



F.No.89-223/E-120965/2019 Appeal/21st Mtg.-2019/9th July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

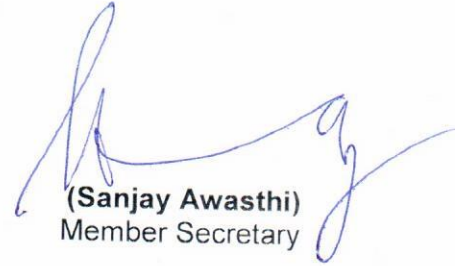
ORDER

WHEREAS the appeal of L.N. Patel Education College (M.Ed.), Kalyanpura, Kadi, Gujarat dated 06/06/2019 is against the Order No. WRC/APW04109/325035/113th/2008/50010 dated 21.01.2009 of the Western Regional Committee, cancelling recognition for conducting for M.Ed. Course on the request of appellant institution."

AND WHEREAS Sh. Patel Anil D., Professor and Sh. Patel Jatinbhai Z., Trustee, L.N. Patel Education College (M.Ed.), Kalyanpura, Kadi, Gujarat presented the case of the appellant institution on 09/07/2019. In the appeal and during personal presentation it was submitted that "The institution was not getting staff as per norms at the time of withdrawal of recognition. Now the institution is ready to fulfil all the requirements if the Council issues recognition."

AND WHEREAS Appeal Committee noted that appellant institution was permitted to cancel the recognition for M.Ed. course by issue of an order dated 21/01/2009. Cancellation was allowed on the written request made by appellant institution by its letter dated 18/12/2008. Appeal Committee noted that Norms and Standards for M.Ed. course have been revised twice in 2009 and 2014 after cancellation of the recognition. The request made by appellant institution to revive the recognition, after more than 10 years of its cancellation, is not permitted under the Regulations. The appellant institution is however, free to apply afresh for the course as and when NCTE issues notification inviting fresh applications for the course. The appeal filed by appellant being infructuous and delayed is not admitted.

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


(Sanjay Awasthi)
Member Secretary

1. **The Trustee, L.N. Patel Education College (M.Ed.), Kalyanpura, Kadi – 382165, Gujarat.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.



F.No.89-225/E-120953/2019 Appeal/21st Mtg.-2019/9th July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Balajee College of Education, Marupalli, Gajapathinagaram, Andhra Pradesh dated 04/06/2019 is against the Order No. SRO/NCTE/SRCAPP2685/B.Sc.B.Ed/AP/2019-101540 dated 27.02.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "the institution was issued a Show Cause Notice and subsequently a reminder was issued. They have not cared to respond till date. Taking adverse notice of their gross recalcitrance in a serious matter like this, the SRC in its 370th meeting on 8th February, 2019 decided to withdraw the recognition granted to them for running a B.A. B.Ed./B.Sc. B.Ed. programme. The FDRs may be returned only after completing the usual formalities."

AND WHEREAS Sh. R. Chandra Shekar, Secretary and Sh. K. Srinivasulu, Admin. Officer, Balajee College of Education, Marupalli, Gajapathinagaram, Andhra Pradesh presented the case of the appellant institution on 09/07/2019. In the appeal and during personal presentation it was submitted that "Reply by email was submitted."

AND WHEREAS Appeal Committee noted that impugned withdrawal order dated 27/02/2019 was issued by SRC on the ground that appellant institution has not replied to Show Cause Notice (SCN) dated 13/11/2018 and a reminder dated 04/01/2019. Appeal Committee further noted that S.C.N. dated 13/11/2018 was issued to appellant institution seeking (i) documents relating to creation of infrastructural facilities (ii)

documents relating to creation of instructional facilities, (iii) Approved list of faculty and (iv) Proof of F.D.Rs.

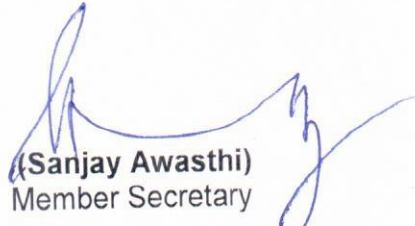
AND WHEREAS Appeal Committee noted that appellant's submission stating that reply to S.C.N. was submitted on 15/12/2018 through registered Email. Appellant further submitted zerox copy of a postal receipt as evidence of having sent a reply on 15/12/2018. Appeal Committee on analysis of this postal receipt observed that an envelope /parcel weighing 20 grams was sent to Northern Regional Committee. Postal charge of Rs. 22 was paid to postal authorities.

AND WHEREAS Appeal Committee noted that relevant regulatory file does not contain any reply to S.C.N. or reminder issued by S.R.C. to appellant institution. Appellant during the course of appeal hearing could not satisfactorily explain why the reply to S.C.N. was addressed to Northern Regional Committee knowing well that appellant institution falls under the administrative control of Southern Regional Committee (SRC). Appellant also failed to explain how the documents required by the S.C.N. could have weighed only 20 grams and why copies of all the documents were not furnished to S.R.C. when a reminder was also received after the S.C.N.

AND WHEREAS Appeal Committee after noting that appellant institution was given enough opportunities by the Regional Committee to satisfactorily explain the points of deficiencies and appellant institution has failed to do so, decided to confirm the impugned withdrawal order dated 27/02/2019.

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 dated 27/02/2019.

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


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Balajee College of Education, Marupalli, Main Road, Gajapathinagaram – 535270, Andhra Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.



F.No.89-226/E-120840/2019 Appeal/21st Mtg.-2019/9th July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Sri Jayajothi College of Education, Salem, Tamil Nadu dated 11/06/2019 is against the Order No. SRC/NCTE/APSO3708/104848 dated 03.06.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the Committee decided to withdraw the recognition granted to Sri Jayajothi College of Education, Door No. 7B, Pavadi Muniyappan Koil Street, 10th Ward, Tharamangalam, Salem District – 636502, Tamil Nadu for conducting B.Ed. course as the institution has not submitted any reply to the Show Cause Notice dt. 17.02.2017."

