203319/2021/Appeal Section-HQ

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-204/E-191858/2021 Appeal/20th Meeting, 2021
APPLSRC202114068

M.R. College of Education, Vizianagaram, TS/498/1, Kaspa West Ward, Fort Campus, Vizianagaram, Andhra Pradesh – 535002 **(APPELLANT)**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	**Dr. KVL Raju, Correspondent**
Respondent by	**Regional Director, SRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of M.R. College of Education, Vizianagaram, TS/498/1, Kaspa West Ward, Fort Campus, Vizianagaram, Andhra Pradesh dated 14/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/AOSO0326/AP/B.Ed./2021/124283 dated 08.03.2021 of the Southern

Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Committee noted that due to non-compliance of SCN dated 19.02.2019 for submission of requisite documents to verify infrastructure & instructional facilities a Final Show Cause Notice dated 10.12.2019 was issued to the institution. However, the institution failed to submit the requisite documents as per Final Show Notice dated 10.12.2019. Further the SRC also given the last opportunity for submission of written representation/reply by way of last Reminder letter dated 03.11.2020 and the institution failed to submit the reply to the last reminder letter."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. KVL Raju,Correspondent, M.R. College of Education, Vizianagaram, TS/498/1, Kaspa West Ward, Fort Campus, Vizianagaram, Andhra Pradesh presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that "The institution in response of last reminder dated 03.11.20 has submitted a comprehensive report. Unexpected covid19 pandemic and associated disruptions in the functionality of the institution."

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 was initially granted recognition on 19/07/2000 for conducting B.Ed. course of one year duration with an intake of 125. After promulgation of NCTE Regulation, 2014, SRC, on 12/05/2015 granted provisional revised recognition to the appellant for conducting B.Ed. course of two years duration with an intake of 100. As the appellant had to fulfil certain conditions and submit certain documents, after grant of provisional revised recognition, SRC issued two Show Cause Notice on 19/02/2019 and 10/12/2019 calling for the documents listed in those notices. The appellant replied to the second Show Cause Notice on 02/01/2020. SRC after considering the reply again wrote a letter on

03/11/2020 to the appellant listing the details of the wanted documents. As the appellant failed to reply to this letter, SRC withdrew recognition on 08/03/2021.

2. The appellant in the online appeal stated that the institution has submitted a comprehensive report in reply to the SRC's letter dt. 03/11/2020. The appellant neither produced any proof of having sent a reply nor submitted in appeal a copy of their stated letter with which the report was sent. On the other hand, in a letter dt. 14/07/2021 accompanying the online appeal, again claiming that they had submitted a comprehensive report, the appellant enclosed a speed post receipt dt. 03/01/2020 with which the appellant might have sent their reply dt. 02/01/2020 to the Show Cause Notice dated 10/12/2019. The appellant enclosed a host of documents to their letter 14/07/2021.

3. The Committee noted from the file of SRC that neither a reply to their letter dt. 03/11/2020 nor any documents have been received from the appellant. The Committee noting that the appellant is an old institution functioning from 2000-01 and the appellant has referred to the delays caused by the Covid – 19 pandemic in correspondence etc, they may be given an opportunity to submit to SRC all the documents listed in SRC's letter dt. 03/11/2020, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal. The matter may therefore be remanded back to SRC for revisiting the matter after the appellant submits all the documents as per their letter dt. 03/11/2020.

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 observedas 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 observedas 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 in view of the submission made by appellant and the orders of Hon'ble High Court of Delhi decided to set aside the order of withdrawal dated 08/03/2021 issued by SRC and remand back the case to SRC for revisiting the matter. Appellant is required to submit to SRC copy of its letter dated 03/11/2020, with originals of enclosures wherever necessary, within 15 days of the issue of appeal 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 set aside the order of withdrawal dated 08/03/2021 issued by SRC and remand back thecase of M.R. College of Education, Vizianagaram, TS/498/1, Kaspa West Ward, Fort Campus, Vizianagaram, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.

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

(**T. Pritam Singh**)
Deputy Secretary

Copy to :-

1. **The Correspondent, M.R. College of Education, Vizianagaram, TS/498/1, Kaspa West Ward, Fort Campus, Vizianagaram, Andhra Pradesh – 535002**
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.

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-212/E-192067/2021 Appeal/20th Meeting, 2021
APPLWRC202013857

T.D. D.Ed. College, LaxmanpurRewa, 138/1, 138/2, 138/3, Laxmanpur, University Road, Hujoor, Rewa, Madhya Pradesh – 486440 **(APPELLANT)**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	**Representative**
Respondent by	**Regional Director, WRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of T.D. D.Ed. College, LaxmanpurRewa, 138/1, 138/2, 138/3, Laxmanpur, University Road, Hujoor, Rewa, Madhya Pradesh dated 13/12/2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW02555/222122/D.Ed./322nd/M.P./2020/212840 to 212846 dated 18.12.2020 of the Western Regional Committee, withdrawing recognition for conducting

D.El.Ed.Course on the grounds that "Recognition was granted to the institution on 05.01.2008 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 Notice was issued to the institution on 23.09.2020. The institution has not submitted the reply of the Show Cause Notice till date. In view of above, the Committee decided that the recognition of D.El.Ed. programme of the institution be withdrawn under section 17(3) of the NCTE Act from the next academic session 2021-2022."

II. SUBMISSIONS MADE BY APPELLANT:-

The representative of T.D. D.Ed. College, LaxmanpurRewa, 138/1, 138/2, 138/3, Laxmanpur, University Road, Hujoor, Rewa, Madhya Pradesh presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that "Institution has already shifted to its own premises on 23/10/2009. We have given the letter. Inspection held between 15/04/2009 to 20/04/2009 latter issued on dated 01/04/2009."

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, stating in the appeal that an inspection was held between 15/04/2009 and 20/04/2009, a letter was issued on 01/04/2009 and they already shifted to their own premises on 23/10/2009, enclosed copies of some correspondence which include a Show Cause Notice dated 24/09/2008 issued for not shifting to own premises and their letter to WRC dt. 07/10/2008 enclosing some documents for considering shifting. Though the appellant's letter dt. 07/10/2008 bears WRC's receipt stamp dated 08/10/2008, it is not found in the file. On the other hand the appellant has not submitted any letter issued by WRC permitting shifting.

2. The Committee noted that the ground cited in the withdrawal order is non – submission of a reply to their show cause notice dated 23/09/2020. The appellant, in their appeal, has not categorically stated anything about a reply to this show cause notice. The file does not contain any reply to the Show Cause Notice.

3. The Committee noted that a clear picture is not emerging from the documents available in the file or from the submission of the appellant. Only a clear cut reply of the appellant to the Show Cause Notice dt. 23/09/2020, supported by all relevant documents, can enable the Regional Committee to take a well-considered and appropriate decision in this matter.

4. In view of the above position, the Committee concluded that the mater deserved to be remanded to the WRC with a direction to consider a reply to their Show Cause Notice dated 23/09/2020, to be sent by the appellant to them within 15 days of receipt of orders on the appeal and take further action in accordance with the NCTE Regulation, 2014.

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 observedas 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.***"

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 observedas 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. Appeal Committee decided that appellant is required to submit to WRC within 15 days of the issue of appeal order copy of its letter dated 07/10/2008 and reply to

Show Cause Notice dated 23/09/2020. Appellant is also required to submit copy of its letters by which application for composite inspection was made.

8. Appeal Committee decided to set aside the impugned order of withdrawal dated 18/12/2020 issued by WRC and remand back the case to 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, Appeal Committee of the Council concluded to set aside the impugned order of withdrawal dated 18/12/2020 issued by WRC and remand back thecase of T.D. D.Ed. College, LaxmanpurRewa, 138/1, 138/2, 138/3, Laxmanpur, University Road, Hujoor, Rewa, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

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

(T. Pritam Singh)
Deputy Secretary

Copy to :-

1. **The Principal, T.D. D.Ed. College, LaxmanpurRewa, 138/1, 138/2, 138/3, Laxmanpur, University Road, Hujoor, Rewa, Madhya Pradesh – 486440**
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 Madhya Pradesh.

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-214/E-192352/2021 Appeal/20th Meeting, 2021
APPLWRC202114079

Maharashtra Gramin Vikas Walfare Society, Late ShivramjiHiwase B.Ed. College, Warud, 104/1, Bus Stand Road, Warud, Amravati, Maharashtra – 444906 **(APPELLANT)**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	**Sh. Kishor A. Tadas, Principal**
Respondent by	**Regional Director, WRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of Maharashtra Gramin Vikas Walfare Society, Late ShivramjiHiwase B.Ed. College, Warud, 104/1, Bus Stand Road, Warud, Amravati, Maharashtra dated 22/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW01376/123224/321st/2020/213072 to 213078 dated 19.12.2020 of the

Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Recognition was granted to the institution on 27.06.2005 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 Notice was issued to the institution on 30.09.2020. The institution has not submitted 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. Kishor A. Tadas, Principal, Maharashtra Gramin Vikas Walfare Society, Late ShivramjiHiwase B.Ed. College, Warud, 104/1, Bus Stand Road, Warud, Amravati, Maharashtra presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that "We had already submitted long lease (30 years) deed to NCTE and our society seriously working on that issue. We also declarehere that within period of one year we definitely shift college in its own premises but due to covid19 pandemic circumstances presently we are working on that, please give us time. Our Society office was closed due to covid19 pandemic, so NCTE show cause notice received quite late. We immediately sent reply with essential documents to NCTE."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution.

The Committee noted that the appellant, in their letter dt. 16/08/2021, claimed that they had sent a reply to the Show Cause Notice. Though the appellant enclosed a track report of speed post no. EM292762341 in support of an article booked on 18/11/2020 and its delivery in Dwarka Sector 6 on 23/11/2020, he has not enclosed copy of their stated reply. The WRC's file also does not contain a reply. The

appellant in their letter dt. 16/08/2021 made certain submissions regarding requirement of shifting and also expressed their readiness to shift to new premises.

2. In the above circumstances, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to consider the reply to their show cause notice dated 30/09/2020, to be sent to them by the appellant again and take necessary action as per NCTE Regulation, 2014. The appellant is directed to forward to the WRC a copy of their reply to the Show Cause Notice and also a copy of their letter dt. 16/08/2021 submitted in appeal, 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 observedas 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 observedas 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. In compliance of the orders dated 08/04/2021 & 30/07/2021 of the Hon'ble High Court of Delhi in W.P. (C) Nos. 4382/2021& 7260/2021 respectively, Appeal Committee decided to set aside the impugned order dated 19/12/2020.

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 19/12/2020 and thecase of Maharashtra Gramin Vikas

Walfare Society, Late ShivramjiHiwase B.Ed. College, Warud, 104/1, Bus Stand Road, Warud, Amravati, Maharashtra to the WRC, NCTE, for necessary action as indicated above.

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

(T. Pritam Singh)
Deputy Secretary

Copy to :-

1. **The Principal, Maharashtra Gramin Vikas Walfare Society, Late ShivramjiHiwase B.Ed. College, Warud, 104/1, Bus Stand Road, Warud, Amravati, Maharashtra – 4449062.**
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.

