



F.No.89-334/E-2995/2017 Appeal/20th Meeting-2017

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 20-11-2017

ORDER

WHEREAS the appeal of K.L.S. College, Prasiddhpur, Rania, Akbarpur, Uttar Pradesh dated 03.05.2017 is against the Order No. NRC/NCTE/Recog/D.El.Ed./2016/142867-3467 dated 03.03.2016 of the Northern Regional Committee, granting recognition for conducting D.El.Ed. Course with an intake of 50 seats on the grounds that "the committee decided that recognition be granted to the institution for D.El.Ed. course for one unit (50 students) under clause 7(16) of the NCTE Regulations, 2014 from the academic session 2016-17."

AND WHEREAS Dr. Satish Shukla, Chairman, Dr. Umesh Chander Tewari, Member, K.L.S. College, Prasiddhpur, Rania, Akbarpur, Uttar Pradesh presented the case of the appellant institution on 03/07/2017. In the appeal and during personal presentation no explanation was given.

AND WHEREAS Appeal Committee noted that applicant institution submitted online application dated 15.05.2015 seeking recognition for conducting D.El.Ed. programme. Intake of course applied for was neither mentioned in the application form, nor in the affidavit submitted. The applicant institution was inspected on 23.02.2016 for a proposed intake of 2 units of D.El.Ed programme and the appellant submitted affidavit at this point seeking recognition for 2 units of D.El.Ed. programme. The V.T. report is found received in the office of N.R.C. on 29.02.2016.

AND WHEREAS Appeal Committee further noted that NRC in its 250th meeting held on 29.02.2016 decided to issue a Letter of Intent but no intake was mentioned. Formal Letter of Intent under Clause 7 (13) of the Regulations, 2014 was also not issued. Without waiting for the formal LOI, the appellant submitted compliance letter dated 02.03.2016 seeking formal recognition for 2 units (100 seats). It appears that combined recognition order dated 03.03.2016 issued after the 250th Meeting (Part-

12) dated 02.03.2016 was issued in haste without properly verifying whether all the conditions required under the Regulations were fulfilled by the appellant institution or not. Grant of even one unit of D.El.Ed. programme to the appellant institution was not justified.

AND WHEREAS Appeal Committee further noted that appellant institution has submitted a copy of approval letter dated 01.03.2016 issued by 'Praiksha Niyamak Adhikari' along with its appeal Memoranda dated 08.05.2017. Appeal Committee finding that it would have been very difficult for the appellant to submit to NRC, Jaipur a compliance letter on 02.03.2016 enclosing therewith a copy of letter dated 01.03.2016 issued by Pariksha Niyamak Adhikari, decided to confirm the impugned recognition order dated 03.03.2016 for one unit only. The recognition order dated 03.03.2016 was in consonance of the decision taken by N.R.C. in its 250th (Part – 12) Meeting held on 02.03.2016.

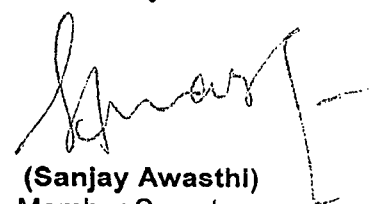
AND WHEREAS Appeal Committee in their meeting held on 26.10.2017 noted that appellant aggrieved by the impugned order dated 03/03/2016 and the appellate authority order dated 21.08.2017 had filed a Writ Petition no. 40347/2017 in the High Court of Uttar Pradesh. The Hon'ble High Court vide its order dated 04.09.2017 has set aside the appellate order dated 21.08.2017 and remanded back the case to appellate authority to decide the case afresh after obtaining verification of the approval letter dated 01.03.2016 from the affiliating body.

AND WHEREAS Appeal Committee, in compliance with the directions given by Hon'ble High Court considered the matter afresh and decided to remand back the case to N.R.C. for considering the representations dated 05/04/2016, 06/06/2016 and 27/04/2016 copies of which were provided by the appellant during the appeal hearing on 26.10.2017. These representations shown diarised at serial no. 137860 dt. 05/04/2016, no. 144052 dated 06/06/2016 and 167777 dated 27.04.2017 are not found available on the regulatory file. Before reconsidering the request for grant of recognition for two units of D.El.Ed. programme, N.R.C. is required to verify the testimonials and satisfy itself as to how it was possible for the appellant and the office of N.R.C. to have considered a V.T. report submitted on 29.02.2016 and decision taken on 29.02.2016 itself to issue L.O.I. Without formal L.O.I. having been issued,

how the appellant was able to get the faculty approved on 01.03.2016 by Pariksha Niyamak Pra-Adhikari, Allahabad is also required to be looked into. It shall also be ascertained that when were the subject experts nominated by the affiliating body and when was the final selection finalised and submitted to affiliating body for approval.

