165446/2020/Appeal Section-HQ

(1)

F.No.89-117/E-158890/2020 Appeal/17th Mtg.-2020/1st September, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 29/09/2020

ORDER

WHEREAS the appeal of Education College, Basantapur, Domkal, Murshidabad, West Bengal dated 28/03/2020 is against the Order No. ERC-278.76/APP01093/M.Ed./2020/62267 dated 05.02.2020 of the Eastern Regional Committee, withdrawing recognition for conducting for M.Ed. Course on the grounds that "qualification of 7 Assistant Professor, 2 Associate Professor is not as per Appendix-5 of NCTE Regulation, 2014. Original FDRs of Rs. 5 lakh and Rs. 7 lakh has not submitted."

AND WHEREAS Sh. Shankar, Principal, Education College, Basantapur, Domkal, Murshidabad, West Bengal presented online the case of the appellant institution on 01/09/2020. In the appeal and during online presentation it was submitted that "5 Assistant Professors have Master Degree in School subjects, M.Ed., and Ph.D/Net/Set. Qualification of other Assistant Professors and Associate Professors are as per Appendix-5 of NCTE Regulation, 2014 and approved by the concerned University. Though the appellant has no deficiency it floated advertisement on 26.01.2020 & 22.02.2020 and requested the affiliating university for approval and countersigning. The affiliating university did not proceed due to outbreak of covid-19. FDRs of Rs. 3 lakh and Rs. 5 lakh (in joint account) was submitted to ERC, NCTE vide memo no. 149 dated 20.10.2014. ERC, NCTE returned the FDRs of Rs. 3 lakh and Rs. 5 lakh with the remark that the converted FDRs were noted as per para 6 of explanatory note of ERC, NCTE memo no. 29332 dated 07.01.2015 the appellant is not to make FDRs of more than Rs. 8 lakh. Though the appellant has no deficiency in FDRs the appellant made additional

FDRs of Rs. 4 lakh on 21.03.2020 totalling Rs. 12 lakh toward reserve fund and endowment fund."

AND WHEREAS Appeal Committee noted that appellant institution is conducting M.Ed. programme since 2009. Appeal Committee noted that for an intake of 50 students of M.Ed. Course, an institution is required to possess one Principal, two Professors, two Associate Professors and six Assistant Professors. Professors, Associate Professors and Assistant Professors are required to possess:-

(a) Post graduate degree with 55 % marks in relevant area of displine.

(b) Post graduate degree in Education (M.Ed./M.A. Education) with 55 % marks.

(c) Any other qualification prescribed by U.G.C.

AND WHEREAS Appeal Committee noted that appellant institution had complied with the requirement of Show Cause Notice except faculty with required percentage of eligibility marks, Appellant institution has made efforts by requesting affiliating university on 22/02/2020 to arrange faculty interview. The process of selection, appointment and replacement of few of the faculty members have got delayed due to spread of Covid – 19 pandemic. Appeal Committee, therefore, finds it fit to allow time to appellant institution to resubmit the list of faculty, within 15 days of the issue of appeal order, strictly in accordance with the Regulations. Appeal Committee decided to remand back the case to ERC for revisiting the matter on the basis of faculty list which the appellant institution is required to submit within 15 days of the issue of appeal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and online presentation of appellant, Appeal Committee concluded to remand back the case to ERC for revisiting the matter on the basis of faculty list which the appellant institution is required to submit within 15 days of the issue of appeal order.

NOW THEREFORE, the Council hereby remands back the case of Education College, Basantapur, Domkal, Murshidabad, West Bengal to the ERC, NCTE, for necessary action as indicated above.

The above decision is being communicated on behalf of Appeal Committee.

(T. Pritam Singh)
H.O.D.

1. The Principal, Education College, Basantapur, Domkal, Murshidabad – 742406, 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, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.

165446/2020/Appeal Section-HQ

(5)

F.No.89-121/E-158950/2020 Appeal/17th Mtg.-2020/1st September, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 29/09/2020

ORDER

WHEREAS the appeal of Government College of Physical Education, Kulundi, Jamankrira, Sambalpur, Orissa dated 26/10/2019 is against the Order No. ER-275.14.89/(OR-S/N-1/2000)/B.P.Ed./2019/61423 dated 28.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.P.Ed. Course on the grounds that "faculty list comprises 1+3, which is less as per NCTE Regulations, 2014 for running 100 intake of B.P.Ed. Course."

AND WHEREAS Dr. Santanu Kumar Mishra, Principal, Government College of Physical Education, Kulundi, Jamankrira, Sambalpur, Orissa presented online the case of the appellant institution on 01/09/2020. In the appeal and during online presentation it was submitted that "In pursuance to the sports and youth services Department, Government of Orissa, order no 9110(3)/sys dt. 25.09.2019, the college authority had engaged two number of guest faculties of lecturers in Government College of Physical Education, Sambalpur, Kulundi. Further, the Department moved the Orissa Public Service Commission to fill up two sanctioned strength members in the post of lecturers. The sports and youth services Department, Government of Orissa, has moved the Finance Department, Orissa for enhancement of earliest sanctioned strength by way of adding more number of faculty so as to reach the strength stipulated as per NCTE guidelines, 2014. The present teaching faculty position is 1+ 5 6, which is in lieu with the sanctioned strength of 50 intake of B.P.Ed. students as per Government order no 6025/sys dt. 13.07.2015."

AND WHEREAS Appeal Committee noted that as per NCTE Regulation, 2014 (Appendix – 7) an institution conducting B.P.Ed. programme with an intake of 100 seats is required to possess:-

Principal	-	1
Associate Professor	-	2
Assistant Professor	-	6

Sports Trainer	-	3 (Part time)
Yoga Trainer	-	1 (Part time)
Dietician	-	1 (Part time)

In addition, institution should appoint 3 Assistant Professors (Part time), if needed.

AND WHEREAS Appeal Committee noted that appellant institution is a Government College of Physical Education and the appointment of faculty is done through Orissa Public Service Commission. Appellant has informed Appellate Authority that it has now full faculty approved by Registrar, Sambalpur University. Appeal Committee noted from the list of faculty furnished by appellant institution that it contains the name of one Principal, two Associate Professors, six Assistant Professors, three Sports Trainers (Part time), One Yoga Trainer and one Dietician (Part time). Appeal Committee decided that appellant institution is required to submit to ERC within 15 days of the issue of appeal orders the list of faculty approved by affiliating body. Appeal Committee further decided to remand back the case to ERC for revisiting the matter.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during online presentation of appeal, Appeal Committee concluded to remand back the case to ERC for revisiting the matter.

NOW THEREFORE, the Council hereby remands back the case of Government College of Physical Education, Kulundi, Jamankrira, Sambalpur, Orissa to the ERC, NCTE, for necessary action as indicated above.

The above decision is being communicated on behalf of Appeal Committee.

(T. Pritam Singh)
H.O.D.

1. The Principal, Government College of Physical Education, 216/109, Kulundi, National Highway 53, Jamankrira, Sambalpur – 768112, Orissa.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Orissa, Bhubaneswar.

165446/2020/Appeal Section-HQ

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F.No.89-123/E-158941/2020 Appeal/17th Mtg.-2020/1st September, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 29/09/2020

ORDER

WHEREAS the appeal of Kakinada College of Education, Valsapakala, Kakinada, East Godavari, Andhra Pradesh dated 22/06/2020 is against the Order No. SRO/NCTE/APSO7535/B.Ed/AP/2019/113617 dated 15.01.2020 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the institution obtained the recognition for the B.Ed. programming showing the building meant for Public School. They have not made any attempt to construct the exclusive building for Teacher Education Programme. The LUC submitted by the institution where Land Area not reflecting. The NEC submitted notarized copy the institution is shows village Vakalapudi and claimant name is not mentioned. The institution submitted notarized copy of building plan which is not readable. The BCC submitted by the institution was not in prescribed format. The institution has not appointed the faculty of Performing Arts."