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-216/E-192226/2021 Appeal/20th Meeting, 2021
APPLSRC202113946

Vivekananda College of Education, 773/EE, Chattanpally, Shadnagar, Linga Reddy Guda Road, Farooqnagar, Telangana, Mahabubnagar – 509216 **(APPELLANT)**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	**Sh. T. Siva Prasad Reddy, Principal**
Respondent by	**Regional Director, SRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of Vivekananda College of Education, 773/EE, Chattanpally, Shadnagar, Linga Reddy Guda Road, Farooqnagar, Telangana, Mahabubnagardated 20/02/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS00281/B.Ed./(AP)/2020/122007 dated 29.12.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The Committee noted that the institution has failed to submit reply /

written representation in respect to the Final Show Cause Notice dt. 26.02.2020 issued to the institution."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh./Ms. T. Siva Prasad Reddy, Principal, Vivekananda College of Education, 773/EE, Chattanpally, Shadnagar, Linga Reddy Guda Road, Farooqnagar, Telangana, Mahabubnagar presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that "We didn't receive the final show cause notice due to covid19 pandemic. The institution is ready with all the original documents asked by the SRC in its Final Show Cause Notice. Therefore, a request is made to give us an opportunity to present all the required documents in original."

III. OUTCOME OF THE CASE

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

Appeal Committee noted that final Show Cause Notice was issued to appellant institution on 26/02/2020 which was required to be replied within 21 days. Failure to submit reply to the Show Cause Notice (S.C.N) had resulted in issue of impugned withdrawal order.

2. Submission made by appellant that the Show Cause Notice was not received for the reason that the period following issue of Show Cause Notice was hit by Covid Pandemic is convincing. Appellant with its appeal memoranda has submitted copies of sale deed, C.L.U., building plan, Building Completion Certificate (which is not in prescribed performa), List of Faculty etc.

3. Appeal Committee, decided that appellant is required to submit to SRC within 15 days of the receipt of Appeal order certified original land documents, original Faculty list, Non encumbrance Certificate, C.L.U. Building Completion Certificate and FDRs with form 'A' issued by concerned bank. Appeal Committee decided to remand back the case to SRC for revisiting the matter.

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 observedas 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 observedas 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 concluded to set aside the impugned withdrawal order and remand back the case to SRC 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 set aside the impugned withdrawal order dated 29/12/2020and remand back thecase of Vivekananda College of Education, 773/EE, Chattanpally, Shadnagar, Linga Reddy Guda Road, Farooqnagar, Telangana, Mahabubnagar to the SRC, NCTE, for necessary action as indicated above.

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

(**T. Pritam Singh**)
Deputy Secretary

Copy to :-

1. **The Principal, Vivekananda College of Education, 773/EE, Chattanpally, Shadnagar, Linga Reddy Guda Road, Farooqnagar, Telangana, Mahabubnagar**
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 Telangana.

203319/2021/Appeal Section-HQ

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-218/E-192496/2021 Appeal/20th Meeting, 2021
APPLERC202114067

EL-Bethel College, Rasapunja, 1307, Bakhrahat Road, ThakurpukurMaheshtala, South 24-Pargana, West Bengal – 700104 **(APPELLANT)**	**Vs**	Eastern Regional Committee, 15,Neelkanth Nagar,Nayapalli,Bhubaneshwar - 751 012 **(RESPONDENT)**

Representative of Appellant	**Dr. MitaliPanda, Principal**
Respondent by	**Regional Director, ERC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of EL-Bethel College, Rasapunja, 1307, Bakhrahat Road, ThakurpukurMaheshtala, South 24-Pargana, West Bengal dated 06/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ER-284.18/APE00809/B.Ed./2020/63077 dated 29.09.2020 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that

"Building plan (BP) has not been duly approved by the Govt. competent authority. Building Completion Certificate (BCC) has not been duly signed by the Govt. competent authority. List of teaching faculty member (1+10) which is less against the requirement of 1+15 for running two units of B.Ed. course as per Appendix-4 of Regulation, 2014. Validity of Fire Safety Certificate has been expired on 15.06.2015. Validity of FDRs is expired. Hence, B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2021-22."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Mitali Panda, Principal, EL-Bethel College, Rasapunja, 1307, Bakhrahat Road, ThakurpukurMaheshtala, South 24-Pargana, West Bengal presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that "Institution has submitted clarification vide no. 02-2020 dt. 29.09.2020 with all relevant documents except 1. latest FSR and 2. faculty list at the same time it is to mention that we have already applied for the latest FSR and recruitment for the faculty to the concerned authority."

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 withdrawal order dt. 29/09/2020 was issued on account of five deficiencies mentioned therein. The appellant with their appeal filed some documents. From a perusal of these documents it is noted that the building plan has been approved by the Pradhan of Gram Panchayat, who is not an official of the Government; building completion certificate has been issued by a private architect and which is also not in the prescribed format; and list of approved faculty is still short of requirement for an intake of 100 students. However, the appellant forwarded a copy of the Fire Safety Certificate issued on 14/07/2021 and FDRs for the requisite

amounts jointly taken with the Regional Director, ERC maturing in 2022 and 2024. Regarding faculty the appellant submitted that appointment of additionally required teachers is held up in the University due to lockdown etc. The Committee noted that the appellant sent a letter dt. 29/09/2021 to the ERC mentioning that the presently approved faculty of 10+1 is for one basic unit of 50 students.

2. The Committee, noting that the appellant has still not removed the deficiencies relating to building plan building completion certificate and faculty concluded that the appeal deserved to be rejected and the order of the ERC 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 ERC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of the ERC is confirmed.

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

(**T. Pritam Singh**)
Deputy Secretary

Copy to :-

1. **The Principal, EL-Bethel College, Rasapunja, 1307, Bakhrahat Road, ThakurpukurMaheshtala, South 24-Pargana, West Bengal – 700104**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal.

203319/2021/Appeal Section-HQ

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-220/E-193133/2021 Appeal/20th Meeting, 2021
APPLSRC202114084

K.L.E. Society College of Education, Shedgeri, 56, 86, Sundernarayana Temple Road, Ankola, North Kannada, Karnataka – 581314 **(APPELLANT)**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	**Sh. Mahadev S. Balilgar, Member Secretary**
Respondent by	**Regional Director, SRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of K.L.E. Society College of Education, Shedgeri, 56, 86, Sundernarayana Temple Road, Ankola, North Kannada, Karnataka dated 22/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS02507/B.Ed./{KA}/2021/127823-7830 dated 29.07.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Building Plan submitted by the institute is not approved by the

competent authority and also establishes the size of M.P. Hall as 1600 sq. ft. which is less than the requirement of NCTE Regulations 2014. The institution has submitted notarized copy of Non-Encumbrance Certificate in regional language. NEC with notarized English translation has not been submitted. The institute had submitted proforma signed by the affiliating body regarding approval of faculty but faculties namely Praveena N. Nayak, Amreena Shaikh, Swati Ankolekar are not qualified with NET as required under NCTE's notification dt. 09.06.2017 and joined after that date."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Mahadev S. Balilgar, Member Secretary, Member Secretary, K.L.E. Society College of Education, Shedgeri, 56, 86, Sundernarayana Temple Road, Ankola, North Kannada, Karnataka presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that "Building plan is approved by the competent authority with the latest multi-purpose hall measuring 2400 sqft. The institution submitted non-encumbrance certificate both in regional and English language with notarized. The latest staff list approved by the competent authority for the academic year 2020-21 is 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 has submitted the documents found wanting, namely, building plan approved by Junior Engineer, Town Municipal Council, Ankola and showing the size of the Multipurpose hall as 2400 sq. mts. notarised NEC both in Regional language and English; and faculty list approved by Registrar, Karnataka University, Dharwad.

2. In the above circumstances, the Committee concluded that the matter deserved to be remanded to SRC with a direction to consider the documents submitted in appeal, to be sent to them by the appellant within 15 days of issue of orders on the

appeal and take necessary action as per NCTE Regulation, 2014. The appellant is directed to forward to SRC the documents submitted in appeal within the time mentioned above.

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 observedas 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 observedas 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 withdrawal order dated 29/07/2021 and remand back the case to SRC 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 set aside the withdrawal order dated 29/07/2021 and remand back thecase of K.L.E. Society College of Education, Shedgeri, 56, 86, Sundernarayana Temple Road, Ankola, North Kannada, Karnataka to the SRC,`NCTE, for necessary action as indicated above.

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

(T. Pritam Singh)
Deputy Secretary

Copy to :-

1. **The Member Secretary,K.L.E. Society College of Education, Shedgeri, 56, 86, Sundernarayana Temple Road, Ankola, North Kannada, Karnataka – 581314**
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 Karnataka.

203319/2021/Appeal Section-HQ

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-221/E-193131/2021 Appeal/20th Meeting, 2021
APPLSRC202114050

M.C.T. Training College, Melmuri, 1678, Alathoorpadi, Ernad, Malappuram, Kerala – 676517 **(APPELLANT)**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	Sh. Rashid Ali, Representative
Respondent by	**Regional Director, SRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of dated 16/06/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/AOSO0388/B.Ed./397th/{KL}/2021/25961-5968 SRO/NCTE/AOSO0645/B.Ed./Ad./397th/{KL}/2021/25961-5968 dated 13.04.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted the Certified Land Documents. As

per BCC and demarked area for all teacher training programme built up is area not matched. The institution has submitted photocopy of Certificate instead of 'Change of Land Use' (CLU). The institution has submitted photocopy of NEC in Regional Language. The institution has submitted photocopy of Building plan which is not approved by Competent Authority and Multipurpose hall is not mentioned in Building plan. The institution submitted Site plan is not Approved by Competent Authority. The institute is running three programme (D.El.Ed. B.Ed. & M.Ed.) while the institute has submitted the faculty list for B.Ed. Programme only. The institution has not submitted faculty list for other approved teacher training programme. The following points noted for B.Ed. Programme:- (a) The following faculty not having NET/Ph.D. as per NCTE (Recognition Norms & Procedure) (Amendment) Regulations, 2017 dated 29.05.2017 notified on 09.06.2017. Faculty namely Seleena A.A. (Date of appointment 16.08.2017). (b) The Lecturer fine Arts/Performing Art and Lecturer on Health Physical Education are not appointed as per F & Q NCTE Regulations, 2014. The institution has submitted photocopy of Building Completion Certificate. The institution has submitted photocopy of form "A" Certificate of 16 lakh. The FDR should be 36 lakh in joint name of institution and SRC NCTE. The institution has not submitted affidavit with reference to SCN point."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Rashid Ali, Representative, M.C.T. Training College, Melmuri, 1678, Alathoorpadi, Ernad, alappuram, Kerala presented online the case of the appellant institution on 16/06/2021. In the appeal and during personal presentation it was submitted that "We have submitted the Notary attested land documents and notarized copy of English Version with the reply to the Final Show Cause Notice as required by the NCTE. Since the withdrawal of recognition was ordered in view of non-production of the document, we are again submitting the fresh copy of Notarized Land Documents and also the English Version of the same. Also, we have submitted Building Completion Certificate (BCC) approved by the Malappuram Municipality. However, we are resubmitting the BCC with demarked area for all Teacher Training Programme and the built-up area. As Land usage Certificate is not familiar in Kerala at that time. We have submitted approved copy of Land usage Certificate and Possession Certificate signed