AND WHEREAS Sh. S. GnanaJothi, Member and Sh. M. Hari Babu, Advisor, Sri Jayajothi College of Education, Salem, Tamil Nadu presented the case of the appellant institution on 09/07/2019. In the appeal and during personal presentation it was submitted that "SRC issued Show Cause Notice on 17.02.2017 and has sent the notice to different address which is K.T. Educational Trust, No.73/2B2, Katpadi Road, Kondasamudram Village, Gudiyattam Post, Taluk, Vellore District, Tamilnadu. Address does not belong to us. Notice was sent to different Society address which is not at all related to our institution. Hence, we have not received any Show Cause Notice. Our institution is located in Salem District whereas Show Cause Notice is sent to Vellore District which is not at all related to our institution. SRC without verifying the facts has erroneously taken decision to Withdraw recognition of our institution. We are having all the required documents and facilities as per NCTE Regulations and Norms and Standards. We humbly request to kindly consider of our Appeal and strike down the Order of Withdrawal of Recognition issued by SRC."

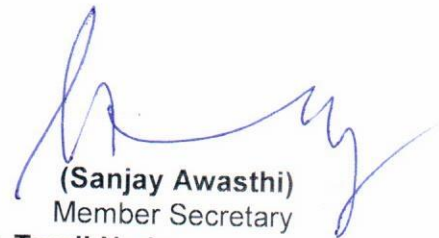
AND WHEREAS Appeal Committee noted that impugned order of withdrawal dated 03/06/2019 was issued by S.R.C. on the ground that appellant institution did not submit reply to Show Cause Notice (SCN) dated 17/02/2017. Appellant in its appeal

memoranda and oral presentation denied having received any Show Cause Notice. Appeal Committee on verification of relevant records observed that the S.C.N. dated 17/02/2017 was addressed to Correspondent, K.T. Educational Trust, No. 73/2B2 Katpadi Road, Kotasamudram Village, Vellore Dist. Tamil Nadu. The appellant institution was granted recognition at a different address and institution is located in Salem Dist. of Tamil Nadu.

AND WHEREAS Appeal Committee, therefore, is convinced with the appellant's logic that without having received the S.C.N. it was not possible for them to have replied to the S.C.N. Appeal Committee decided to set aside the impugned order of withdrawal dated 03/06/2019. S.R.C. is required to reissue the S.C.N. and ensure its delivery to appellant institution at correct address. Appellant institution on receipt of S.C.N. will be required to submit suitable reply to SRC which in turn is to be examined and case revisited accordingly.

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 order of withdrawal dated 03/06/2019. S.R.C. is required to reissue the S.C.N. and ensure its delivery to appellant institution at correct address. Appellant institution on receipt of S.C.N. will be required to submit suitable reply to SRC which in turn is to be examined and case revisited accordingly.

NOW THEREFORE, the Council hereby remands back the case of Sri Jayajothi College of Education, Salem, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Chairman, Sri Jayajothi College of Education, Salem – 636502, 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, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamil Nadu, Chennai.



F.No.89-100/E-110931/2019 Appeal/21st Mtg.-2019/9th July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Indira Gandhi Teachers Training Institute, Nowda Natunpara, Berhampur, West Bengal dated 16/03/2019 is against the Order No. ER-268.14(I).13 (Part-2)/ERCAPP273/B.Ed./2019/59602 dated 01.03.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Show Cause Notices were issued on 05.11.2018 and 15.12.2018. Faculty list is not in the NCTE prescribed proforma and not duly approved by the concerned affiliating body. Building Completion Certificate is not in the NCTE prescribed proforma. Photocopy of FDRs are not in joint operation mode. In view of the above, the Committee decided as under: The Committee is of the opinion that recognition granted to B.Ed. course of the application bearing Code No. ERCAPP273 is withdrawn under section 17(1) of NCTE Act, 1993 with effect from the academic session 2019-20."

AND WHEREAS Sh. D. Biswas, Representative and Kiran Haldar, Member, Indira Gandhi Teachers Training Institute, Nowda Natunpara, Berhampur, West Bengal presented the case of the appellant institution on 29/04/2019. In the appeal and during personal presentation it was submitted that the Applicant Society/Institution was granted recognition by ERC NCTE for B.Ed. course ERCAPP273 of Secondary level of one year duration with an annual intake of 100 (one hundred) from the academic session 2012 to 2013 under clause 7.11 of NCTE Regulations 2009, Vide Order No. ERC/7.ER.127.6.i.9/2011/10150, dated 30.01.2012. The Applicant Society/Institution was initially affiliated to University of Kalyani, Vide Order No. RPS/Aff.Col./71/974/2012/S 636.e, dated 13.08.2012 for the academic session 2012 to 2013, later

on it came under West Bengal University of Teachers Training Education Planning and Administration, WBUTTEPA Vide Order No. WBUTTEPA/RO/AFFL/226/2016, dated 13.05.2016, from the academic session 2016 to 2017 onward with an annual intake of 100 students, (two basic units). The Applicant Society/Institution has submitted all the requisite documents including affidavit/undertaking dated 22.01.2015 in compliance with the NCTE Regulation 2014. Besides, the ERC NCTE satisfied with all the documents and issued REVISED RECOGNITION ORDER for conducting B.Ed. Course ERCAPP273 of two years duration with an annual intake of 100 (two basic units), from the academic session 2015 to 2016, as per NCTE Regulation 2014, Vide Order No. F.ERC/NCTE/ERCAPP273/B.Ed. Revised Order/2015/32459, dated 30.05.2015. The Applicant Society/Institution has satisfied all the norms and standards for B.Ed. Course ERCAPP273, from time to time as laid down by NCTE Regulations 2009 and/or NCTE Regulation 2014 and is successfully running its 7th year i.e. 2012 to 2013, 2013 to 2014, 2014 to 2015, 2015 to 2016, 2016 to 2017, 2017 to 2018, 2018 to 2019, of B.Ed. Course from the academic session 2012 to 2013 onward, under University of Kalyani and/or West Bengal University of Teachers Training Education Planning and Administration, WBUTTEPA. The Applicant Society/Institution was also granted recognition by ERC NCTE for D.El.Ed Course ERCAPP-3716 of two years duration with an annual intake 100, two basic units, from the academic session 2016 to 2017, Vide Order No. F. No. ER 213.6.i.215/ERCAPP3716/D.El.Ed./2016/45997, dated 02.05.2016, running under the same Society, same name with same address, at the same Land and in the same building as a composite institute as per the NCTE Regulations, 2014. The Applicant Society/Institution always maintained every record on Faculty Appointments as per NCTE format duly approved by the concerned Universities, from time to time as per NCTE Regulation 2009 and/or NCTE Regulation 2014. However, the issue of Faculty Recruitments is a continuous process, and it required certain time on submission of the final data sheet. On 25th March 2019 they are having Faculty Selection Process against the vacant seats, date fixed by the University, WBUTTEPA. The Applicant Society/Institution, at present is in possession of 4736.34 Sq. Mts. i.e. 1.17 Decimal of Land and 4019.25 Sq. Mts. of Built Up Area in the name of Indira Gandhi Teachers Training Institute which satisfied the norms for composite institution as per NCTE