AND WHEREAS Dr. D.R. Rama Rao, Secretary & Correspondent, Kakinada College of Education, Valsapakala, Kakinada, East Godavari, Andhra Pradesh presented online the case of the appellant institution on 01/09/2020. In the appeal and during online presentation it was submitted that "Appellant institution submitted application to the SRC, NCTE for starting the B.Ed. course and also submitted documents as per the NCTE Regulations. SRC, NCTE after conducting the expert visit and verifying the Appellant infrastructural and instructional facilities vide its order issued LOI and directed the appellant to get the staff approval, etc. SRC after scrutiny of the documents and all relevant factors granted permission vide its order dated 12.04.2007

for running the B.Ed. Course with annual intake of 100 students. It is relevant to state that the lease deed was permitted while setting up the college. A true copy of the recognition order dated 12.04.2007 is annexed. NCTE issued Revised Regulation 2014 and the revised order of recognition vide its letter dated 06.05.2015 for 100 thereafter SRC vide its corrigendum dated 24.10.2015 permitted the institution for One unit of 50 intake. It is relevant to state that for One Unit there was no need of extra infrastructure as per the new Regulation. A true copy of the Corrigendum dated 24.10.2015 is annexed. It is submitted that the SRC, NCTE thereafter decided to issue a show cause notice to the institution for non-compliance of the regulation 2014 and accordingly issued show cause notice dated 31.01.2019. It is submitted that the institution vide its letter dated 23.02.2019 submitted compliances alongwith all the documents. A True Copy of the Compliance dated 23.02.2019 is being annexed. It is submitted that surprisingly the SRC, NCTE without verifying the documents submitted by the institution, issued another show cause notice dated 30.07.2019. A True Copy of the Show Cause dated 30.07.2019 is being annexed herewith. It is submitted that the institution vide its letter dated 31.08.2019 submitted all the documents once again to the SRC. A True Copy of the Letter dated 31.08.2019 are being annexed. It is submitted that the SRC, NCTE vide its withdrawal order dated 15.01.2020 withdrew the recognition of the Appellant institution on the grounds without giving any opportunity to the institution. 14. That the institution is again submitting the documents before this Committee as were found under deficiencies of the SRC in its withdrawal order. The following documents are being submitted. a. Certified Copy of the Original Land Documents. b. Approved Building Plan in English. c. Approved Site Plan. d. Translated Copy and Copy of the NEC. e. BCC in prescribed format f. Faculty list including Performing Arts along with qualification approved by the affiliating body. It is submitted that the SRC withdrew the recognition of the Appellant Institution pointing out certain other point also which was not a part of show cause notice and Appellant had no opportunity to justify."

AND WHEREAS Appeal Committee noted that appellant institution was granted recognition to conduct B.Ed. programme in the year 2007 with an intake of 100 seats. Subsequent to issue of revised recognition order dated 06/05/20015 under NCTE

Regulation, 2014 intake granted was reduced to 50 seats by a corrigendum dated 24/10/2015. Appeal Committee noted from the relevant file that for seeking first recognition order dated 12/04/2007, appellant institution had mentioned that it possesses land measuring 3 acre with a built up area of 22781 sq. feet.

AND WHEREAS Appeal Committee noted that appellant institution continues to function from the address where initial recognition was granted and with a revised intake of 50 seats appellant institution is not required to appoint additional faculty, enhance built up area and FDRs etc. Appellant institution has further submitted replies and compliance to all the Show Cause Notices. Appeal Committee noted that statement of Encumbrance on property dated 07/08/2019 issued by Registrar stating that there is no encumbrance on the said property no. 2/178 is an acceptable document. As there has been no change in address of the appellant institution since 2007 and the land and built up area is adequate and there have been clear and readable copies of building plan & B.C.C. available on relevant regulatory file and appellant has appointed faculty in Performing Art, Appeal Committee decided to remand back the case to SRC for revisiting the matter. Appellant institution is required to once again forward to SRC within 15 days of the issue of appeal order authenticated and legible copies of building plan, B.C.C. (in prescribed form), faculty list, N.E.C. and C.L.U.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and online submission made by appellant, Appeal Committee concluded to remand back the case to SRC for revisiting the matter. Appellant institution is required to once again forward to SRC within 15 days of the issue of appeal order authenticated and legible copies of building plan, B.C.C. (in prescribed form), faculty list, N.E.C. and C.L.U.

NOW THEREFORE, the Council hereby remands back the case of Kakinada College of Education, Valsapakala, Kakinada, East Godavari, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.

The above decision is being communicated on behalf of Appeal Committee.

(T. Pritam Singh)
H.O.D.

1. The Secretary, Kakinada College of Education, Valsapakala, KPS Road, Kakinada, East Godavari – 533005, 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.

165446/2020/Appeal Section-HQ

(8)

F.No.89-124/E-158939/2020 Appeal/17th Mtg.-2020/1st September, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 29/09/2020

ORDER

WHEREAS the appeal of Govt. College of Physical Education for Women, Dinhata, Cooch Behar, West Bengal dated 13/05/2020 is against the Order No. ER-28.13/APE00650/B.P.Ed./2020/62567 dated 03.03.2020 of the Eastern Regional Committee, withdrawing recognition for conducting for B.P.Ed. Course on the grounds that "no reply has been received against the final show cause notice issued on 18.01.2019. Hence, B.P.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2020-21."

AND WHEREAS Dr. Swapna Ray, Principal, Govt. College of Physical Education for Women, Dinhata, Cooch Behar, West Bengal presented online the case of the appellant institution on 01/09/2020. In the appeal and during online presentation it was submitted that "I have received the show cause letter on 12/03/2020 from your good office and sent the reply by mail on 13th March, 2020 at 4.56 p.m. and also sent the speed post on 12/03/2020. I also informed to you that the letter vide memo no. ERC/265.14(1).113/APE00650/B.P.Ed/2019 /59025 dated 18/01/2019 received on 29/01/2019. But we don't sent the reply within stipulated time because we receive the building completion certificate from the Executive Engineer, Cooch Behar Division, Cooch Behar on 18.02.2019 and sent the reply by mail (erc@ncte-india.org) on 23rd February, 2019 on 1.10 p.m. So, under the above circumstance, earnest request to you please kindly consider the matter and do the needful action."

AND WHEREAS Appeal Committee noted that appellant institution was first granted recognition to conduct B.P.Ed. course in 2007 with an intake of 25 seats. Appeal Committee further noted that a revised recognition order dated 29/05/2015 was issued under NCTE Regulation, 2014. Appeal Committee noted that whereas the size

of basic unit of B.P.Ed. course as per NCTE Regulation, 2014 is 100, revised recognition was for 50 seats only. Appeal Committee noted that para 3.1 of Norms and Standards for B.P.Ed. programme as per Appendix 7 of the Regulation, clearly mentions that there shall be a basic unit of 100 students with two Sections of 50 each. Para 5 of the Norms and Standards prescribe the number of academic faculty for a basic unit of 100 seats. Regulations as such donot provide for a lesser intake and lesser faculty pro-rata.

AND WHEREAS Appeal Committee noted that appellant institution was issued a Show Cause Notice (SCN) dated 18/01/2019 in sequence to an earlier Notice dated 20/04/2018. Institution was required to submit (a) Faculty list approved by affiliating body (b) approved Building plan (c) Building Completion Certificate (B.C.C.) (d) FDRs (e) Print out of website.