by the Village Officer with the reply to the Shaw Cause Notice to support the Land Documents. Again, we are submitting original copy the CLU signed by the Tahsildar. We have submitted the Notary attested NEC along with the reply to the Final Show Cause Notice as required by the NCTE. Since the withdrawal of recognition was ordered in view of non-production of the NEC, we are resubmitting the fresh copy of NEC (English Version) for your kind perusal. We have submitted Approved Copy of Building Plan along with the reply to the Show Cause Notice. We are resubmitting the Building Plan Approved by the Municipality and Specifically marked the multi-purpose Hall. We have submitted the Site Plan along with the reply to the Show Cause Notice. We are resubmitting the same approved by the Municipality. In response to the Show Cause Notice dated 24.01.2020, the staff list of B.Ed. Programme was asked for. I may also inform you sir, the following: Ever since the beginning of the College in 1995 we were permitted to admit 100 Students for B.Ed. Programme. In response to the NCTE Regulations 2014, we applied for 2 year B.Ed. Programme with 2 basic Units of 50 students and it was granted as per Order No. F.SRO/NCTE/APSO0645/B.Ed./KL/2015-16/64770 dated 15.05.2015 (Copy enclosed). But due to the decrease in the number of applicants for 2 years B.Ed. Course, we requested NCTE, SRC to reduce provisionally the number of basic units from two to one. Accordingly, NCTE SRC issue corrigendum No. F.SRO/NCTE/APSO0645/B.Ed./KL/2015-16/77116 dated 27.102015 reducing the number of basic units from two to one. We have faculty members and infrastructural facilities for running 2 Units of B.Ed. Programme. Kindly refer to the faculty list and details of infrastructure facilities and accord permission for running 2 basic Units of B.Ed. Programme. Though M.Ed. Programme also was sanctioned to admit one unit from 2008-2009 academic year, ever since the course period was extended to 2 years, students were not available to join M.Ed. Programme. There for, the M.Ed. Programme is not being offered from 2015-16, despite the affiliation from University and recognition from NCTE are retained. The faculty list of D.El.Ed. Programme also was submitted separately along with the reply to the Notice. Again, we are submitting the faculty list in the prescribed proforma for B.Ed. (16 faculty members including Art, Music and Physical Education) and for D.El.Ed. (16 faculty members including Art, Music and Physical Education. The faculty Saleena A. A. has joined our College on 18.08.2017.

She has been working in the same post at DarulUloom Training College, Vazhakkad, Malappuram Dist. Kerala since 18.01.2010 and joined this College without break of service (experience certificate enclosed). Her appointment was made in DarulUloom Training College, Vazhakkad before making NET qualification mandatory. In this context kindly re-consider the reference made in this matter. Mrs. Saleena. A. A. is an additional faculty and our total faculties are 9 (8+1) excluding faculties of Music, Art and Physical Education. The Art, Music and Physical Education Teachers have been appointed and the particulars are given in the Staff Proforma. We have submitted the certified copy of Building Completion Certificate along with the reply to the show cause notice. We are herewith resubmitting the Building Completion Certificate issued by the Municipality. The particulars of Endowment Funds and Reserve Funds (for 36 Lakhs) are given below: (1). In Canara Bank Total 28 Lakhs in 6 Fixed Deposit (2). In SBI total 8 Lakhs in 2 fixed deposit total 36 Lakhs. We are herewith submitting the affidavit with reference to SCN Point."

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 submitted a host of documents with explanation visavisthe grounds of withdrawal excepting Building Completion Certificate. The Committee held that these documents deserved to be looked into by the SRC. 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. The appellant is directed to forward to the SRC all these documents matching them with the grounds of withdrawal item wise including Building Completion Certificate within 15 days of receipt of orders on the appeal.

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 observedas 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 observedas 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 withdrawal order dated 13/04/2021 and remand back the case to SRC 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 set aside the withdrawal order dated 13/04/2021 and remand back thecase of M.C.T. Training College, Melmuri, 1678, Alathoorpadi, Ernad, alappuram, Kerala to the SRC, NCTE, for necessary action as indicated above.

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

(T. Pritam Singh)
Deputy Secretary

Copy to :-

1. **The Principal, M.C.T. Training College, Melmuri, 1678, Alathoorpadi, Ernad, Malappuram, Kerala – 676517**
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 Kerala.

203319/2021/Appeal Section-HQ

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-222/E-193132/2021 Appeal/20th Meeting, 2021
APPLSRC202114051

M.C.T. Training College, Melmuri, 1678, Alathoorpadi, Ernad, Malappuram, Kerala – 676517 **(APPELLANT)**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	Sh. Rashid Ali, Representative
Respondent by	**Regional Director, SRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of M.C.T. Training College, Melmuri, 1678, Alathoorpadi, Ernad, Malappuram, Kerala dated 16/06/2021 filed under Section 18 of NCTE Act, 1993 is

against the Order No. SRO/NCTE/APSO6028/M.Ed./KL/2019/14463-4465 dated 24.01.2020 of the Southern Regional Committee, withdrawal recognition for conducting M.Ed. Course on the grounds that "The institution has not submitted the Certified Land Documents. As per BCC and demarked area for all teacher training programme built up is area not matched. The institution has submitted photocopy of Certificate instead of 'Change of Land Use' (CLU). The institution has submitted photocopy of NEC in Regional Language. The institution has submitted photocopy of Building plan which is not approved by Competent Authority and Multipurpose hall is not mentioned in Building plan. The institution submitted Site plan is not Approved by Competent Authority. The institute is running three programme (D.El.Ed. B.Ed. & M.Ed.) while the institute has submitted the faculty list for B.Ed. Programme only. The institution has not submitted faculty list for other approved teacher training programme. The following points noted for B.Ed. Programme:- (a) The following faculty not having NET/Ph.D. as per NCTE (Recognition Norms & Procedure) (Amendment) Regulations, 2017 dated 29.05.2017 notified on 09.06.2017. Faculty namely Seleena A.A. (Date of appointment 16.08.2017). (b) The Lecturer fine Arts/Performing Art and Lecturer on Health Physical Education are not appointed as per F & Q NCTE Regulations, 2014. The institution has submitted photocopy of Building Completion Certificate. The institution has submitted photocopy of form "A" Certificate of 16 lakh. The FDR should be 36 lakh in joint name of institution and SRC NCTE. The institution has not submitted affidavit with reference to SCN point."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Rashid Ali, Representative, M.C.T. Training College, Melmuri, 1678, Alathoorpadi, Ernad, Malappuram, Kerala presented online the case of the appellant institution on 16/06/2021. In the appeal and during personal presentation it was submitted that "We have submitted the Notary attested land documents and notarized copy of English Version with the reply to the Final Show Cause Notice as required by the NCTE. Since the withdrawal of recognition was ordered in view of non- production of the document, we are again submitting the fresh copy of Notarized Land Documents and also the English Version of the same. Also, we have submitted Building Completion

Certificate (BCC) approved by the Malappuram Municipality. However, we are resubmitting the BCC with demarked area for all Teacher Training Programme and the built-up area. As Land usage Certificate is not familiar in Kerala at that time. We have submitted approved copy of Land usage Certificate and Possession Certificate signed by the Village Officer with the reply to the Shaw Cause Notice to support the Land Documents. Again, we are submitting original copy the CLU signed by the Tahsildar. We have submitted the Notary attested NEC along with the reply to the Final Show Cause Notice as required by the NCTE. Since the withdrawal of recognition was ordered in view of non- production of the NEC, we are resubmitting the fresh copy of NEC (English Version) for your kind perusal. We have submitted Approved Copy of Building Plan along with the reply to the Show Cause Notice. We are resubmitting the Building Plan Approved by the Municipality and Specifically marked the Multi-purpose Hall. We have submitted the Site Plan along with the reply to the Show Cause Notice. We are resubmitting the same approved by the Municipality. In response to the show Cause Notice dated 24.01.2020, the Staff List of B.Ed. Programme was asked for. I may also inform you Sir, the following: Ever since the beginning of the College in 1995 we were permitted to admit 100 Students for B.Ed. Programme. In response to the NCTE Regulations 2014, we applied for 2 year B.Ed. Programme with 2 basic Units of 50 students and it was granted as per Order No. F.SRO/NCTE/APSO0645/B.Ed./KL/2015-16/64770 dated 15.05.2015 (Copy enclosed). But due to the decrease in the number of applicants for 2 year B.Ed. Course, we requested NCTE, SRC to reduce provisionally the number of basic units from two to one. Accordingly NCTE SRC issue corrigendum No. F.SRO/NCTE/APSO0645/B.Ed./KL/2015-16/77116 dated 27.102015 reducing the number of basic units from two to one. We have faculty members and infrastructural facilities for running 2 Units of B.Ed. Programme. Kindly refer to the faculty list and details of infrastructure facilities and Accord permission for running 2 basic Units of B.Ed. Programme. Though M.Ed. Programme also was sanctioned to admit One Unit from 2008-2009 academic year, ever since the course period was extended to 2 years, students were not available to join M.Ed. Programme. Therefore, the M.Ed. Programme is not being offered from 2015-16, despite the affiliation from University and Recognition from NCTE are retained. The Faculty List of D.El.Ed. Programme also was submitted

separately along with the reply to the Notice. Again we are submitting the Faculty List in the prescribed proforma for B.Ed. (16 Faculty Members including Art, Music and Physical Education) and for D.El.Ed. (16 Faculty Members including Art, Music and Physical Education. The faculty Saleena A.A. has joined our College on 18.08.2017. She has been working in the same post at DarulUloom Training College, Vazhakkad, Malappuram Dist. Kerala since 18.01.2010 and joined this College without break of service (Experience Certificate enclosed). Her appointment was made in DarulUloom Training College, Vazhakkad before making NET qualification mandatory. In this context kindly re-consider the reference made in this matter. Mrs. Saleena. A.A. is an additional faculty and our total faculties are 9 (8+1) Excluding Faculties of Music, Art and Physical Education. The Art, Music and Physical Education Teachers have been appointed and the particulars are given in the Staff Proforma. We have submitted the certified copy of Building Completion Certificate along with the reply to the show cause notice. We are herewith resubmitting the Building Completion Certificate issued by the Municipality. The particulars of Endowment Funds and Reserve Funds (for 36 Lakhs) are given below: (1). In Canara Bank Total 28 Lakhs in 6 Fixed Deposit (2). In SBI Total 8 Lakhs in 2 Fixed Deposit Total 36 Lakhs. We are herewith submitting the affidavit with reference to SCN Point."

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 from the submissions of the appellant that they have discontinued M.Ed. course from 2015-16 and despite affiliation from the University and recognition from NCTE are retained.

2. In the above circumstances, withdrawal of recognition by the SRC is valid. As per the provisions of NCTE Act, 1993, recognition to an institution can be terminated only under Section 17 of this act by issuing an order of withdrawal. In the circumstances, the order of withdrawal dated 24.01.2020 issued by SRC is 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 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 the Appeal Committee.

