREAS Appeal Committee noted that by virtue of the directions issued by Hon'ble Court, the appellant got an opportunity to remove the deficiencies on the basis of which recognition was withdrawn. Appellant was called upon to submit

necessary evidence and the documents and the documents submitted by the appellant in the appeal hearing on 14.01.2016 were analysed as under:

(a) Copy of the order dated 17/12/2014 issued by Mysore University pertained to selection of a retired personnel 'Sh. Basavaraju' as Principal for one year from the date of issue of order. Mysore University order having been issued on 17/12/2014, the approval is no longer valid on 14.01.2016 i.e. the day of appeal. The appellant also did not submit any valid document to prove that Sh. Basavaraju continues as principal.

(b) Building drawing submitted is not legible and the structure appears to be of a building containing ground + two floors.

(c) Property Tax Notice dated 19/06/2015 mentions the address as Mutt Road, Khille Mohalla whereas in the rectification deed the address of property is 'Fort Mohalla'.

(d) Rectification deed excepted on 23.01.2012 clearly indicates the property size as "East to West 30' and North to South 140" and constructed building on it with a plinth area of 50 square – ground, first and second floor with R.C.C. roofing. Unit size after the words 50 square has been found to be blank. Appeal Committee is of the opinion that unit size at the most can be in Meters.

(e) As per copy of the Building Completion Certificate the details of construction are 5072.71 sq. feet area R.C.C. on each of the ground + first floor+2nd Floor.

Appellant could not convince the Appeal Committee as to how a plot measuring (30x140) total 4200 sq. feet can have a built up area of 5072 sq. feet on each of the floors.

AND WHEREAS the appellant was granted liberty to produce additional material before the Appellate authority by the Hon'ble High Court. Keeping in view the documents and submissions made by the appellant in the appeal hearing on 14.01.2016, Committee was of the view that appellant had only tried to mislead the Committee and it is still deficient for smooth conducting of the course even if the intake is reduced to 50 as the total strength of students in the second year of the

course will be 100. Appeal Committee again confirmed the withdrawal order dated 07/06/2013.

AND WHEREAS the impugned withdrawal dated 07.06.2013 was confirmed by the Appellate Authority twice by issue of order dated 12.11.2013 and 25.02.2016 and the appellant had approached the Hon'ble High Court of Karnataka at Bengaluru. In its recent order dated 24th of July, 2017 in W.P. case no. 44036 of 2016, Hon'ble High Court considered the submission made by the petitioner with regard to completion of building, appointment of Principal and lecturers with the approval of affiliating university. The W.P. was disposed of by the Hon'ble Court directing the petitioner to appear before the Appellate authority by producing all documents as per requirements. Hon'ble Court further directed to consider the case of petitioner and pass necessary orders without being influenced by the earlier order. The petitioner was allowed two weeks time to make available all required documents and on submission of such documents respondents were given four weeks time to pass appropriate order.

AND WHEREAS Appeal Committee noted that appellant had failed to prefer appeal and submit required documents within the time limit prescribed by the Hon'ble Court. The order of Hon'ble High Court is dated 24.07.2017 whereas appellant had filed online appeal memoranda on 27.11.2017. Moreover, the appellant has submitted with its appeal memoranda copy of a rectification deed registered on 15.11.2017 with Karnataka State Registration and Stamps Department. The date of registration of the rectification deed makes it evident that land was neither adequate nor registered in the name of institution prior to 15.11.2017 and there is no way the appellant could have submitted required documents before Appellate Authority within the time limit prescribed by the Hon'ble Court. The appellant is also found to have erred in his submission made before Hon'ble Court by stating that he has complied with all requirements which were analysed while hearing appeal on 14.01.2016.