AND WHEREAS after perusal of Memoranda of Appeal, affidavit, documents on record and order dated 04.09.2017 issued by Hon'ble High Court of Uttar Pradesh, Allahabad, Appeal Committee concluded to remand back the case to N.R.C. Jaipur for reconsideration of the case in light of representations dated 05.04.2016, 06.06.2016 and 27.04.2017 submitted by the appellant. Appellant is required to submit copies of the above representation to N.R.C., Jaipur within 15 days of the issue of Appeal orders as the relevant regulatory file does not contain these representations. Reconsideration of the case shall further be subject to necessary verification of the documents already submitted by the appellant to N.R.C, Jaipur for seeking recognition. As per directions of the Hon'ble High Court of Allahabad, the case is required to be disposed of within 8 weeks from 19.09.2017 i.e. date of receiving certified copy of order dated 04.09.2017 in Writ Petition case no. 40347/2017.

NOW THEREFORE, the Council hereby remands back the case of K.L.S. College, Prasiddhpur, Rania, Akbarpur, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Chairman, K.L.S. College, Prasiddhpur, Rania, Akbarpur – 209304, 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.



F.No.89-692/2016 Appeal/20th Meeting-2017

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 26-11-2017

ORDER

WHEREAS the appeal of G.R. College of Education, Narnaul, Mahendragarh, Haryana dated 25/10/2016 is against the Order No. NRC/NCTE/NRCAPP-6992/255th Meeting/2016/156922 dated 30/08/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The reply of the applicant institution to show cause notice of the NRC dt. 08/06/2016 was considered by the NRC and the Committee decided to refuse recognition as the Govt. of Haryana vide its order dt. 23/02/2016 has banned any fresh opening/recognition/increase intake of any D.El.Ed. course in the State of Haryana for the academic session 2017-18."

AND WHEREAS Sh. Yash Pal Singh, Representative, G.R. College of Education, Narnaul, Mahendragarh, Haryana presented the case of the appellant institution on 30/01/2017. In the appeal and during personal presentation it was submitted that "We had applied D.El.Ed. for the academic session 2013-14, on that period no D.El.Ed. course was not banned in the State of Haryana."

AND WHEREAS Appeal Committee noted that application dated 30.12.2012 seeking recognition for D.El.Ed. programme was under consideration of the N.R.C. for quite sometime. The appellant in reply to a Show Cause Notice (SCN) dated 02.03.2015 had also deposited the revised processing fee as per the NCTE Rules. Appeal Committee noted that recognition was first refused by the N.R.C. by issue of a refusal order dated 30.12.2015 and the Appeal Committee after considering the reasons stated therein had remanded back the case to N.R.C. by issue of an appellate order dated 18.04.2016. The negative recommendations of the State Government was one of the points adjudicated in that order. The N.R.C after issue of the appeal order again issued a Show Cause Notice on the point that Government of Haryana vide its order dated 29.03.2016 has decided not to recommend any

opening or increase intake of any D.El.Ed. institution in Haryana for the year 2013-14, 2014-15, 2016-17 and 2017-18. The appellant in its reply to the Show Cause Notice had drawn the attention of N.R.C. to the appeal order dated 18.04.2016. The above appeal order in para 3 (iii) has addressed the issue of Negative recommendation of State Government and operative part of the order is reproduced below: *"The regulatory file of N.R.C. contains copy of a letter dated 29.06.2016 addressed to NCTE (HQ) by the N.R.C. seeking advice after pointing out that Government of Haryana, having imposed a blanket ban, will not consider individual cases and it will be a futile exercise for N.R.C. to write to the Government of Haryana. N.R.C. had also sought Legal opinion on this point wherein it was expressed that N.R.C. should not process pending applications as there is a specific order passed by Hon'ble Supreme Court of India in S.L.P no. 4247-4278/2009 dated 10/09/2013 that all pending applications shall be decided in accordance with new Regulations."*

AND WHEREAS the Committee in their meeting held 30.01.2017 (i) wanted to know the action taken by the Council on a letter date 29.06.2016 of the N.R.C. seeking guidance/clarification and (ii) suggested to seek legal opinion, if required. In the meanwhile, the appellant filed a W.P. (C) 9028/27 before the Hon'ble High Court of Delhi at New Delhi praying that directions may be issued to decide the appeal within an outer limit of three weeks. The Hon'ble High Court, taking on record the submission made by the counsel for the Respondent ordered that the appeal should be decided positively within an outer limit of three weeks and, disposed of the petition.

