



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-137/E-183387/2021 Appeal/18th Meeting, 2021
Appeal No. APPLWRC202113974

Khemaji Naik College of Education, Gadchandur, 304/1/2, Rajura Road, Korpana, Chandrapur, Maharashtra – 442908	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. Tukaram Khema Pawar, Secretary
Respondent by	Regional Director, WRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Khemaji Naik College of Education, Gadchandur, Rajura Road, Korpana, Chandrapur, Maharashtra dated 10/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/OAPW01358/123218/285th /2017/10030, 0031, 0032, 0033, 0034, 0035, 0036 dated 01.01.2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Show Cause Notice was issued to the institution on 05.12.2016. The institution not replied so far. Therefore, recognition is withdrawn from the academic session 2018-2019."

Key 1/10/21

II. SUBMISSIONS MADE BY APPELLANT:-

Khemaji Naik College of Education, Gadchandur, Rajura Road, Korpana, Chandrapur, Maharashtra was asked to present online the case of the appellant institution on 12/06/2021 but nobody from the institution appeared. In the online appeal it was submitted that "We did not reply to the notice due to not availability of students. But now we fulfil all compliance so please consider this appeal." The appellant requested for an opportunity for further representing their case. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the third and final opportunity to present their case.

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-

Sh. Tukaram Khema Pawar, Secretary, Khemaji Naik College of Education, Gadchandur, Rajura Road, Korpana, Chandrapur, Maharashtra presented the case of the appellant situation on 24/07/2021 i.e. the second opportunity granted to them. The appellant, with their letter dt. 28/06/2021, forwarded a host of documents relating to physical infrastructure and staff etc.

2. The Committee noted that the submission of the appeal has been delayed by three years and ten days beyond the prescribed period of sixty days. The Committee noted that according to the provisions of Section 18 (1) of the NCTE Act, 1993, any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed. According to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under the above mentioned Sections of the Act may prefer an appeal to the Council within sixty days of issue of such orders. According to the provisions of Section 18 (2) of the NCTE Act, no appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor; provided such an appeal may be admitted after

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the expiry of the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period.

3. The Committee noted that the appellant, in its appeal, stated the reason for delay as follows:- "we not getting students on that time but now students available for B.Ed. course so we want to start college." The Committee is not satisfied that this is a sufficient cause for not preferring the appeal within the prescribed period. Appellant may apply afresh as and when NCTE issues notification inviting fresh applications. In these circumstances, the Committee decided not to condone the delay and hence the appeal is not admitted.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during online presentation of the appeal, Appeal Committee concluded not to condone the delay and hence the appeal is not admitted.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary, Khemaji Naik College of Education, Gadchandur, 304/1/2, Rajura Road, Korpana, Chandrapur, Maharashtra – 442908.
2. The Secretary, Ministry of Education, 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.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-157/E-184892/2021 Appeal/18th Meeting, 2021
Appeal No. APPLSRC202114026

Mahammad Ghori D.Ed. College, Kandulapuram, 615, Cumbum, 1 st Street, Cumbum, Prakasam, Andhra Pradesh – 523333	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. Mahammad Akram Ali Khan, Administrative Officer
Respondent by	Regional Director, SRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Mahammad Ghori D.Ed. College, Kandulapuram, 615, Cumbum, 1st Street, Cumbum, Prakasam, Andhra Pradesh dated 06/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/SRCAPP14168/D.El.Ed./AP/2021/123975 dated 04.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting for D.El.Ed. Course on the grounds that "Institution has not submitted any reply in response to the Show Cause Notice issued to the institution on 29.09.2020. Further, the Committee also perused the letter received from the Director, School Education, Govt. of Andhra Pradesh with a

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request to withdraw the recognition to this institution as they committed irregularities in the process of admission.”

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Mahammad Akram Ali Khan, Administrative Officer, Mahammad Ghori D.Ed. College, Kandulapuram, 615, Cumbum, 1st Street, Cumbum, Prakasam, Andhra Pradesh presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that “we are unable to submit reply to show cause notice u/s 17 within 21 days due to the secretary & correspondent and his family affected by Covid-19 and taking treatment in hospital after that we sent reply to SCN on dated 15-02-2021 by post and also inform to SRC, NCTE. Our institution made admissions as per NCTE D.Ed. admission eligibility norms.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-

The Committee noted that the reply of the appellant institution dated 15/02/2021 to the Show Cause Notice, stated to have been sent to the SRC is not available in the file of the SRC. Appeal Committee further noted that appellant institution has not submitted any evidence such as speed post receipt or trekking report as evidence of having submitted reply to the Show Cause Notice dated 29/09/2020. Appeal Committee noted that Show Cause Notice dated 29/09/2020 contained reference to a letter dated 29/06/2020 of the Government of Andhra Pradesh by which SRC was informed that appellant institution had made admissions during academic year 2018-19 on their own in violation of Government orders.

2. Appeal Committee noted that appellant in its appeal memoranda has not made any comment on this issue. Appeal Committee noting that the belated reply to Show Cause Notice stated to have been sent to SRC is not available on regulatory file and further the appellant has not commented on the issue of admissions made in violation

Perused & Approved

of the government orders in the appeal memoranda, decided to confirm the impugned withdrawal order dated 04/03/2021 issued by SRC.

IV. DECISION:-

NOW THEREFORE, after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary, Mahammad Ghori D.Ed. College, Kandulapuram, 615, Cumbum, 1st Street, Cumbum, Prakasam, Andhra Pradesh - 523333.
2. The Secretary, Ministry of Education, 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, Amaravati.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-159/E-185004/2021 Appeal/18th Meeting, 2021
Appeal No. APPLSRC202114024

Sri Vivekananda D.Ed. College, 18/1, Madalavaripalem, Ramayanakandrika, Podili, Prakasam, Andhra Pradesh – 523240 <u>(APPELLANT)</u>	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <u>(RESPONDENT)</u>
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Representative of Appellant	Sh. D. Suresh Kumar, Administration Officer
Respondent by	Regional Director, SRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Sri Vivekananda D.Ed. College, 18/1, Madalavaripalem, Ramayanakandrika, Podili, Prakasam, Andhra Pradesh dated 03/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/SRCAPP14760/D.El.Ed./AP/2021/123910 dated 04.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that "Committee noted that the institution has not submitted any reply in response to the Show Cause Notice issued to the institution on 29.09.2020. Further, the Committee also perused the letter received from the Director, School Education, Govt. of Andhra Pradesh with a request to withdraw the recognition to this institution as they committed irregularities in the process of admission."

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II. SUBMISSIONS MADE BY APPELLANT:-

Sh. D. Suresh Kumar, Administration Officer, Sri Vivekananda D.Ed. College, 18/1, Madalavaripalem, Ramayanakandrika, Podili, Prakasam, Andhra Pradesh presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "Due to Covid-19 pandemic situation our college correspondent effected Corona Virus and joined in hospital due to this reason we are unable to send 1st show cause notice reply within time. We never committed any irregularities in the process of admission."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-

The Committee noted that, the appellant, who was unable to send a reply to the show cause notice dated 29/09/2020, with their letter sent to the Council, following the online appeal, enclosed a host of documents.

2. Since a reply to the Show Cause Notice has to be considered by the SRC, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the formal reply to their show cause to be sent by the appellant, and take necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the SRC their reply to the Show Cause Notice within 15 days of receipt of orders on the appeal.

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-

Respectfully

“Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed.”

5. Appeal Committee noted that impugned order dated 04/03/2021 was on ground of non-submission of reply to Show Cause Notice which was on ground of irregularities committed by appellant institution in the process of admission. As such impugned order of withdrawal will remain effective till SRC revisits the matter after considering the reply of Show Cause Notice (S.C.N.) to be sent by appellant within 15 days of the issue of appellate order.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to remand back the case of Sri Vivekananda D.Ed. College, 18/1, Madalavaripalem, Ramayanakandrika, Podili, Prakasam, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above. The impugned order of withdrawal dated 04/03/2021 will remain effective till the case is revisited by SRC after considering the reply to Show Cause Notice to be sent by appellant institution within 15 of the issue of appeal order.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

- 1. The President, Sri Vivekananda D.Ed. College, 18/1, Madalavaripalem, Ramayanakandrika, Podili, Prakasam, Andhra Pradesh - 523240.**
- 2. The Secretary, Ministry of Education, 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, Amaravati.**



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. File No. 89-160/E-184995/2021 Appeal/18th Meeting, 2021
Appeal No. APPLSRC202114023

Sri Vivekananda D.Ed. College, 18/1, Madalavaripalem, Ramayanakandrika, Podili, Prakasam, Andhra Pradesh – 523240 (APPELLANT)	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. (RESPONDENT)
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Representative of Appellant	Sh. D. Suresh Kumar, Administration Officer
Respondent by	Regional Director, SRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Sri Vivekananda D.Ed. College, 18/1, Madalavaripalem, Ramayanakandrika, Podili, Prakasam, Andhra Pradesh dated 03/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/SRCAPP1431/D.El.Ed./{AP}/2021/124007 dated 04.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting for D.El.Ed. Course on the grounds that "the Committee noted that the institution has not submitted any reply in response to the Show Cause Notice issued to the institution on 29.09.2020. Further, the Committee also perused the letter received from the Director, School Education, Govt. of Andhra Pradesh with a request to withdraw the recognition to this institution as they committed irregularities in the process of admission."

Perf 4/10/21

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. D. Suresh Kumar, Administration Officer, Sri Vivekananda D.Ed. College, 18/1, Madalavaripalem, Ramayanakandrika, Podili, Prakasam, Andhra Pradesh presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "Due to Covid-19 pandemic situation our college correspondent effected Corona Virus and joined in hospital due to this reason we are unable to send 1st show cause notice reply within time. We never committed any irregularities in the process of admissions."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-

The Committee noted that, the appellant, who was unable to send a reply to the show cause notice dated 29/09/2020, with their letter sent to the Council, following the online appeal, enclosed a host of documents.

2. Since a reply to the Show Cause Notice has to be considered by the SRC, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the formal reply to their show cause to be sent by the appellant, and take necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the SRC their reply to the Show Cause Notice within 15 days of receipt of orders on the appeal.

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-

Respectfully

“Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed.”

5. Appeal Committee noted that impugned order dated 04/03/2021 was on ground of non-submission of reply to Show Cause Notice which was on ground of irregularities committed by appellant institution in the process of admission. As such impugned order of withdrawal will remain effective till SRC revisits the matter after considering the reply of Show Cause Notice (S.C.N.) to be sent by appellant within 15 days of the issue of appellate order.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to remand back the case of Sri Vivekananda D.Ed. College, 18/1, Madalavaripalem, Ramayanakandrika, Podili, Prakasam, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above. The impugned order of withdrawal dated 04/03/2021 will remain effective till the case is revisited by SRC after considering the reply to Show Cause Notice to be sent by appellant institution within 15 of the issue of appeal order.