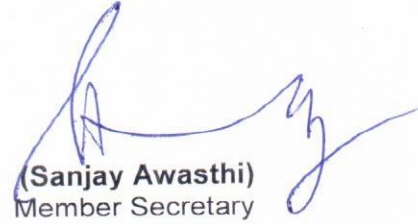
Regulation, 2014. Building Plan and Building Completion Certificate, BCC as per NCTE format duly approved by Shri Sujit Kumar Das, Sub Assistant Engineer, WBRDD, Nowda Dev. Block, Amtala, Murshidabad, Government of West Bengal. The Applicant Society/Institution constantly maintained FDRs, Endowment Fund and Reserved Fund, in Joint Operation Mode by Shri Sofiuzzaman, Saikh, Secretary, of Indira Gandhi Teachers Training Institute and Regional Director ERC NCTE, Bhubaneswar, as per NCTE Regulation 2009 and/or NCTE Regulation 2014, also concerned State Bank of India has issued letter dated 09.01.2019 to confirm the same. The Applicant Society/Institution, in its reply dated 20.11.2018 and 09.01.2019 against Show Cause Notice, Vide Letter No. ERC/7.262.14.7/B.Ed./ERCAPP273/2018/58231, dated 05.11.2018 and/or Letter No. ERC/7.264.14.26/B.Ed./ERCAPP273/2018/58668, dated 15.12.2018 issued by ERC NCTE Bhubaneswar, submitted in its written submission along with all relevant documents with a prayer of consideration, which was unfortunately not considered by ERC NCTE. ERC NCTE without consideration of the facts and documentations including affidavit/undertaking also compliance of NCTE Regulation 2014, withdrawn the Recognition Order of B.Ed. Course ERCAPP273, Vide Order No. F. No.ER 268.14.i.13. Part 2/ERCAPP273/B.Ed./2019/59602, dated 01.03.2019 with liberty to file an appeal Under Section 18 of the NCTE Act 1993. The Applicant Society/Institution submitted that due to such incorrect stand of ERC NCTE withdrawal of Recognition Order may disturb the entire academic environment of the institution also lost the opportunity to participate University Online Counselling process for the academic session 2019 to 2020. On account of it, the future of the Institute became totally uncertain. The Applicant Society/Institution presently having all the necessary documents including 1. Faculty List as per NCTE Format and approved by the concerned University. 2. Building Completion Certificate duly signed by Govt. Engineer and issued by competent authority. 3. FDRs in joint operation mode in accordance with the requirements set up by the ERC NCTE to establish its position and may satisfy the Hon'ble Appeal Committee in favour of the institution against such refusal.

AND WHEREAS the appellant, in a letter dt. 29/04/2019 submitted in the course of presentation, stating that the interviews for five faculty members were completed on 15/03/2019 but the university (WBUTTEPA) has not yet handed over the approved faculty list due to ongoing Lok Sabha Elections, requested another date after 23/05/2019 to produce the approved faculty list. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the second opportunity to present their case.

AND WHEREAS Sh. Diluar Biswas, Accountant and Sofiuzzaman Saikh, Representative, Indira Gandhi Teachers Training Institute, Nowda Natunpara, Berhampur, West Bengal presented the case of the appellant institution on 09/07/2019. Appeal Committee noted that appellant during the course of appeal hearing on 09/07/2019 submitted a list of faculty for the year 2019 – 20 containing the names of one Principal, 15 faculty and a librarian duly approved by West Bengal University of Teacher's Training, Education Planning and Administration. Appellant also submitted before Appeal Committee copies of Building Plan, Building Completion Certificate (BCC) and the F.D.Rs held in joint name with Regional Director, ERC as coholder. Appeal Committee decided that appellant is required to submit authenticated copies of all these documents to ERC within 15 days of the issue of Appeal order. Appeal Committee concluded to remand back the case to ERC for revisiting the matter, based on the submissions required to be made by appellant within 15 days, for issue of appropriate order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced, Appeal Committee concluded to remand back the case to ERC for revisiting the matter, based on the submissions required to be made by appellant within 15 days, for issue of appropriate order.

NOW THEREFORE, the Council hereby remands back the case of Indira Gandhi Teachers Training Institute, Nowda Natunpara, Berhampur, West Bengal to the ERC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Indira Gandhi Teachers Training Institute, Nowda Natunpara, Nowda, Berhampur – 742183, West Bengal.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.



F.No.89-110/E-111241/2019 Appeal/21st Mtg.-2019/9th July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Smt. Panni Devi Memorial Teacher Education College, Sujangarh, Rajasthan dated 16/03/2019 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/Sr. No. 420/Raj/2009 dated 08.03.2009 of the Northern Regional Committee, thereby returning the application for conducting for B.Ed. Course on the grounds that "the NCTE Hqtrs. Has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed./STC/Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."

AND WHEREAS Smt. Panni Devi Memorial Teacher Education College, Sujangarh, Rajasthan was asked to present the case of the appellant institution on 30/04/2019 but nobody appeared before Appeal Committee. In the appeal memoranda it is stated that "Institution has applied for grant of recognition of B.Ed. course to NCTE from 2009-10 on 31.10.2008 with required processing fees of Rs. 40000/- and other relevant documents. That instead of processing of the application for grant of recognition for B.Ed. course, NRC, NCTE had returned the application of this institution for grant of recognition of B.Ed. course on 08.03.2009. Being aggrieved from the action of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 5192/2019 in the Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court of Rajasthan, Jaipur has directed to petitioner to file an appeal to the Appellate Authority and Appellate Authority is directed to deal with same as expeditiously as possible, in accordance with law. Appellate Authority, NCTE had already decided by its order dated 16.10.2017 that "The ground of non-submission of application online cannot be held against the appellant at this stage and therefore, the matter deserve to remanded to the NRC for taking further

action as per the NCTE Regulations 2014" Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." It is prayed that the order for returning the application issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for B.Ed. course."