AND WHEREAS appellant with its appeal memoranda has submitted copies of (i) building plan (ii) B.C.C., (iii) Faculty list which, it appears, were sent to ERC after issue of impugned order of withdrawal. Appellant institution being a Government College is not required to submit Fixed Deposit Receipt on account of Endowment and Reserve Fund. On perusal of documents submitted with Appeal Memoranda it is noticed that the faculty list contains one Associate Professor and 3 Assistant Professors. The list is not approved by affiliating university. Building Completion Certificate submitted does not indicate the built up area.

AND WHEREAS Appeal Committee noted that appellant institution has been conducting B.P.Ed. programme with depleted academic faculty and also has not made efforts to reply to the Show Cause Notices issued by ERC. Appeal Committee, therefore, decided to confirm the impugned order of withdrawal dated 03/03/2020.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during online hearing, Appeal Committee concluded to confirm the impugned order of withdrawal dated 03/03/2020.

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

The above decision is being communicated on behalf of Appeal Committee.

(T. Pritam Singh)
H.O.D.

1. The Officer-In-Charge, Govt. College of Physical Education for Women, LR-4958, Dinhata, Dinhata Road, Cooch Behar – 736135, 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, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.

165446/2020/Appeal Section-HQ

(9)

F.No.89-125/E-159258/2020 Appeal/17th Mtg.-2020/1st September, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 29/09/2020

ORDER

WHEREAS the appeal of Bharathiar University, Department of Physical Education, Coimbatore, Tamil Nadu dated 06/03/2020 is against the Order No. SRO/NCTE/APSO6118/TN/B.P.Ed/2020/114285-4291 dated 21.01.2020 of the Southern Regional Committee, withdrawing recognition for conducting for B.P.Ed. Course on the grounds that "No reply of Final Show Cause Notice is submitted."

AND WHEREAS Dr. K. Murgauen, Professor and Head, Bharathiar University, Department of Physical Education, Coimbatore, Tamil Nadu presented the case of the appellant institution on 01/09/2020. In the appeal and during personal presentation it was submitted that "show cause notice dt. 23.10.2019 was received only on 25.11.2019, and by that time the time period of replying within 30 days had already lapsed. • Once the show cause notice was received the University acted upon the same with due diligence and made efforts for complying the same at the earliest. Since all the documents as mentioned in the show cause notice required due deliberations, ratifications and approval of various Govt. Departments, a good amount of time was spent in the same. Furthermore, it is not out of place to mention that the university had already submitted some of the documents as mentioned in the show cause notice, however the same were not considered by the SRC. The university had prior to issue of show cause had bonafidely submitted the following documents:- 1. certified copy of land documents 2. land use certificate 3. Non encumbrance certificate 4. Approved building plan 5. Site plan 6. Building completion certificate 7. Staff list 8. Certificate for FDR 9. Details of Teacher Education Programmes 10. details of other programmes 11. Built up area 12. University websites 13. Affidavit. It is submitted that the university is

in possession of all the requisite documents as mentioned in the show cause notice and the same were duly submitted with the office of SRC on 07.01.2020 • It is submitted that the university has a good reputation all around the country and has been imparting quality education since 1982 not out of place mention that the university on 07.01.2020, had submitted certain documents to SRC, which have not been considered by them."

AND WHEREAS Appeal Committee noted that appellant is a University conducting B.P.Ed. programme since 2009. Revised recognition order under NCTE Regulation, 2014 for an intake of 100 seats was granted by an order dated 26/05/2015. As revised recognition order was subject to submitting compliance on certain terms and conditions specified in the revised recognition order, Appellant university was issued 2 Show Cause Notices (SCNs) dated 30/04/2019 and 23/10/2019 respectively. Appellant submitted reply to SCN dated 23/10/2019 on 13/01/2020. Appeal Committee noted that with this reply appellant had submitted (i) List of Faculty, (ii) Site Plan, (iii) Building Plan, (iv) B.C.C. Appeal Committee noted that appellant had pleaded that S.C.N. dated 23/10/2019 was received quite late which had resulted in submission of reply only on 13/01/2020. However, this reply is found placed in the regulatory file received on 15/01/2020.

AND WHEREAS Appeal Committee decided that appellant institution is required to submit to SRC all the documents as required in the SCN dated 30/04/2019 within 15 days of the issue of appeal order. The documents shall particularly be authenticated by the Competent Authority on each page. Appeal Committee further decided to remand back the case to SRC for revisiting the matter.

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 SRC for revisiting the matter.

165446/2020/Appeal Section-HQ

NOW THEREFORE, the Council hereby remands back the case of Bharathiar University, Department of Physical Education, Coimbatore, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

The above decision is being communicated on behalf of Appeal Committee.

(T. Pritam Singh)
H.O.D.

1. The Prof. & Head, Bharathiar University, Department of Physical Education, 43, Coimbatore – 641046, 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 Tamilnadu, Chennai.

165446/2020/Appeal Section-HQ

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F.No.89-126/E-159346/2020 Appeal/17th Mtg.-2020/1st September, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 29/09/2020

ORDER

WHEREAS the appeal of Trimurti M.Ed. College, Trimurtinagar, Murme-Khadka, Ahmednagar, Aurangabad Highway, Newasa, Ahmednagar, Maharashtra dated 24/03/2020 is against the Order No. WRC/APW06561/125134/M.Ed/312th/2020/207855 dated 10.02.2020 of the Western Regional Committee, withdrawing recognition for conducting for M.Ed. Course on the grounds that "the institution has not submitted NAAC accreditation certificate."

AND WHEREAS Sh. Ghadge Patil, C.E.O. and Ms. S. Patil, Trustee, Trimurti M.Ed. College, Trimurtinagar, Murme-Khadka, Ahmednagar, Aurangabad Highway, Newasa, Ahmednagar, Maharashtra presented the case of the appellant institution on 01/09/2020. In the appeal and during personal presentation it was submitted that "WRC-NCTE granted permission to M.Ed. course U/S 15(3) (a) of NCTE act initially for 25 intake vide order dated 15/06/2009 and further intake was enhanced from 25 to 35 from the session 2010-2011 vide order dated 12/02/2011. As per regulation 2009, under provisions of clause 8(5), our institute had to be accredited from NAAC on or before 01/04/2012, therefore, institute applied for NAAC at first time on 30/10/2011. The NAAC communicated vide letter dated 16/11/2011 that- the eligibility/qualifying criteria to apply for NAAC is as " any institution offering programs in education recognized by NCTE and having a standing of at least three years since establishment and with a record of two batches having graduated - are eligible for undergoing the process of Assessment and Accreditation by NAAC". Due to directions of Hon'ble high court, bench at Nagpur dated 03/12/2008 as same order came to be quashed on 28/03/2011 by the Hon'ble apex court, therefore, our M.Ed. course had started/established from 15/06/2011 from A.Y.2011-12, thus, it is clarified that our M.Ed. was even not at all eligible to apply for NAAC on 01/04/2012 OR up to 15/06/2014 that till completion of three years since