AND WHEREAS the legal opinion sought by the Council, which has since become available and was placed before the Committee on 26.10.2017.

AND WHEREAS further examining the matter, Appeal Committee could not find any reference on the file which may prove that NCTE (HQ) has issued any advice or clarified the points raised by the N.R.C. in its letter dated 29.06.2016. The N.R.C. letter dated 29.06.2016 contains a list of 17 such institutions, where the blanket ban imposed by the State Government on the opening of fresh teacher education institutions/courses, had formed basis of refusal. Legal opinion sought by N.R.C.

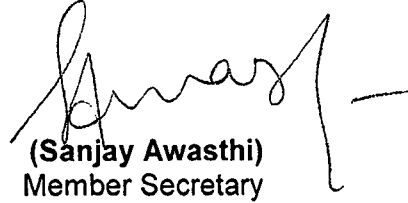
relating to this says that N.R.C should not consider these applications or else it will open gates for the other colleges for considering their applications too without fulfilling the requisite formalities which will tantamount to violation of the laid down procedure. Subsequently, NCTE (HQ) has also obtained legal opinion on the issue as referred to in para 5 above. The crux of this Legal opinion is that recognition is granted prospectively under Section 15(3) (a) and as such it should be only after complying with the existing Regulations. Once the State Government gives its opinion and recognition is granted by NCTE, such grant attains supremacy vis-a vis the State Government as well as the affiliating body. The final authority to grant or refuse recognition rests with NCTE but State has a vital role to offer by way of properly commenting as and when its opinion is called for and NCTE should take into consideration the recommendations and views of the State despite the fact that it has the final say.

AND WHEREAS Appeal Committee is also of the view that when recommendations of the State Government under Clause 7 (4), (5) & (6) of the NCTE Regulations, 2014 are sought by the Regional Committee, the State Government should assess the institution on individual merit basis and wherever it is not in favour of recognition, shall provide detailed reasons and grounds with necessary statistics. Appeal Committee noted that when the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education courses in a particular State for the prospective academic year(s). Once applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government. Moreover, in the above case, the appellant was required to pay the processing fee afresh under the new Regulations. While reprocessing the application, the Regional Committee is free to ensure that the Norms and Standards as prescribed in 2014 Regulations for the teacher education programme applied for are complied with by the appellant before grant of recognition.

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

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

NOW THEREFORE, the Council hereby remands back the case of G.R. College of Education, Narnaul, Mahendragarh, Haryana to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The President, G R College of Education, 19/7, Ownership, Deroli Ahir, Narnaul, Mahendragarh, Haryana – 123028.
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.

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F.No.89-700/2016 Appeal/20th Meeting-2017

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 20-11-2017

ORDER

WHEREAS the appeal of Shri Krishan College of Education, Narnaul, Mahendragarh, Haryana dated 25/10/2016 is against the Order No. NRC/NCTE/NRCAPP-5290/255th Meeting/2016/156853 dated 30/08/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The reply of the applicant institution to show cause notice of the NRC dt. 08/06/2016 was considered by the NRC and the Committee decided to refuse recognition as the Govt. of Haryana vide its order dt. 23/02/2016 has banned any, fresh opening/recognition/increase intake of any D.El.Ed. course in the State of Haryana for the academic session 2017-18."

AND WHEREAS Shri. Raj Pal, President, Shri Krishan College of Education, Narnaul, Mahendragarh, Haryana presented the case of the appellant institution on 22/02/2017. In the appeal and during personal presentation it was submitted that "We had applied D.El.Ed. for the academic session 2013-14. During that period D.El.Ed. course was not banned in the State of Haryana."

AND WHEREAS Appeal Committee noted that application dated 28.12.2012 seeking recognition for D.El.Ed. programme was under consideration of the N.R.C. for quite sometime. The appellant in reply to a Show Cause Notice (SCN) dated 02.03.2015 had also deposited the revised processing fee as per the NCTE Rules. Appeal Committee noted that recognition was first refused by the N.R.C. by issue of a refusal order dated 30.12.2015 and the Appeal Committee after considering the reasons stated therein had remanded back the case to N.R.C. by issue of an appellate order dated 18.04.2016. The negative recommendations of the State Government was one of the points adjudicated in that order. The N.R.C after issue of the appeal order again issued a Show Cause Notice on the point that Government of Haryana vide its order dated 29.03.2016 has decided not to recommend any