AND WHEREAS Sh. Pusaram, President, Smt. Panni Devi Memorial Teacher Education College, Sujangarh, Rajasthan presented the case of the appellant institution on 09/07/2019. Appeal Committee noted that appellant institution has filed a S.B. Civil Writs No. 5192/2019 in the High Court of Judicature for Rajasthan Bench at Jaipur. Hon'ble High Court by its order dated 13/03/2019 directed the petitioner to file an appeal and Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. The Committee noted that the submission of the appeal has been delayed by almost nine years beyond the period of sixty days prescribed under the Appeal Rules. The Committee noted that according to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under Section 14, Section 15 or Section 17 of the NCTE Act, 1993 may prefer an appeal to the Council within sixty days of issue of such orders. According to the Proviso to Rule 10, an appeal may be admitted after the expiry of the said period of sixty days, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the period of limitation of sixty days.

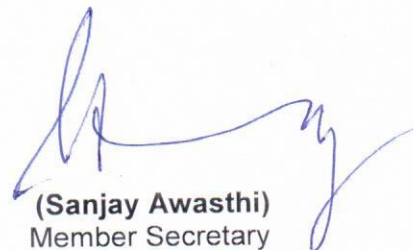
AND WHEREAS the Committee noted that the impugned letter of the NRC returning the application of the appellant was issued in the year 2009 and it is not an Order issued under any one of the Sections of the NCTE Act, 1993 mentioned in para 4 above. Notwithstanding this position, the appellant inordinately delayed making the appeal. The appellant has not given any reason whatsoever for the inordinate delay.

The Committee further noted that, a plain reading of the appeal reveals that, the submissions made therein have no relevance to the contents of the letter of N.R.C's.

AND WHEREAS Appeal Committee noted that the application filed by appellant was returned along with original documents and the processing fee. The incident occurred 10 years back was based on negative recommendations of the State Government. Appeal Committee does not find any justification to review the decision taken by NCTE simply on the ground that in a few similar cases where the applicants persisted with their applications which were resubmitted through orders of the Court were inadvertently processed by the Regional Committee. Appellant is however, free to make a fresh application seeking recognition for the course as and when NCTE issues a notification inviting applications in the state.

AND WHEREAS Appeal Committee noted that application of the appellant institution having been returned along with processing fee, there is virtually no existence of any case for the last nine years. Appeal Committee does not find any merit in the case of appellant institution necessitating review after 10 years.

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 there is no merit in the case of appellant institution necessitating review after 10 years.



(Sanjay Awasthi)
Member Secretary

1. The President, Smt. Panni Devi Memorial Teacher Education College, Sujangarh – 331507, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-816/E-96426/2018 Appeal/21st Mtg.-2019/9th July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of National College of Education, B-Block, Near Durga Mandir, Sirsa – 125055, Haryana dated 20.11.2018 is against the Order No. NRC/NCTE/NRCAPP-12947/289th Meeting/2018/197562 dated 12/10/2018 of the Northern Regional Committee, refusing recognition for conducting M.Ed. course on the following grounds: -

- “The Institute has to appoint one more Professor and Associate Professor each as per NCTE Regulations, 2014.”

AND WHEREAS Dr. Punam Miglani, Principal, National College of Education, B-Block, Near Durga Mandir, Sirsa – 125055, Haryana presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation the appellant submitted that the institution had submitted reply vide letter no. 7993 NCTE dated 30.08.2018 sent through speed post on 04.09.2018 and email on 30.08.2018 and not on 10.09.2018. An advertisement was published in the newspapers i.e. Utam Hindu dated 04.06.2018 and The Pioneer dated 05.06.2018. After the advertisement, the synopsis had been sent to Chaudhary Devi Lal University, Sirsa on 27.06.2018. A selection committee was deputed for conduct of an interview of Professor and Associate Professor for M.Ed., but due to technical reasons interview could not be conducted. The said post was re-advertised on 25.08.2018. Interview was conducted on 20.10.2018, but no suitable candidate was found. We are still in process for the appointment of Professor and Associate Professor. At present students of only M.Ed. 1st year will be admitted. So, we should be allowed to admit students this academic year, 2018. as the admission process for M.Ed., this year has not yet started. In the meantime, one more Professor and Associate Professor will be appointed.”

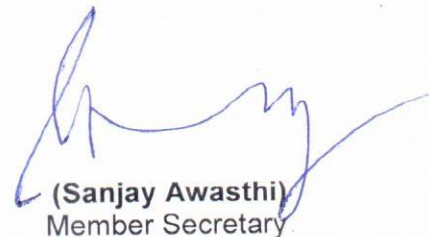
AND WHEREAS appellant during the course of appeal hearing on 31/01/2019 submitted a written request seeking another opportunity to present its case. Appeal Committee decided to grant another (second) opportunity to the appellant institution.

AND WHEREAS Dr. P. Miglani, Principal and Laxmi Narayan, Technical Assistant cum Head Clerk, National College of Education, B-Block, Near Durga Mandir, Sirsa – 125055, Haryana presented the case of the appellant institution on 01/05/2019 i.e. the second opportunity granted to them. The appellant, in their letter dt. 01/05/2019, submitting that sufficient number of applications were not received in response to re-advertisement and as soon as a selection committee is appointed by Choudhary Devi Lal University, Sirsa, the posts will be filled, requested for another opportunity. The Committee decided to give the appellant another opportunity i.e. the third and final opportunity to present their case.

AND WHEREAS Sh. Laxmi Narain, Technical Assistant appeared before Appeal Committee on 09/07/2019 and submitted that faculty selected with the help of nominees of the affiliating university has already been put forward for formal approved of affiliating university. Appellant further expressed that required approval in expected shortly. Appeal Committee as a special case allowed the appellant a chance to submit approval of affiliating university before the minutes are finalised. Appellant submitted the required approval of affiliating university on 12/07/2019. Appeal Committee, therefore, decided to remand back the case to N.R.C. for revisiting the matter. Appellant is required to submit a complete and comprehensive list of faculty to NRC 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 revisiting the matter. Appellant is required to submit a complete and comprehensive list of faculty to NRC within 15 days of the issue of Appeal order.