establishment. Anticipating the time consumed for completion of NAAC process- as a caution, the institute had applied again second time on 28/12/2013 before completing the date of eligibility, but the 2nd application to NAAC dated 28/12/2013 could not survive for continuation of Recognition and Affiliation from A.Y.2014-15 onwards till date. Our M.Ed. was not eligible to apply up to 15/06/2014 but as per clause 8(5) of regulation 2009, M.Ed. had to be NAAC accredited on OR before 01/04/2012, therefore, anticipating this difficulty/hardship, the institute thrice applied in advance under clause 12 of Regulation 2009 vide applications dated 28/12/2011, 20/03/2012 and 16/06/2013 to Hon'ble the Chairperson of NCTE for grant of relaxation by permitting to get the NAAC accreditation on or before 01/04/2015. It is fact that NCTE committee in its 17th meeting of 09/07/2012 decided that " In ....., in respect of all institutions, which had applied for accreditation of NAAC prior to 1st April, 2012 including the institutions listed in the enclosure to the above mention letter, action need not be taken for withdrawal of additional intake/recognition. The copy of said NCTE's letter No. F.49-3/2011/NCTE/N&S/ dated 17/07/2012 is at "Exhibit R-2". Thus due to aforesaid directions of NCTE, the WRC ought to have confirmed the status of application of our M.Ed as first time applied on 30/10/2011 i.e. before 01/04/2012 and therefore, as per the directions of NCTE of 09/07/2012 , the WRC should not have withdrawn the Recognition at all. Suddenly, without appreciating the above facts that institute was not at all eligible to apply for NAAC up to 15/06/2014, even ignoring the directions of NCTE committee dated 09/07/2012, that no action to be taken of withdrawal of recognition, in respect of Institution applied to NAAC before 01/04/2012, the WRC-NCTE vide its letter dated 03/11/2013 withdrawn the recognition of our M.Ed. college that at our back without following due process of law u/s 17(1) of NCTE Act. The said withdrawal order of WRC dated 03/11/2013 is at "Exhibit R-3". As deeply aggrieved, we challenged the said withdrawal order U/S 18 vide Appeal No APPL 1993 of 14/04/2014 with specific prayers- that in the interest of staff and students, the institute be enlisted forthwith by restoring the recognition and time relaxation be granted up to 01/04/2015 for getting NAAC approval". The Hon'ble Council directed the WRC "to issue a show cause notice to the appellant institution as per the proviso to section 17(1) of the NCTE act and take further action as per the regulations. In the meantime, the decision of the WRC as contained in

their letter dated 03/11/2013 addressed to the appellant institution- shall remain in abeyance". In compliance of said order of Hon'ble the Appellate Authority dated 15/10/2014, the WRC issued show cause notice to the institution dated 10/11/2014, however, the WRC had deliberately not complied the other important part of said order of restoring the recognition for last 6 years that after several reminders and personal persuasions till date. No one questioned this conduct of WRC till date for last 6 years. For assimilation, I repeat that the institute replied the said show cause notice vide a detailed representation dated 02/12/2014 which was received by the WRC on 09/12/2014. In said reply, it is repeatedly reflected the fact that our institute was never and not at all eligible OR qualified to apply for NAAC on OR before 01/04/2012, even Institute did not qualify to apply for NAAC up to 15/06/2014, therefore, no violation/any contravention of clause 8(5) of regulation 2009 was ever committed. It was clarified that "institute had applied for the second time for accreditation of NAAC on 28/12/2013 with payment of requisite fees of Rs.28,090/- vide DD No-350877 dated 26/12/2013, as such, institute was initiating steps to seek NAAC accreditation, but for want of recognition and affiliation, the institute had to be closed form A.Y.2014-15 till date for last 6 years. The WRC took drastic action and unreasonable measures by issuing it's letter dated 03/11/2013 without following due process of law, ignoring directions of NCTE committee dated 09/07/2012 which resulted in dislocation of students, staff, dis-reputation and irreversible financial losses to the institute that for 6 years till date despite clear orders dated 15/10/2014 of Appellate Authority to restore the recognition. The Institute has incurred about 7 to 8 crores for starting of M.Ed. course, towards cost of land, buildings, books, furniture, equipments etc. It is solemnly submitted that the WRC was duty bound to timely comply directions of Appellate Authority dated 15/10/2014. It is difficult to understand as to why the WRC has not considered the reply of institute for last 5 years despite several personal requests and many written representations. It is on records of WRC that an affidavit dated 14/01/2015 along with forwarding letter bearing No TPP/M.Ed/2015-104 dated 14/01/2015 and same was received by WRC as duly confirmed as enlisted at Sr. No 2 in the withdrawal order dated 07/05/2019 but question remains unanswered as to why WRC ignored it for 5 years. WRC was duty bound to restore the recognition of the institute till the show cause notice was finally decided as

per orders of Hon'ble the Appellate Authority, but WRC did not comply the orders for last 6 years that without any answer, reply OR explanation. For want of letter of recognition/revised recognition order-the institute remained closed from A.Y. 2014-15 till date for last 6 years. The WRC did not issue the copy of revised recognition order nor replied any of the representations giving reasons for not issuing it, even did not dispose off the reply of institute submitted to the said show cause notice dated 10/11/2014 for last 5 years for reasons best known to WRC. The institute represented in details vide representations dated 14/01/2015, 21/02/2015, 06/04/2015, 17/09/2015, 09/10/2015, 09/12/2015, 11/08/2016, 26/04/2018, 26/05/2018, 15/06/2018, 16/07/2018, 26/10/2018 and 04/01/2019- which are on records of WRC. Each representation contained all details and copies were sent to all concerned higher officials. At last, after filing of Writ Petition No. 5024/2019 before Hon'ble High Court Bench at Aurangabd on 28/03/2019 and when copy of same was sent to the WRC vide letter dated 04/04/2019 and only then, the WRC reacted and disposed of the said pending reply of institute to the show cause notice dated 10/11/2014 after 5 years in it's 306th meeting held on April 29-30th, 2019 and without going through the reply of institute to the show cause, without application of mind, without appreciating the observations recorded by the Hon'ble Appellate Authority in it's orders dated 15/10/2014, thus, the WRC without touching the facts and merits, declared that "the institute has not submitted NAAC accreditation certificate" up to 30/04/2019 and withdrawn the recognition w.e.f. the end of the academic session next following the date of communication. After receipt of said withdrawal order dated 07/05/2019 of our M.Ed. course, we appealed second time, U/S 18 vide Appeal No APPLWRC201913277 of 24/06/2019 submitting detailed facts with prayers. The Hon'ble Council appreciated the facts and set aside the said withdrawal order dated 07/05/2019 enlisting pristine selective reasons. The Council directed the WRC to restore the recognition for M.Ed. course again. It is submitted that Hon'ble the Appellate Authority vide order dated 27/08/2019 directed WRC to verify possession of requisite number of faculty selected and approved by the affiliating body as per NCTE regulation 2014. Hon'ble the Appellate Authority also directed WRC to keep the affiliating University informed of the decision of Appellate Authority and request the University to facilitate the selection of qualified faculty in case the appellant institute has

a deficiency on this account currently. It is submitted that from 27/08/2019-date of the order, till date for last 7 months, the WRC has not communicated nor kept the affiliating University informed about the said order of Hon'ble the Appellate Authority. It is a fact that the WRC even has not called for any information about possession of staff from the institute till date, however, due to current change in policy of State Govt and University about processing of appointments of qualified staff, the institute has enlisted difficulties towards as faced in compliance of order dated 27/08/2019 vide letters dated 28/11/2019, 05/12/2019 and 06/01/2020. The copies are at "Exhibit R-7". The Institute clarified the present position of staff and difficulties in getting the four senior staff approved due to change in policy of State and University. The efforts taken for staff approvals from A.Y.2014-15-till date and present state policy was personally demonstrated before WRC officials, however, no cognizance was taken. It is submitted that due to non issuance of revised recognition order for last 6 years despite clear directions of Hon'ble the Appellate Authority dated 15/10/2014, the M.Ed. college remained closed from A.Y. 2014-15 to A.Y. 2019-20 for last 6 years. M.Ed. college was functional up to A.Y. 2013-14 and M.Ed. college had qualified and approved staff by University as per regulation 2009. As per norms of 2014 , for an intake of 50 students per Unit, the faculty position required is as follow: 6.1 ...1. Professors – Two, 2. Associate Professors -Two, 3. Assistant Professors – Six, It is submitted that although M.Ed. college is closed for last 6 years, institute has retained fulltime - Six Assistant Professors as approved by affiliating Pune University and now re-approved vide it's letter dated 14/11/2019 for A.Y.2019-20, copy of which has been duly submitted to WRC along with letters dated 28/11/2019, 05/12/2019 and 06/01/2020. The Pune University gives approval for staff-year wise and Affiliation is also granted for each academic year-a fresh. These six Assistant Professors each has been paid consolidated salary Rs.25,000/- as mutually agreed for last six years. One can realise the burden of expenditure if we analyse -it's costs as monthly Rs.1,50,000/, about Rs.15,00,000/- per 10 months and 90 lakhs for 6 years. Since M.Ed. college lost recognition and affiliation for last 6 years, the senior faculty members that the two professors and two Associate Professors also continued for A.Y. 2014-15, with the hope of getting Recognition in short time-due to the order of Hon'ble the Appellate Authority dated 15/10/2014 but when revised recognition order was not received for A.Y.2015-16,