opening or increase intake of any D.El.Ed. institution in Haryana for the year 2013-14, 2014-15, 2016-17 and 2017-18. The appellant in its reply to the Show Cause Notice had drawn the attention of N.R.C. to the appeal order dated 18.04.2016. The above appeal order in para 3 (iii) has addressed the issue of Negative recommendation of State Government and operative part of the order is reproduced below: *"The regulatory file of N.R.C. contains copy of a letter dated 29.06.2016 addressed to NCTE (HQ) by the N.R.C. seeking advice after pointing out that Government of Haryana, having imposed a blanket ban, will not consider individual cases and it will be a futile exercise for N.R.C. to write to the Government of Haryana. N.R.C. had also sought Legal opinion on this point wherein it was expressed that N.R.C. should not process pending applications as there is a specific order passed by Hon'ble Supreme Court of India in S.L.P no. 4247-4278/2009 dated 10/09/2013 that all pending applications shall be decided in accordance with new Regulations."*

AND WHEREAS the Committee in their meeting held on 30.01.2017 (i) wanted to know the action taken by the Council on a letter date 29.06.2016 of the N.R.C. seeking guidance/clarification and (ii) suggested to seek legal opinion, if required. In the meanwhile, the appellant filed a W.P. (C) 9028/27 before the Hon'ble High Court of Delhi at New Delhi praying that directions may be issued to decide the appeal within an outer limit of three weeks. The Hon'ble High Court, taking on record the submission made by the counsel for the Respondent ordered that the appeal should be decided positively within an outer limit of three weeks and, disposed of the petition.

AND WHEREAS the legal opinion sought by the Council, which has since become available and was placed before the Committee on 26.10.2017.

AND WHEREAS further examining the matter, Appeal Committee could not find any reference on the file which may prove that NCTE (HQ) has issued any advice or clarified the points raised by the N.R.C. in its letter dated 29.06.2016. The N.R.C. letter dated 29.06.2016 contains a list of 17 such institutions, where the blanket ban imposed by the State Government on the opening of fresh teacher education institutions/courses, had formed basis of refusal. Legal opinion sought by N.R.C.

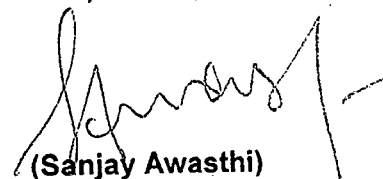
relating to this says that N.R.C should not consider these applications or else it will open gates for the other colleges for considering their applications too without fulfilling the requisite formalities which will tantamount to violation of the laid down procedure. Subsequently, NCTE (HQ) has also obtained legal opinion on the issue as referred to in para 5 above. The crux of this Legal opinion is that recognition is granted prospectively under Section 15(3) (a) and as such it should be only after complying with the existing Regulations. Once the State Government gives its opinion and recognition is granted by NCTE, such grant attains supremacy vis-a vis the State Government as well as the affiliating body. The final authority to grant or refuse recognition rests with NCTE but State has a vital role to offer by way of properly commenting as and when its opinion is called for and NCTE should take into consideration the recommendations and views of the State despite the fact that it has the final say.

AND WHEREAS Appeal Committee is also of the view that when recommendations of the State Government under Clause 7 (4), (5) & (6) of the NCTE Regulations, 2014 are sought by the Regional Committee, the State Government should assess the institution on individual merit basis and wherever it is not in favour of recognition, shall provide detailed reasons and grounds with necessary statistics. Appeal Committee noted that when the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education courses in a particular State for the prospective academic year(s). Once applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government. Moreover, in the above case, the appellant was required to pay the processing fee afresh under the new Regulations. While reprocessing the application, the Regional Committee is free to ensure that the Norms and Standards as prescribed in 2014 Regulations for the teacher education programme applied for are complied with by the appellant before grant of recognition.

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

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

NOW THEREFORE, the Council hereby remands back the case of Shri Krishan College of Education, Narnaul, Mahendragarh, Haryana to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The President, Shri Krishan College of Education, 45, Bhungarka, Narnaul, Mahendragarh, Haryana – 123001.
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.



F.No.89-719/2016 Appeal/20th Meeting-2017

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 20-11-2017

ORDER

WHEREAS the appeal of Sunrise College of Education, Narnaul, Mahendragarh, Haryana dated 27.10.2016 is against the Order No. NRC/NCTE/NRCAPP-6881/255th Meeting/2016/156904-07 dated 30/10/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The reply of the applicant institution to show cause notice of the NRC dt. 08/06/2016. was considered by the NRC and the Committee decided to refuse recognition as the Govt. of Haryana vide its order dt. 23/02/2016 has banned any fresh opening / recognition / increase intake of any D.El.Ed. course in the State of Haryana for the academic session 2017-18."