NOW THEREFORE, the Council hereby remands back the case of National College of Education, B-Block, Near Durga Mandir, Sirsa – 125055, Haryana to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Principal, National College of Education, B-Block, Near Durga Mandir, Sirsa – 125055, Haryana.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.



F.No.89-821/E-96504/2018 Appeal/21st Mtg.-2019/9th July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Utkarsh T.T. College, Hantra, NH-21, Nadbai – 321601, Rajasthan dated 18.11.2018 is against the Letter dated 23/03/2017 of the Northern Regional Committee, returning application for recognition for conducting D.El.Ed. course on the following grounds: -

- *"In cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."*

The appellant has not enclosed a copy of the order/letter against which this appeal has been preferred.

AND WHEREAS the appellant filed a S.B. Civil Writs No. 24230 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 30/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner; the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

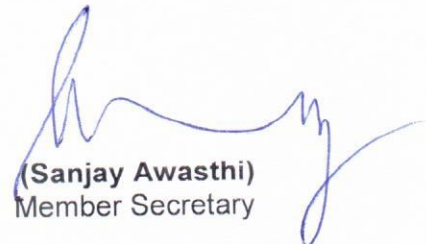
AND WHEREAS the appellant aggrieved by the Letter of the N.R.C. dt. 23/03/2017 returning their application, preferred an appeal and made the following submissions:-

"The NRC has grossly erred by refusing the application of your appellant on this ground since, this application was submitted on 27/10/2008 in accordance with the NCTE (Recognition, Norms & Procedure) Regulations 2007 (Notified on 10/12/2007 and in vogue till 30/08/2009). It is pertinent to mention that a majority of institutions of Rajasthan have approached the Hon'ble High Court of Rajasthan judicature at Jaipur/Jodhpur against the arbitrary negative recommendation of the State Govt. of Rajasthan relying whereupon the NRC has made mass refusal of. applications arbitrarily. Therefore, this application submitted in 2008 has been revived consequent upon the directions of the Hon'ble High Court. A number of certain identical matters where the institutions have filed appeal before the Appellate Authority at NCTE Hqrs., the decision of NRC have been reversed by the Hon'ble Appellate Authority while rejecting the ground of negative recommendation of the State Govt."

AND WHEREAS as per extant appeal rules, appellant institution was given three opportunities on 31/01/2019, 01/05/2019 and 09/07/2019 to present its case before the Appellate Authority but nobody from appellant institution turned up to present its case. Appeal Committee in its meeting held on 09/07/2019, therefore, considered the case exparte on merits.

AND WHEREAS Appeal Committee noted that appellant did not enclose with its appeal memoranda copy of the impugned letter stated to have been issued on 23/03/2017. Appellant also did not state any reason for delay in preferring appeal which as per extant appeal rules is required to be made within 60 days of the issue of impugned order. Appellant also did not enclose any acknowledgement receipt as evidence of its application having been received and processed in that office of Regional Committee.

AND WHEREAS relevant regulatory file cannot be located and referred to in the absence of reference number. Appeal Committee, therefore, decided that appeal filed by appellant is incomplete and infructuous and therefore, not acceptable.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Utkarsh T.T. College, Hantra, NH-21, Nadbai – 321601, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-822/E-96511/2018 Appeal/21st Mtg.-2019/9th July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Gurugram Teachers Training Institution, Housing Board, Shri Vijay Nagar – 335804, Rajasthan dated 18.11.2018 is against the Order No. NCTE/NRC/NRCAPP201616398/B.A.B.Ed./B.Sc.B.Ed. – 4 Years Integrated/RJ/2017-18 dated 12/09/2018 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the following grounds: -

“The reply dated 28.03.2018 submitted by the institution through online mode was considered by the NRC and the Committee noted that the State Government vide its letter dated 27.02.2017 has conveyed the negative recommendation in respect of the said institution.”

AND WHEREAS the appellant aggrieved by the Order of the N.R.C. dt. 12/09/2018 refusing their application, preferred an appeal and made the following submissions:-

“In consonance with the NCTE (Recognition Norms & Procedure) Regulation 2014 in-vogue/notified since 27/11/2014 and the Norms & Standards for B.A. B.Ed./B.Sc.B.Ed.-4-year integrated Course (Appendix-13) annexed thereto before submission of online application to NRC, NCTE, Jaipur on 26/06/2016 for grant of recognition, the NOC has been issued by the Affiliating University viz. Maharaja Ganga Singh University, Shri Ganganagar, Rajasthan vide its letter dated 24/03/2018. The NRC has grossly erred by rejecting the application and refusing recognition of the appellant citing the negative recommendation of the State Govt. vide its letter dated 27.02.2017. It is worthwhile to mention that on the one hand NRC has rejected the application for B.A.B.Ed./B.Sc.B.Ed. course of the appellant's

institution citing the negative recommendation of the State Government whereas simultaneously on the other hand the appellant's society has already been granted recognition by the NRC, NCTE Jaipur for two years duration B.Ed. course with an annual intake of 100 vide its order dated 12 May. 2017. It may be noted that the recommendation of the State Government is not compelling over the Regional Committee. The Regional Committee has to consider the recommendation on its own merits. Ultimately the Regional Committee has to decide the matter in accordance to the NCTE Act, Rules and Regulations as per its own consciousness".

AND WHEREAS Gurugram Teachers Training Institution, Housing Board, Shri Vijay Nagar – 335804, Rajasthan was asked to present the case of the appellant institution on 31/01/2019, 01/05/2019 and 09/07/2019 respectively. The appellant did not appear before Appeal Committee for making personal presentation of its case. As per extant appeal rules, three opportunities were provided to appellant. Appeal Committee in its meeting held on 09/07/2019 decided to consider the case *exparte* on merits.