these senior four members refused to continue with unrecognized college from 01/06/2015. Practically, it was also difficult to pay Rs 50,000/- per month to each Professor and Rs 40,000/- per month to each Associate professor-consolidated salaries as mutually agreed-when college was closed. Had they continued, would have costed Rs 1,80,000/- per month and Rs.18,00,000/- per 10 months-over one crore for last 6 years-when college remained close for want of revised recognition and Affiliation. In case all staff had continued, would have costed over two crores when college was closed expect other routine expenditures. After receipt of order of Appellate Authority dated 27/08/2019, the affiliating University granted approvals to the appointments of six Assistant Professors for A.Y. 2019-20 since they were working with the college from A.Y.2011-12 till date as per policy of University. The other Two Professors and Two Associate professors as willing and had also joined from 01/10/2019-anticipating early grant of revised recognition order and affiliation by the University from A.Y. 2020-21 after seeing the contents of order of Hon'ble the Appellate Authority dated 27/08/2019 that directing the WRC to restore the Recognition second time. Institute has taken up the case for grant of Approvals with Pune University, however, due to change in the policy of State and University, it is difficult to get approvals of University to these 4-newly appointed- duly joined senior staff without recognition order and affiliation of the University. The difficulties were enlisted in representations dated 28/11/2019, 05/12/2019 and 06/01/2020 to the WRC with requests to issue the revised recognition order with condition to appoint requisite staff per Regulation 2014 at earliest, however, without any reply to institute or to Pune University, the WRC issued withdrawal order dated 10/02/2020, showing utter disregard to the two-orders of Hon'ble the Appellate Authority. This time also WRC did not peruse the contents of orders of Hon'ble the Appellate Authority at all before passing such irrelevant order. Practically it is impossible for any Institute to hold on the staff in absence of Recognition and affiliation for such a long period of six years, WRC ought to have considered this situation and issued the conditional Recognition order with condition to appoint staff as per Regulation 2014 and to obtain approvals of University as per policy of State-University before admitting students. It was personally demonstrated before WRC officials with policy circulars, letters of Govt Authorities and University, however, WRC-officials appeared reluctant in

taking cognizance of same for reasons known to them. As per NCTE regulations 2014, clause 7(13)- for the existing college for processing appointments of qualified staff- the copy of revised recognition order is required to be sent to State Govt, affiliating University and the institute as per the current policy of State Govt and affiliating University and for new Institute the letter of intent is sufficient. The Regulation also mandates the WRC to request the University to provide all assistance to institute to ensure to appoint faculty as per norms. In the present case, despite orders of Hon'ble the Appellate Authority twice, the WRC did not issue any letter of intent, OR copy of revised order of recognition nor requested OR informed the University that Appellate Authority has restored the recognition vide order dated 15/10/2014 and 27/08/2019- thus twice-within last 6 years. As per regulation 8(10), the Pune University grants affiliation only after receipt of copy of revised recognition order and affiliation is granted year wise- only when qualified staff is appointed by the institute as per NCTE Regulations. Even, currently students are not allotted without affiliation and appointment of faculty as per regulations 2014. Institute also indicated to give such undertaking to WRC before conditional Recognition order is issued. It is submitted that, as per clause 8(3) of Regulation 2014, recognised institute has to obtain accreditation within 5 years of such recognition. As per clause 7(17) of Regulations 2014, for removal of any deficiencies, it is mandatory for WRC to grant an opportunity of being heard to the institute before recognition is finally refused. In the present case, despite directions of Appellate Authority-passed twice- nothing is communicated to University nor any opportunity of being heard has been granted to the institute. Even U/S 15(3) proviso of NCTE Act, it is obligatory to provide reasonable opportunity to the institute before permission/recognition is finally refused to a new Institute, whereas, present is the existing Institute came in existence since June 2011. It is submitted that the WRC has ignored the directions of Hon'ble High Court Mumbai passed on 28/09/2005 in WP No.4769/2005, vide para 24 that University has to grant affiliation considering provisions of section 14(6) of the NCTE Act 1993, the orders of Hon'ble Apex Court passed in CA No.104/2012 dated 06/01/2012 under para 32, 37, 41, 51, 75 and 87 as applicable, para 24 and 27 of order passed by the Hon'ble Apex Court in CA No. 3505/2012 dated 12/04/2012. It is solemnly submitted that Hon'ble the Appellate Authority vide it's order

dated 27/08/2019- had specifically giving reasons duly set aside the withdrawal order passed by the WRO dated 07/05/2019 and WRC was directed to restore the recognition, however, it is not understood how WRC can restore it's withdrawal order dated 07/05/2019 which was duly set aside by Hon'ble the Appellate Authority . When Institute was not eligible/ qualified to apply for NAAC on 01/04/2012, how such NAAC certificate can be obtained and produced after withdrawal Recognition wef 03/11/2013. It is shocking that despite clear directions of Hon'ble the Appellate Authority that WRC has not informed to affiliating University about the decision of appellate Authority nor requested to facilitate the selection of qualified faculty for last 7 months although it was mandatory for WRC as per clause 7 (13) of Regulation 2014- before passing withdrawal order dated 10/02/2020 but it can be seen that the WRC has been kind and prompt to send the copies of the withdrawal orders dated 10/02/2020 and also copy of earlier order dated 03/11/2013 to the Registrar of University. The WRC has even not sought any information about the current policy of State/University that of processing grant of approvals to the appointment of the staff despite institute pointed out the same repeatedly vide letters dated 28/11/2019, 05/12/2019 and 06/01/2020. The WRC observed in para 9 of it's withdrawal order dated 10/02/2020 as- 9." The committee considered the matter keeping in view of the directions of the Appellate Authority dated 27/08/2019 and recommends that the withdrawal order dated 07/05/2019 issued by WRO stands". "In view of above decision of WRC, the institution is hereby informed that the withdrawal order issued by WRO vide order dated 07th may 2019 "stands". Not a single reason is mentioned for restoring it's impugned order which was duly set aside. It is shocking to note that the said order duly set aside by Hon'ble Appellate Authority- has been restored by WRC without reasons. It is new phenomenon-like order once set aside by Hon'ble Supreme Court-is seen as restored by the High Court. It is equally shocking that no cognizance of such illegal action of WRC-are taken either by Appellate Authority/NCTE Committee OR by the higher authorities of NCTE. Hon'ble the Appellate Authority in it's selective observations enlisted in order dated 27/08/2019 at page 9, para 1 and 2- unfold that Para 1: ..... for the intervening period between the impugned letter dated 03/11/2013 and withdrawal order dated 07/05/2019, the status of the institution has been of a recognised one for M.Ed Course as the present withdrawal