AND WHEREAS Clause 8 (11) of NCTE Regulations mention that whenever, there are changes in the Norms and Standards for a programme in teacher education, the institution shall comply with the requirements laid down in the revised norms immediately. The required built up area shall have to be increased by existing institutions to conform to the revised norms. The Norms and Standards as described

in Appendix 4 of the NCTE Regulations, 2014 prescribe that institution should possess for an intake of 50 students a minimum built up area of 1500 sq. meters and remaining space for lawns, playfield etc. The minimum built up area of 1500 sq. meters was a condition in NCTE Regulations, 2009 also. Appeal Committee further noted that appellant institution was granted recognition in the year 2005 and it paid a little heed to comply with the changing regulations from time to time. In its earlier appeal, the appellant had failed to convince the Appellate Authority as to how on a plot measuring 30 x 140 sq. feet, (4200 sq. feet) can exist a built up area of 5072 sq. feet on each floor. The appellant has now submitted a Correction Deed registered on 15.11.2017 which states that plot area is 36.25 x 140 sq. feet (Total 5075 sq. feet). The appellant had, with its appeal memoranda, submitted Building Completion Certificate (B.C.C.) indicating a built-up area of 5072 sq. feet on each of the ground + first + second floor which aggregated to 15218 sq. feet or 1414 sq. meters. During the course of appeal presentation the appellant submitted a new B.C.C and according to this B.C.C. built up area is expanded by showing an additional floor (3rd floor) built up area of which measuring 5072.71 sq. feet which is added to earlier space.

AND WHEREAS the representative of the appellant institution i.e. Sh. Darshan Shetty, P.R.O., during the course of appeal presentation on 02.02.2018 revealed that the building of appellant institution is also used for conducting courses other than teacher education but refused to make a written statement in this regard. Appellant further made a written submission stating that Dr. T.B. Mahesha was appointed as Principal of the institution since January, 2016.

AND WHEREAS Appeal Committee noted that:-

(i) Appellant has not preferred appeal within the time limit prescribed in the order dated 24/07/2017 made by Hon'ble High Court of Karnataka.

(ii) The revised B.C.C. and Land rectification deed are post-dated as compared to the orders of Hon'ble Court.

(iii) It is still difficult to believe that 100 % of the plot area is allowed to be constructed and mentioned in the B.C.C. as built up area on each of the 4 floors i.e. Ground + First + Second + Third.

AND WHEREAS Appeal Committee decided to confirm the withdrawal order issued by S.R.C. on the grounds mentioned in para 9 above.

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 withdrawal order issued by SRC.

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

(Sanjay Awasthi)
Member Secretary

1. The President, Vatsalya College of Education, No. 140, Shankaramutt Road, Fort Mohalla, Mysore – 570004, Karnataka.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.

(47)

F.No.89-749/E-55697/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of S.K.D. Academy, Varindavan Yojana, Rai Bareilly Road, Sadar, Uttar Pradesh dated 19/12/2017 is against the Order No. NRC/NCTE/Recognition/D.El.Ed./2016/146821-7694 dated 21/06/2016 of the Northern Regional Committee, granting recognition for conducting D.El.Ed. course."

AND WHEREAS Sh. Manish Singh, Manager, S.K.D. Academy, Varindavan Yojana, Rai Bareilly Road, Sadar, Uttar Pradesh presented the case of the appellant institution on 02/02/2018.

AND WHEREAS Appeal Committee noted that appellant institution had submitted online application seeking recognition for additional intake of D.El.Ed. programme. The appellant institution was inspected by a Visiting Team on 29.01.2016 for a proposed additional intake of one unit (50 seats). A combined Letter of Intent (L.O.I) dated 24.02.2016 was issued seeking compliance within 2 months. No specific intake was mentioned for the appellant institution when N.R.C. in its 252nd Meeting held from 19th April to 2nd May, 2016 decided to grant an additional unit of D.El.Ed. programme. Appellant institution in its letter dated 02/05/2016 requested N.R.C. for grant of recognition for two units and N.R.C. accordingly in Part 15 of the 252nd Meeting revised its minutes for grant of recognition for two units. Combined recognition order dated 02/05/2016 was issued granting recognition for 2 units of D.El.Ed. programme. N.R.C. reconsidered the matter and on knowing that applicant institution had furnished affidavit dated 29.01.2016 to the Visiting Team mentioning the proposed intake as one unit and had also conducted inspection assessing the preparedness of the applicant institution for one additional unit only, issued a corrigendum correcting the intake granted from 2 units of 1 unit.

AND WHEREAS appeal preferred by appellant is primarily based on the ground that it had appointed faculty for 2 additional units and recognition order dated 02/05/2016 was for two units. Appeal Committee noted that due to cut of date rush, there was a possibility of such mistakes having been committed by N.R.C. and the appellant himself should have known that it submitted affidavit seeking recognition for one additional unit and was inspected for only one additional unit. It would have, however, been appropriate for N.R.C. to have either issued a reasoned corrigendum or at least given a suitable reply to the applicant in response to its communication received in N.R.C. on 16.08.2016.

