(1)

NCTE

F.No.89-353/E-134510/2019 Appeal/33rd Mtg.-2019/21st November, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/12/2019

ORDER

WHEREAS the appeal of Vidyasagar College, Kanadiya, Bhicholi Mandana, Indore, Madhya Pradesh dated 20/08/2019 is against the Order No. WRC/APW05029/225062/309th / M.Ed./2019/205286-293 dated 09/08/2019 of the Western Regional Committee, withdrawing recognition for conducting for M.Ed. Course on the grounds that "the Show Cause Notice was issued to the institution vide letter dated 13.01.2017. The reply of the Show Cause Notice of the institution has not been received. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for M.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS Dr. Nilesh K. Patel, Principal, Vidyasagar College, Kanadiya, Bhicholi Mandana, Indore, Madhya Pradesh presented the case of the appellant institution on 21/11/2019. In the appeal and during personal presentation it was submitted that the reply of the show cause notice issued by NCTE (WRC) was given by the institute within the time period vide letter no. vc/17/036 dated 21/01/2019. it was sent by speed post ei774955477in.

AND WHEREAS the Committee noted from the file that the appellant sent a reply dt. 21/01/2017 (and not dt. 21/01/2019 as mentioned in the online appeal) to the Show Cause Notice dt. 13/01/2017, which was received in the WRC on 23/01/2017. In Show Cause Notice dt. 13/01/2017 the WRC mentioned that documents relating to staff profile; CLU, NEC/BP and BCC were not submitted. In their reply, the appellant stated that the details regarding faculty have already been sent to the WRC and with

regard to other issues relating to building, the appellant stated that a new building as per NCTE norms has been constructed and in their letter dt. 09/11/2016, they have requested for change of premises. The appellant also enclosed copies of their replies / letters. The Committee also noted that the WRC examined the appellant's request for shifting of premises and for conducting an inspection, issued a Show Cause Notice on 27/11/2017 asking the appellant to submit (a) latest premium paid receipt of CLU; (b) BCC approved by a Government Engineer; and (c) FDRs for Rs. 12 lakhs in joint name. The appellant sent a reply on 16/12/2017. A perusal of the file does not indicate any action taken by the WRC on the appellant's proposal for shifting of premises after the latter's reply to the SCN dt. 27/11/2017. The WRC, on receipt of the reply to their earlier show cause notice dt. 13/01/2017 did not examine and ask for submission of any further documents but only took some action on the proposal for shifting by way of issuing a show cause notice. However, the fact remains that a reply to the Show Cause Notice dt. 13/01/2017 has been received and therefore, the ground of 'non – receipt of a reply', adduced in the withdrawal order, is not valid.

AND WHEREAS the Committee, in the above circumstances, concluded that the matter deserved to be remanded to the WRC with a direction to revisit the matter in its entirety, consider the replies to the two Show Cause Notices issued by them and call for any further information from the appellant, if required, and take further action as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to revisit the matter in its entirety, consider the replies to the two Show Cause Notices issued by them and call for any further information from the appellant, if required, and take further action as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Vidyasagar College, Kanadiya, Bhicholi Mandana, Indore, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Principal, Vidyasagar College, 287/1/2/1, Kanadiya, Bhicholi Mandana, Indore – 452016, Madhya Pradesh.

2 The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.

3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.

4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

(2)

F.No.89-354/E-134881/2019 Appeal/33rd Mtg.-2019/21st November, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/12/2019