AND WHEREAS Shri. Devender Singh, Member, Sunrise College of Education, Narnaul, Mahendragarh, Haryana presented the case of the appellant institution on 23/02/2017. In the appeal and during personal presentation it was submitted that "they had applied online application for the session 2013-14 so the said reason is not applicable in their case."

AND WHEREAS Appeal Committee noted that application dated 28.12.2012 seeking recognition for D.El.Ed. programme was under consideration of the N.R.C. for quite sometime. The appellant in reply to a Show Cause Notice (SCN) dated 02.03.2015 had also deposited the revised processing fee as per the NCTE Rules. Appeal Committee noted that recognition was first refused by the N.R.C. by issue of a refusal order dated 30.12.2015 and the Appeal Committee after considering the reasons stated therein had remanded back the case to N.R.C. by issue of an appellate order dated 18.04.2016. The negative recommendations of the State Government was one of the points adjudicated in that order. The N.R.C after issue of the appeal order again issued a Show Cause Notice on the point that Government of Haryana vide its order dated 29.03.2016 has decided not to recommend any

opening or increase intake of any D.El.Ed. institution in Haryana for the year 2013-14, 2014-15, 2016-17 and 2017-18. The appellant in its reply to the Show Cause Notice had drawn the attention of N.R.C. to the appeal order dated 18.04.2016. The above appeal order in para 3 (iii) has addressed the issue of Negative recommendation of State Government and operative part of the order is reproduced below: *"The regulatory file of N.R.C. contains copy of a letter dated 29.06.2016 addressed to NCTE (HQ) by the N.R.C. seeking advice after pointing out that Government of Haryana, having imposed a blanket ban, will not consider individual cases and it will be a futile exercise for N.R.C. to write to the Government of Haryana. N.R.C. had also sought Legal opinion on this point wherein it was expressed that N.R.C. should not process pending applications as there is a specific order passed by Hon'ble Supreme Court of India in S.L.P no. 4247-4278/2009 dated 10/09/2013 that all pending applications shall be decided in accordance with new Regulations."*

AND WHEREAS the Committee in their meeting held on 30.01.2017 (i) wanted to know the action taken by the Council on a letter date 29.06.2016 of the N.R.C. seeking guidance/clarification and (ii) suggested to seek legal opinion, if required. In the meanwhile, the appellant filed a W.P. (C) 9028/27 before the Hon'ble High Court of Delhi at New Delhi praying that directions may be issued to decide the appeal within an outer limit of three weeks. The Hon'ble High Court, taking on record the submission made by the counsel for the Respondent ordered that the appeal should be decided positively within an outer limit of three weeks and, disposed of the petition.

AND Whereas the legal opinion sought by the Council, which has since become available and was placed before the Committee on 26.10.2017.

AND WHEREAS further examining the matter, Appeal Committee could not find any reference on the file which may prove that NCTE (HQ) has issued any advice or clarified the points raised by the N.R.C. in its letter dated 29.06.2016. The N.R.C. letter dated 29.06.2016 contains a list of 17 such institutions, where the blanket ban imposed by the State Government on the opening of fresh teacher education institutions/courses, had formed basis of refusal. Legal opinion sought by N.R.C.

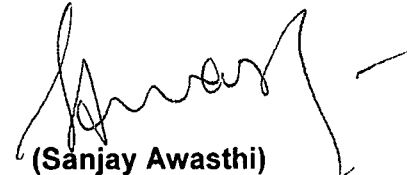
relating to this says that N.R.C should not consider these applications or else it will open gates for the other colleges for considering their applications too without fulfilling the requisite formalities which will tantamount to violation of the laid down procedure. Subsequently, NCTE (HQ) has also obtained legal opinion on the issue as referred to in para 5 above. The crux of this Legal opinion is that recognition is granted prospectively under Section 15(3) (a) and as such it should be only after complying with the existing Regulations. Once the State Government gives its opinion and recognition is granted by NCTE, such grant attains supremacy vis-a vis the State Government as well as the affiliating body. The final authority to grant or refuse recognition rests with NCTE but State has a vital role to offer by way of properly commenting as and when its opinion is called for and NCTE should take into consideration the recommendations and views of the State despite the fact that it has the final say.