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


 (Mrs. Kesang Yangzom Sherpa)
 Member Secretary

Copy to: -

1. The President, Sri Vivekananda D.Ed. College, 18/1, Madalavaripalem, Ramayanakandrika Village, Podili, Prakasam, Andhra Pradesh – 523240.
2. The Secretary, Ministry of Education, 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, Amaravati.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-161/E-185147/2021 Appeal/18th Meeting, 2021
Appeal No. APPLSRC202114032

S.R. D.Ed. College, Brahmananpalli, Vittamrajupalli, NRT Road, Vinukonda, Guntur, Andhra Pradesh – 522647	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. Syeed Rafiq Ahmed, Secretary & Correspondent
Respondent by	Regional Director, SRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of S.R. D.Ed. College, Brahmananpalli, Vittamrajupalli, NRT Road, Vinukonda, Guntur, Andhra Pradesh dated 10/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO / NCTE / APS09038 /AP / D.El.Ed. / 397th/2021 SRC/NCTE / SRCAPP1805 / AP / D.El.Ed.-AI /397th/2021 SRO / NCTE / SRCAPP2442 /AP/D.El.Ed.-AI/397th/2021 dated 12.04.2021 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that "Committee in its 386th meeting after perusal of the letter No. RC. No. 359/A/SCERT/2019 dated 29.06.2020 received from the Commissioner, School Education (FAC), School Education Department, Govt. of Andhra Pradesh recommending therein for derecognition order in respect of 188 Pvt. D.El.Ed. colleges in A.P. since the said managements of Pvt. D.El.Ed.

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colleges have made admissions into the D.El.Ed. course during academic year 2018-19 on their own in violation of Government orders. Accordingly, the SRC decided to issue a Show Cause Notice to all such institutions asking therein to explain about the observations made by the School Education Department, Govt. of Andhra Pradesh vide letter No. R.C. No. 359/A/SCERT/2019 dated 29.6.2020. In view of the above decision a Show Cause Notice dt 29.09.2020 was issued to the institution and the institution vide letter dated 23.12.2020 has submitted its representation. The Committee noted that the explanation on the observation made by the School Minutes of 397th Meeting of the SRC held on 25th – 26th March 2021 Education Department, Govt. of AP is not satisfactory as the institution made admission into the D.El.Ed. course during academic year 2018-19 on their own in violation of Govt. orders. Further on perusal of the reply dated 23.12.2020 submitted by the institution, the institution also failed to submit the following documents/information:- The institution has submitted notarized copy of land document as Sale Deed. The institution did not submit certified copy of land documents. The institution has not submitted the latest faculty list approved Director, SCERT. The institution has submitted photocopy of 3 FDRs out of which 1 FDR has matured."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Syeed Rafiq Ahmed, Secretary & Correspondent, S.R. D.Ed. College, Brahmananpalli, Vittamrajupalli, NRT Road, Vinukonda, Guntur, Andhra Pradesh presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "Our management already submitted all documents related to our S.R. D.Ed College, NRT Road, Vinukonda, Guntur District. Our management has already submitted original copy of certified copy of land documents. Our management already submitted copy of latest faculty list approved by the Directot, SCERT, AP, Amaravathi. Our management already submitted form-A certificate from the Bank Manager regarding endowment fund Rs.5,00,000/- and reserve fund Rs.7,00,000/-. The 3 FDRs are continuing auto renewal process for next 5 years."

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III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution is recognised to conduct D.El.Ed. programme since 2005 with additional intakes granted in the years 2014 and 2016. The impugned order of withdrawal dated 12/04/2021 is on the grounds:-

- (i) Government of Andhra Pradesh, School Education Department has recommended derecognition as management has made admissions in 2018-19 in violation of the Government orders.
- (ii) Failure to submit.
 - (a) Certified copy of Land document.
 - (b) Latest faculty list approved by Director, SCERT.
 - (c) One FDR has matured.

2. Appeal Committee noted that appellant institution had submitted to SRC by its letter dated 23/12/2020 copy of acceptable land documents. With its appeal memoranda appellant submitted Form 'A' issued by banks intimating that fixed deposits of Rs. 5 & 3 lakhs are valid upto 02/07/2025 and FDR of Rs. 4 lakh is valid upto 18/02/2026.

3. Appeal Committee noted that Teacher Education Institutions conducting D.El.Ed. programme were previously allowed to make spot admissions which was discontinued from the year 2018-19. Appellant institution with many other institutions was found to have continued with the spot admissions which was taken serious note of by the Education Department of the State Government resulting in recommendation to withdraw recognition.

4. Appeal Committee noted from the submission made by appellant that it had filed a Writ Petition before the Division Bench of Andhra Pradesh High Court. Outcome of the Writ Petition is not known to the Appeal Committee. Appeal Committee further

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noted that appellant institution has failed to submit latest list of faculty approved by affiliating body and the list submitted was approved in 2016.

5. In these circumstances, Appeal Committee cannot take a final decision to set aside or confirm the impugned order of withdrawal. The case is remanded back to SRC to update on the status of pending writ petition filed by appellant, if any, and also to check whether the faculty approved by SCERT in 2016 is still continuing and getting salary paid in accordance with Clause 10 (2) of NCTE Regulation, 2014.

6. Without setting aside the impugned order, Appeal Committee decided to remand back the case to SRC to get enlightened on the status of writ petition filed by appellant and the status of faculty and salary being paid to faculty as per Clause 10 (2) of the NCTE Regulation.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to remand back the case of S.R. D.Ed. College, Brahmananpalli, Vittamrajupalli, NRT Road, Vinukonda, Guntur, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
 Member Secretary

Copy to: -

1. The Secretary, S.R. D.Ed. College, Brahmananpalli, Vittamrajupalli, NRT Road, Vinukonda, Guntur, Andhra Pradesh – 522647.
2. The Secretary, Ministry of Education, 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, Amaravati.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-163/E-185612/2021 Appeal/18th Meeting, 2021
Appeal No. APPLWRC202114036

College of Education, Pilvai, 219 (Old-135), Pilvai Mahudi Road, TA Vijapur Dist. Mehsana, Gujarat	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Dr. Sanjay Kumar Sumantlal Shah, Principal
Respondent by	Regional Director, WRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of College of Education, Pilvai, 219 (Old-135), Pilvai Mahudi Road, TA Vijapur Dist. Mehsana, Gujarat dated 17/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW01294/323200/B.Ed./Guj./336th/2021/215587 dated 08.04.2021 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Institution has not submitted certified copy of land documents issued by concerned Tehsildar/Revenue Officer. The institution has submitted a photocopy of building plan approved by D.A. Patel (B.Ed. Civil) Registered Engineer approved Valuer-F-17156 Chartered Engineer (India) Patel Engineering Co. wherein the total land area, build-up area, Survey number is not mentioned. The institution has submitted Building Completion Certificate, but total land area is not

Respectfully

mentioned. The institution has not submitted an attested/notarized copy of Non-Encumbrance Certificate issued by the competent authority. The institution has not submitted an attested/notarized copy of Land Use Certificate issued by the Competent Authority. The institution has not submitted Land Possession Certificate from Govt. Authority. Hence, the Committee decided to withdraw the recognition granted to College of Education, Run by Uttarpurva Gujarat Uchcha Kelvani Mandal, Pilvai, Vijapur, Mehsana, Gujarat for conducting B.Ed. course with effect from the next academic session i.e. 2021-2022 onwards under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Sanjay Kumar Sumantlal Shah, Principal, College of Education, Pilvai, 219 (Old-135), Pilvai Mahudi Road, TA Vijapur Dist. Mehsana, Gujarat presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "Institute submitted all online land documents provided by the Govt. which is in Gujarati Language. Here we have submitted original, translated and notarized land documents for your consideration. The institute reproduced the building plans wherein the total land area, build-up area, Survey Number is mentioned. The institute resubmitted the building completion certificate mentioned the total land area. The institute submitted the Non-Encumbrance Certificate issued by the competent authority. The institute submitted the Land use Certificate issued by the competent authority. The institute has already submitted all the required documents regarding land possession. We have submitted all the documents for your consideration. We have reproduced herewith all the documents regarding land requested by WRC. It is our request that all these documents should be presented and re-verified at the next meeting of WRC. We appeal herewith you to re-verify the all land and building documents requested in withdrawal order and reconsider the decision accordingly."



III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution is recognised to conduct B.Ed. programme since 2006-07 and a revised recognition order was issued on 31/05/2015.

2. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

“Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-

“Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed.”

4. Appeal Committee noted that documents such as (i) Building Plan is not legible and stamp / signatures are not legible and verifiable. Building Completion Certificate contains overwriting in Col. 4 thereof. Similarly, Non Encumbrance Certificate and C.L.U. and Building Utilisation Certificate are issued by same authority. The Committee, noting that the documents submitted in appeal vis a vis the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly. The Committee decided to remand back the case to the WRC with a direction to consider these documents, to be submitted to them by the appellant, and take necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the WRC all these documents within 15 days of receipt of orders on the appeal. The impugned withdrawal order dated 02/04/2021 will remain effective till issue of a further order.

As per 1/10/21

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to remand back the case of College of Education, Pilvai, 219 (Old-135), Pilvai Mahudi Road, TA Vijapur Dist. Mehsana, Gujarat to the WRC, NCTE, for necessary action as indicated above. The impugned withdrawal order dated 02/04/2021 will remain effective till issue of a further order.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary, College of Education, Pilvai, 219 (Old-135), Pilvai Mahudi Road, TA Vijapur Dist. Mehsana, Gujarat.
2. The Secretary, Ministry of Education, 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 Gujarat, Gandhinagar.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-167/E-185628/2021 Appeal/18th Meeting, 2021

Appeal No. APPLSRC202114027

L.M.N. College of Education, Vemulakota, 614, Markapuram, Prakasam, Andhra Pradesh – 523316	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Dr. L. Venkateswara Reddy, Secretary & Correspondent
Respondent by	Regional Director, SRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of L.M.N. College of Education, Vemulakota, 614, Markapuram, Prakasam, Andhra Pradesh dated 07/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/SRCAPP14204/D.El.Ed/AP/2021/124227 dated 08.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting for D.El.Ed. Course on the grounds that “the Committee noted that the institution has not submitted any reply in response to the Show Cause Notice issued to the institution on 29.09.2020. Further, the Committee also perused the letter received from the Director, School Education, Govt. of Andhra Pradesh with a request to withdraw the recognition to this institution as they committed irregularities in the process of admission.”