order is made effective from the end of academic session next following the date of communication of the said order. But correspondingly WRC did not issue revised recognition order under the NCTE regulations, 2014. WRC has also failed to respond to various communications addressed to it by appellant institution from time to time which are found available on the regulatory file. Para 2:" AND WHEREAS Appeal Committee, without going into other merits of the case, is of the opinion that withdrawal of recognition by order dated 07/05/2019 on the grounds of non submission of NAAC accreditation certificate cannot be substantiated particularly in view of the present scenario when NCTE and NAAC do not have a valid bilateral agreement for accreditation of the teacher Education institute." When such reasoned specific order is delivered by Hon'ble the Appellate Authority, how can WRC as lower court-can ignore the same and restore its illegal order, which stands duly cancelled, set aside. The M.Ed. course was not eligible to apply for NAAC on 01/04/2012, in fact up to 15/06/2014, application for NAAC was duly submitted before 01/04/2012 by the institute, therefore, directions of NCTE committee dated 09/07/2012 as contained in its letter dated 17/07/2012 that action of withdrawal need not be taken- if institute has applied before 01/04/2012 for NAAC-were very much applicable, fact that institute had applied for relaxation of said difficulty/hardship in advance, ignoring all above facts, the WRC chose to withdraw the recognition of institute first without following due process as prescribed U/S 17(1) proviso, subsequent, second action of withdrawal of recognition, that ignoring dictate of Appellate Authority vide orders dated 15/10/2014 dated 27/08/2019 thus withdrawal is improper, illegal and act of misuse of powers and authority, however, WRC again repeated the same illegal act-by self declaration as "stands",- of its own order of WRC dated 07/05/2019- saying that it "stands",- fully knowing that same order was duly set aside by the Apex Appellate Authority. The WRC willfully earlier had violated the decision of NCTE committee dated 09/07/2012 as communicated vide it's letter dated 17/07/2012 as not to withdraw the recognition of institutes which had applied for accreditation of NAAC prior to 01/04/2012. Even fully knowing these directions and fact that-our Institute had applied for NAAC before 01/04/2012- the WRC issued first withdrawal order dated 03/11//2013, thus said withdrawal order is erroneous and unreasonable as such passed in clear violation and disobedience of the direction of

NCTE Committee dated 09/07/2012. The institute was to become eligible as to apply for NAAC that on OR after 15/06/2014 but before the same date, the WRC had withdrawn the recognition on 03/11/2013 and same was not restored for 6 years despite directions of Hon'ble the Appellate Authority dated 15/10/2014 and 27/08/2019, therefore, in absence of recognition and affiliation, meanwhile, it was beyond control of institute to apply and to procure the NAAC certificate. The conclusion of WRC to withdraw the recognition on basis of NAAC certificate again-is illogical and violation of orders of Hon'ble the Appellate Authority dated 28/08/2019. There has been no wilful violation of any provision, particularly provisions U/S 08 (5) of regulation 2009 by the Institute as held by the Appellate Authority, hence the withdrawal order does not have any statutory force, withdrawal order is illegal. Second application of institute to NAAC dated 28/12/2013 got itself automatically cancelled for want of revised recognition order and affiliation. Had WRC obeyed the legal directions of Hon'ble the Appellate Authority dated-15/10/2014, restored the Recognition, then Institute should-have obtained the NAAC certificate within one year on OR before 01/04/2015. Withdrawal orders are issued without any legal base, application of mind OR justifications, said withdrawal order is wicked and perverse. WRC before passing the order of withdrawal dated 07/05/2019, ought to have perused the findings of Hon'ble Council/Appellate Authority as enlisted in para 4 of it's order dated 15/10/2014 passed in the Appeal, which vide para(ii) and (vi) confirmed that the institute was not eligible to apply for NAAC on OR before 01/04/2012. Hon'ble the Appellate Authority- vide orders dated 15/10/2014, declared the decision of WRC in their letter dated 03/11/2013 to be remained in abeyance till due process U/S 17(1) proviso-was completed, therefore, it was mandatory for WRC to continue the recognition/permission of M.Ed. Course up to 07/05/2019. The WRC is aware of the fact that the NAAC has resolved to discontinue the Assessment & Accreditation of Teacher Educational institutions from 10/08/2017 as same is notified by NAAC vide notification No 4/2017 dated 01/09/2017. When recognition and affiliation of institute stands discontinued from 03/11/2013 till date for last 6 years and when NAAC is not applicable to M.Ed. Course from 10/08/2017, how, WRC can demand the submission of NAAC accreditation certificate again that vide it's withdrawal order dated 07/05/2019 fully knowing that Recognition was not restored from 03/11/2013 till date for

last 6 years. It is also evident from documents that WRC has contravened with decision of the NCTE Committee dated 09/07/2012 by passing withdrawal order against our Institute fully knowing that our Institute applied for NAAC before 01/04/2012. In fact-the two orders dated 15/10/2014 and 28/08/2019-speak itself that WRC has violated, overruled, superseded the specific reasoned legal directions of Hon'ble the Appellate Authority twice that without giving any logical explanation in its withdrawal order dated 10/02/2020. WRC can not supersede the directions of the Appellate Authority. Nothing else is required to be added in the matter expect mention of these two orders. The WRC also override the legal decision of NCTE Committee dated 09/07/2012 and issued earlier withdrawal dated 03/11/2013 in violation of the same. Such actions are misuse of power and authority and willful contempt of lawful orders of Apex Appellate Authority, NCTE Council/NCTE Committee. i) Looking in to two orders of Hon'ble the Appellate Authority-dated 15/10/2014 and 27/08/2019, having duly passed in the present matter, perusing wilful ignorance of said lawful directions by WRC twice, the WRC is required to be directed to issue the Revised Recognition order to the Applicant Institute within 15 days from the date of issuance of third order that from A.Y.2014-15 with condition that Institute must appoint the requisite staff as per Regulations 2014 and get the same approved as per policy of State/affiliating University-before granting any admissions to M.Ed. course. ii)The withdrawal order dated 10/02/2020-restored illegally and erroneously by WRC may be quashed and set aside again. iii) Wilful and deliberate violation of decision of NCTE Committee dated 09/07/2012, repeated disobedience of orders of Hon'ble the Appellate Authority as twice by WRC- indicate tendencies of ignoring legal orders of NCTE Committee and also of Appellate Authority for reasons best known to officials. iv) Permission to the institute may please be granted as to initiate proper criminal/Civil proceedings as per law against concerned erring officers before the competent Civil Court at Newasa Dist-Ahmednagar.

AND WHEREAS Appeal Committee perused the detailed submissions made repeatedly by the appellant institution. From the regulatory file Appeal Committee observed that Western Regional Committee, before reconfirming the withdrawal order, has not made any effort, which were required to be recorded in writing, as to why 'NAAC'

accreditation is being insisted upon. NAAC accreditation insisted upon at this stage when NCTE does not have a valid bilateral agreement (Memoranda of Understanding) between NCTE and NAAC for accreditation of the teacher education institution is uncalled for. Appeal Committee noted that appellant institution has been deprived of its legal right to continue conducting M.Ed. programme. WRC is required to resolve this long pending disputed issue amicably and objectively.

AND WHEREAS Appeal Committee decided that WRC should facilitate selection and appointment of faculty by the appellant institution as per requirements of NCTE Regulation, 2014. WRC, therefore, is required to write to affiliating university to facilitate selection and appointment of qualified and appropriate number of faculty, and after the appellant has submitted (i) Building Completion Certificate and FDRs, WRC should restore recognition order for M.Ed. programme.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to WRC for facilitating selection and appointment of faculty by the appellant institution as per requirements of NCTE Regulation, 2014.

NOW THEREFORE, the Council hereby remands back the case of Trimurti M.Ed. College, Trimurtinagar, Murme-Khadka, Ahmednagar, Aurangabad Highway, Newasa, Ahmednagar, Maharashtra to the WRC, NCTE, for necessary action as indicated above.

The above decision is being communicated on behalf of Appeal Committee.

(T. Pritam Singh)
H.O.D.