AND WHEREAS Appeal Committee is also of the view that when recommendations of the State Government under Clause 7 (4), (5) & (6) of the NCTE Regulations, 2014 are sought by the Regional Committee, the State Government should assess the institution on individual merit basis and wherever it is not in favour of recognition, shall provide detailed reasons and grounds with necessary statistics. Appeal Committee noted that when the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education courses in a particular State for the prospective academic year(s). Once applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government. Moreover, in the above case, the appellant was required to pay the processing fee afresh under the new Regulations. While reprocessing the application, the Regional Committee is free to ensure that the Norms and Standards as prescribed in 2014 Regulations for the teacher education programme applied for are complied with by the appellant before grant of recognition.

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

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

NOW THEREFORE, the Council hereby remands back the case of Sunrise College of Education, Narnaul, Mahendragarh, Haryana to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary/Appellant, Sunrise College of Education, 186, Sunrise Shiksha Samiti, 186, Salooni, Narnaul, Mahendragarh, Haryana – 123001.**
- 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.**



F.No.89-728/2016 Appeal/20th Meeting-2017
NATIONAL COUNCIL FOR TEACHER EDUCATION
 Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 20-11-2017

ORDER

WHEREAS the appeal of Modern College of Education, Village - Ankhir, Faridabad, Haryana dated 02.11.2016 is against the Order No. NRC/NCTE/NRCAPP-6603/255th Meeting/2016/156958-61 dated 30/08/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The reply of the applicant institution to show cause notice of the NRC dt. 08/06/2016 was considered by the NRC and the Committee decided to refuse recognition as the Govt. of Haryana vide its order dt. 23/02/2016 has banned any fresh opening / recognition / increase intake of any D.Ed. course in the State of Haryana for the academic session 2017-18."

AND WHEREAS Shri. Manoj Kumar, Chairman, Modern College of Education, Village - Ankhir, Faridabad, Haryana presented the case of the appellant institution on 25/02/2017. In the appeal and during personal presentation it was submitted that "the appellant had applied on 31/12/2012 in response to application invited from the State of Haryana and the ground of rejection cannot be accepted in entirety as, the Hon'ble High Court of Delhi in their order 24/11/2014 had clearly stated that input of State Govt. is relevant but cannot be accepted as "gospel truth." The appellant also submitted that the aforesaid point has also been considered by the Division Bench of Principal Seat at Jabalpur vide order dated 17/07/2012. He therefore appealed that the Committee is required to take the consideration of the application.

AND WHEREAS Appeal Committee noted that application dated 28.12.2012 seeking recognition for D.El.Ed. programme was under consideration of the N.R.C. for quite sometime. The appellant in reply to a Show Cause Notice (SCN) dated 02.03.2015 had also deposited the revised processing fee as per the NCTE Rules. Appeal Committee noted that recognition was first refused by the N.R.C. by issue of a refusal order dated 30.12.2015 and the Appeal Committee after considering the

reasons stated therein had remanded back the case to N.R.C. by issue of an appellate order dated 18.04.2016. The negative recommendations of the State Government was one of the points adjudicated in that order. The N.R.C after issue of the appeal order again issued a Show Cause Notice on the point that Government of Haryana vide its order dated 29.03.2016 has decided not to recommend any opening or increase intake of any D.El.Ed. institution in Haryana for the year 2013-14, 2014-15, 2016-17 and 2017-18. The appellant in its reply to the Show Cause Notice had drawn the attention of N.R.C. to the appeal order dated 18.04.2016. The above appeal order in para 3 (iii) has addressed the issue of Negative recommendation of State Government and operative part of the order is reproduced below: *"The regulatory file of N.R.C. contains copy of a letter dated 29.06.2016 addressed to NCTE (HQ) by the N.R.C. seeking advice after pointing out that Government of Haryana, having imposed a blanket ban, will not consider individual cases and it will be a futile exercise for N.R.C. to write to the Government of Haryana. N.R.C. had also sought Legal opinion on this point wherein it was expressed that N.R.C. should not process pending applications as there is a specific order passed by Hon'ble Supreme Court of India in S.L.P no. 4247-4278/2009 dated 10/09/2013 that all pending applications shall be decided in accordance with new Regulations."*

AND WHEREAS the Committee in their meeting held on 30.01.2017 (i) wanted to know the action taken by the Council on a letter date 29.06.2016 of the N.R.C. seeking guidance/clarification and (ii) suggested to seek legal opinion, if required. In the meanwhile, the appellant filed a W.P. (C) 9028/27 before the Hon'ble High Court of Delhi at New Delhi praying that directions may be issued to decide the appeal within an outer limit of three weeks. The Hon'ble High Court, taking on record the submission made by the counsel for the Respondent ordered that the appeal should be decided positively within an outer limit of three weeks and, disposed of the petition.

AND WHEREAS the legal opinion sought by the Council, which has since become available and was placed before the Committee on 26.10.2017.