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II. SUBMISSIONS MADE BY APPELLANT:-

Dr. L. Venkateswara Reddy, Secretary & Correspondent, Secretary, L.M.N. College of Education, Vemulakota, 614, Markapuram, Prakasam, Andhra Pradesh presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "Due to Covid-19 pandemic situation our college one of the member Vice-President effected Corona Virus and joined in Hospital due to this reason we are unable to send 1st Show Cause Notice reply within time. We never committed any irregularities in the process of admissions."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution is recognised to conduct D.El.Ed. programme since 2015-16 and a Show Cause Notice (SCN) dated 29/09/2020 was issued. Appellant states that due to Covid pandemic the reply to Show Cause Notice (S.C.N) was delayed and the grounds on which impugned order of withdrawal was issued are explained in the appeal memoranda. The Committee noted that the appellant, who was unable to send a reply to the show cause notice dated 29/09/2020, with their letter dt. 08/05/2021 sent to the Council, enclosed a host of documents.

2. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-

"Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore,

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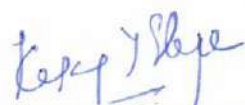
entitled to the benefits of recognition until a fresh withdrawal order is passed."

4. Since a reply to the Show Cause Notice has to be considered by the SRC, the Committee concluded that the impugned order will remain effective till SRC considers the formal reply to the Show Cause Notice, to be sent to them by the appellant, and take necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the SRC their reply to the Show Cause Notice within 15 days of receipt of orders on the appeal.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded that the impugned order will remain effective till SRC considers the formal reply to the Show Cause Notice and remand back the case of L.M.N. College of Education, Vemulakota, 614, Markapuram, Prakasam, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Correspondent, L.M.N. College of Education, Vemulakota, 614, Markapuram, Prakasam, Andhra Pradesh – 523316.
2. The Secretary, Ministry of Education, 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, Amaravati.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-169/E-185637/2021 Appeal/18th Meeting, 2021
Appeal No. APPLWRC202114010

Dahod Anaj Mahajan Sarvajanik Education Society, B.Ed. College, Dahod, Jhalod Road, Dahod, Gujarat – 389151	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Ms. Rashidaben Electricwala, Managing Committee Member
Respondent by	Regional Director, WRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Dahod Anaj Mahajan Sarvajanik Education Society, B.Ed. College, Dahod, Jhalod Road, Dahod, Gujarat dated 09/04/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/NCTE/323092/B.Ed./Guj./336th/2021/215581 dated 08.04.2021 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the institution has not submitted certified copy of land documents issued by concerned Tehsildar / Revenue Officer. Building Safety Certificate not submitted. The institution has not submitted an attested/notarized copy of Land Use Certificate issued by the Competent Authority. The institution has not submitted Land Possession Certificate from Govt. Authority. The institution has not submitted an attested/notarized copy of Non-Encumbrance Certificate issued by the Competent

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Authority. The institution has submitted staff profile (1+16) approved by Registrar Shri Govind Guru University, Dodhra – Gujarat. 7 faculty are not qualified as per NCTE Rules and Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT:-

Ms. Rashidaben Electricwala, Managing Committee Member, Dahod Anaj Mahajan Sarvajanik Education Society, B.Ed. College, Dahod, Jhalod Road, Dahod, Gujarat presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that “Copy attached.” the institution vide letter dt. 21/05/2021 representation its case (copy enclosed)”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-

The Committee noted that the appellant with their letter dated 21/05/2021 sent to the Council, following the online appeal, enclosed the relevant documents vis a vis the grounds of appeal. The appellant, with their subsequent letter dt. 07/07/2021 forwarded a faculty list consisting of a Principal, 18 faculty members, possessing the qualifications as per NCTE Regulation, 2014 amended in 2017 and a librarian and approved by the Registrar, Shir Govind Guru University, Godhra Gujarat for the academic year 2021-22.

2. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

“Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-

“Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the

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order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed."

4. In view of the above position, the Committee concluded to set aside the impugned order dated 08/04/2021. The matter deserved to be remanded to the WRC with a direction to consider the documents submitted in appeal including the latest approved faculty list, to be sent to them by the appellant and take necessary action as per NCTE Regulation, 2014. The appellant is directed to forward to the WRC all the documents submitted in appeal and the latest approved faculty list, with originals thereof, wherever necessary within 15 days of receipt of orders on the appeal.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order dated 08/04/2021 issued by WRC and to remand back the case of Dahod Anaj Mahajan Sarvajanic Education Society, B.Ed. College, Dahod, Jhalod Road, Dahod, Gujarat to the WRC, NCTE, for necessary action as indicated above.

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


 (Mrs. Kesang Yangzom Sherpa)
 Member Secretary

Copy to: -

1. The Principal, Dahod Anaj Mahajan Sarvajanic Education Society, B.Ed. College, Dahod, Jhalod Road, Dahod, Gujarat – 389151.
2. The Secretary, Ministry of Education, 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.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-171/E-186044/2021 Appeal/18th Meeting, 2021
Appeal No. APPLNRC202013723

Sarvodya Mahavidyalaya, Chaumuhan, 01119, National Highway 2, Chhata, Mathura, Uttar Pradesh – 281406	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. Saurabh Tiwari, Assistant Professor
Respondent by	Regional Director, NRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Sarvodya Mahavidyalaya, Chaumuhan, 01119, National Highway 2, Chhata, Mathura, Uttar Pradesh dated 16/09/2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/UP-682 & UP-2350/315th Meeting/2020/209991-96 dated 09.10.2020 of the Northern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "The institution has not submitted approved faculty list in original with the details of their academic qualifications/experience etc. The institution has not submitted the details of salary disbursed to the faculty along with six months Bank statement along with account

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number of each faculty members. The reply of SCN dated 02.07.2019 submitted by the institution is not satisfactory as it does not address the above deficiencies and the institution was given final opportunity before withdrawal of recognition. Further, the website link showing the faculty details is not submitted by the institution. The institution has not submitted reply of second show cause notice. Hence, NRC decided to withdraw the recognition under Section 17 of the NCTE Act, 1993 from the end of the academic session next following the date of order of withdrawal. A detailed withdrawal order be issued to the college."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Saurabh Tiwari, Assistant Professor, Sarvodaya Mahavidyalaya, Chaumuhan, 01119, National Highway 2, Chhata, Mathura, Uttar Pradesh presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "The appeal against the NCTE passed in Meeting No. 315 at Serial No. in reference to U.P.-682 and U.P.-2350 B.Ed. Course (Sarvodaya Mahavidyalaya, Chaumuhan, Distt. - Mathura affiliated to DR. B.R. Ambedkar University, Agra) is well within time i.e. within thirty days of passing of order of NCTE, although letter of NCTE has not been received by the Institution till today. Information of the order has been received on the website of NCTE and letter dated 08-09-2020 of the university. The reply was delayed because of declaration of complete lockdown due to Covid-19 pandemic and retirement of the registrar of the concerned university. No appointment of new registrar for several months, the matter of approval of B.Ed. faculty was pending in University (Dr. B.R. Ambedkar, University, Agra) since 11-06-2019. All the facts are mentioned in detail in the attached affidavit. It is therefore prayed kindly to be merciful and do needful. Appellant Institution Through Secretary Sarvodaya Mahavidyalaya, Chaumuhan, Distt. - Mathura Affiliated to Dr. B.R. Ambedkar University, Agra Ph. No. 9359955303."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-

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The appellant, with their e-mail dated 24/07/2021, furnished a copy of their letter dated 24/08/2020 sent to the NRC with which the requisite information regarding approval of University to the faculty and bank statements were enclosed.

2. The Committee noted that the file of the NRC contains the appellant's letter dt. 24/08/2020 sent in reply to the Show Cause Notice dated 26/02/2020. The enclosure to that letter include, B.R. Ambedkar University's letter dt. 14/08/2020, staff list and bank statements.

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-

"Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed."

5. Appeal Committee concluded to set aside the impugned order of withdrawal dated 09/10/2020. The matter deserved to be remanded to the NRC with a direction to consider the appellant's letter dt. 24/08/2020 and take necessary action as per NCTE Regulation, 2014.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order of withdrawal dated 09/10/2020 and remand back the case of Sarvodya

Mahavidyalaya, Chaumuhan, 01119, National Highway 2, Chhata, Mathura, Uttar Pradesh to the NRC NCTE, for necessary action as indicated above.

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



(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

- 1. The Secretary, Sarvodya Mahavidyalaya, Chaumuhan, 01119, National Highway 2, Chhata, Mathura, Uttar Pradesh - 281406.**
2. The Secretary, Ministry of Education, 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.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-172/E-185793/2021 Appeal/18th Meeting, 2021
Appeal No. APPLSRC202114011

St. Anne's College of Education for Women, Thamaraikulam, 3091, 3105/5, 3105/6, 3105/7B, Thamaraikulam, J.A. College, Thamaraikulam, Periyakulam, Theni, Tamil Nadu – 625601 <u>(APPELLANT)</u>	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. <u>(RESPONDENT)</u>
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Representative of Appellant	The representative
Respondent by	Regional Director, SRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of St. Anne's College of Education for Women, Thamaraikulam, 3091, 3105/5, 3105/6, 3105/7B, Thamaraikulam, J.A. College, Thamaraikulam, Periyakulam, Theni, Tamil Nadu dated 17/04/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS03598/B.Ed./{TN}/2021/124805 dated 10.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "The institution has not submitted a Certified copy of Land Documents. Minutes of 395th Meeting of the SRC held from 25th – 26th February 2021. 66. The institution has submitted a photocopy of Non-Encumbrance Certificate in Regional Language. The institution has submitted a photocopy of Building Plan which is not approved by the Competent Authority and Multi-purpose hall area is not readable in the document. The institution has submitted a photocopy of Completion Certificate which

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is not in prescribed format of NCTE. The institution has submitted a computerized copy of Faculty List which not in prescribed format of NCTE. The institution has not submitted Form "A" issued by the Branch Manager, only photocopy of FDRs submitted."

II. SUBMISSIONS MADE BY APPELLANT:-

The representative of St. Anne's College of Education for Women, Thamaraikulam, 3091, 3105/5, 3105/6, 3105/7B, Thamaraikulam, J.A. College, Thamaraikulam, Periyakulam, Theni, Tamil Nadu presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "now we have original certified copy of land documents. copy enclosed. Now we have the English version of notarized latest NEC issued by the competent authority. copy enclosed. Now we have the Building Plan, which is approved by the competent authority and signed by notary public and multi-purpose hall area is readable in the document. copy enclosed. Now we have the Building Completion Certificate is in prescribed format of NCTE and approved by the authorized Govt. Engineer and attested by notary public. copy enclosed. Now we have the latest faculty list and approved by the Registrar, TNTEU, Chennai, Tamilnadu as per NCTE norms. dated 26.03.2021. Latest staff approval. Now we have form 'A' issued by the Branch Manager, IOB, Thamaraikulam and FD for Rs. 5,00,000 (endowment fund) and Rs. 7,00,000 (reserve fund) are attested by Branch Manager."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-

The Committee noted that the appellant has submitted various documents found wanting in the order of withdrawal. In these circumstances, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider these documents, to be submitted to them by the appellant, and take necessary action as per the NCTE Regulation, 2014.

2. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt

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out so that the institution is not compelled to approach the Court in this manner."

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-


"Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed."

4. Appeal Committee decided to set aside the impugned order of withdrawal dated 10/03/2021 and remand back the case to SRC for revisiting the matter. The appellant is directed to forward to the SRC all the documents submitted in appeal, within 15 days of receipt of orders on the appeal.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order of withdrawal dated 10/03/2021 and remand back the case of St. Anne's College of Education for Women, Thamaraikulam, 3091, 3105/5, 3105/6, 3105/7B, Thamaraikulam, J.A. College, Thamaraikulam, Periyakulam, Theni, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

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



(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary, St. Anne's College of Education for Women, Thamaraikulam, 3091, 3105/5, 3105/6, 3105/7B, Thamaraikulam, J.A. College, Thamaraikulam, Periyakulam, Theni, Tamil Nadu – 625601.
2. The Secretary, Ministry of Education, 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.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-173/E-186226/2021 Appeal/18th Meeting, 2021
Appeal No. APPLSRC202114029

Bharathi College of Education, 28/1063-1, 2 Sai Baba Nagar, Nandyal, Kurnool, Andhra Pradesh – 518502	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh./Ms. R. Vijaya Rani, A.O.
Respondent by	Regional Director, SRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Bharathi College of Education, 28/1063-1, 2 Sai Baba Nagar, Nandyal, Kurnool, Andhra Pradesh dated 08/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS07257/AP/B.Ed/2021/124041 dated 04.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "The initial recognition was granted by the NCTE on the land at S.No. 366 measuring Acre – 0 cents – 11 passesend through Gift- Settlement deed dt. 17.09.2006. In response to Final Show Cause Notice the institution has submitted tow Gift Deed dt. 23.02.2008 and 22.02.2008 regarding land at. S.No. "out of 366" measuring 0.022 Hectors (266.2 sq.ft) and (i) 366 (ii) 366 measuring 0.33 acre with RCC building of three floors having carpet area of 5224.5 sq.ft. in each floor (Total

Long & slope

15673.5 sq.ft) existing. The institution has submitted notarized copy of land documents instead of certified copy of land documents. The institution has submitted notarized copy building plan but Survey no. not mentioned & multipurpose hall (30 x 60) size is insufficient as per NCTE Norms. The institution has submitted a faculty list alongwith a letter dated 27.8.2012 of the Registrar, Rayalaseema University, Kurnool. On perusal of the staff list following deficiencies are noted:- 1. The institution has not submitted latest staff list as per provisions of the NCTE Regulations, 2014. 2. The institution has appointed Principal but do not possess Ph.D. qualification. 3. The institution has not appointed Physical Education, Performing Arts & Fine Arts faculty. 4. Faculty namely Sri. Y. Rami Reddy (computer) is appointed by the Registrar of University but is not approved in the formal letter of the university. 5. The institution has not mentioned the Domain name of its website. 6. The institution has not submit affidavit regarding possession of land & building as per provisions of the NCTE Regulations, 2014."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh./Ms. R. Vijaya Rani, A.O., Bharathi College of Education, 28/1063-1, 2 Sai Baba Nagar, Nandyal, Kurnool, Andhra Pradesh presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "Land area and built-up area documents are being submitted in this appeal. Certified land documents will be submitted in this appeal. Building plan along-with survey number and approval will be submitted. Latest staff approval list with Ph.D. Principal. Website domain and possession of land and building will be submitted."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-

The Committee noted that the appellant has submitted various documents vis a vis the deficiencies found in the order of withdrawal.

2. The Committee noted from the file of the SRC that in the Show Cause Notice dated 01/03/2019 it was pointed out that the appellant has not submitted certain

*Respectfully,
[Signature]*

documents relating to land / building and faculty. The SRC in their final Show Cause Notice dated 08/01/2021 mentioned that the appellant has to reply to the earlier show cause notice. The appellant submitted a reply on 01/02/2021. The SRC, after considering that reply issued the order of withdrawal in which the deficiencies pointed out are somewhat different from those mentioned in the show cause notice dated 01/03/2019.

3. Since the appellant has now submitted the documents with reference to the deficiencies mentioned in the order of withdrawal, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents submitted in appeal, to be sent to them by the appellant and take necessary action as per NCTE Regulation, 2014. The appellant is directed to forward to SRC, the documents submitted in appeal within 15 days of receipt of orders on the appeal.

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-

"Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed."

6. Appeal Committee decided to set aside the impugned order of withdrawal dated 04/03/2021 and remand back the case to SRC for revisiting the matter.

Resubmitted

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order dated 04/03/2021 and remand back the case of Bharathi College of Education, 28/1063-1, 2 Sai Baba Nagar, Nandyal, Kurnool, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.

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



(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Admn. Officer (AO), Bharathi College of Education, 28/1063-1, 2 Sai Baba Nagar, Nandyal, Kurnool, Andhra Pradesh - 518502.
2. The Secretary, Ministry of Education, 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, Amaravati.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-174/E-186248/2021 Appeal/18th Meeting, 2021
Appeal No. APPLSRC202114041

Sree Sai Siddhartha College of Education, Tadipatri, 681-A,B,C, Tadipatri, K.V. Reddy Nagar, Tadipatri, Ananapur, Andhra Pradesh – 515411	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh./Ms. K. Mahaboob Vali, Principal
Respondent by	Regional Director, SRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Sree Sai Siddhartha College of Education, Tadipatri, 681-A,B,C, Tadipatri, K.V. Reddy Nagar, Tadipatri, Ananapur, Andhra Pradesh dated 25/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS07094/B.Ed/AP/395th/2021/124973 dated 15.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that “the Committee noted that institution has failed in submission of reply to the Final Show Cause Notice issued on 15.11.2019.”

Keey / Kape

II. SUBMISSIONS MADE BY APPELLANT:-

Sh./Ms. K. Mahaboob Vali, Principal, Sree Sai Siddartha College of Education, Tadipatri, 681-A,B,C, Tadipatri, K.V. Reddy Nagar, Tadipatri, Ananatpur, Andhra Pradesh presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "not received letters. The institution vide letter dated 25/05/2021 represented its case."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-

The Committee noted that the appellant, with their letter dated 25/05/2021, forwarded to the Council various land related documents and staff particulars approved by the Registrar, S.K. University, Anantapur. In these circumstances, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider these documents, to be sent to them by the appellant, and take necessary action as per the NCTE Regulation, 2014.

2. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-

"Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed."

Resg. 1/10/21

4. Appeal Committee decided to set aside the impugned order of withdrawal dated 15/03/2021 and remand back the case to SRC for revisiting the matter. The appellant is directed to forward to the SRC all the documents submitted in appeal, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order of withdrawal dated 15/03/2021 and remand back the case of Sree Sai Siddhartha College of Education, Tadipatri, 681-A,B,C, Tadipatri, K.V. Reddy Nagar, Tadipatri, Ananatpur, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.

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



(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary Cum Correspondent, Sree Sai Siddhartha College of Education, Tadipatri, 681-A,B,C, Tadipatri, K.V. Reddy Nagar, Tadipatri, Ananatpur, Andhra Pradesh – 515411.
2. The Secretary, Ministry of Education, 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, Amaravati.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-175/E-186286/2021 Appeal/18th Meeting, 2021
Appeal No. APPLSRC202113969

Sri Ram Nallamani Yadava College of Education, Kodikurichi, Nallamani Nagar, Kadayanallur, Tirunelveli, Tamil Nadu – 627804 <u>(APPELLANT)</u>	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <u>(RESPONDENT)</u>
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Representative of Appellant	Sh. CA A. Palanikumar, Chartered Accountant
Respondent by	Regional Director, SRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Sri Ram Nallamani Yadava College of Education, Kodikurichi, Nallamani Nagar, Kadayanallur, Tirunelveli, Tamil Nadu dated 08/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRC/NCTE/APSO3577/B.Ed./APSO5005/B.Ed.-AI/APSO8350/M.Ed./2021/123614-3620 dated 05.02.2021 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "The institution was granted recognition in B.Ed. course on temporary premises with a condition to shift to own permanent building within a period of 3 years from the date of recognition granted. However, the documents submitted by the institution stating that the institution has already shifted to own

K. S. R. R.

permanent premises without taking prior permission from SRC, NCTE. The institution has submitted Building Plan which is not approved by the competent authority. The size of the Total Built Up area is not adequate for running 4 basic units of B.Ed. and 1 unit of M.Ed. as per NCTE Regulations, 2014. The size of Multipurpose Hall is also not adequate. The institution has submitted approval letters for B.Ed. & M.Ed. courses. The institution has submitted 26 Assistant Professors, 1 Physical Director and 2 Principal against the requirement of 1 Principal, 30 Assistant Professors, 2 Associate Professors, 2 Professors, 1 Physical Director, 1 Performing Arts and 1 Fine Arts for 4 Basic Units of B.Ed. and 1 unit of M.Ed. as per NCTE Regulations, 2014. The institution has submitted proforma of the staff wherein the date of appointments are not shown of the faculty for B.Ed. course. The institution has not submitted notarized English version of latest Non-Encumbrance Certificate duly issued by the competent authority. The institution has not submitted Land Use Certificate duly approved by the competent authority. However, the institution has submitted Land Title Certificate which is not approved by the competent authority. The institution has not submitted Form A issued by the respective Branch Manager towards maintenance of Endowment and Reserve Funds for both the courses in joint account with a period of 5 years. The institution has submitted photocopy of FDRs which are already expired. (vi) The institution has not submitted BCC in prescribed format. The size of the multipurpose hall is not mentioned. The BCC submitted by the institution is not approved by the competent authority."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. CA A. Palanikumar, Chartered Accountant, Sri Ram Nallamani Yadava College of Education, Kodikurichi, Nallamani Nagar, Kadayanallur, Tirunelveli, Tamil Nadu presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "we have taken permission from SRC NCTE at the time of additional intake. Now, we have submitted the Building Plan as per NCTE norms. Now, we have submitted the approved staff list as per NCTE norms. Now, we have submitted the notarized English version of NEC. Now, we have submitted the Form A. Now, we have submitted the BCC."

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III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that by a single order dated 05/02/2021 SRC has withdrawn recognition for B.Ed., B.Ed. (Addl.) and M.Ed. programmes being conducted by appellant institution. Appeal Committee noted that Visiting Team inspecting the institution at three different times had remarked that land of the institution is owned by the institution. The survey number on building plans submitted in 45/1 A and 46/1. The building plan submitted with appeal memoranda also mention above survey numbers. The Committee noted that the appellant has submitted certain documents related to land and faculty vis a vis the grounds mentioned in the withdrawal order. Regarding shifting of premises, the appellant, in the online appeal, merely stated that they have taken permission from SRC, NCTE at the time of additional intake, without giving any documentary evidence. On the other hand, it is noticed that in an affidavit submitted along with the reply dt. 09/10/2020 (received in SRC on 02/11/2020) to the Show Cause Notice dt. 21/09/2020, the appellant stated that the institution is running in same and permanent building, which was got approved at the time of recognition. The matter relating to shifting, therefore, needs more clarifications on the part of appellant.

2. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-

"Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed."

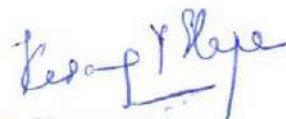
Resg. B. B. B.

4. In view of the above position, the Committee decided that the impugned order be set aside, and matter may be remanded to the SRC with a direction to consider the documents submitted in appeal, to be sent to them by the appellant together with clear cut explanation regarding change of premises, if any, supported by documents, and take necessary action as per NCTE Regulation, 2014. The appellant is directed to forward to the SRC all the documents submitted in appeal, together with detailed explanation regarding change of premises, if any, supported by documents, within 15 days of receipt orders on the appeal.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order dated 05/02/2021 and remand back the case of Sri Ram Nallamani Yadava College of Education, Kodikurichi, Nallamani Nagar, Kadayanallur, Tirunelveli, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

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



(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Auditor, Sri Ram Nallamani Yadava College of Education, Kodikurichi, Nallamani Nagar, Kadayanallur, Tirunelveli, Tamil Nadu – 627804.
2. The Secretary, Ministry of Education, 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.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-176/E-187930/2021 Appeal/18th Meeting, 2021
Appeal No. APPLWRC202114039

Choudhari College of Education, Sector-7, Opp. S.T. Road, Gandhinagar, Gujarat – 382007	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. Yashwant Bhai D. Choudhari, Campus Director
Respondent by	Regional Director, WRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Choudhari College of Education, Sector-7, Opp. S.T. Road, Gandhinagar, Gujarat dated 22/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW02444/323272/B.Ed./Guj./336th/2021/215575 dated 08.04.2021 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted certified copy of the Land Documents. The institution has not submitted Land Use Certificate duly issued by the competent authority. The institution has not submitted original blue print of the Building Plan issued by the competent authority. The institution has not submitted non-encumbrance Certificate issued by the competent authority. The institution has not submitted Building Completion Certificate issued by the competent authority. The

for 18/09/21

institution has submitted staff profile (1+15) approved by the Registrar, Gujarat University, Ahmedabad, Gujarat wherein the teacher appointed on full time Adhoc and Part time Adhoc Basis."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Yashwant Bhai D. Choudhari, Campus Director, Choudhari College of Education, Sector-7, Opp. S.T. Road, Gandhinagar, Gujarat presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "copies of required documents have been submitted."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution was recognised to conduct B.Ed. programme with an intake of 100 seats in the year 2007 and a revised recognition order under NCTE Regulation, 2014 was issued on 31/05/2015 for an intake of 2 units (100 seats). Appeal Committee noted that impugned order of withdrawal dated 08/04/2021 is on grounds of non-submission of:-

- (i) Certified copy of land document.
- (ii) Original Blueprint of Building Plan.
- (iii) Land Use Certificate
- (iv) Non-Encumbrance Certificate
- (v) Building Completion Certificate
- (vi) Staff profile approved but teachers appointed on full time adhoc basis and part time adhoc basis.

2. Appeal Committee noted that appellant during appeal proceedings has submitted copies of all the required documents most important of which were the list of faculty, Building Completion Certificate (B.C.C.) and the FDRs. Appellant has got a list of faculty for the year 2021-22 approved by affiliating university and faculty in this list is shown appointed on full time regular basis. Building Completion Certificate issued by Dy.

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Executive Engineer is for a built up area of 3584 sq. meters and FDRs of Rs. 7 lakh and 5 lakh are held in joint name.

3. Appeal Committee decided that appellant institution is required to submit to WRC within 15 days of issue of appeal order original faculty list and FDRs and copies of all other documents submitted by it to appellate authority. Appeal Committee further decided to remand back the case to WRC for revisiting the matter on receipt of required documents from the appellant institution.

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

“Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-

“Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed.”

6. Appellant institution is required to submit to WRC original of the faculty list approved by affiliating body, FDRs, Building Completion Certificate, certified copy of land document in original, Non-Encumbrance Certificate, and Land Use Certificate. Appeal Committee in compliance of the orders of Hon'ble High Court of Delhi referred to in para 4 and 5 above, decided to set aside the impugned withdrawal order dated 08/04/2021 and remand back the case WRC for revisiting the matter.

IV. Decision:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case,

Resg/10/21

Appeal Committee of the Council concluded to set aside the impugned order dated 08/04/2021 and remand back the case of Choudhari College of Education, Sector-7, Opp. S.T. Road, Gandhinagar, Gujarat to the WRC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Campus Director, Choudhari College of Education, Sector-7, Opp. S.T. Road, Gandhinagar, Gujarat – 382007.
2. The Secretary, Ministry of Education, 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.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-177/E-188524/2021 Appeal/18th Meeting, 2021

Appeal No. APPLSRC202114022

Nova College of Education, 54-2, Vegavaram, College Road, Jangareddygudem, West Godavari, Andhra Pradesh – 534447	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. M. Krishna Rao, Secretary
Respondent by	Regional Director, SRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Nova College of Education, 54-2, Vegavaram, College Road, Jangareddygudem, West Godavari, Andhra Pradesh dated 03/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRC/NCTE/APSO0341/B.Ed./AP/2021/123918 dated 04.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution has not submitted notarized English version of Land Document. The institution has not submitted a certified copy of land documents. The institution has submitted notarized copy of Building & Site plan which is not readable. The institution has not submitted a Letter regarding approval of faculty issued by the affiliating

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body. (i) 7 Assistant Professor do not have NET/Ph.D. as per NCTE (Recognition Norms & Procedure) (Amendment) Regulations, 2017 dated 29.05.2017 notified on 09.06.2017. The institution has submitted photocopy of two Matured FDRs. (i) The institution has not submitted a "Form A" issued by the respective Bank Manger towards creation of FDR of Rs.7 lakh and 5 lakh, totalling Rs.12 lakh towards Endowment Fund & Reserve Fund into joint account for a duration of 5 years along with a copy of the FDRs (iii) The institution has not submitted an Affidavit clearly stating status about land & building and Management (Society/Trust) at the time of recognition."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. M. Krishna Rao, Secretary, Nova College of Education, 54-2, Vegavaram, College Road, Jangareddygudem, West Godavari, Andhra Pradesh presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "We have notarized English version of the land document. We have certified copy of the land documents. We have notarized copy of the building & site plan which is readable. We have letter regarding approval of faculty issued by the affiliating body. We have "Form A" issued by the respective Bank Manager of one FDR is 7 lakhs and the second one is 5 lakhs FDRs."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution is recognised to conduct B.Ed. programme since 2003 with an intake of 100 seats. Appeal Committee further noted that a revised recognition order dated 27/04/2015 under NCTE Regulation, 2014 was issued for an intake of 100 seats (2 units).

2. Appeal Committee noted that institution being recognised since 2003, non-submission of English version of certified copy of land document, and not so legible copy of site plan etc., when there is no change in the premises, are not adequate valid reasons for withdrawal. After conversion of the one year B.Ed. programme into a two year programme, the factors assuming importance are (i) Increase in the number of faculty,

22/7/21

increase in the built up area with teaching resources and FDRs etc. as per NCTE Regulation, 2014.

3. Appeal Committee noted that regulatory file contains copies of legible building plan and translation of sale deed also. Appellant with its appeal memoranda has submitted English version of the sale deed. Building Completion Certificate (B.C.C.) available at page no. 705 of regulatory file mentions the property no. 54/2, Vegavaram, Jangareddygudem, West Godawari, Dist. having a built-up area of 4081 sq. meters which is more than adequate for conducting B.Ed. programme with an intake of 100 seats.

4. Appeal Committee noted that appellant has submitted list of faculty approved by affiliating body but has not submitted letter of the University approving the faculty. Clause 7 (6) of the NCTE Regulation, 2014 provide that the letter granting approval for the selection or appointment of faculty shall also be provided by the institution to the Regional Committee. Appeal Committee noted that appellant by email has submitted a list of faculty for academic year 2021-22 approved by affiliating University and qualified as per NCTE, Regulation.

5. Appeal Committee decided that SRC is required to revisit the case and issue a Show Cause Notice to the appellant to rectify the deficiencies in a time bound manner. The impugned order of withdrawal dated 04/03/2021 is not in accordance with the Proviso of Section 17 of the NCTE Act which prescribes that order withdrawing recognition shall come into force only with effect from the end of academic session next following the date of communicate of such order. Appeal Committee decided to remand back the case to SRC for revisiting the matter.

6. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

Res I

7. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-

“Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed.”

8. In compliance with the orders issued by Hon'ble High Court of Delhi referred to in para 6 & 7 above, Appeal Committee decided to set aside the impugned withdrawal order dated 04/03/2021 and remand back the case to WRC for revisiting the matter after issuing a final Show Cause Notice which is required to be replied by appellant within 15 days.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned withdrawal order dated 04/03/2021 and remand back the case of Nova College of Education, 54-2, Vegavaram, College Road, Jangareddygudem, West Godavari, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary, Nova College of Education, 54-2, Vegavaram, College Road, Jangareddygudem, West Godavari, Andhra Pradesh – 534447.
2. The Secretary, Ministry of Education, 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, Amaravati.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-180/E-188777/2021 Appeal/18th Meeting, 2021

Appeal No. APPLERC202114047

Adhir Saraswati College of Education, Natna, 711, 712, Natnapattabuka, Karimpur-Shikarpur Road, Natnapattabuka, Nadia, West Bengal – 741122 (APPELLANT)	<u>Vs</u>	Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012. (RESPONDENT)
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Representative of Appellant	Sh./Ms. Subrata Biswas, Chairman
Respondent by	Regional Director, ERC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF REFUSAL

The appeal of Adhir Saraswati College of Education, Natna, 711, 712, Natnapattabuka, Karimpur-Shikarpur Road, Natnapattabuka, Nadia, West Bengal dated 14/06/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ERC/289.9/ERCAPP4274/B.Ed./2021/63659 dated 24.02.2021 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "letter of Intent u/c 7(13) issued on 18.01.2019. 1st show cause notice u/s 14(3)(b) issued on 26.08.2019, followed by final show cause notice dated 27.02.2020. No reply has been received from the institution till date. Recognition to B.Ed. course is refused under section 14(3)(b) of NCTE Act, 1993."