(T. Pritam Singh)
Deputy Secretary

Copy to :-

1. **The Principal, M.C.T. Training College, Melmuri, 1678, Alathoorpadi, Ernad, Malappuram, Kerala – 676517**
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 Kerala.

203319/2021/Appeal Section-HQ

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-223/E-193129/2021 Appeal/20th Meeting, 2021
APPLSRC202114049

M.C.T. Teacher Training Institute, Melmuri, 1678, Alathoorpadi, Ernad, Malappuram, Kerala – 676517 **(APPELLANT)**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	Sh. Rashid Ali, Representative
Respondent by	**Regional Director, SRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of M.C.T. Teacher Training Institute, Melmuri, 1678, Alathoorpadi, Ernad, Malappuram, Kerala dated 16/06/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/**APSO1081**/D.El.Ed./397th/{KL}/2021/126188-6195 SRO/NCTE/APSO014/D.El.Ed.Ad./397th/{KL}/2021/126188-6195 dated 16.04.2021 of the Southern Regional Committee, withdrawing recognition for conducting

D.El.Ed.Course on the grounds that "The institution has not submitted the Certified Land Documents. As per BCC and demarked area for all teacher training programme built up is area not matched. The institution has submitted photocopy of Certificate instead of 'Change of Land Use' (CLU). The institution has submitted photocopy of NEC in Regional Language. The institution has submitted photocopy of Building plan which is not approved by Competent Authority and Multipurpose hall is not mentioned in Building plan. The institution submitted Site plan is not Approved by Competent Authority. The institute is running three programme (D.El.Ed. B.Ed. & M.Ed.) while the institute has submitted the faculty list for B.Ed. Programme only. The institution has not submitted faculty list for other approved teacher training programme. The following points noted for B.Ed. Programme:- (a) The following faculty not having NET/Ph.D. as per NCTE (Recognition Norms & Procedure) (Amendment) Regulations, 2017 dated 29.05.2017 notified on 09.06.2017. Faculty namely Seleena A.A. (Date of appointment 16.08.2017). (b) The Lecturer fine Arts/Performing Art and Lecturer on Health Physical Education are not appointed as per F & Q NCTE Regulations, 2014. The institution has submitted photocopy of Building Completion Certificate. The institution has submitted photocopy of form "A" Certificate of 16 lakh. The FDR should be 36 lakh in joint name of institution and SRC NCTE. The institution has not submitted affidavit with reference to SCN point."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Rashid Ali, Representative, M.C.T. Teacher Training Institute, Melmuri, 1678, Alathoorpadi, Ernad, Malappuram, Kerala presented online the case of the appellant institution on 16/06/2021. In the appeal and during personal presentation it was submitted that "We have submitted the Notary attested land documents and notarized copy of English Version with the reply to the Final Show Cause Notice as required by the NCTE. Since the withdrawal of recognition was ordered in view of non- production of the document, we are again submitting the fresh copy of Notarized Land Documents and also the English Version of the same. We have submitted Building Completion Certificate (BCC) approved by the Malappuram Municipality. However, we are resubmitting the BCC with demarked area for all Teacher Training Programme and also the built-up area. As Land usage Certificate is not familiar in Kerala at that time. We

have submitted approved copy of Land usage Certificate and Possession Certificate signed by the Village Officer with the reply to the Shaw Cause Notice to support the Land Documents. Again, we are submitting original copy the CLU signed by the Tahsildar. We have submitted the Notary attested NEC along with the reply to the Final Show Cause Notice as required by the NCTE. Since the withdrawal of recognition was ordered in view of non- production of the NEC, we are resubmitting the fresh copy of NEC (English Version) for your kind perusal. We have submitted Approved Copy of Building Plan along with the reply to the Show Cause Notice. We are resubmitting the Building Plan Approved by the Municipality and Specifically marked the Multi-purpose Hall. We have submitted the Site Plan along with the reply to the Show Cause Notice. We are resubmitting the same approved by the Municipality. In response to the show Cause Notice dated 24.01.2020, the Staff List of B.Ed. Programme was asked for. I may also inform you Sir, the following: Ever since the beginning of the College in 1995 we were permitted to admit 100 Students for B.Ed. Programme. In response to the NCTE Regulations 2014, we applied for 2 year B.Ed. Programme with 2 basic Units of 50 students and it was granted as per Order No. F.SRO/NCTE/APSO0645/B.Ed./KL/2015-16/64770 dated 15.05.2015 (Copy enclosed). But due to the decrease in the number of applicants for 2 year B.Ed. Course, we requested NCTE, SRC to reduce provisionally the number of basic units from two to one. Accordingly, NCTE SRC issue corrigendum No. F.SRO/NCTE/APSO0645/B.Ed./KL/2015-16/77116 dated 27.102015 reducing the number of basic units from two to one. We have faculty members and infrastructural facilities for running 2 Units of B.Ed. Programme. Kindly refer to the faculty list and details of infrastructure facilities and Accord permission for running 2 basic Units of B.Ed. Programme. Though M.Ed. Programme also was sanctioned to admit One Unit from 2008-2009 academic year, ever since the course period was extended to 2 years, students were not available to join M.Ed. Programme. There for, the M.Ed. Programme is not being offered from 2015-16, despite the Affiliation from University and Recognition from NCTE are retained. The Faculty List of D.El.Ed. Programme also was submitted separately along with the reply to the Notice. Again we are submitting the Faculty List in the prescribed proforma for B.Ed. (16 Faculty Members including Art, Music and Physical Education) and for D.El.Ed. (16 Faculty Members including Art, Music and

Physical Education. The faculty Saleena A.A. has joined our college on 18.08.2017. She has been working in the same post at DarulUloom Training College, Vazhakkad, Malappuram Dist. Kerala since 18.01.2010 and joined this College without break of service (Experience Certificate enclosed). Her appointment was made in DarulUloom Training College, Vazhakkad before making NET qualification mandatory. In this context kindly re-consider the reference made in this matter. Mrs. Saleena. A.A. is an additional faculty and our total faculties are 9 (8+1) excluding faculties of Music, Art and Physical Education. The Art, Music and Physical Education Teachers have been appointed and the particulars are given in the staff proforma. We have submitted the certified copy of Building Completion Certificate along with the reply to the show cause notice. We are herewith resubmitting the Building Completion Certificate issued by the Municipality. The particulars of Endowment Funds and Reserve Funds (for 36 Lakhs) are given below: (1). In Canara Bank Total 28 Lakhs in 6 Fixed Deposit (2). In SBI Total 8 Lakhs in 2 Fixed Deposit Total 36 Lakhs. Are herewith submitting the affidavit with reference to SCN Point."

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 submitted a host of documents with explanation visavisthe grounds of withdrawal excepting Building Completion Certificate. The Committee held that these documents deserved to be looked into by the SRC. 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. The appellant is directed to forward to the SRC all these documents matching them with the grounds of withdrawal item wise including Building Completion Certificate within 15 days of receipt of orders on the appeal.

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 observedas 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 observedas 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 concluded to set aside the withdrawal order dated 16/04/2021 and remand back the case to SRC 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 set aside the withdrawal order dated 16/04/2021 and remand back thecase of M.C.T. Teacher Training Institute, Melmuri, 1678, Alathoorpadi, Ernad, Malappuram, Kerala to the SRC, NCTE, for necessary action as indicated above.

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

(**T. Pritam Singh**)
Deputy Secretary

Copy to :-

1. **The Principal, M.C.T. Training College, Melmuri, 1678, Alathoorpadi, Ernad, Malappuram, Kerala – 676517**
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 Kerala.

203319/2021/Appeal Section-HQ

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-224/E-193147/2021 Appeal/20th Meeting, 2021
APPLSRC202114060

Velankanni College of Education, Khandrika Village, 657/1, Venkatachalam, Nellore, Andhra Pradesh – 524320 **(APPELLANT)**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	**Sh. S.K. Masthan Shareef, Lecturer**
Respondent by	**Regional Director, SRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of Velankanni College of Education, Khandrika Village, 657/1, Venkatachalam, Nellore, Andhra Pradesh dated 05/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS02909/B.Ed/AP/2021/124619 dated 08.03.2021 of the Southern Regional Committee, withdrawing recognition for

conducting B.Ed. Course on the grounds that "Committee noted that the institution has failed in submission of reply to the Final Show Cause Notice issued on 03.11.2020."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. S.K. Masthan Shareef, Lecturer, Velankanni College of Education, Khandrika Village, 657/1, Venkatachalam, Nellore, Andhra Pradesh presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that "all latest documents submitted."

III. OUTCOME OF THE CASE

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

Appeal Committee noted that appellant is an institution recognised for conducting B.Ed. course since 2004-05 and ground of withdrawal of recognition is non submission of reply to Show Cause Notice (SCN) dated 03/11/2020. The Show Cause Notice was issued on following grounds:-

(i) Certified copy of land documents not furnished.

(ii). (a) Faculty list was for 1+11 against the requirement of 1+15.

(b) Principal not having Ph.D.

(c) Faculty for performing Arts/Fine Arts not appointed.

(d) Letter regarding approval of approval issued by affiliating body not submitted.

(e) Staff list duly approved in prescribed formal not submitted.

(iii) Form 'A' not submitted and FDRs matured.

2. Appeal Committee noted that appellant with its appeal memoranda has submitted copies of land documents, Building Plan, Building Completion Certificate,

FDRs with Form 'A', Non Encumbrance Certificate and list of faculty. Letter regarding approval of faculty issued by affiliating University has not been furnished

3. Appeal Committee noted that appellant in its submissions and appeal memoranda has not mentioned any reasons for non submission of reply to Show Cause Notice dated 03/11/2020. The list of faculty submitted by appellant with its appeal memoranda is quite old and does not mention the academic year to which it pertains. All the faculty is shown appointed in the years 2005 to 2007. The number of faculty is also 1+11.

4. Appeal Committee decided that impugned withdrawal order dated 08/03/2021 issued by SRC 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 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 the Appeal Committee.

(**T. Pritam Singh**)
Deputy Secretary

Copy to :-

1. **The Principal, Velankanni College of Education, Khandrika Village, 657/1, Venkatachalam, Nellore, Andhra Pradesh – 524320**
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.

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-225/E-193150/2021 Appeal/20th Meeting, 2021
APPLSRC202114082

K.M.M. College of Education, RamireddiPalli, 58-1, 58-2, Narasingapuram, Chandragiri, Chittoor, Andhra Pradesh – 517102 **(APPELLANT)**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	**Sh. Mani Kumar, Representative**
Respondent by	**Regional Director, SRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of K.M.M. College of Education, RamireddiPalli, 58-1, 58-2, Narasingapuram, Chandragiri, Chittoor, Andhra Pradesh dated 25/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS07144/B.Ed./AP/2021/127879-7886 dated 29.07.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the

grounds that "The institution was issued a Final Show Cause Notice (FSCN). The institution has submitted its reply vide dated 01.04.2021. The Committee observed the reply submitted by the institution and found the following deficiencies. The institution has submitted photocopy of sale deed and not submitted Certified Land Documents. The institution has submitted photocopy of Land Use Certificate without self-attested/Notarized. The institution has submitted photocopy of Non-Encumbrance Certificate without self-attested/Notarized. The institution has submitted photocopy of Building Plan in which the built-up area and multipurpose hall are not readable. The institution has not submitted the latest approved faculty detail. Moreover, the submitted faculty detail, they have not appointed Lecturer for Perspective of Education as per NCTE Regulation, 2014. The institution has submitted photocopy of Form 'A' and the FDRs for Rs. 5.00 lakhs issued by Branch Manager of Andhra Bank in which the FDRs are not readable."