1. The Secretary, Trimurti M.Ed. College, Trimurtinagar, Murme-Khadka, Ahmednagar, Aurangabad Highway, Newasa, Ahmednagar - 414603, Maharashtra.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra, Mumbai.

165446/2020/Appeal Section-HQ

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F.No.89-128/E-159367/2020 Appeal/17th Mtg.-2020/1st September, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 29/09/2020

ORDER

WHEREAS the appeal of Aryan Arts and Commerce Degree College, Kalaburagi, Gulbarga, Karnataka dated 24/06/2020 is against the Order No. NCTE/SRC/F.R. – SRC-2021-7402832/Karnataka/2019/REJC3709 dated 27/08/2020 of the Southern Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "application was received after 15 days or more, from the date making online application."

AND WHEREAS Sh. Abhay Singh, Member, Aryan Arts and Commerce Degree College, Kalaburagi, Gulbarga, Karnataka presented the case of the appellant institution on 01/09/2020. In the appeal and during personal presentation it was submitted that "we have submitted the online application on 31/07/2019 at 10:26 pm and paid the fee 1,50,000/- transaction id 95BB875CEF0A22CCC1D265E6BF389D and submitted the hard copy on 16/08/2019 due to the NOC from State Government."

AND WHEREAS Appeal Committee noted that hardcopy of application is found diarised in the office of SRC on 19/08/2019. Appeal Committee noted that Clause 7 (2) (b) provides for summary rejection of application in case of failure to submit printout of application made online with land documents within 15 days of the submission of online application. Appeal Committee noted that appellant in its appeal memoranda has stated that hard copy was submitted on 16/08/2019 due to the N.O.C. from State Government.

AND WHEREAS appellant during the course of appeal hearing on 01/09/2020 submitted before Appeal Committee a Courier receipt dated 16/08/2019 from 'The Professional Couriers.' On verification from the office of SRC, Appeal Committee noted

that application was received by speed post on 19/08/2019 and speed post receipt number 129245/2019/RD. The courier receipt submitted by appellant is therefore, found to be not verifiable. Further even if it is accepted the date of despatch of hard copy is after 15 days. The N.O.C. of State Government for which the despatch of application is stated to have been delayed is dated 03/02/2020.

AND WHEREAS Onus lies on the appellant to have provided evidence of despatch of application by speed post before 15 days of the online application. As appellant has failed do so, Appeal Committee decided to confirm the impugned rejection order dated 27/08/2020.

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 rejection order dated 27/08/2020.

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

The above decision is being communicated on behalf of Appeal Committee.

(T. Pritam Singh)
H.O.D.

1. The Principal, Aryan Arts and Commerce Degree College, 34/A, Station Bazar, Ring Road, Kalaburagi, Gulbarga – 585102, Karnataka.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.

165446/2020/Appeal Section-HQ

(13)

F.No.89-129(A)/E-159298/2020 Appeal/17th Mtg.-2020/1st September, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 29/09/2020

ORDER

WHEREAS the appeal of S. Preethi M.Ed. College for Women, Arasanoor, Thirumansolai Post, Sivagangai Taluk, Sivagangai District, Sivaganga, Tamil Nadu dated 01/06/2020 is against the Order No. SRO/NCTE/SRCAPP1943/M.Ed/TN/2020/115401 dated 27.02.2020 of the Southern Regional Committee, withdrawing recognition for conducting for M.Ed. Course on the grounds that "institution did not submit originally certified copy of sale deed. The institution has only submitted xerox copy of FDRs of Rs.7 lakhs + Rs.3 lakhs. The institute has submitted letter dt.22.07.2015 approved by TTEU, Registrar for B.Ed. course and letter dt.26.02.2016 faculty list of one principal, 12 assistant professor + one performing arts, one assistant professor + one faculty of fine arts. The institution has submitted a letter dt.26.02.2016 and dt. 08.02.2018 approved by TTEU, Registrar for faculty profile for M.Ed. course one principal / HOD + six assistant professors + three assistant professor + one faculty of fine arts. The faculties namely K. Arumugam (Assistant Professor), A. Kottairaj (Assistant Professor), P. Ravikumar (Assistant Professor), G. Sivakumar (Assistant Professor), S. Pushpa (Assistant Professors), P. Viji (Assistant Professor), R. Shanthi (Assistant Professor), S. Arockiamary (Assistant Professor), A. Daisy (Assistant Professor), A. Vijayalakshmi Assistant) are not qualified as per NCTE Regulations."

AND WHEREAS Dr. Ms. Vijaya Lakshmi, Principal and Sh. Jeorge, Admin. Officer, S. Preethi M.Ed. College for Women, Arasanoor, Thirumansolai Post, Sivagangai Taluk, Sivagangai District, Sivaganga, Tamil Nadu presented online the case of the appellant institution on 01/09/2020. In the appeal and during online presentation it was submitted that "our institution in reply to show cause notice has submitted a certified copy of the land documents duly issued by the sub-registrar office. Inspite of submitting the original

certified copy of land documents, SRC has made a deficiency for withdrawal of recognition. As per the instructions in the show cause notice our institution has submitted form 'A' prescribed by SRC. Form 'A' was duly signed by the bank manager Corporation Bank for Rs.9.28 lakhs and Rs.5.57 lakhs. The form 'A' in original dated. 22.09.2019 was submitted to SRC along with the copies of the FDRs as prescribed. Though our institution has submitted as per the instructions, the SRC has made a point for withdrawal of recognition without considering the submitted documents. It is to humbly submit that SRC has not defined any deficiency in this statement. However, our institution has submitted latest approved staff profile of all the staff members duly approved by the Registrar in the year 2019. Whereas SRC is stating the dates of the year 2016. We have submitted staff comprising of Principal + 12 assistant professor + 1 Physical Education lecturer + 1 fine arts lecturer + 1 performing arts lecturer. Without considering our latest staff list submitted to SRC. It is to submit that we have submitted approved staff profile of M.Ed. course to SRC of the year 2019. There is no mention about the faculty profile submitted by our institution. The fine arts lecturer does not come under M.Ed. course as per NCTE norms. We have submitted complete staff profile of M.Ed. course consisting of two professors + two associate professors + 6 assistant professors as per NCTE M.Ed. norms. Our latest staff profile is not considered by SRC and has made deficiency for withdrawal of recognition which has caused injustice to our institution. It is to humbly submit that our staff members are working in our institution for more than 6 years. All the staff are appointed strictly as per NCTE Norms. Further, the staff members are duly approved by the Registrar, Tamil Nadu Teachers Education University from time to time. We have submitted staff list where in all the staff members are qualified as per NCTE Norms and approved by the Registrar, TNTEU. We are submitting a copy of the same for kind perusal of the appeal committee and request to set aside the withdrawal order of SRC and grant recognition to our B.Ed. college and oblige."

AND WHEREAS Appeal Committee noted that appellant institution was granted recognition for conducting M.Ed. programme in the year 2014. Further a revised recognition order dated 30/05/2015 under NCTE Regulation, 2014 was issued for an

intake of 50 seats. Appeal Committee noted that impugned order of withdrawal dated 27/02/2020 is on following grounds of deficiency:-

(i) Certified copy of Land documents.

(ii) FDRs (originals not submitted).

(iii) Faculty for M.Ed. found inadequate and not qualified.