AND WHEREAS further examining the matter, Appeal Committee could not find any reference on the file which may prove that NCTE (HQ) has issued any advice or clarified the points raised by the N.R.C. in its letter dated 29.06.2016. The N.R.C. letter dated 29.06.2016 contains a list of 17 such institutions, where the blanket ban imposed by the State Government on the opening of fresh teacher education institutions/courses, had formed basis of refusal. Legal opinion sought by N.R.C. relating to this says that N.R.C should not consider these applications or else it will open gates for the other colleges for considering their applications too without fulfilling the requisite formalities which will tantamount to violation of the laid down procedure. Subsequently, NCTE (HQ) has also obtained legal opinion on the issue as referred to in para 5 above. The crux of this Legal opinion is that recognition is granted prospectively under Section 15(3) (a) and as such it should be only after complying with the existing Regulations. Once the State Government gives its opinion and recognition is granted by NCTE, such grant attains supremacy vis-a vis the State Government as well as the affiliating body. The final authority to grant or refuse recognition rests with NCTE but State has a vital role to offer by way of properly commenting as and when its opinion is called for and NCTE should take into consideration the recommendations and views of the State despite the fact that it has the final say.

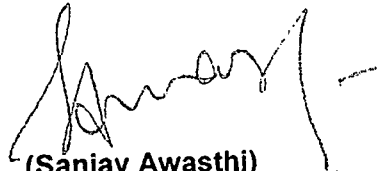
AND WHEREAS Appeal Committee is also of the view that when recommendations of the State Government under Clause 7 (4), (5) & (6) of the NCTE Regulations, 2014 are sought by the Regional Committee, the State Government should assess the institution on individual merit basis and wherever it is not in favour of recognition, shall provide detailed reasons and grounds with necessary statistics. Appeal Committee noted that when the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education courses in a particular State for the prospective academic year(s). Once applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government. Moreover, in the above case, the appellant was required to pay the processing fee afresh under the new Regulations. While reprocessing the application, the Regional

Committee is free to ensure that the Norms and Standards as prescribed in 2014 Regulations for the teacher education programme applied for are complied with by the appellant before grant of recognition.

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

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

NOW THEREFORE, the Council hereby remands back the case of Modern College of Education, Village - Ankhir, Faridabad, Haryana to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Chairman, Modern College of Education, Village – Ankhir, Faridabad, Haryana – 121001.
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.



F.No.89-708/2016 Appeal/20th Meeting-2017
NATIONAL COUNCIL FOR TEACHER EDUCATION
 Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 20-11-2017

ORDER

WHEREAS the appeal of Sarasvati Devi College of Education, Pataudi, Gurgaon, Haryana dated 25.10.2016 is against the Order No. NRC/NCTE/NRCAPP-7024/255th Meeting/2016/156955 dated 30/08/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "the reply of the applicant institution to show cause notice of the NRC dt. 08/06/2016 was considered by the NRC and the Committee decided to refuse recognition as the Govt. of Haryana vide its order dt. 23/02/2016 has banned any fresh opening / recognition / increase intake of any D.El.Ed. course in the State of Haryana for the academic session 2017-18."

AND WHEREAS Shri. Narender Singh, President, Sarasvati Devi College of Education, Pataudi, Gurgaon, Haryana presented the case of the appellant institution on 23/02/2017. In the appeal and during personal presentation it was submitted that the appellant had applied on 31/12/2012 in response to applications invited from the State of Haryana and therefore the ground of rejection cannot be accepted in entirety. The Hon'ble High Court of Delhi in its order 24/11/2014 had clearly stated that input of State Government is relevant, but it cannot be accepted as "gospel truth". The aforesaid point has also been considered by the Division Bench of Principal Seat at Jabalpur vide order dated 17/07/2012 which the Committee is required to take into consideration. The applicant wishes to draw attention to the direction of Supreme Court to grant recognition to institutions seeking D.Ed. course in the State of Rajasthan which were refused on the same ground of negative recommendation of State Government, NRC, NCTE has granted recognition to such institutions in Rajasthan. The institution filed appeal in NCTE against refusal order dated 30/12/2015 and after consideration of all available documents and oral argument NCTE in its order no. F.No. 89-86/2016 Appeal/4th Meeting-2016 dated 18/04/2016 remanded back the case stating that the ground of

refusal does not appear to exit furthermore. The appellant is aggrieved that NRC, NCTE has again refused recognition on the same ground. The setting up of college infrastructure has put a lot of strain on financial resources of the trust and the college infrastructure has been lying waste since last so many years which would have been put to impart teacher education in rural area."