II. **SUBMISSIONS MADE BY APPELLANT:-**

Sh. Mani Kumar, Representative, K.M.M. College of Education, RamireddiPalli, 58-1, 58-2, Narasingapuram, Chandragiri, Chittoor, Andhra Pradesh presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that "Certified land documents submitted. Land use certificate submitted. Photocopy of non-encumbrance certificate submitted. Multipurpose hall clarified, building plan submitted. Approved faculty submitted. Form 'A' and the FDR 5 lakhs issued by Branch Manager of Andhra Bank copy 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 found wanting / deficient in the withdrawal order. In view of this, 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 NCTE Regulation, 2014. 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.

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 observedas 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 observedas 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 withdrawal order dated 29/07/2021 issued by SRC and remand back the case for revisiting the matter.

IV. <u>DECISION</u>:-

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 withdrawal order dated 29/07/2021 issued by SRCand remand back thecase of K.M.M. College of Education, RamireddiPalli, 58-1, 58-2, Narasingapuram, Chandragiri, Chittoor, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.

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

(**T. Pritam Singh**)
Deputy Secretary

Copy to :-

1. **The Principal, K.M.M. College of Education, RamireddiPalli, 58-1, 58-2, Narasingapuram, Chandragiri, Chittoor, Andhra Pradesh**
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.

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-226/E-193202/2021 Appeal/20th Meeting, 2021
APPLSRC202114085

Hindi Prachara Kendra College of Teacher Education, Poyya, Puliparambu, Kodungallur, Kerala, Thrisur -- 680733 **(APPELLANT)**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	**Sh./Ms. Irine Mathew,** **Administrative Staff**
Respondent by	**Regional Director, SRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of Hindi Prachara Kendra College of Teacher Education, Poyya, Puliparambu, Kodungallur, Thrisur, Kerala dated 27/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APSO3885/B.Ed./399th/{KL}/2011/126683 dated 28.06.2021 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the

grounds that "The institution changed the management of Hindi Prachar Kendra College of Teacher Education to CFI Charitable Trust. As per the letter dated 08.12.2016 issued by NCTE-Headquarter (Regulation) whereby it has been categorically stated that "There is no provision of the change of management in the Regulation, 2014". Further attention is drawn toward letter dated 23.12.2016 wherein it has been further clarified that " in view of lack of any specific provision in the Regulations about change in the management, no request needs to be considered where a society/trust/company intends handover a recognized TEI to any other society/trust/company as it would amount to commercialization of teacher education. The institution has not submitted certified land document. The institution has submitted Building Plan. But Sy. No. / location and name of institution have not been mentioned. Further, the building plan and site plan not approved by the Competent Authority. Moreover the size of class and Multipurpose Hall are not mentioned. The site plan submitted by the institution is not approved in the Competent Authority. The Building Completion Certificate submitted by the institution is not approved by Competent Authority. The institution submitted photocopy of Form 'A' instead of original one."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh./Ms. Irine Mathew, Administrative Staff, representative of Hindi Prachara Kendra College of Teacher Education, Poyya, Puliparambu, Kodungallur, Thrisur, Kerala presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that "It is respectfully submitted that there is no specific provision in the NCTE Act, regulations, or any order or notification prohibiting the change of management of recognized Teacher training Institutions. Moreover, the grant of recognition of the institution is not subject to the condition that the institution should not change its management. Under these circumstances the SRC ought to have consider the application / request submitted before the SRC for approval of the change of management. In the absence of any such prohibition for change of management, the SRC ought to have consider the request for approval of the change of management in a case by case basis, taking in to account all the facts and circumstances. The finding of

SRC that every change of management amounts to commercialization and that no request for change of management needs to be considered, is arbitrary and illegal. The lacuna in the Act and Regulation should not be filled in by any clarification letter. The letters cited in the withdrawal letter has no relevance at all. The change of management of the institution is not in violation of any provisions of the Act or regulations of the NCTE. The former manager, one of the member of the former society had a pivotal role in the management of the College died unexpectedly due to cancer. Apart from that the former management found it difficult to manage the day to day affairs of this unaided institution due to financial crisis. One of the criteria for issuing recognition under Sec 14 Sub clause (3) is that it should have sufficient financial resources. Hence the former management decided to transfer the management to Care for India (CFI) a Charitable Trust having sufficient financial resources and capable of managing the institution effectively and efficiently by maintaining the standards of teacher education. CFI Trust is a non-profitable Charitable Trust having sufficient experience in the field of education and endeavors to impart quality education. There is no question of commercialization in the change of management. The Government, affiliated University and NCTE are imposing stringent guidelines orders and instructions with regard to admissions, fee collection and appointment of faculties. The management is running the institution complying such guidelines, orders and instructions under the supervision of the apex authority, NCTE. Hence there is no question of any commercialization. The SRC is erred in reaching a finding that all change of management would amount to commercialization. The letters cited in the Withdrawal order are not even circulated among the recognized institutions. The Trust purchased the land where the institution situates is to facilitate the change of management. As per the regulations the institution should function in the building of its own. After getting NOC from Government of Kerala Higher education (B) dated 15/11/18 (submitted as document No:1) , and consequent NOC from MHRD Govt. of India dated24/12/18 (submitted as document No:1a) and sanction from Calicut University for change of ownership of the institution by the former society to CFI Trust (submitted as document No: 2) , the Trust requested for approval of the change of management (request for approval is submitted as Document No:3). The University is now issued Continuation of Provisional Affiliation for the academic year 2021-22. A true copy of the same dated

02.07.2021 is submitting herewith as document No: 3 a. The finding of the SRC is that the change of management amounts to violation of the provisions of the Act and regulation attracting Section 17(1) resulting in withdrawal of recognition of the Institution is unsustainable and illegal. Ground 2. Explanation. The Trust has already submitted the certified copy of the title deed No 448/2018 of Mala SRO evidencing that the Trust is the owner of the Land where the building is situated. The Trust is again submitting the same as document No: 4. Ground 3 Explanation: Poyya, where institution is situated is one of the badly affected place in Kerala in the flood during the year 2018 and 2019. Some of the land documents were mutilated in the flood. Due to the restrictions imposed owing to Covid-19 alert, it became difficult for the Trust to obtain the documents and approvals from the concerned authority. The Institution is now submitting 1) Notarized copy of the Building plan approved by the local authority with Survey number of the property, Location and name of the Institution and specifying the size of the classrooms and multipurpose hall. (submitted as document No: 5) The old survey number of the property having 81.65 Ares was 357/2/2 and now it is 357/8 as per Village records, The Trust is paying tax for the same land under TP Account number: 8742. The true copy of the tax receipt is submitted as document number 5 A. 2) Notarized copy of the Site plan approved by the local Authority. (submitted as document No: 6). Ground 4 Explanation. Ground 4 is the same ground 3. Notarized copy of the Site plan approved by the local authority is submitted as document No: 6. Ground 5 Explanation The institution is herewith submitting the building completion certificate in the prescribed format (submitted as Document No: 7). Ground 6 Explanation The non-production of the original Form A is an inadvertent omission from the part of the institution. The institution is now submitting the original Form A (submitted as document No: 8) The deficiencies pointed out in the documents submitted along with the reply to the Show Cause notices are cured and submitted here with. The omission from part of the institution is not willful that may be may excused and the submitted documents may be taken into file. During the flood cracks were formed in the building with the multipurpose hall. Gradually the strength of the building is deteriorated and became a threat to the lives of the students. hence institution was forced to demolish that building after intimating the same to the local authority, the Panchayath. Other building are strong. The Trust has obtained permit from the Panchayath on for

construction of a new 3 storied building having 2594.01Sq. mtr. in the place of the demolished building. Notarized copy of the building permit is submitted as document No: 9 Notarized copy of the approved plan for the new building is submitted as document No: 10 The withdrawal of the recognition of the institution for the above reasons will cause irreparable injury and hardship to the Trust and the future of the teaching staff and nonteaching staff depending solely on this institution for their livelihood. The sudden drop in the number of B. Ed seats will also affect the opportunity of the students seeking admission for B. Ed course. Withdrawal of recognition will also cause a bad impact on the students who had completed training from this institution and pursuing job. Accepting all what is stated above the appellate authority may be pleased to set aside the order dated 28/6/2021 withdrawing the Recognition of the institution."

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 even though six grounds have been cited in the withdrawal order, the foremost ground relates to admissibility of change of management to run the institution. The appellant, in the appeal has given a detailed explanation about this supported with documents issued by the Government of India, Government of Kerala and University of Calicut giving no objection to the change of management. As pointed out in the appeal despite there being no provision in the NCTE Regulation to deal with cases of transfer of management of a recognised institution, the Council is relying on clarificatory letters issued in December, 2016. The Committee noted that the appellant has submitted documents covering all the six grounds of withdrawal.

3. The Committee, taking an overall view of the matter, is of the opinion that the matter deserved to be remanded to the SRC with a direction to consider all the documents submitted in appeal, if considered necessary after obtaining legal opinion from the Council on the issue of transfer of management and take further necessary action as per the NCTE Regulation, 2014. 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.

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 withdrawal order and remand back the case 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 set aside the withdrawal order and remand back the case of Hindi Prachara Kendra College of Teacher Education, Poyya, Puliparambu, Kodungallur, Thrisur, Kerala to the SRC, NCTE, for necessary action as indicated above.

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

(T. Pritam Singh)
Deputy Secretary

Copy to :-

1. **The Principal, Hindi Prachara Kendra College of Teacher Education, Poyya, Puliparambu, Kodungallur, Thrisur, Kerala**
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 Kerala.

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-227/E-193226/2021 Appeal/20th Meeting, 2021
APPLERC202114081

Don Bosco College of Teacher Education, Sampalgre, Patta No. 20, Don Bosco Road, Rongram, West Garo Hills, Meghalaya – 794002 **(APPELLANT)**	**Vs**	Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751 012 **(RESPONDENT)**

Representative of Appellant	**Dr. Zacharias George, Principal**
Respondent by	**Regional Director, ERC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of Don Bosco College of Teacher Education, Sampalgre, Patta No. 20, Don Bosco Road, Rongram, West Garo Hills, Meghalaya dated 25/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ERC/272.14.165/(ME-S/N-2/2003)/B.Ed./2019/60734 dated 14.06.2019 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Show Cause

Notice u/s 17(1) were issued on 21.02.2019 & 14.05.2019. The institution has failed to submit compliance of conditions mentioned in the SCN within the stipulated period and no supporting document submitted."

II. **SUBMISSIONS MADE BY APPELLANT**:-

Dr. Zacharias George, Principal, Don Bosco College of Teacher Education, Sampalgre, Patta No. 20, Don Bosco Road, Rongram, West Garo Hills, Meghalaya presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that "the college fails to have sufficient number of teachers for two units of 100 students, now it will be for one unit of 50 students only and institution has the required number of teachers. The addition floor was not completed fully at the time of the show cause notice. Engineer could not do the inspection till the building is completed. Joint signatory was not done. Now the process is completed. The college website had expired. The website has been updated."