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II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Subrata Biswas, Chairman, Adhir Saraswati College of Education, Natna, 711, 712, Natnapattabuka, Karimpur-Shikarpur Road, Natnapattabuka, Nadia, West Bengal presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "Reply sent to the ERC NCTE through India Speed Post on- 22/08/2019, praying some extra time period as the affiliating body not issued the teacher list with all data proof copy. Copy of that Letter and copy of the post receipt attached herein. Reply sent through online e-mailing system mentioning about the previous reply on 30/03/2020 as that time Lock-Down started all over the country due to Covid-19 1st Phase, so there was no other option. Already on- 23/02/2021 we have sent the complete file with originals which is still there in the ERC-NCTE. Moreover, after noticed the minutes on ERC-NCTE Official Website on- 27/02/2021 we have replied again stating all the details with evidence requesting re-consideration of the refusal order on- 28/02/2021 through Speed Post and also e-mailing as we have submitted before the refusal order issued and waited but still no reply received."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that a Letter of Intent (L.O.I.) dated 18/01/2019 was issued to appellant institution seeking compliance within a period of 60 days. Non-compliance resulted in issue of a Show Cause Notice (S.C.N) dated 26/08/2019. Appeal Committee observed that immediately after getting the L.O.I., the appellant institution requested the affiliating University to nominate subject experts for selection of faculty. Appellant further requested ERC on 20/08/2019 for grant of some more time to comply with the L.O.I.

2. Appeal Committee noted that affiliating University recommended faculty on 24/02/2020 and appellant by its online letter dated 30/03/2020 intimated ERC that due to Corona Pandemic the institution needs time to submit compliance. Appeal Committee noted that appellant institution had submitted a detailed compliance to ERC which was received three days after the issue of impugned refusal order. Appeal

Resg. & Reply

Committee considering that the year 2020 was badly hit by Covid pandemic and normal official activities were hampered, decided that compliance letter dated 22/02/2021 is required to be considered by ERC for revisiting the case. Hence the Appeal Committee decided to remand back the case to ERC for revisiting the matter.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to remand back the case of Adhir Saraswati College of Education, Natna, 711, 712, Natnapattabuka, Karimpur-Shikarpur Road, Natnapattabuka, Nadia, West Bengal to the ERC, NCTE, for necessary action as indicated above.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Chairman, Adhir Saraswati College of Education, Natna, 711, 712, Natnapattabuka, Karimpur-Shikarpur Road, Natnapattabuka, Nadia, West Bengal - 741122.
2. The Secretary, Ministry of Education, 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.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-181/E-188774/2021 Appeal/18th Meeting, 2021
Appeal No. APPLERC202114048

Adhir Saraswati College of Education, Natna, 711, 712, Natnapattabuka, Karimpur-Shikarpur Road, Natnapattabuka, Nadia, West Bengal – 741122	<u>Vs</u>	Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. Subrata Biswas, Chairman
Respondent by	Regional Director, ERC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF REFUSAL

The appeal of Adhir Saraswati College of Education, Natna, 711, 712, Natnapattabuka, Karimpur-Shikarpur Road, Natnapattabuka, Nadia, West Bengal dated 15/06/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ERC/289.8/ERCAPP4259/D.El.Ed./2021/63677 dated 25.02.2021 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "Letter of Intent u/c 7(13) issued on 18.01.2019. 1st show cause notice u/s 14(3)(b) issued on 26.08.2019, followed by final show cause notice dated 27.02.2020. No reply

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has been received from the institution till date. Recognition to D.El.Ed. course is refused under section 14(3)(b) of NCTE Act, 1993."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Subrata Biswas, Chairman, Adhir Saraswati College of Education, Natna, 711, 712, Natnapattabuka, Karimpur-Shikarpur Road, Natnapattabuka, Nadia, West Bengal presented online the case of the appellant institution on 24/07/2021. In the appeal memoranda it was submitted that "reply sent to ERC-NCTE through India Speed Post on- 22/08/2019, Praying some extra time period as the affiliating body not issued the teacher list with all data proof copy. Copy of that Letter and copy of the post receipt attached herein. Reply sent through online e-mailing system mentioning about the previous reply on 30/03/2020 as that time Lock-Down started all over the country due to Covid-19 1st Phase, so there was no other option. Print out copy attached herein. Already on- 23/02/2021 we have send the complete file with originals which is still there in The ERC-NCTE. We noticed the minutes on ERC-NCTE Official Website on- 27/02/2021, we replied again stating all the details with evidence requesting to restoration or re-consideration the refusal order on- 28/02/2021 through Speed Post and also e-mailing as we have submitted before the refusal order issued and waited but still no reply received at all."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that a Letter of Intent (L.O.I.) dated 18/01/2019 was issued to appellant institution seeking compliance within a period of 60 days. Non-compliance resulted in issue of a Show Cause Notice (S.C.N) dated 26/08/2019. Appeal Committee observed that immediately after getting the L.O.I., the appellant institution requested the affiliating body to nominate subject experts for selection of faculty. Appellant further requested ERC on 20/08/2019 for grant of some more time to comply with the L.O.I.

Resg 1 Rye

2. Appeal Committee noted that affiliating body recommended faculty on 03/02/2019 and appellant by its online letter dated 30/03/2020 intimated ERC that due to Corona Pandemic the institution needs time to submit compliance. Appeal Committee noted that appellant institution had submitted a detailed compliance to ERC which was received three days after the issue of impugned refusal order. Appeal Committee considering that the year 2020 was badly hit by Covid pandemic and normal official activities were hampered, decided that compliance letter dated 22/02/2021 is required to be considered by ERC for revisiting the case. Hence the Appeal Committee decided to remand back the case to ERC for revisiting the matter.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to remand back the case of Adhir Saraswati College of Education, Natna, 711, 712, Natnapattabuka, Karimpur-Shikarpur Road, Natnapattabuka, Nadia, West Bengal to the ERC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
 Member Secretary

Copy to: -

1. The Chairman, Adhir Saraswati College of Education, Natna, 711, 712, Natnapattabuka, Karimpur-Shikarpur Road, Natnapattabuka, Nadia, West Bengal - 741122.
2. The Secretary, Ministry of Education, 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.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-183/E-189148/2021 Appeal/18th Meeting, 2021
Appeal No. APPLERC202114038

Teachers Training College, 1881 (Old) 2607 (New), Mirza, D.K. College Road, Palasbari, Kamrup, Assam – 781125 (APPELLANT)	<u>Vs</u>	Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012. (RESPONDENT)
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Representative of Appellant	No one from the institution (Requested for decision on the basis of written submission.)
Respondent by	Regional Director, ERC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Teachers Training College, 1881 (Old) 2607 (New), Mirza, D.K. College Road, Palasbari, Kamrup, Assam dated 21/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ER-290.6(Part-2)/APE00462/B.Ed./2021 /63867 dated 22.03.2021 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Two show cause notice dt. 21.02.2019 and 02.03.2020 were issued to the institution on the following grounds:- Approved faculty list (current) by the concerned affiliating body along with requisite documents. Approved building plan by the concerned competent Govt. Engineer/Authority. Approved building completion certificate by the concerned competent Govt. Engineer/ Authority. FDRs towards Endowment fund and Reserve fund after conversion into joint operation mode as prescribed in the NCTE Regulations, 2014. Confirmation on website updates of the

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institutions with all details along with affidavit. Certified copy of registered land document to be submitted. Certified copy of Fire Safety Certificate duly signed by the Govt. competent authority to be submitted. b. No reply received from the institution till date. Hence, recognition granted to B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2021-2022."

II. SUBMISSIONS MADE BY APPELLANT:-

No one from, Teachers Training College, 1881 (Old) 2607 (New), Mirza, D.K. College Road, Palasbari, Kamrup, Assam appeared online to present the case of the appellant institution on 24/07/2021. In the appeal memoranda the reasons stated are "Due to the Covid-19 Situation in Assam." Appellant in its written submission requested for decision in the case on the basis of written statement.

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and noted that appellant by its letter dated 18/05/2021 and a subsequent letter addressed to Appeal Committee submitted a list of faculty approved by affiliating body containing the names of a Principal + 8 Lecturer + 2 part time lecturer. Appellant further submitted copies of building plan, Building Completion Certificate (Built up area 3419 sq. mt), FDRs, N.E.C., Fire Safety Certificate.

2. Appeal Committee noted that appellant institution is conducting B.Ed. programme since 2007 with an intake of 100 seats and was also issued revised recognition order in 2015 for a two year B.Ed. programme with an intake of 2 units i.e. 100 seats. Appellant was found to be deficient on account of number of faculty for which Show Cause Notice was issued on 02/03/2020 and recognition was finally withdrawn. Appeal Committee noted that appellant institution by its written request has asked for an intake of 50 seats for which it has required number of faculty approved by affiliating University.

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt

per NCTE

out so that the institution is not compelled to approach the Court in this manner."

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-

"Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed."

5. Appeal Committee noted that appellant fulfils the requirement for one unit of B.Ed. programme and has conveyed its willingness for reduction in the intake from 2 units to one unit. In compliance of the orders of Hon'ble High Court of Delhi referred to in para 3 & 4 above, decided to remand back the case to ERC for revisiting the case after considering the request of appellant to reduce the intake of B.Ed. programme from 2 units to 1 unit rather than withdrawing both the units.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to remand back the case of Teachers Training College, 1881 (Old) 2607 (New), Mirza, D.K. College Road, Palasbari, Kamrup, Assam to the ERC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The President, Teachers Training College, 1881 (Old) 2607 (New), Mirza, D.K. College Road, Palasbari, Kamrup, Assam – 781125.
2. The Secretary, Ministry of Education, 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 Assam, Dispur.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-184/E-189305/2021 Appeal/18th Meeting, 2021
Appeal No. APPLERC202114056

Veerayatan B.Ed. College, Pawapuri, 205, Jal Mandir, Pawapuri, Nalanda, Bihar – 803115 <u>(APPELLANT)</u>	<u>Vs</u>	Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012. <u>(RESPONDENT)</u>
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Representative of Appellant	Sh. Anjani Kumar, Secretary
Respondent by	Regional Director, ERC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF REFUSAL

The appeal of Veerayatan B.Ed. College, Pawapuri, 205, Jal Mandir, Pawapuri, Nalanda, Bihar dated 24/06/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ERC/280.32/ERCAPP201645169/9631/D.El.Ed./2020/62521 dated 03.03.2020 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "no reply has been received against the show cause notice issued on 31.12.2019. "Hence, recognition for D.El.Ed. be refused."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Anjani Kumar, Secretary, Veerayatan B.Ed. College, Pawapuri, 205, Jal Mandir, Pawapuri, Nalanda, Bihar presented online the case of the appellant institution

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on 24/07/2021. In the appeal and during personal presentation it was submitted that "Due to delay on the part of affiliating body i.e. we have not received counter signed faculty list by the affiliating body till September and the Covid-19 pandemic thereafter."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that filing of the appeal is delayed by 1 year and one month and appellant has attributed this delay to 1st and 2nd waves of Covid pandemic.