AND WHEREAS Appeal Committee noted that as per Clause 5 (3) of NCTE Regulation, 2014 application shall be submitted online alongwith N.O.C. issued by concerned affiliating body. Appellant in the instant case did not submit with its application the N.O.C. for which its application was rejected for the first time by issue of an order dated 02/05/2017. Appeal Committee noted that appellant institution filed a S.B. Civil Writ No. 14969/2017 in the High Court of Judicature for Rajasthan at Jodhpur and the Hon'ble High Court by its order dated 17/02/2018 referring to a N.O.C. received on 05/04/2017 directed the respondent authority to reconsider the case.

AND WHEREAS Appeal Committee noted that appellant institution at no stage had furnished N.O.C. issued by affiliating body which is required to be submitted in original. Appeal Committee further noted that Commissioner for College Education, Rajasthan in its letter dated 27/02/2017 had enclosed a list which contains the name of

appellant institution with remarks as 'not recommended'. Appellant has also failed to appear before the Appellate Authority to substantiate its claim of having obtained NOC from affiliating body and its subsequent submission to the Regional Committee. Recommendations of the affiliating university, being examining body, are absolutely essential in the case. The negative recommendation of the State Government also cannot be ruled out without adequate reason which the appellant has failed to furnish.

AND WHEREAS Appeal Committee decided to confirm the impugned refusal order dated 12/09/2018.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned refusal order dated 12/09/2018.

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Gurugram Teachers Training Institution, Housing Board, Shri Vijay Nagar – 335804, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-516/E-83159/2018 Appeal/21st Mtg.-2019/9th July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Satyam College of Education, Women's B.Ed. College, Zadeshwar, Tapovan Campus, Nilkanth Mahadev Road, Bharuch, Gujarat dated 17/07/2018 is against the Order No. WRC/323026/Guj./293rd/2018/198736 dated 22/06/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Consequent to the issue of revised Recognition order, Show Cause Notice dated 08.11.2017 was issued. The institution replied vide letter dated 22.11.2017. however, the institution has not submitted the staff profile approved by the competent authority. It has also not submitted Building Completion Certificate from Government Engineer and FDR for Rs. 12.00 lakhs. Hence, Recognition is withdrawn from the next academic session 2018-19. FDRs, if any, be returned."

AND WHEREAS Sh. Dineshbhai Pandya, Managing Trustee and Ms. Jagriti Pandya, Director, Satyam College of Education, Women's B.Ed. College, Zadeshwar, Tapovan Campus, Nilkanth Mahadev Road, Bharuch, Gujarat presented the case of the appellant institution on 05/10/2018. In the appeal and during personal presentation it was submitted that "Copy of staff profile of qualified teaching staff appointed by the institution for the session 2015-16, 2016-17 and 2017-18 duly approved by the affiliating body has been already submitted. But it was not in prescribed proforma. Now, the list in prescribed proforma is submitted. Building Completion Certificate issued by Zadeshwar Village Panchayat was previously submitted. Duly notarized BCC issued by the Government Engineer Bharuch, R and B Division is produced. We have FDR of Rs. 12,00,000/- Copy of the said FDR is attached."

AND WHEREAS during appeal hearing on 05/10/2018 and 18/02/2019, appellant submitted written request seeking another opportunity to present its case. Appeal Committee decided to grant another (third & final) opportunity to the appellant.

AND WHEREAS Sh. Dineshbhai Pandya, Managing Trustee and Ms. Jagriti Pandya, Director, Satyam College of Education, Women's B.Ed. College, Zadeshwar, Tapovan Campus, Nilkanth Mahadev Road, Bharuch, Gujarat presented the case of the appellant institution on 01/05/2019 i.e. the third and final opportunity granted to them. The appellant in their letter dt. 01/05/2019, stating that Veer Narmad South Gujarat University in their letter dt. 26/04/2019, informed them that approval of staff will be in processed after the completion of the elections, requested one more opportunity, as a special case, to present their case.

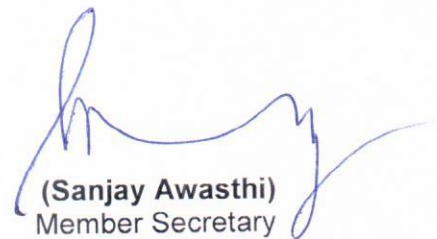
AND WHEREAS Sh. Dineshbhai Pandya, President and Ms. Jagruti Pandya, Director of the appellant institution, appeared before Appeal Committee on 09/07/2019 and submitted a list of faculty containing the names of 1 Principal and 13 faculty recommended for appointment on regular basis. Appellant also submitted a letter dated 09/07/2019 seeking approved for continuation of one basic unit (50 seats) of the B.Ed. course.

AND WHEREAS Appeal Committee after noting the submission made by appellant during appeal hearing decided to remand back the case to WRC for revisiting the matter for continuation of recognition of B.Ed. course with an intake of one unit (50 seats). Appellant is required to submit to WRC its formal request for continuation of recognition for one unit and the list of faculty approved by affiliating university 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 WRC for revisiting the matter for continuation of recognition of B.Ed. course with an intake of one unit (50 seats). Appellant is required

to submit to WRC its formal request for continuation of recognition for one unit and the list of faculty approved by affiliating university within 15 days of the issue of appeal order.

NOW THEREFORE, the Council hereby remands back the case of Satyam College of Education, Women's B.Ed. College, Zadeshwar, Tapovan Campus, Nilkanth Mahadev Road, Bharuch, Gujarat to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Director, Satyam College of Education, Women's B.Ed. College, Zadeshwar, Tapovan Campus, Nilkanth Mahadev Road, NH. No.8, Bharuch – 392011, Gujarat.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.