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 ERC issued a common Show Cause Notice dated 21/02/2019 to a large number of institutions, including the appellant. In this notice the institutions were asked for (i) approved current faculty list; (ii) approved building plan; (ii) approved Building Completion Certificate; (iv) FDRs; and (v) confirmation on website updates. After issue of a reminder show cause notice dt. 14/05/2019, the appellant sent a reply dt. 04/06/2019 (received in ERC on 01/07/2019) but ERC issued their order of withdrawal on 14/06/2019.

2. The Committee noted that the appellant, in their appeal, requested recognition for one unit (50) against the intake of 100 (two units) granted in the revised recognition order dt. 22/05/2019. The documents sent by the appellant include faculty list approved by the Registrar, NEHU on 24/06/2021; building plan approved by the Town planner of Meghalaya Government; copies of FDRs for Rs. 5 lakhs and Rs. 7 lakhs, jointly held with Regional Director, ERC with maturity date of 30/06/2026; copy of building map; and

an occupancy certificate. The appellant enclosed copies of some land related documents also.

3. In view of the above position, particularly in the context of the appellant requesting only one unit (50 intake) and submission of certain documents like current approved faculty list and FDRs, the Committee concluded that the matter deserved to be remanded to the ERC with a direction to consider the documents submitted in appeal, 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 ERC the document submitted in appeal, including their letter dt. 26/07/2021 sent to the Council, and a building completion certificate in the prescribed format and website updates, 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."***

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 withdrawal order and remand back the case of Don Bosco College of Teacher Education, Sampalgre,

Patta No. 20, Don Bosco Road, Rongram, West Garo Hills, Meghalaya to the ERC, NCTE, for necessary action as indicated above.

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

(T. Pritam Singh)
Deputy Secretary

Copy to :-

1. **The Principal, Don Bosco College of Teacher Education, Sampalgre, Patta No. 20, Don Bosco Road, Rongram, West Garo Hills, Meghalaya**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Meghalaya.

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-228/E-193300/2021 Appeal/20th Meeting, 2021
APPLSRC202114083

V.M. Lingaiah College of Education, Somanahalli, 322, Bangalore-Mysore Highway, Maddur, Mandya, Karnataka – 571429 **(APPELLANT)**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	**Dr. Ananda S, Director Academic**
Respondent by	**Regional Director, SRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of V.M. Lingaiah College of Education, Somanahalli, 322, Bangalore-Mysore Highway, Maddur, Mandya, Karnataka dated 23/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/**APSO1981**/B.Ed./KA/2020/15358 dated 27.02.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the

grounds that "**The institution has submitted Building Plan which is neither approved by the competent authority nor legible. The size of multipurpose hall, built up area, etc are not mentioned in building plan. The institution has submitted BCC which was approved in regional language. The total built up area is 12812 sq. ft which is insufficient as per NCTE Regulations, 2014. The institution has submitted photocopy of FDR instead of submitting Form A for FDRs towards Endowment and Reserve Fund as per NCTE Regulations. The institution has not submitted latest staff list. The institution has not submitted a copy of the site plan.**"

II. **SUBMISSIONS MADE BY APPELLANT**:-

Dr. Ananda S, Director Academic, V.M. Lingaiah College of Education, Somanahalli, 322, Bangalore-Mysore Highway, Maddur, Mandya, Karnataka presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that "**The institution has a building plan, which is approved by the PDO (Panchayat Development Officer) who is the competent authority under Somanahalli Gram Panchayat jurisdiction. The said building plan has relevant details about multipurpose hall, built up area, etc. Also, we wish to bring to your kind notice that the approval is clear and legible. A copy of the said approved building plan is enclosed with this letter for your kind reference. We have BCC, translated from regional language to English. The total built up area, which was incorrectly mentioned as 12,812 sq. ft. has been corrected to the actual built up area of 17,512 sq. ft. (1,626.92 sq. mts.), which is more than the required 1,500 sq. mts. (sufficient as per NCTE Regulations 2014). Also, we wish to bring to your kind notice that the said 1,626.92 sq. mts. built up area is inside the property, measuring East – West 136.25 meters and North – South 31 meters, with a total area of 4,223.75 sq. mts. demarked exclusively for V. M. Lingaiah College of Education. A copy of the said approved BCC is enclosed with this letter for your kind reference. Since ours is an old institution running B.Ed. program w.e.f. 2004, only copy of FDR is available. A copy of the said FDR is enclosed with this letter for your kind reference. Staff list was submitted along with our response dated 05-**

12-2019 to the show-cause notice dated 08-11-2019. Unfortunately, it was not in the required format. A copy of the latest staff list in required format is enclosed with this letter for your kind reference. We had submitted a copy of property deed as part of the Schedule details of the property demarked for V. M. Lingaiah College of Education. However, we have got the site plan prepared in proper format. A copy of the site plan in required format is enclosed with this letter for your kind reference."

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 the appeal, submitted the documents found wanting in the withdrawal order, namely, (i) a building plan approved by Panchayat Development Officer, Gram Panchayat, Somanahalli, Maddur Taluk; (ii) copy of building completion certificate issued by Panchayat Raj Engineer, Maddur; (iii) Form 'A' issued by Canara Bank, Somanahalli for two FDRs of Rs. 5 lakhs and Rs. 7 lakhs; (iv) staff list; and (v) copy of site plan.

2. The Committee, on perusal of these documents, noted that (i) the details in the building plan are still not clearly readable, the total built up area is not mentioned and only auditorium and not multipurpose hall is mentioned; (ii) the built up area in the building completion certificate has been clarified as 17,512 sq. ft.; and (iii) the staff list does not indicate that it has bee approved by the affiliating University.

3. The Committee, noting that the appellant is an institution, initially recognised on 03/12/2004 and which was granted revised recognition under NCTE, Regulation, 2014 on 26/05/2015, concluded that the appellant may be given an opportunity to rectify the still existing shortcomings in respect of building plan and staff list. The appellant is directed to forward to the SRC the documents submitted in appeal as also a building plan showing clearly the total built-up area multipurpose hall and the latest staff list duly approved by the University within 15 days of receipt of orders on the appeal. The SRC

is directed to revisit the matter on receipt of the documents from the appellant and take necessary action as per NCTE Regulation.

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."***

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."***

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 withdrawal order and remand back the case of V.M. Lingaiah College of Education, Somanahalli, 322, Bangalore-Mysore Highway, Maddur, Mandya, Karnataka to the SRC, NCTE, for necessary action as indicated above.

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

(T. Pritam Singh)
Deputy Secretary

Copy to :-

1. **The Principal, V.M. Lingaiah College of Education, Somanahalli, 322, Bangalore-Mysore Highway, Maddur, Mandya, Karnataka**
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 Karnataka.

203319/2021/Appeal Section-HQ

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-230/E-193337/2021 Appeal/20th Meeting, 2021
APPLERC202113968

Mehtab Jamal B.Ed. College, Bonbahar, 184, Kayakuchi, B.B. Road, Barpeta, Assam – 781352 **(APPELLANT)**	**Vs**	Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751 012 **(RESPONDENT)**

Representative of Appellant	.....
Respondent by	**Regional Director, ERC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of Mehtab Jamal B.Ed. College, Bonbahar, 184, Kayakuchi, B.B. Road, Barpeta, Assam dated 08/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ERC/247.12.25/ID-11263/B.Ed./2017/55557 dated 02.01.2018 of the

Eastern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "Show Cause Notice was issued on 14.02.2017 on the following grounds: As per online application, the institution applied for Additional Intake in B.Ed. programme but the institution has no prior recognition from the ERC NCTE for B.Ed. programme. The statement is not correct. As the institution has applied for single course i.e. B.Ed. which comes under the standalone category and not permissible as per NCTE Regulations, 2014. The institution submitted Lease deed from Private party which is not accepted. Non-Encumbrance Certificate issued from Land Registering Authority is not submitted. Building plan is not approved by Govt. Engineer. Building completion certificate issued from Govt. Engineer/Authority is not submitted. Change of land use certificate issued from Land Revenue/concerned Govt. Deptt. is not submitted. Fire safety certificate issued from competent Govt. authority is not submitted. Site plan issued from Land Revenue/concerned Govt. Department is not submitted. Original affidavit on Rs.100/- no-judicial stamp paper in the prescribed format mentioning the details of land is not submitted. b. Reply from the institution has not been received within the stipulated period, which is already over. In view of the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP201646305 of the institution regarding recognition of applied B.Ed. Programme is refused under section 14(3)(b) of NCTE Act 1993."

II. SUBMISSIONS MADE BY APPELLANT:-

The representative of Mehtab Jamal B.Ed. College, Bonbahar, 184, Kayakuchi, B.B. Road, Barpeta, Assam presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that "due to shortage of time."

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 submission of the appeal has been delayed by three years and seven days beyond the prescribed period of sixty days.

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

3. The appellant, in the appeal has stated the reason for delayed appeal as "Delayed by Gauhati University of issuing permission/affiliation for degree course." The Committee noted that the reason adduced by the appellant is not relevant as the Show Cause Notice dt. 14/02/2017, which was not replied to at all by the appellant, did not contain any point related to the University. The ERC refused permission on the ground of non-reply to the Show Cause Notice, which is justified. The Committee, therefore, is not satisfied that the appellant had sufficient cause for not preferring the appeal within the prescribed period. Hence the delay is not condoned and 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,

203319/2021/Appeal Section-HQ

Appeal Committee concluded not to accept the appeal on grounds of delay and hence the appeal is not admitted.

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

(**T. Pritam Singh**)
Deputy Secretary

Copy to :-

1. **The Principal, Mehtab Jamal B.Ed. College, Bonbahar, 184, Kayakuchi, B.B. Road, Barpeta, Assam – 781352**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Assam.