AND WHEREAS Appeal Committee noted that regulatory file pertaining to M.Ed. programme does not contain copies of the letters dated 26/02/2016 and 08/02/2018. Incidentally these letters were found placed in the regulatory file pertaining to B.Ed. programme and Regional Committee appears to have taken stock of the composite status of the case. Appeal Committee on going through the regulatory file observed that appellant institution has submitted land documents, building plan and Building Completion Certificate on a number of occasions and unless there is a change in premises or new courses are added, there is no need to repeatedly ask for the documents. Appellant with its appeal memoranda has submitted (i) copy of Form 'A' issued by 'Corporation Bank', (ii) List of faculty approved by affiliating university. The list contains the names of 2 Professors, 2 Associate Professors and 6 Assistant Professors. This list signed by Registrar on 21/03/2019 does not contain the name of faculty mentioned in the impugned withdrawal order and all the faculty is shown working in the institution from 2014 to 2016 and continuing. Appellant institution is therefore, required to substantiate that faculty mentioned in the list approved on 21/03/2019 is actually appointed and working. This can be done by submitting bank statements in support of salary paid to faculty as per requirement of Clause 10 (2) of NCTE Regulation, 2014.

AND WHEREAS Appeal Committee decided that appellant institution is required to submit within 15 days of the issue of appeal order (i) original valid FDRs, (ii) List of faculty, (iii) Bank Statement to SRC. Appeal Committee further decided to remand back the case to SRC for revisiting the matter.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and online submissions made by appellant, Appeal Committee concluded to remand back the case to SRC for revisiting the matter.

NOW THEREFORE, the Council hereby remands back the case of S. Preethi M.Ed. College for Women, Arasanoor, Thirumansolai Post, Sivagangai Taluk, Sivagangai District, Sivaganga, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

The above decision is being communicated on behalf of Appeal Committee.

(T. Pritam Singh)
H.O.D.

1. The Secretary, S. Preethi M.Ed. College for Women, Arasanoor, 201/1, 201A, 201/2C, 201/3, Thirumansolai Post, Sivagangai Taluk, Sivagangai District, Sivaganga – 630601, 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 Tamilnadu, Chennai.

165446/2020/Appeal Section-HQ

(14)

F.No.89-129/E-159556/2020 Appeal/17th Mtg.-2020/1st September, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 29/09/2020

ORDER

WHEREAS the appeal of S. Preethi B.Ed. College, Arasanoor, Thirumansolai Post, Sivagangai Taluk, Sivagangai District, Sivaganga, Tamil Nadu dated 29/05/2020 is against the Order No. SRO/NCTE/APSO8698/B.Ed/TN/2020-115544 dated 28.02.2020 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "The institution did not submit originally certified copy of sale deed. The institution has only submitted xerox copy of FDRs of Rs.7 lakhs + Rs. 3 lakhs. The institute has submitted letter dt. 22.07.2015 approved by TTEU, Registrar for B.Ed. course and letter dt. 26.02.2016 faculty list of one principal, 12 Assistant Professor + one Performing Arts, one Assistant Professor + one Faculty of Fine arts. The institution has submitted a letter dt. 26.02.2016 and dt. 08.02.2018 approved by TTEU, Registrar for faculty profile for M.Ed. course one principal / HOD + six Assistant Professors + three assistant professor + one Faculty Of Fine arts. The faculties name K. Arumugam (Assistant Professor), A. Kottairaj (Assistant Professor), P. Ravikumar (Assistant Professor), G. Sivakumar (Assistant Professor), S. Pushpa (Assistant Professors), P. Viji (Assistant Professor), R. Shanthi (Assistant Professor), S. Arockiamary (Assistant Professor), A. Daisy (Assistant Professor), A. Vijayalakshmi Assistant) are not qualified as per NCTE Regulations."

AND WHEREAS Dr. Ms. Vijaya Lakshmi, Principal and Sh. Jeorge, Admin. Officer, S. Preethi B.Ed. College, Arasanoor, Thirumansolai Post, Sivagangai Taluk, Sivagangai District, Sivaganga, Tamil Nadu presented online the case of the appellant institution on 01/09/2020. In the appeal and during online presentation it was submitted that "Our institution has submitted Form 'A' prescribed by SRC. The Form 'A' was duly signed by the Bank Manager UCO Bank for Rs. 5 lakhs and Rs. 3 lakhs. The form a for Rs. 4 lakhs was signed by the Manager, Corporation Bank. Copies of the form a from both the Banks were obtained on 22.11.2019 itself and the same in original was submitted to SRC along

with the copies of the FDRs as prescribed. Though our institution has submitted as per the instructions, the SRC has made a point for withdrawal of recognition without considering the submitted documents. It is to humbly submit that SRC has not defined any deficiency in this statement. However, our institution has submitted latest approved staff profile of all the staff members duly approved by the registrar in the year 2019. Whereas SRC is stating the dates of the year 2016. We have submitted staff comprising of Principal + 12 Assistant Professor + 1 Physical Education Lecturer + 1 Fine Arts Lecturer + 1 Performing Arts Lecturer. Without considering our latest staff list submitted to SRC, the SRC has erred in passing withdrawal order. It is to humbly submit that the SRC has totally misquoted the deficiency. The matter is with B.Ed. course and deficiency is being pointed out about M.Ed. course. Further, it is to submit that we have submitted approved staff profile of M.Ed. course to SRC of the year 2019. There is no mention about the faculty profile submitted by our institution. The Fine Arts Lecturer does not come under M.Ed. course as per NCTE Norms. We have submitted complete staff profile of M.Ed. course consisting of two Professors + two Associate Professors + 6 Assistant Professors as per NCTE M.Ed. Norms. Our latest staff profile is not considered by SRC and has made deficiency for withdrawal of recognition which has caused injustice to our institution. It is to humbly submit that our staff members are working in our institution for more than 6 years. All the staff are appointed strictly as per NCTE Norms. Further, the staff members are duly approved by the Registrar, Tamilnadu Teachers Education University from time to time. We have submitted staff list where in all the staff members are qualified as per NCTE Norms and approved by the Registrar, TNTEU. We are submitting a copy of the same for kind perusal of the Appeal Committee and request to set aside the withdrawal order of SRC and grant recognition to our B.Ed. College and oblige."

AND WHEREAS Appeal Committee noted that appellant institution was granted recognition for conducting B.Ed. programme in the year 2008. Further a revised recognition order dated 30/04/2015 under NCTE Regulation, 2014 was issued for an intake of 2 units (50+50=100). Appeal Committee noted that appellant with its appeal memoranda has submitted copies of (i) Land documents, (ii) FDRs, (iii) Form 'A' and List of faculty approved by affiliating body on 21/03/2019.

AND WHEREAS Appeal Committee noted that the faculty whose names are reflected in the list approved by affiliating body are shown working on a regular basis in the appellant institution from 2014 to 2016. SRC is at liberty to ask the appellant institution to substantiate through bank statements that the faculty shown as appointed from 2015-16 onwards were regularly paid salary through admissible mode as per NCTE Regulations.

AND WHEREAS Appeal Committee decided that appellant institution is required to submit within 15 days of the issue of appeal order to SRC. (i) List of faculty approved by Tamilnadu Teacher Education University on 21/03/2019 is original, (ii) FDRs and Form 'A', (iii) Building Completion Certificate (BCC), (iv) Bank Statement in support of salary having been paid to faculty for M.Ed. and B.Ed. as per lists submitted in compliance of Clause 10 (2) of NCTE Regulation, 2014. Appeal Committee further decided to remand back the case to SRC for revisiting the matter.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and online submission made by appellant on 01/09/2020, Appeal Committee concluded to remand back the case to SRC for revisiting the matter.

NOW THEREFORE, the Council hereby remands back the case of S. Preethi B.Ed. College, Arasanoor, Thirumansolai Post, Sivagangai Taluk, Sivagangai District, Sivaganga, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

The above decision is being communicated on behalf of Appeal Committee.

(T. Pritam Singh)
H.O.D.

1. The Secretary, S. Preethi B.Ed. College, Arasanoor, 201/1, 201A, 201/2C, 201/3, Thirumansolai Post, Sivagangai Taluk, Sivagangai District, Sivaganga – 630601, Tamil Nadu.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
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