AND WHEREAS appellant brought to the notice of Committee an order dated 12/09/2017 passed by the Hon'ble High Court of Allahabad (Uttar Pradesh) in Writ (C) No. 42230 of 2017. This order states that the grievance of the petitioner is that reasons ought to have been recorded for reduction in intake and since corrigendum dated 21.06.2016 has been issued without recording reasons it is liable to be quashed. Hon'ble High Court disposed of the W.P. with liberty to file an appeal taking the date of 2nd corrigendum dated 13.07.2017 as the final date of order. The Corrigendum dated 13.07.2017 is in connection with the name of appellant institution which was wrongly mentioned as S.K.D. Singh instead of S.K.D. Academy. The 2nd corrigendum dated 13.07.2017 also mentions that other contents of the recognition order and earlier Corrigendum dated 21.06.2016 will remain unchanged.

AND WHEREAS Appeal Committee noted that there were specific grounds such as intake mentioned in the applicant's affidavit dated 29.01.2016 and proposed intake mentioned in the V.T. report which led to correction in the intake by 1st corrigendum dated 21.06.2016. Appeal Committee, therefore, at this stage do not find any reason to interfere in the matter and impugned corrigendum dated 21.06.2016 is confirmed except for the name of appellant institution for which a 2nd corrigendum dated 13.07.2017 was issued.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and order dated 12.09.2017 issued by Hon'ble High Court of Allahabad, Appeal Committee concluded to confirm the intake of 1 additional unit of D.El.Ed. programme as per corrigendum dated 21.06.2016.

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

(Sanjay Awasthi)
Member Secretary

1. The Manager, S.K.D. Academy, 2D/HS-1, Varindavan Yojana, Rai Bareilly Road, Sadar – 226025, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(49)

F.No.89-747/E-49934/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Major Shiv Dayal Singh Mahavidhyalaya, Sakbai, Sadar, Farrukahabad, Uttar Pradesh dated 27/11/2017 is against the Order No. NRC/NCTE/NRCAPP-13025/253rd (Part-I) Meeting/2016-150258-61 dated 09/06/2016 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "Non submission of N.O.C. from affiliating body as required under Clause 5(3) of NCTE Regulations, 2014."

AND WHEREAS Sh. Ram Prakash Yadav, Administrator, Major Shiv Dayal Singh Mahavidhyalaya, Sakbai, Sadar, Farrukahabad, Uttar Pradesh presented the case of the appellant institution on 02/02/2018. In the appeal and during personal presentation it was submitted that "The appellant institution could not avail the remedy of appeal due to non-receipt of refusal letter from the NRC Jaipur Moreover in several matters where the institution had not been granted an opportunity to remove the deficiency or to satisfy the committee and/or where the order appear to have been passed inadvertently or where the order is discriminatory or where the matter is extremely urgent this Hon'ble Court in such matters has entertained the writ petition and has passed suitable orders."

AND WHEREAS Appeal Committee noted that appellant institution submitted online application dated 30.05.2015 seeking recognition for conducting B.Ed. programme. N.R.C., Jaipur issued a Show Cause Notice (SCN) dated 09/06/2016 to the appellant institution seeking written representation for non-submission of NOC from affiliating body as required under Clause 5 (3) of NCTE Regulation, 2014.

AND WHEREAS Appeal Committee in the above case was informed that appellant had filed a Writ Petition no. 52882/2017 in the Hon'ble High Court of Allahabad. The contention of the petitioner in the above case was that he was not

informed about the decision taken by N.R.C. and as such he could not approach the appellate authority. The Hon'ble Court vide its order dated 09/11/2017 decided that "petitioner may approach appellate authority alongwith certified copy of the order within a period of three weeks and in case such an application is filed, the Appellate Authority shall consider the matter and pass appropriate order in accordance with law within a period of four weeks thereafter."