2. Appeal Committee noted that a Letter of Intent (L.O.I.) dated 23/08/2018 was issued to appellant institution seeking compliance within 2 months time. As no reply was received in response to L.O.I. a Show Cause Notice dated 23/08/2018 was issued seeking written representation from the appellant institution in a period of 21 days. Appellant statues to have submitted a letter dated 05/09/2018 by speed post seeking time to submit compliance of L.O.I. Appeal Committee noted that after allowing 21 days more time to appellant to submit compliance, a second Show Cause Notice (S.C.N.) dated 09/10/2018 was issued. Appellant again by its letter dated 17/10/2018 sought extension of time and assured that compliance will be sent after Chhat Puja holidays. Appeal Committee noted that a Show Cause Notice dated 26/11/2018 was issued to appellant institution for the third time.

3. Appeal Committee noted that a refusal order dated 22/02/2019 was issued by ERC and the appellant institution preferred its first appeal dated 09/03/2019. Appellate Authority in its order dated 26/09/2019 decided to remand back the case to ERC for revisiting the matter after the appellant submits compliance of L.O.I. within 15 days of the issue of appeal order.

4. Appeal Committee noted that appellant institution again failed to submit compliance even after the issue of another Show Cause Notice dated 31/12/2019. The impugned refusal order dated 03/03/2020 was on grounds of non submission of compliance of the terms and conditions of L.O.I. and it was issued before the out break

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of Covid pandemic 2020 in India. Appeal Committee observed that reasonable opportunities were given to appellant institution to submit compliance with extended time limits. Time and again appellant has failed to avail these opportunities. Appeal Committee, therefore, decided to confirm the impugned refusal order dated 03/03/2020.

IV. DECISION:-

Now therefore, after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee of the Council concluded to confirm the impugned refusal order dated 03/03/2020.

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


 (Mrs. Kesang Yangzom Sherpa)
 Member Secretary

Copy to: -

1. The Secretary, Veerayatan B.Ed. College, Pawapuri, 205, Jal Mandir, Pawapuri, Nalanda, Bihar – 803115.
2. The Secretary, Ministry of Education, 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 Bihar, Patna.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-185/E-189291/2021 Appeal/18th Meeting, 2021
Appeal No. APPL12730

Shree Vestabhai H. Patel College of B.Ed., Kangavi, Bachala Faliya Street, Dharampur, Gujarat – 396050 (APPELLANT)	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. (RESPONDENT)
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Representative of Appellant	Sh. Arvind H Patel, Secretary
Respondent by	Regional Director, WRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Shree Vestabhai H. Patel College of B.Ed., Kangavi, Bachala Faliya Street, Dharampur, Gujarat dated 05/09/2018 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW02538/323284/Guj./293rd/2018/198723 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 29.08.2016 was issued followed by compliance letter dated 01.08.2017. The institution replied vide letter dated 30.01.2018 and has submitted the staff profile of (1+6) approved by the Registrar. However, the list is not submitted in original. The Building Completion Certificate indicates that the building is under construction. The institution has not submitted additional FDRs for 4 Lakhs. Hence, Recognition is withdrawn from the session 2018-19. FDRs, if any, be returned."

Key Note

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Arvind H Patel, Secretary, Shree Vestabhai H. Patel College of B.Ed., Kangavi, Bachala Faliya Street, Dharampur, Gujarat presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "Required documents are submitted with the appeal memoranda."

III. OUTCOME OF THE CASE

Appeal Committee noted that whereas impugned order of withdrawal was issued on 22/06/2018, the appellant has submitted hard copy of its appeal memoranda with relevant documents by its letter dated 17/06/2021 and 17/07/2021. As per terms and conditions of the Appeal (online-e. governance), filing of the online appeal is necessarily to be followed by hard copy (print out) of the appeal within a period of seven days. Appellant had failed to submit hard copy of its appeal memoranda and related papers. The present appeal is delayed by two years and 10 months for which appellant did not give any reason. Appeal Committee decided not to condone the unexplained delay. Appeal filed by appellant is not admitted on delay grounds.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during online presentation of the appeal, Appeal Committee concluded not to condone the unexplained delay. Appeal filed by appellant is not admitted on delay grounds.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Director, Shree Vestabhai H. Patel College of B.Ed., Kangavi, Bachala Faliya Street, Dharampur, Gujarat – 396050.
2. The Secretary, Ministry of Education, 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.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-186/E-189363/2021 Appeal/18th Meeting, 2021
Appeal No. APPLWRC202114053

Kasturba College of Education, Wardha, 95/01, Borgaon Meghe, Hinganghat Road, Wardha, Maharashtra – 442001	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. Anand Meghe, Director
Respondent by	Regional Director, WRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Kasturba College of Education, Wardha, 95/01, Borgaon Meghe, Hinganghat Road, Wardha, Maharashtra dated 18/06/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW01374/123222/321st/2020/213129 dated 20.12.2020 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Recognition was granted to the institution on 09.08.2005 on rented premises with a condition to shift the institution in its own premises within a period of three years from the date of issue of recognition order. The institution has not shifted the institution in its own premises till date. Accordingly, Show Cause Noted was issued to the institution on 09.10.2020. The institution has not

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submitted the reply of the Show Cause Notice till date. In view of above, the Committee decided that the recognition of B.Ed. programme of the institution be withdrawn under clause 7(15) from the next academic session 2021-22."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Anand Meghe, Director, Kasturba College of Education, Wardha, 95/01, Borgaon Meghe, Hinganghat Road, Wardha, Maharashtra presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "Yes, recognition was granted to the institution by a letter dt 09/08/2005 addressed to the Registrar Nagpur University and the copy endorsed to the appellant institution. It is pertinent to mention here that there was no condition/commitment on part of the institution to shift its premises within a period of 3 years from the date of the issue of recognition order. The institution had taken the building on lease and the lease was for 30 years which will end in the years 2034. The institution has already paid the lease rent in advance and as such vacating the said premises before 2034 will put the institution to a huge loss. As per the recognition order dt. 09/08/2005 the appellant institution was not required to shift. Institution has given reply to SCN on 12/11/2020."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee perused the recognition order dated 09/08/2015 by which affiliating university i.e. Nagpur University was informed by WRC to allow the appellant institution to admit 100 students. The impugned withdrawal order quotes this letter of 09/08/2015 stating to be containing the terms of shifting from the rented premises. Appeal Committee noted that this letter dated 09/08/2005 does not contain any condition to shift and infact this is a letter issued to affiliating body to allow the appellant institution to admit students. Show Cause Notice was therefore, issued on a non-verifiable and unsubstantiated context.

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2. Appeal Committee further noted that even the revised recognition order dated 31/05/2015 did not specify in clear terms the appellant's obligation to shift from its rented premises. Appeal Committee noted that recognition of appellant institution was earlier withdrawn by an order dated 28/09/2018 on grounds of faculty and FDRs and appellant on getting the withdrawal order confirmed by Appellate Authority by an order dated 14/05/2019 had filed Writ Petition No. 3768 & 3769 of 2019 in the High Court of Judicature at Bombay Nagpur Bench, Nagpur. Petitioner was allowed to admit students as a result of this petition.

3. Appeal Committee noted that appellant institution was issued a Final Show Cause Notice dated 02/09/2020 on six grounds and this Show Cause Notice did not contain the condition of shifting from rented premises. However, in another Show Cause Notice dated 09/10/2020 the issue of shifting from rented to own building was raised. Appellant in its appeal memoranda stated that it replied to Show Cause Notice but did not furnish a copy of the reply. A copy of the registered agreement of leave and licence which is for thirty years from 15/11/2004 to 14/11/2034 has been submitted by appellant.

4. Appeal Committee noted that by terms and conditions of the recognition order dated 09/08/2005 referred to in the impugned order of withdrawal, appellant was not under any obligation to shift. Regional Committee is required to revisit the case if necessary by causing an inspection for verifying the land and built up area details as per NCTE Regulation. Appeal Committee is, of the view that impugned order of withdrawal dated 20/12/2020 is not sustainable and hence set aside.

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

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6. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-

"Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed."

7. In compliance of the orders of Delhi High Court referred to in para 5 & 6 above, Appeal Committee decided to set aside the impugned order of withdrawal dated 20/12/2020 and remand back the case to WRC for revisiting.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order of withdrawal dated 20/12/2020 and remand back the case of Kasturba College of Education, Wardha, 95/01, Borgaon Meghe, Hinganghat Road, Wardha, Maharashtra to the WRC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Principal, Kasturba College of Education, Wardha, 95/01, Borgaon Meghe, Hinganghat Road, Wardha, Maharashtra – 442001.
2. The Secretary, Ministry of Education, 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.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-187/E-189398/2021 Appeal/18th Meeting, 2021
Appeal No. APPLWRC202114043

Shree Panchshil Trusts Panchshil Education College, Kansa, Thalota Road, Visnagar, Mehsana, Gujarat – 384315 (APPELLANT)	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. (RESPONDENT)
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Representative of Appellant	Sh. Sanjaybhai D. Patel, President Sh./Ms. J.G. Patel, Administrator
Respondent by	Regional Director, WRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Shree Panchshil Trusts Panchshil Education College, Kansa, Thalota Road, Visnagar, Mehsana, Gujarat dated 31/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW00149/323046/B.Ed./Guj./336th/2021/215619 dated 08.04.2021 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Institution has not submitted certified copy of the Land Documents. The institution has not submitted Building Certificate issued by the competent authority. The institution has not submitted Land Use Certificate duly issued by the competent authority. The institution has not submitted original blue prints of the Building Plan issued by the competent authority. The institution has not submitted non-encumbrance Certificate

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issued by the competent authority. The institution has not submitted Building Completion Certificate issued by the competent authority. The institution has not submitted staff list in prescribed format duly approved by the concerned affiliating body."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh./Ms. Sanjaybhai D. Patel, President and J.G. Patel, Administrator, Shree Panchshil Trusts Panchshil Education College, Kansa, Thalota Road, Visnagar, Mehsana, Gujarat presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "certified copy of the land documents attached as "Annexure-A." Building Certificate issued by the competent authority attached as "Annexure-B." Land Use Certificate duly issued by the competent authority "Annexure-C." Original blue prints of the Building Plan approved by the competent authority "Annexure-D." Non-Encumbrance Certificate issued by the competent authority "Annexure-E." Building Completion Certificate issued by the competent authority "Annexure-F." Prescribed format of staff list duly approved by the concerned affiliating body "Annexure-G."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution is recognised to conduct B.Ed. programme since 2005. Appeal Committee noted that Building Plan, Building Completion Certificate and Original FDRs (original) are found available in the regulatory file. Appellant with its appeal memoranda has further enclosed faculty list approved by affiliating body along with forwarding letter and a registration certificate of land. Appeal Committee finding that appellant institution is an institution recognised since 2003 and has submitted required documents during appeal hearing on 24/07/2021 decided to remand back the case to WRC for revisiting.

2. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

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3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-

"Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed."

4. In compliance of the orders of Delhi High Court as referred to the para 2 & 3 above, Appeal Committee decided to set aside the impugned order of withdrawal dated 08/04/2021 and remand back the case to WRC for revisiting the matter. Appellant is required to submit to WRC with 15 days of the issue of appellant. Copies of (i) certificate copy land documents in original, (ii) List of faculty, (iii) Building Completion Certificate, (iv) Building Plan, (v) Non Encumbrance Certificate (Issued by Competent Authority, (vi) C.L.U.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order of withdrawal dated 08/04/2021 and remand back the case of Shree Panchshil Trusts Panchshil Education College, Kansa, Thalota Road, Visnagar, Mehsana, Gujarat to the WRC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The President, Shree Panchshil Trusts Panchshil Education College, Kansa, Thalota Road, Visnagar, Mehsana, Gujarat – 384315.
2. The Secretary, Ministry of Education, 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.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 02/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-189/E-189464/2021 Appeal/18th Meeting, 2021
Appeal No. APPLNRC202114057

Shri Ram Singh Premalata Kanya Mahavidhyalaya, Village – Ratanpur, 507, Kaser Kalan, NH-93, Dibai, Bulandshahar, Uttar Pradesh – 203393	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	The representative
Respondent by	Regional Director, NRC
Date of Hearing	24/07/2021
Date of Pronouncement	02/09/2021

ORDER

I. GROUND OF REFUSAL

The appeal of Shri Ram Singh Premalata Kanya Mahavidhyalaya, Village – Ratanpur, 507, Kaser Kalan, NH-93, Dibai, Bulandshahar, Uttar Pradesh dated 27/06/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/NRCAPP-10771-D.El.Ed.(Addl.)/335th (Virtual) Meeting/2021/214045 dated 07.05.2021 of the Northern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "The institution is running 2 units of B.Ed. and 1 unit of D.El.Ed. courses which require total built-up area as 3500 sq. mtr. and also applied for 2 units of D.El.Ed. (Addl. Intake) course. Which should be added 1000 sq. mtr. Total built-

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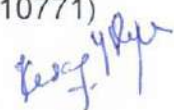
up area should be 4500 sq. mts. but as per VT report and Building Completion Certificate the total built-up area is 2304.54 sq. mtr. only. As per letter No. 1188/68-4-2018 dt. 24.08.2018 received from Additional Chief Secretary Govt. of UP, the State Govt. requested NCTE not to grant recognition for D.El.Ed. course & DPSE course from session 2018-2019 for a period of 5 years. Which has not be relaxed neither by the Court not by any Competent Authority. A Certificate to the effect that the institution's campus, building, facility etc. are friendly for differently abled person: issued by the Competent Government Authority has not been submitted. Building Completion Certificate signed by the Pradhan/Pvt. Engineer but not signed approved by the Competent Authority. 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."

II. SUBMISSIONS MADE BY APPELLANT:-

The representative of Shri Ram Singh Premlata Kanya Mahavidhyalaya, Village – Ratanpur, 507, Kaser Kalan, NH-93, Dibai, Bulandshahar, Uttar Pradesh presented online the case of the appellant institution on 24/07/2021. In the appeal and during personal presentation it was submitted that "Shri Ram Singh Premlata Kanya Mahavidhyalaya, Ratanpur, P.O. Kaser Kallan, Distt Bulandshshri Ram Singh Premlata Kanya Mahavidhyalaya, Ratanpur, P.O. Kaser Kallan, Distt Bulandshahr (U.P.) is running 2 units of B.Ed. Course, 1 unit of D.El.Ed. Course and additional 1 unit of D.El.Ed. Course. The college has only 2-2 units of D.El.Ed. and B.Ed. Courses, for which the built-up area should be 4000 sqm. As per the NCTE standard norms, while the built- up area near the college is 4206-78 sqm. A certificate and map to this effect is enclosed, signed and approved by the competent authority. The institution has submitted the NOC for addition intake in D.El.Ed. Course, NRC-NCTE letter for V.T., NRC-NCTE re-cognition letter of proposed additional intake 50 (1 unit) in D.El.Ed. Course, approval letter of 16 teachers for 2 units issued by Secretary exam regulatory authority U.P. Govt. Allahabad for D.El.Ed course, affiliation letter of D.El.Ed. Course proposed additional intake 50 (1 unit) issued by Govt. of Uttar Pradesh and Secretary exam. regulatory authority UP Allahabad total build-up area for B.Ed. and D.El.Ed. Course is 4206.78 sqmt. (in online appeal performa the existing build-up area is not taken more than land area. But building is multi stories

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so total build-up area is greater than land area, that is the land area is 3000 sq.m. and build-up area is 4206.78 sq.mt). approved Building Plan and Building Completion Certificate signed and approved by the competent authority Gram Panchayat Ratanpur Govt. Employee Gram Pachayat Adhikari and Govt. Approved Architect Engineer. All parameter are complete according to NCTE Rules and Regulations. The UP. Govt. request to NCTE to not grant recognition for D.El.Ed. Course from session 2018-19 for a period of five year, but additional intake in D.El.Ed. Course (NRCAPP-10771) has already recommended by NCTE in session 2016-17 (letter no 146821-7694, dated 02/05/2016) and Govt. of Uttar Pradesh issue a letter of affiliation to additional intake in D.El.Ed. Course (NRCAPP-10771) in 2016 (letter no. 2078/15.11.2016) & Secretary examination regulatory authority UP Allahabad issued a letter no 19896-903 dtd. 10/11/2016 Govt. of UP issued D.El.Ed. candidate for our institution in session 2017-18, 2018-19 & 2019-20. Build up area is already sufficient that is 4206.78 sqmt. For existing B.Ed. and additional intake in D.El.Ed. Course. The institution's campus, building, facilities is already friendly for disabled persons etc. A certificate to this effect is attached. At the inspection time VT seen all facilities and certificate and take certificates copies and submit in NRC. Building Completion Certificate is signed and issued by competent authority i.e. Government employ Gram Pachayat Officer and Village Development Authority and also signed by Government approved Architee Engg. affidavit appeal application and all relevant documents is enclosed. Ued by Secretary exam regulatory authority U.P. Govt. Allahabad for D.El.Ed. course, affiliation letter of D.El.Ed. Course proposed additional intake 50 (1 unit) issued by Govt. of Uttar Pradesh and Secretary exam. regulatory authority UP Allahabad total build-up area for B.Ed. and D.El.Ed. Course is 4206.78 sqmt. (in online appeal performa the existing buildup area is not taken more than land area. But building is multi stories so total buildup area is greater than land area, that is the land area is 3000 sq.m. and build up area is 4206.78 sq.mt). Approved building plan and Building Completion Certificate signed and approved by the competent authority Gram Panchayat Ratanpur Govt. employee Gram Pachayat Adhikari and Govt. approved Architect Engineer. All parameter are complete according to NCTE Rules and Regulations. The UP Govt. request to NCTE to not grant recognition for D.El.Ed. Course from session 2018-19 for a period of five year, but additional intake in D.El.Ed. Course (NRCAPP-10771)



has already recommended by NCTE in session 2016-17 (letter no 146821-7694, dated 02/05/2016) and Govt. of Uttar Pradesh issue a letter of affiliation to additional intake in D.El.Ed. Course (NRCAPP-10771) in 2016 (letter no. 2078/15.11.2016) & Secretary examination regulatory authority UP Allahabad issued a letter no 19896-903 dtd. 10/11/2016. Govt. of UP issued D.El.Ed. candidate for our institution in session 2017-18, 2018-19 & 2019-20. Build up area is already sufficient that is 4206.78 sqmt. for existing B.Ed. and additional intake in D.El.Ed. Course. The institution's campus, building, facilities is already friendly for disabled persons etc. a certificate to this effect is attached. At the inspection time VT seen all facilities and certificate and take certificates copies and submit in NRC. Building Completion Certificate is signed and issued by competent authority i.e. Government employ Gram Pachayat Officer and Village Development Authority and also signed by Government approved Architee Engg. affidavit appeal application and all relevant documents is enclosed."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned refusal order dated 07/05/2021 is on two grounds i.e. (1) inadequate built-up area and (ii) ban imposed by State Government for not granting recognition of D.El.Ed. programme for 5 years.

2. Appeal Committee noted that appellant institution was inspected on 21/02/2016 to assess the preparedness of appellant institution to conduct D.El.Ed. programme with proposed additional intake. The Visiting Team in its inspection report dated 21/02/2016 has mentioned the built-up area as 2304 sq. meters. Further the management of appellant institution itself had declared in the essential data sheet the built-up area as 2304 sq. meters. This Essential Data Sheet is signed by Sh. Ravindra Singh, Secretary. The Building Completion Certificate (B.C.C.) submitted by appellant institution at the time of inspection also reveals a built-up area of 2304 sq. meters.

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3. Appellant in its appeal memoranda has stated that appellant institution has a built-up area of 4206 sq. meters and as evidence has enclosed a Building Completion Certificate (B.C.C.) issued by Gram Panchayat. Appeal Committee after perusal and comparison of the Building Completion Certificate (B.C.C.) available on regulatory file with that submitted by appellant with its appeal memoranda observed that the Building Completion Certificate (B.C.C.) now submitted by appellant contains signatures/stamps exactly affixed as in the previous Building Completion Certificate with a change in Columns 14 to 17 which indicate and relate to the built-up area. Appeal Committee noted that Building Completion Certificate submitted by appellant with its appeal memoranda cannot be relied upon.

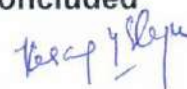
4. Appeal Committee observed that built up area as mentioned by Visiting Team during inspection and as declared by appellant himself during inspection in the Essential Data Sheet can be treated as authentic and the new Building Completion Certificate submitted by appellant is not free from doubt of being fabricated and not physically verified by the Inspection Team.

5. Appeal Committee also noted that Government of Uttar Pradesh has made recommendation not to grant recognition for D.El.Ed. & D.P.S.E. course for 5 years starting from the session 2018-19. State Government is an important stake holder and its recommendation cannot be ignored.

6. Appeal Committee after perusing the submissions made by appellant and the documents available on regulatory file decided that impugned refusal order dated 07/05/2021 deserves to be confirmed.

IV. DECISION:-

NOW THEREFORE, after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Appeal Committee of the Council concluded



that the NRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the NRC is confirmed.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary, Shri Ram Singh Premlata Kanya Mahavidhyalaya, Village – Ratanpur, 507, Kaser Kalan, NH-93, Dibai, Bulandshahar, Uttar Pradesh – 203393.
2. The Secretary, Ministry of Education, 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.