F.No.89-29/E-102693/2019 Appeal/21st Mtg.-2019/9th July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Mahadev P.G. College, Bariyasanpur, Chiraigaon Block, Ghazipur Road, Sadar, Uttar Pradesh dated 11/01/2019 is against the Order No. NCTE/NRC/NRCAPP201616334/Master of Education [M.Ed.]/UP/2017-18/2; dated 11.04.2017 of the Northern Regional Committee, refusing recognition for conducting for M.Ed. Course on the grounds that "reply received on 24.03.2017 from the institution in reference to the Show Cause Notice of NRC, along with the original file of the institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines of NCTE published from time to time were carefully considered by NRC and following observation was made:- NOC from the affiliating body for the proposed course is still not submitted. The institution has still not submitted the certified registered land documents issued by the Registering Authority or civil authority concerned. The institution only submitted the decree order and the copies of Khatauni. B.Ed. is running under the name & style of Mahadev Mahavidyalaya whereas the applicant institution for M.Ed. course is Mahadev PG College. 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. Ajai Kr. Singh, Manager and Sh. Piyush Kumar, Representative, Mahadev P.G. College, Bariyasanpur, Chiraigaon Block, Ghazipur Road, Sadar, Uttar Pradesh presented the case of the appellant institution on 09/07/2019. In the appeal and during personal presentation it was submitted that "NOC has already been submitted at the time of depositing application form. NOC was submitted on 24/03/2017 and again on 10/4/2017. Certified copies of land document issues by the competent authority concerned have already been submitted at the time of depositing application form. These certified copies were submitted on 24/3/2017 and

again on 10/4/2017. M.ED. is a post graduate degree and therefore applicant institution which is running under the name and style of Mahadev Mahavidyalaya has said it Mahadev P.G. College.”

AND WHEREAS Appeal Committee noted that appellant institution filed a L.P.A. 384/2019 & C.M. Application no. 26973 of 2019 in the Hon'ble High Court of Delhi at New Delhi. Hon'ble High Court by its order dated 31/05/2019 has directed as under :-

“We prima facie feel that there is no error in the said order but in the peculiar facts and circumstances of this case, interest of justice require that at least a hearing on merit of the appeal should be granted to the appellant/petitioner and therefore without setting any precedent, we direct that on the appellant/petitioner filing in a certified copy of this order along with relevant documents, the appeal be taken up for hearing and decided on merit in accordance with law within six weeks.

We may indicate that we have not gone into the merits of the issue in question and it is exclusively for the appellate authority to examine various aspects and decide the appeal. Consequently, order dated 26.04.2019 passed by National Counsel for Teacher Education dismissing the appeal on the ground of delay in set aside.

In view of the aforesaid observation, the appeal stands disposed of pending application also stands disposed of.”

AND WHEREAS Appeal Committee noted that impugned refusal order dated 11/04/2017 was issued based on the following deficiencies:-

- (a) N.O.C. from the affiliating university for proposed course still not submitted.
- (b) Certified registered land documents issued by Registering Authority still not submitted.
- (c) B.Ed. is running under the name Mahadev Mahavidyalaya whereas the applicant institution for M.Ed. course is Mahadev P.G. College.

AND WHEREAS Appeal Committee noted that as per Clause 5 (3) of NCTE Regulations, 2014, No Objection Certificate issued by affiliating university is required to be submitted alongwith application. Further under Clause 8 (4) (i) no institution shall

be granted recognition unless the society sponsoring the institution or the institution is in possession of required land on the date of application. The land free from the encumbrances shall be on ownership basis. Clause 8 (4) (iii) mentions that the society sponsoring the institution shall be required to transfer and vest the title of land and building in the name of institution within a period of six months and Clause 8 (5) mentions that for the purpose certified copy of land ownership issued by registering authority shall be furnished.

AND WHEREAS Appeal Committee noted that appellant institution did not submit (i) N.O.C. issued by affiliating university and (ii) certified copy of registered land document alongwith its application dated 13/06/2016. Show Cause Notice (SCN) dated 02/03/2017 issued to appellant institution inter-alia mentioned the above deficiencies. Appellant in its submission made before Appeal Committee on 09/07/2019 stated that N.O.C. was submitted on 10/04/2017 and land related documents were submitted again on 24/03/2017. Appeal Committee observed that NRC in its 267th Meeting held from 5th to 7th April, 2017 had taken a decision to refuse recognition taking into account (i) the non-submission of N.O.C. (ii) non submission of certified copy of land documents (iii) B.Ed. is running under the name of Mahadev Mahavidyalaya whereas applicant institution for M.Ed. course is Mahadev P.G. College. The land documents stated to have been submitted on 24/03/2017 comprise of certified copy of Decree and Khatoni and these documents do not constitute the 'Registered Sale Deed' i.e. the documents required.

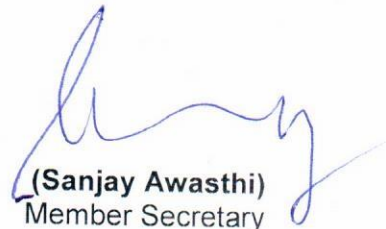
AND WHEREAS Appeal Committee noted that Hon'ble High Court in its order dated 31/05/2019 has not found any error in the earlier Appeal order dated 26/04/2019 in which the appeal preferred by appellant on 11/01/2019 was not admitted on grounds of delay.

AND WHEREAS going by merits of the case, Appeal Committee observed that appellant was given an opportunity by issue of S.C.N. dated 02/03/2017 to submit required documents such as N.O.C. and land documents within 21 days and the

decision taken by NRC in its 267th Meeting held from 5th to 7th April, 2017 was after the expiry of said additional time and opportunity. Appeal Committee decided to confirm the impugned refusal order dated 11/04/2017.

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 11/04/2017.

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


(Sanjay Awasthi)
Member Secretary

1. The Manager, Mahadev P.G. College, Bariyasanpur, Chiraigaon Block, Ghazipur Road, Sadar - 221112, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.



F.No.89-506/E-82526/2018 Appeal/21st Mtg.-2019/9th July, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Janta Adarsh Mahavidyalaya, Mubarakpur, Mohammdabad, Ghazipur, Uttar Pradesh dated 20/07/2018 is against the Order No. NRC/NCTE/NRCAPP-9477/261st Meeting/2016/164495 dated 04.01.2017 of the Northern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "and whereas, the institution submitted reply of Show Cause Notice vide letter dated 26.10.2016 which was considered by NRC in its 261st Meeting held on 14th to 19th December, 2016. The Committee observed that the letter dated 28.07.2016 reveals. (1) The institution submitted lists of faculty dt. 20.05.2015 claimed to have been approved by the affiliating university on the basis of which it was granted recognition by NCTE to run the B.Ed. course. (2) The affiliating university i.e. Veer Bahadur Singh Purvanchal University, Jaunpur made a complaint vide its letter dt. 28.07.2016 received in NRC office on 07.08.2016 against some institutions including the present one that the list of faculty claimed to have been approved by the affiliating university on 20.05.2015 has not been issued by the university and the university approved the list only on 14.07.2015. (3) The institution has thus submitted a fake list of faculty for seeking grant of recognition. (4) The list of faculty dt. 14.07.2015 submitted by the institution vide its letter received in NRC office on 26.10.2016 in response to SCN dt. 01.09.2016 cannot be accepted now since institution was granted recognition for B.Ed. course by NRC on 29.05.2015 for which institution submitted the fake list of faculty. The Committee, therefore, decided to withdraw the recognition of the institution for B.Ed. course under Section 17 of the NCTE Act, 1993 from the end of the academic session next following the date of order of withdrawal."