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-231/E-193490/2021 Appeal/20th Meeting, 2021
APPLWRC202114086

Adarsh Teacher Training School, Kuchaman City, 2982/548, Station Road, Kuchaman City, Nagaur, Rajasthan – 341508 **(APPELLANT)**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	**Dr. Rajaram Prajapati,** **Chairman**
Respondent by	**Regional Director, WRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF REFUSAL

The appeal of Adarsh Teacher Training School, Kuchaman City, 2982/548, Station Road, Kuchaman City, Nagaur, Rajasthan dated 29/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/RJ/(D.El.Ed.)/2021/216200 dated 16.07.2021 of the Western Regional Committee, refusing recognition for conducting for

D.El.Ed. Course on the grounds that **"The Show Cause Notice was issued to the institution on 14th January 2021 with a direction to submit reply within 30 days, as per the decision of WRC. The reply of the institution is not acceptable on the grounds that the institution has not submitted the valid print out of the application form submitted in 2012. In view of above, the Committee decided that application of the institution be refused u/s 14(3)(b) of the NCTE Act for D.El.Ed. programme."**

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Rajaram Prajapati, Chairman, Adarsh Teacher Training School, Kuchaman City, 2982/548, Station Road, Kuchaman City, Nagaur, Rajasthan presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that **"that this institution has applied online for grant of recognition of D.El.Ed. course (02 units) to NCTE from 2013-14 on 31.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 04.01.2013. Copy of receipt letter and online application is annexed and marked as Annexure-4. That instead of processing the application of this institution for granting recognition for D.El.Ed. course (02 units), NRC, NCTE had returned the application of this institution for grant of recognition of D.El.Ed. course (02 units) on 19.06.2013 on arbitrary, unjustified, illegal and unconstitutional basis. Copy of returning letter is annexed and marked as Annexure-5. That being aggrieved from the order of NRC, NCTE, this institution has filed a W.P.(C) 2690/2020 in Hon'ble High Court of New Delhi. Hon'ble High Court has allowed the relief sought in prayer clause (a) and passed an order on 11.03.2020 and directed to respondent to process the application for grant of recognition for D.El.Ed. course as per order passed in W.P.(C) 8820/2019 by Hon'ble High Court of New Delhi. Copy of the order of Hon'ble High Court is annexed and marked as Annexure-6. That as per direction of Hon'ble Court, this institution has submitted all required documents along with D.D. No. 001329 dated 14.07.2020 of Rs. 1,50,000/- for processing fees and order of Hon'ble Court through Speed Post. Copy of receipt is annexed and marked as Annexure-7. That WRC, NCTE has not taken any action on the application of this institution till December, 2020. This institution has sent a reminder letter to WRC, NCTE for processing of application of this institution. Copy of letter is annexed and marked as Annexure-8. That the application for recognition of D.El.Ed. course of this institution was considered in 329 Meeting of WRC, NCTE held on 09.01.2021 and a Show Cause Notice was issued to this institution vide letter No. WRC/RJ.... D.El.Ed./RJ/325th/2021/213369 dated 14.01.2021 indicating certain deficiencies. Copy of Show Cause Notice is annexed and marked as Annexure-9. That this**

institution had submitted all required documents to WRC, NCTE regarding full-fillment of deficiencies pointed out in Show Cause Notice through Speed Post on 01.02.2021. Copy of reply letter is annexed and marked as Annexure-10. That WRC, NCTE has inspected the file and reply of this institution and found that D.D. of Rs. 1,50,000/- submitted by this institution for processing fees is outdated. WRC, NCTE had informed to this institution vide letter No. WRC/RJ... D.El.Ed./RJ/2021/215198 dated 19.03.2021 for resubmission of processing fees of Rs. 1,50,000/- Original D.D. No. 001329 dated 14.07.2020 of Rs. 1,50,000/-, submitted by this institution to WRC, NCTE was not returned to this institution. This institution has deposited a new Demand Draft No. 001619 dated 23.03.2021 of Rs. 1,50,000/- to WRC, NCTE on 24.03.2021. Copy of receipt letter and copy of D.D. are annexed and marked as Annexure-11. That copy of Possession/Mutation Certificate issued by Nagar Palika, Kuchman City was submitted to WRC, NCTE along with reply of Show Cause Notice on 01.02.2021. Copy of Possession/Mutation Certificate issued by Nagar Palika, Kuchaman City is annexed and marked as Annexure-12. That 33417.87 sqft. land converted for educational purpose was gifted to society by Smt. Maya Devi and society had purchased 6994.25 sqft. Converted land from Smt. Maya Devi. Copy of Land Use Certificate and copy of registered gift and sale deed was submitted to WRC, NCTE along with reply of Show Cause Notice on 01.02.2021. Copy of Land Use Certificate and Gift and Sale Deed are annexed and marked as Annexure-13. That copy of Non-Encumbrance Certificate issued by Nagar Palika, Kuchaman City was submitted to WRC, NCTE along with reply of Show Cause Notice on 01.02.2021. Copy of Non-Encumbrance Certificate issued by Nagar Palika, Kuchaman City is annexed and marked as Annexure-14. That copy of Site Plan issued by Nagar Palika, Kuchaman City showing that all plots are adjacent to each other has been submitted to WRC, NCTE along with reply of Show Cause Notice on 01.02.2021. Copy of Site Plan issued by Nagar Palika, Kuchaman City is annexed and marked as Annexure-15. That society had submitted online application on 31.12.2012 on NCTE Portal. Copy of application form along with required documents and fees of Rs. 50,050/- was submitted to NRC, NCTE, Jaipur on 04.01.2013. NRC, NCTE had not objected regarding print out copy of application. In compliance to the Hon'ble Court, this institution had resubmitted application, documents, copy of court order and processing fees of Rs. vide D.D. No. 001329 dated 14.07.2020 to WRC, NCTE. After 6 months WRC, NCTE has pointed out that print out of application form submitted by this institution is not a valid print out. This institution has submitted reply of show cause notice to WRC, NCTE on 01.02.2021. WRC, NCTE has considered the reply and application of this institution and asked to this institution to submit the revalidated Demand Draft of Rs. 1,50,000/- for processing fees for further processing of the application. Copy of online application is annexed and marked as Annexure-16. That society is running a Degree College namely "Adarsh

Mahavidyalay" Station Road, Kuchaman City, Distt-Nagaur (Raj.) in which B.A., B.Sc. and B.Com. courses are running. Copy of N.O.C. issued by Ayukt, College Education Rajasthan, Jaipur and Affiliation Letter issued by YDS University, Ajmer was submitted to WRC, NCTE along with reply of Show Cause Notice on 01.02.2021. Copy of N.O.C. issued by Ayukt, College Education Rajasthan, Jaipur and Affiliation Letter issued by BIDS University, Ajmer are annexed and marked as Annexure-17. That WRC, NCTE has issued the Refusal Order to this institution vide order no. WRC/RJ/(D.El.Ed.) / 2021/ 216200 dated 16.07.2021 on totally arbitrary, unjustified, illegal and unconstitutional basis because after considering the reply of show cause notice and application of this institution, WRC, NCTE has asked for resubmit the revalidated demand draft of Rs. 1,50,000/-. This institution has submitted the revalidated D.D. of Rs. 1,50,000/- to WRC, NCTE on 24.03.2021. After submission of revalidated Demand Draft WRC, NCTE has rejected the application of this institution. Copy of refusal order dated 16.07.2021 is annexed and marked as Annexure-18. Thus, WRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course (02 units) on illegal, unlawful, unjustified and unconstitutional basis. So, it is prayed that the refusal order issued by WRC, NCTE on 16.07.2021 be set aside and direction be issued to WRC, NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course (02 units)."

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 made a host of submissions in their appeal. The Committee noted that the NRC refused recognition only on the ground that the institution has not submitted the valid printout of the application form submitted in 2012. The Committee noted from the copy of the application form dated 31/12/2012 submitted by the appellant himself, that it is clearly mentioned on the top of page no. 1 of the form that it is not a valid printout of the Application form and that the final printout will contain Application ID and NCTE Logo on the top. The copy of the form submitted by the appellant does not contain Application ID and NCTE logo on the top.

2. In the above circumstances, the Committee concluded that the NRC was justified in refusing recognition and therefore, the appeal deserves to be rejected and the order of the NRC 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 WRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the WRC is confirmed.

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

(T. Pritam Singh)
Deputy Secretary

Copy to :-

1. **The Chairman, Adarsh Teacher Training School, Kuchaman City, 2982/548, Station Road, Kuchaman City, Nagaur, Rajasthan – 341508**
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 Rajasthan.

203319/2021/Appeal Section-HQ

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-232/E-193755/2021 Appeal/20th Meeting, 2021
APPLSRC202114044

St. John College of Education, Konthamuru, 370, Visranthipuram, Sanitorium, Korukonda Road, Rajamahendravaram, East Godavari, Andhra Pradesh – 533102 **(APPELLANT)**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	**Dr. Roshan Virgil Vasa, Principal**
Respondent by	**Regional Director, SRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of St. John College of Education, Konthamuru, 370, Visranthipuram, Sanitorium, Korukonda Road, Rajamahendravaram, East Godavari, Andhra Pradesh dated 24/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/**APS00328**/B.Ed./{AP}/2020/121708 dated 23.12.2020 of the Southern

Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "the management has not shifted its institution to its own permanent building which is in violation of the NCTE Regulations, 2002, 3(C). The institution has also not responded to the Show Cause Notice issued on 13.05.2019."

II. **SUBMISSIONS MADE BY APPELLANT**:-

Dr. Roshan Virgil Vasa, Principal, St. John College of Education, Konthamuru, 370, Visranthipuram, Sanitorium, Korukonda Road, Rajamahendravaram, East Godavari, Andhra Pradesh presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that **"SRC vide its order dated 23.12.2020 has withdrawn our recognition observing deficiencies which were already clarified / ratified by our institution. In order to appreciate various contentions and averments being raised hereinafter by the appellant, it is necessary to state the following few relevant facts in brief. SRC NCTE vide its order dated 28.02.2003 granted recognition to the appellant institution for running the B.Ed. course in the appellant institution. Further, a revised recognition order dated 19.05.2015 with intake of 100 students, was issued to the appellant institution. Thereafter, SRC issued the order dated 21.07.2017 thereby reducing the intake of the appellant institution from 2 units to 1 unit. It is submitted that SRC issued show cause notice dated 06.12.2019 to appellant institution for submitting the documents as per revised recognition order. The appellant institution vide its letter dated 14.12.2019 submitted the relevant documents to SRC. Surprisingly, the SRC issued the withdrawal order dated 23.12.2020 without looking the documents of the appellant institution carefully. It is submitted that the appellant institution is once again submitting herewith the following documents as were submitted by the appellant to SRC, to satisfy the appeal committee of NCTE: a) A copy of documents pertaining to land owned by the petitioner institution where the petitioner institution is running b) A copy of reply dated 30.07.2019 submitted to SRC The aforesaid documents are herewith as It is submitted that however, the SRC without intimating or issuing the 2nd show cause notice, has withdrawn the recognition granted to our institution. It is submitted that the impugned decision taken by the**

SRC is completely arbitrary as the SRC did not issue 2nd show cause notice to the petitioner institution, required mandatorily in terms of the SOP issued by the NCTE itself. It is submitted that in view of the SOP, SRC ought to have issued another (2nd) show cause notice in light of the show cause notice dated 06.12.2019 before taking the impugned decision of refusal. It is submitted that SRC has taken the impugned decision without observing that the petitioner vide its earlier replies, have already submitted the documents as desired by the SRC vide its show cause notices issued from time to time, and if any document was further required to be submitted on the part of the institution, the institution ought to have been provided an opportunity for submitting the same.

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 after issue of a Show Cause Notice dt. 13/05/2019 and receipt of a reply on 30/07/2019, the SRC issued another Show Cause Notice dated 06/12/2019 to 21 institutions, including the appellant, calling for a host of documents. The appellant enclosed a copy of their reply dated 14/12/2019 with which a number of documents are reported to have been submitted. While this letter is not found in the file of the SRC, the SRC, in their withdrawal order, has not made any reference to either their Show Cause Notice dt. 06/12/2019 or receipt/non-receipt of any reply thereto.