AND WHEREAS the appellant has accordingly filed an appeal on 27.11.2017 which was listed for hearing on 02.02.2018. Appeal Committee after going through the regulatory file observed that decision to issue Show Cause Notice was taken in 243rd Meeting of N.R.C. held from 28th to 30th September, 2015 and S.C.N. was issued on 17.10.2017. Further decision to refuse recognition was taken in 253rd (Part – I) Meeting of N.R.C. held from 30th May to 03rd June, 2016 (Part – I). Appeal Committee is given to understand that decisions taken in the meeting of Regional Committee are placed on the official Website and the applicants do start preparatory work based on the decisions appearing on website. In the instant case formal S.C.N. and refusal order was issued by N.R.C. on 17.10.2015 and 09.06.2016 respectively and appellant's plea is that it did not receive any of the above communications and obviously had also missed to check the decisions put on official website of N.R.C. There is also no communication on record on the regulatory file to prove that appellant after submission of its application had ever tried to know the status of its application which was deficient on account of non-submission of the N.O.C. from affiliating body. Appellant alongwith appeal memoranda had submitted copy of N.O.C. which is shown issued on 07.11.2015 by Chhatrapati Shahu Ji Maharaj University, Kanpur. It is further observed that appellant has submitted copy of a letter dated 05.06.2017 intimating N.R.C. that N.O.C. was forwarded to N.R.C. on 20.11.2015 and after 253rd Meeting of N.R.C., appellant had not received any refusal order.

Appellant Committee noted that appellant had not submitted any evidence to prove that N.O.C. of affiliating body was submitted to N.R.C. ever since submission of the application. Appeal Committee was further apprised that consequent upon certain decisions and orders of Hon'ble High Court of Delhi, NCTE is considering acceptance of N.O.Cs issued by affiliating bodies at a belated stage for reckoning the eligibility of applicants to seek recognition for subsequent academic years.

Appeal Committee noting that ground of refusal in the instant case is non-submission of N.O.C. which the applicant has obtained at a belated stage. Copy of NOC submitted by appellant before Appeal Committee is found to have been issued by affiliating body on 7.11.2015. Appeal Committee therefore, feels that appellant was in a position to have submitted copy of NOC to NRC had it received the SCN dated 17.10.2015 giving 30 days time for submitting compliance. Appeal Committee, therefore, decided to remand back the case to NRC for further processing of the application. Appellant institution is required to submit NOC dated 7.11.2015 to NRC within 15 days of the issue of Appeal orders.

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 NRC for further processing of the application. Appellant institution is required to submit NOC dated 7.11.2015 to NRC within 15 days of the issue of Appeal orders.

NOW THEREFORE, the Council hereby remands back the case of Major Shiv Dayal Singh Mahavidhyalaya, Sakbai, Sadar, Farrukahabad, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Major Shiv Dayal Singh Mahavidhyalaya, Sakbai, Bewar Road, Sadar, Farrukahabad – 209651, 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, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(80)

F.No.89-754/E-52758/2017 Appeal/1st Mtg.-2018/1st & 2nd Feb., 2018

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/2/18

ORDER

WHEREAS the appeal of Asha Devi College, Khemana Road, Sadulpur, Rajasthan dated 07/12/2017 is against the Order No. NCTE / NRC / NRCAPP201616026 / B.A.B.Ed. / B.Sc.B.Ed. – 4 Year Integrated /RJ / 2017-18 / 2; dated 30/04/2017 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 any proof/evidence to prove that it is a composite institution as per clause 2(b) of NCTE Regulations, 2014. NOC of the affiliating University to start B.A. B.Ed./B.Sc. B.Ed. course not submitted. The institution has not submitted the certified registered land documents issued by the Registering Authority or civil authority concerned. The institution has not submitted the legible approved Building plan signed by the Competent Govt. Authority indicating 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 a class rooms etc. 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. Kaushal Kumar Poonia, Secretary and Sh. Vijay Kumar Saraswat, Lecturer, Asha Devi College, Khemana Road, Sadulpur, Rajasthan presented the case of the appellant institution on 02/02/2018. In the appeal and during personal presentation it was submitted that "Applicant Institute is already recognised to conduct the Bachelor of Education course in the same compound in which the permission was sought to establish the new 4 year B.A. B.Ed. / B.Sc. B.Ed. course. It is therefore prayed that the order dated 30th of April 2017 may be quashed and set aside and the Northern Regional Committee may be directed to grant recognition to the Asha Devi College, Sadulpur, Churu, Rajasthan. Copy of the building plan of the institute copy of the non-encumbrance certificate copy of