AND WHEREAS Sh. Arvind Singh, President and Sh. Uday Pratap Singh, Representative, Janta Adarsh Mahavidyalaya, Mubarakpur, Mohammdabad, Ghazipur, Uttar Pradesh presented the case of the appellant institution on 09/07/2019. In the appeal and during personal presentation it was submitted that "Approval of faculty as obtained by VBS University, Jaunpur after following due procedure and the approval of the staff was obtained by the University on 20.05.2015. After issue of Letter of Intent to our institution on 17th January 2015, our society published an advertisement for appointment of staff and simultaneously wrote a letter to nominate the expert to the Selection Committee. After following due procedure, the staff list of our Institution was approved by the University on 25.05.2015. As some of the appointed faculty did not assume charge, a fresh consolidated faculty list was approved by the University on 14.07.2015. The letter dated 28.07.2016 of the University is totally contradictory statement, as the staff list has been approved by the University on 20.05.2015 and 14.07.2015. The University had written the letter about many institutions under its purview, which preferred an Appeal before the Appellate Authority and the Appellate Authority after considering their representations remanded back the cases back to NRC."

AND WHEREAS Appeal Committee noted that appellant institution aggrieved by the Appellate order dated 27/03/2019 had filed a Writ Petition (C) No. 6641 of 2019 and APPL28063 OF 2019 in the High Court of Delhi at New Delhi and the Hon'ble Court vide order dated 01/06/2019 permitted the petitioner to participate in the exercise of counselling for the academic session 2019-20 of B.Ed. course which is stated to be underway. The verdict of the court was on the ground that by Appellate order dated 27/03/2019 the appeal dated 27/07/2018 was not admitted on delay grounds and was not decided on merits.

AND WHEREAS Appeal Committee noted that NCTE Act and rules framed thereunder has specific provisions laying down the procedure and time limit for preferring appeal against orders issued under Section 14, Section 15 and Section 17 of the Act. In cases where the appellant fails to prefer appeal within the prescribed time limit of 60

days, the Council has to be satisfied by the appellant that sufficient cause proportionate to the period of delay existed preventing the appellant to file appeal. Apparently in the present case the appellant was not able to justify the delay of more than 16 months over and above the 60 days time allowed for making appeal.

AND WHEREAS coming on to the merits, Appeal Committee noted that a Letter of Intent (L.O.I.) dated 17/01/2015 was issued to applicant institution seeking compliance on certain points including appointment of faculty selected with the approval of affiliating university within 2 months. Appellant institution by its letter dated 22/05/2015 submitted to the NRC, compliance report which included a letter dated 20/05/2015 purported to have been issued by Veer Bahadur Singh Purvanchal University, Jaunpur conveying approval to the selection and appointment of a Head of Department and seven lecturers. The format containing the particulars of H.O.D. and faculty members which is also required to be certified by affiliating university was not certified and countersigned by the affiliating university.

AND WHEREAS based on the compliance report dated 22/05/2015 submitted by applicant institution, an order dated 29/05/2015 was issued granting recognition for conducting B.Ed. course with an intake of 2 units (100 seats).

AND WHEREAS Appeal Committee further noted that Affiliating University i.e. Veer Bahadur Singh Purvanchal University by its letter dated 28/07/2016 informed Northern Regional Committee (NRC) that faculty approval to applicant institution was given on 14/07/2015 whereas recognition order by N.R.C. was given on 29/05/2015. On receipt of this information from the affiliating body, appellant institution was issued a Show Cause Notice (SCN) dated 01/09/2016 on the grounds that list of faculty submitted by it for obtaining recognition was fake.

AND WHEREAS Appeal Committee noted that appellant in reply to the S.C.N. dated 01/09/2016 submitted another letter dated 14/07/2015 issued by Veer Bahadur

Singh Pruvanchal University, Jaunpur conveying approval of the seven selected faculty. This letter does not contain the name of Head of Department and is deficient to that extent. Appellant in its reply to SCN did not clarify the reason for submitting letter dated 20/05/2015 of the university which subsequently was stated to have not been issued by Veer Bahadur Singh Purvanchal University. The impugned order of withdrawal was therefore, in view of the misconduct of appellant institution for submitting a fake letter of date 20/05/2015 of the affiliating university.

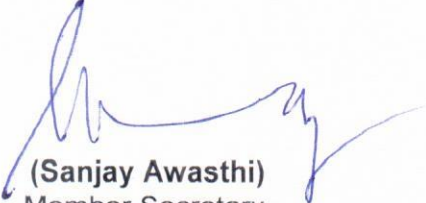
AND WHEREAS Appeal Committee further noted the submission made by appellant stating that staff list was approved by university on 20/05/2015 and 14/07/2015. Appellant however, inspite of delaying its appeal for 16 months could not submit any evidence in support of its above claim by means of a clarificatory letter from the university.

AND WHEREAS Appeal Committee invites attention to Clause 7 (3) of the NCTE Regulation, 2014 which provides that *"Furnishing any false information or concealment of facts in the application, which may have bearing on the decision making process of the decision pertaining to grant of recognition, shall result in refusal of recognition of the institution besides other legal action against its management. The order of refusal of recognition shall be passed after giving reasonable opportunity through a show cause notice to the institution."*

AND WHEREAS Appeal Committee taking into consideration the SCN dated 01/09/2016 issued to appellant institution and its reply dated 25/10/2016 given by the petitioner institute decided to confirm the impugned order of withdrawal dated 04/01/2017.

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 order of withdrawal dated 04/01/2017.

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



(Sanjay Awasthi)
Member Secretary

1. The Manager, Janta Adarsh Mahavidyalaya, Mubarakpur, Mohammdabad, Ghazipur – 233222, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.