2. In the above circumstances, the Committee, opining that the latest show cause notice dt. 06/12/2019 and a reply thereto are very relevant for taking a decision in the matter, concluded that the matter deserved to be remanded to the SRC with a direction to consider the reply to their Show Cause Notice dt. 06/12/2019, to be sent to them again by the appellant and take necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the SRC again their reply to the Show Cause Notice dt. 06/12/2019, as also explanation about shifting of the institution to its own permanent building, 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:-

> ***"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 decided to set aside the impugned order of withdrawal dated 23.12.2020. Appellant is required to submit to SRC. Its reply to the SCN with all required document within 15 days of the issue of appeal order and SRC is further required to revisit the case and issue appropriate speaking order within 15 days of the receipt of reply to SCN from appellant.

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 withdrawal order and remand back the case of St. John College of Education, Konthamuru, 370, Visranthipuram, Sanitorium, Korukonda Road, Rajamahendravaram, East Godavari, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.

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

(T. Pritam Singh)
Deputy Secretary

Copy to :-

1. **The Chairman, St. John College of Education, Konthamuru, 370, Visranthipuram, Sanitorium, Korukonda Road, Rajamahendravaram, East Godavari, Andhra Pradesh**

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.

203319/2021/Appeal Section-HQ

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-233/E-193749/2021 Appeal/20th Meeting, 2021
APPLWRC202114080

Mahadev College, Baytu, Barmer, Rajasthan – 344034 **(APPELLANT)**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	**Representative**
Respondent by	**Regional Director, WRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF REFUSAL

The appeal of Mahadev College, Baytu, Barmer, Rajasthan dated 29/06/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NCTE/NRC/NRCAPP201615277/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-2018/2; dated 19.04.2017 of the Western Regional Committee, rejecting their application for grant of recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "Applicant institution has not submitted the reply of the SCN issued by the NRC on

02.03.2017 within the stipulated time. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

II. **SUBMISSIONS MADE BY APPELLANT:-**

The representative of Mahadev College, Baytu, Barmer, Rajasthan presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that "The institution had not received any information regarding the show cause notice and hence the reply for same could not be submitted in the due time all documents will be submitted as per reply during hearing."

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 submission of the appeal has been delayed by four years and eleven days beyond the prescribed period of sixty days.

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

3. The appellant in the online appeal stated the reason for delayed appeal as "no information received regarding show cause notice." This cannot be accepted as a

reason at all for not appealing within the prescribed period, against the order dated 19/04/2017 rejecting their application, duly received by the appellant. Incidentally it is noted that the Show Cause Notice dt. 02/03/2017 was sent to the same e-mail address of the appellant as furnished in their application to which the order of rejection was also sent. In the circumstances, the Committee decided not to condone the delay. 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 accept the appeal on grounds of delay and hence the appeal is not admitted.

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

(T. Pritam Singh)
Deputy Secretary

Copy to :-

1. **The Secretary, Mahadev College, Baytu, Barmer, Rajasthan – 344034**
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 Rajasthan.

203319/2021/Appeal Section-HQ

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-234/E-193761/2021 Appeal/20th Meeting, 2021
APPLNRC202013783

Vinayak Vidyapeeth, Pawlikhas Modipuram, Meerut Road, Sardhana, Meerut, Uttar Pradesh – 250005 **(APPELLANT)**	**Vs**	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	**Sh. Janay Alam, Admn. Officer**
Respondent by	**Regional Director, NRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of Vinayak Vidyapeeth, Pawlikhas Modipuram, Meerut Road, Sardhana, Meerut, Uttar Pradesh dated 23/10/2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/**UP-3015**/315th/Meeting/2020/209579 dated 21.09.2020 of the Northern Regional Committee, withdrawing recognition for conducting

B.Ed. Course on the grounds that **"Certified registered land documents issued by the Registering Authority or concerned authority not submitted. Building Completion Certificate signed by the Competent Government Authority not submitted. The latest/current faculty list approved & signed each page by concerned affiliating body in original with the details of their teaching subject, date of birth, date of selection, date of joining, academic qualification, teaching experience, NET/Ph.D. (NCTE's GOI dated 09.06.2017), salary structure and related documents duly attested by authorized management representative not submitted. And, notarized original affidavit of Rs. 100/- on non-judicial stamp paper by the management and Rs. 10/- non-judicial stamp paper by each selected/appointed faculty in the NCTE prescribed proforma are not submitted. Approved faculty list is not submitted as per Appendix-4 of NCTE Regulation, 2014 (amended from time to time). Downloaded copies of documents from the website of the institution with hyperlinks of the same as per provisions of 7(14) of the NCTE Regulations, 2014 not submitted. 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 communication of withdrawal order. A detailed withdrawal order be issued to the institution."**

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Janay Alam, Admn. Officer, Vinayak Vidyapeeth, Pawlikhas Modipuram, Meerut Road, Sardhana, Meerut, Uttar Pradesh presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that **"we have already submitted on the date of 15.05.2018 by hand same points (2nd) 14th October 2019 issued SCN by office - we have replied the same on the date of 12.11.2019 along with documents."**

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, aggrieved by the decision taken by the NRC to withdraw recognition, filed a W.P (C) 8026/2020 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court, in their order dt. 19/10/2020, allowed the petitioner to participate in the counselling for the academic session 2020-21, subject to the petitioner institution filing a statutory appeal within two weeks from the date of order i.e. 19/10/2020, which should be adjudicated/disposed of by the appellate authority expeditiously.

2. The Committee noted that the NRC passed the order of withdrawal after considering the replies of the appellant to the two show cause notices dated 05/04/2018 and 14/10/2019. However, from the order of withdrawal, the Committee observed that the grounds cited in the order are somewhat different from those cited in the two Show Cause Notices. For instance the ground regarding latest/ current faculty list is quite elaborate, seeking a host of documents, as compared to the ground cited in Show Cause Notice; the ground relating to downloaded copies of website documents is not mentioned in the two show cause notices issued; and regarding Building Completion Certificate the requirement that it should be in the prescribed form and issued by a Government Engineer is not mentioned.

3. In view of the above position, the Committee concluded that the matter deserved to be remanded to the NRC with a direction to issue a pointed and clear-cut show cause notice about the still persisting deficiencies to the appellant, directing them to send a reply duly supported by relevant documents, within a specified time. The NRC may take further action thereafter in the matter as per the NCTE, Regulation, 2014.

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 21.09.2020 and remand back the case to NRC 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 set aside the withdrawal order and remand back the case of Vinayak Vidyapeeth, Pawlikhas Modipuram, Meerut Road, Sardhana, Meerut, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

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

(T. Pritam Singh)
Deputy Secretary

Copy to :-

1. **The Administrative Officer, Vinayak Vidyapeeth, Pawlikhas Modipuram, Meerut Road, Sardhana, Meerut, Uttar Pradesh**
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.

203319/2021/Appeal Section-HQ

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 04/10/2021

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-235/E-193938/2021 Appeal/20th Meeting, 2021
APPLSRC202114063

Co-operative College of Education, No. 62, Suffren Street, Puducherry – 605001 **(APPELLANT)**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **(RESPONDENT)**

Representative of Appellant	**Sh. S. Sendil Vinod, Principal**
Respondent by	**Regional Director, SRC**
Date of Hearing	**28/09/2021**
Date of Pronouncement	**04/10/2021**

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of Co-operative College of Education, No. 62, Suffren Street, Puducherry dated 09/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/**APSO2967**/B.Ed./397th/{PU}/2021/126212 dated 16.04.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that **"Translated land document submitted that total extent 9000 sq.ft whereas in the reply letter page No. 252 is mentioned that total land area in 27000**

Sq.ft. Building Completion Certificate is not approved by Competent Authority. The Copy of Staff list submitted is not approved by Pondicherry University. The institution has submitted the photocopy of Building Plan & Site Plan which are not approved by Competent Authority. The Original Form "A" in original is not submitted. Non-Encumbrance Certificate does not show any name of property. The institution has appointed 11 faculty which is not approved by a University. The following point are noted for appointment of Lecture: - The faculty namely M. Tenemojy, MBC Marks in Post-Graduation 51.5% (History) which is less than 55%. The faculty namely S. Latchoumy Srinivasan, A.P. appointed as Part Time basis and Marks in Post Graduation 50.37%. The faculty namely P. Markandan Pandurangam, A.P. appointed as Part Time basis. The faculty namely P. Arunagiri V. Perumal, A.P. appointed as Part Time basis."

II. **SUBMISSIONS MADE BY APPELLANT**:-

Sh. S. Sendil Vinod, Principal, Co-operative College of Education, No. 62, Suffren Street, Puducherry presented online the case of the appellant institution on 17/08/2021. In the appeal and during personal presentation it was submitted that **"as per the Registered title Deed the total extent of land is 9000 Sq.ft.The total area 27,000 Sq.ft. was given in our reply letter dated 21.12.2020 (File page No.252) is meant for the total build up area as detailed below- Ground Floor - 9000 Sq.ft 1st Floor - 9000 Sq.ft II Floor - 9000 Sq.ft. Building Completion Certificate obtained from the Competent Authority is enclosed. Approval from the Pondicherry University was obtained for staff strength vide letter No.PU/AW-1/0.5(S.A)/2021/100 dated 29.06.2021 is enclosed. Our Building was constructed with the approval of the Pondicherry Planning Authority (Competent Authority) vide letter No. PPA/859/554/Z(1)/93-94 dated 28.10.1993 is enclosed. The Original Form "A" is submitted for your kind perusal. The Building property is now in the name of The Pondicherry State Co-operative Union Ltd. No.P.259. The Non-Encumbrance Certificate issued by the Revenue Department in the Schedule of Property, Puducherry is enclosed. Approval from the Pondicherry University has been**

obtained for appointment of Tmt. M. Tenemojy, Lecturer in Social Science, vide letter No.PU/AW-1/0.5(S.A)/2021/100 dated 29.06.2021 (Copy enclosed). Purely engaged on hourly basis due to the financial crisis of Society in the academic year 2019 – 2020. She left out from the institution at present. Purely engaged on hourly basis due to the financial crisis of Society in the academic year 2019 – 2020. He left out from the institution at present. Purely engaged on hourly basis due to the financial crisis of Society in the academic year 2019 – 2020. He left out from the institution at present."

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 after issue of the order of withdrawal dt. 16/04/2021, the appellant claiming that the order was received only on 07/06/2021, sent a detailed letter dated 27/07/2021 to the SRC enclosing a number of documents vis a vis the grounds of withdrawal and furnishing necessary clarifications. These documents inter-alia include faculty list approved by Pondichery University, Form 'A' issued by UCO bank regarding two FDRs valid upto 07/03/2023 and held jointly with the Regional Director, SRC.

2. In view of the above position, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the letter of the appellant dated 27/07/2021, received by them on 11/08/2021 and also the documents submitted in appeal, 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 all the documents submitted in appeal 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:-

"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."

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 withdrawal order and remand back the case of Co-operative College of Education, No. 62, Suffren Street, Puducherry to the SRC, NCTE, for necessary action as indicated above.

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

(T. Pritam Singh)
Deputy Secretary

Copy to :-

1. **The Principal, Co-operative College of Education, No. 62, Suffren Street, Puducherry**
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 Puducherry.