the provisional fresh affiliation issued by the Maharaja Ganga Singh University are enclosed. While rejecting the application of the appellant institution the Northern Regional Committee in its order dated 30th of April 2017 inter alia observed that the appellant institution has failed to prove that the institution is a composite institution as provided under clause 2 (b) of the NCTE regulations 2014. The Northern Regional Committee while placing reliance for the rejection order dated 13th of April, 2017 on the above mentioned observation has failed to appreciate the fact of order dated 2nd of September, 2008 by which the recognition was granted to the above named Institute Asha Devi College of Education, Churu being managed by the appellant Institution for the B.Ed. course for an annual intake of 100 seats. The NCTE in its letter dated 7th of April 2016 has mandated the Regional Committee that the standalone institutions duly recognised by the National Council for Teacher Education offering any Teacher Education course is eligible for grant of recognition to the 4 year B.A. B.Ed. / B.Sc. B.Ed. Teacher Training course as after the recognition to the aforesaid 4 years Teacher Training course the institution will eventually become a composite Institution. The other observation regarding the deficiency of the no objection certificate of the affiliating university for the 4 year B.A. B.Ed. B.Sc. B.Ed. course was sufficiently removed by submitting the no objection certificate issued by the Maharaja Ganga Singh University Bikaner which was earlier also submitted along with the hard copy of the online application form. The registered certified land documents issued by the registering authority along with the legible approved building plan signed by the Competent Government Authority indicating the name of the course name of the institution, Khasra number total land area total built-up area and measurements of multi- purpose hall as well as other infrastructural facilities such as classrooms were also re submitted by the appellant institution In response to the show Cause notices issued on consecutive occasions by the Northern Regional Committee and the documents pertaining to the above mentioned details are also being enclosed with this appeal for the kind perusal of the appellate authority. The institution was also having no objection certificate Issued by the Maharaja Ganga Singh University at the time of submitting application with the Northern Regional Committee for the above mentioned 4 year Teacher Training course, the no objection certificate was issued by the Maharaja Ganga Singh University on 12th of February, 2016 and thereafter the provisional

fresh affiliation to start B.Sc. part 1st without computer application was also issued by the University on 5th of September, 2017."

AND WHEREAS Appeal Committee noted that appellant had filed a Writ Petition no. 20410/2017 in the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur challenging the impugned refusal order dated 30.04.2017. Hon'ble High Court vide its order dated 21/11/2017 had disposed of the W.P. with liberty to appellant to file an appeal under Section 18 of the NCTE Act.

AND WHEREAS Appeal Committee considered the relevant documents and observed that impugned refusal order dated 30.04.2017 was issued by N.R.C. on following grounds:

(i) Institute has not submitted evidence to prove that it is a composite institute.

(ii) Non-submission of N.O.C. issued by affiliating body.

(iii) Non-submission of certified registered land documents.

(iv) Non-submission of legible approved building plan containing necessary infrastructural details.

AND WHEREAS Appeal Committee noted that before N.R.C. decided to issue Show Cause Notice (S.C.N) to the appellant institution in its 262nd meeting held from 16th to 24th January, 2017, the Commissionerate of College Education, Rajasthan issued a combined N.O.C. for B.A B.Ed./B.Sc. B.Ed. programme and the name of appellant institution appeared at Serial no. 277. The appellant institution in its reply to S.C.N. which was received in the office of N.R.C. on 16.02.2017 had submitted certified copy of land documents. Copy of building plan enclosing therewith details of existing building details. The appellant had further strengthened its claim of being composite by sending copies of latest affiliation letter dated 12.02.2016 in respect of B.A. and B.Sc. course. The appellant institution is also recognised for conducting B.Ed. course since September 2008. Appeal Committee noted that B.Ed. course being conducted is in the name of Asha Devi College of Education whereas degree courses are being conducted in the same premises in the name of Asha Devi College. Both the units are located at one place managed by same society and the

basic name Asha Devi is common to general degree course as well College of Education.

AND WHEREAS Appeal Committee having considered the facts of case, Appeal Committee decided to set aside the impugned refusal order dated 30.04.2017 with directions to N.R.C to process the application.

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 30.04.2017 with directions to N.R.C to process the application.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Asha Devi College, Khemana Road, Sadulpur – 331023, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.