AND WHEREAS Appeal Committee noted that application dated 28.12.2012 seeking recognition for D.El.Ed. programme was under consideration of the N.R.C. for quite sometime. The appellant in reply to a Show Cause Notice (SCN) dated 02.03.2015 had also deposited the revised processing fee as per the NCTE Rules. Appeal Committee noted that recognition was first refused by the N.R.C. by issue of a refusal order dated 30.12.2015 and the Appeal Committee after considering the reasons stated therein had remanded back the case to N.R.C. by issue of an appellate order dated 18.04.2016. The negative recommendations of the State Government was one of the points adjudicated in that order. The N.R.C after issue of the appeal order again issued a Show Cause Notice on the point that Government of Haryana vide its order dated 29.03.2016 has decided not to recommend any opening or increase intake of any D.El.Ed. institution in Haryana for the year 2013-14, 2014-15, 2016-17 and 2017-18. The appellant in its reply to the Show Cause Notice had drawn the attention of N.R.C. to the appeal order dated 18.04.2016. The above appeal order in para 3 (iii) has addressed the issue of Negative recommendation of State Government and operative part of the order is reproduced below: *"The regulatory file of N.R.C. contains copy of a letter dated 29.06.2016 addressed to NCTE (HQ) by the N.R.C. seeking advice after pointing out that Government of Haryana, having imposed a blanket ban, will not consider individual cases and it will be a futile exercise for N.R.C. to write to the Government of Haryana. N.R.C. had also sought Legal opinion on this point wherein it was expressed that N.R.C. should not process pending applications as there is a specific order passed by Hon'ble Supreme Court of India in S.L.P no. 4247-4278/2009 dated 10/09/2013 that all pending applications shall be decided in accordance with new Regulations."*

AND WHEREAS the Committee in their meeting held on 30.01.2017 (i) wanted to know the action taken by the Council on a letter date 29.06.2016 of the N.R.C.

seeking guidance/clarification and (ii) suggested to seek legal opinion, if required. In the meanwhile, the appellant filed a W.P. (C) 9028/27 before the Hon'ble High Court of Delhi at New Delhi praying that directions may be issued to decide the appeal within an outer limit of three weeks. The Hon'ble High Court, taking on record the submission made by the counsel for the Respondent ordered that the appeal should be decided positively within an outer limit of three weeks and, disposed of the petition.

AND WHEREAS the legal opinion sought by the Council, which has since become available and was placed before the Committee on 26.10.2017.

AND WHEREAS further examining the matter, Appeal Committee could not find any reference on the file which may prove that NCTE (HQ) has issued any advice or clarified the points raised by the N.R.C. in its letter dated 29.06.2016. The N.R.C. letter dated 29.06.2016 contains a list of 17 such institutions, where the blanket ban imposed by the State Government on the opening of fresh teacher education institutions/courses, had formed basis of refusal. Legal opinion sought by N.R.C. relating to this says that N.R.C should not consider these applications or else it will open gates for the other colleges for considering their applications too without fulfilling the requisite formalities which will tantamount to violation of the laid down procedure. Subsequently, NCTE (HQ) has also obtained legal opinion on the issue as referred to in para 5 above. The crux of this Legal opinion is that recognition is granted prospectively under Section 15(3) (a) and as such it should be only after complying with the existing Regulations. Once the State Government gives its opinion and recognition is granted by NCTE, such grant attains supremacy vis-a vis the State Government as well as the affiliating body. The final authority to grant or refuse recognition rests with NCTE but State has a vital role to offer by way of properly commenting as and when its opinion is called for and NCTE should take into consideration the recommendations and views of the State despite the fact that it has the final say.

AND WHEREAS Appeal Committee is also of the view that when recommendations of the State Government under Clause 7 (4), (5) & (6) of the NCTE Regulations, 2014 are sought by the Regional Committee, the State

Government should assess the institution on individual merit basis and wherever it is not in favour of recognition, shall provide detailed reasons and grounds with necessary statistics. Appeal Committee noted that when the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education courses in a particular State for the prospective academic year(s). Once applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government. Moreover, in the above case, the appellant was required to pay the processing fee afresh under the new Regulations. While reprocessing the application, the Regional Committee is free to ensure that the Norms and Standards as prescribed in 2014 Regulations for the teacher education programme applied for are complied with by the appellant before grant of recognition.

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

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

NOW THEREFORE, the Council hereby remands back the case of Sarasvati Devi College of Education, Pataudi, Gurgaon, Haryana to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The President, Sarasvati Devi College of Education, V.P.O. – Janaula Pataudi, Gurgaon, Haryana – 122503.
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.