ORDER

WHEREAS the appeal of Netaji Subhas Institute of Education, Vill. – Pokhari, Bhilai Pahari, Golmuri Cum Jugsalai, East Singhbhum, Jharkhand dated 21//09/2019 against the Order No. ER-274.14.51/(ERCAPP421)/B.Ed./2019/61137 dated 05.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "(a) approved faculty list is not in accordance with NCTE prescribed proforma; (b) Documents (copy of advertisement in newspaper, minutes of the selection committee, affidavit on Rs.10/- non-judicial stamp paper by the selected principal and testimonials) pertaining to selection/appointment of Dr. Mukhtar Ahmad Makki as Principal, not furnished by the institution. And, the appointment of Principal is on contractual basis, which is not accepted; (c) Faculties at sl.no.9, 10, 11,12 and 13 of the approved lists are appointed after 09.06.2017 and do not possess requisite NET/Ph.D. qualification prescribed in Gazette Notification No.237 dated 09.06.2017; (d) The validity of FDRs of Rs.5.00 lakh and Rs.3.00 lakh in joint mode have been expired on 10.09.2015 and not renewed timely according to NCTE Regulations; (e) In the previous certified registered land document No.4740/2004 in the name of society i.e. 'Sitwanto Devi Mohila Kalyan Sansthan' received vide letter no.89 dated 26.03.2012 from Zilla Awar Nibandhak, Purbi Singhbhum, Jamshedpur on 29.03.2012 wherein 03 plot numbers i.e. 514, 108 and 106 are mentioned. And, now in the present reply submitted vide letter no. NSIEd/65/2019 dated 30.05.2019 by the management of the institution, together with a revised/transferred sale deed dated 12.10.2017 in the name of institution i.e. 'Netaji Subhash Institute of Education', wherein two plot nos. are mentioned as plot no.106 and 111, which mismatch each other except plot no.106 in the record/document; (f) The institution has not submitted building plans of all plot numbers as mentioned in the latest transferred land document dated 12.10.2017; (g) As per latest building completion certificate signed dated

22.05.2019 by Assistant Engineer, Rural Development Special Division without mentioning both plot numbers i.e.106 and 111, only khata no.74 is mentioned for plot no.106, but khata no.75 for plot no.111 not mentioned as per latest transferred sale deed of land document; (h) The date of registration of land mentioned in Building Completion Certificate (B.C.C.) is 01.09.2004, but recently the land has been transferred on 12.10.2017 in the name of the institution, which is not reflected in B.C.C. column no.5; (i) The building use certificate issued dated 20.10.2011 by District Education Officer, East Singhbhum, Jamshedpur wherein not mentioned explaining that the building is exclusively used for teacher education programme. Instead of this, in the certificate, it is mentioned that no other institution is running in the building. Latest building use certificate is not submitted by the institution. Recognition granted to B.Ed. course is withdrawn under section 17(1) of NCTE Act 1993 from the academic session 2020-2021."

AND WHEREAS Sh. M.K. Jha, President and Dr. P. Sahu, Member, Netaji Subhas Institute of Education, Vill. – Pokhari, Bhilai Pahari, Golmuri Cum Jugsalai, East Singhbhum, Jharkhand presented the case of the appellant institution on 21/11/2019. In the appeal and during personal presentation it was submitted that approved faculty list in the NCTE prescribed Proforma is enclosed. Dr. Mukhtar Ahmad Makki, has already resigned from the post of Principal on 01-08-2019. The Institute had advertised to fill up the post of Principal and other vacancy posts of faculty members in the National Newspaper (The Times of India) on dated 07-08-2019 (Copy enclosed); Dr. Jyoti Prakash Swain is selected as full-time regular Principal by the Selection Committee held on 24-08-2019, Jamshedpur and he has joined on dated: 03-09-2019. The vacancies of other faculty members are filled up from the panel as recommended by Selection Committee. The minutes of selection committee are enclosed. Notarized Affidavit of Rs. 10/- in Non-Judicial Stamp paper of Principal and other faculty members are enclosed. Testimonials of Principal and other faculty members are enclosed. The appointment orders of all faculty members are enclosed. The faculty members appointed after Gazette Notification No. 237 dated:09-06-2017 having no NET/ Ph. D Qualification are terminated and new faculty members are

appointed from the panel of the selection committee as per NCTE norms 2014 and revised notification dated:09-06-2017. The revised faculty list approved by Registrar, Netaji Subhas University, Jamshedpur is enclosed. The appellant has deposited in Joint names of Secretary, Sitwanto Devi Mahila Kalyan Sansthan, Jamshedpur and Regional Director, ERC, Bhubaneshwar, Rs. 5 Lakh and Rs. 3 Lakh towards Endowment Fund and Reserve Fund respectively vide DRM 287961 Dated:10-09-2010 and DRM 287961 Dated 10-09-2010 Indian Overseas Bank, Baridih, Jamshedpur, copies enclosed. These FDRs are matured on dated: 10-09-2015 and both the FDRs are with ERC, NCTE. This Institute has requested vide letter no: NSIED/62/2019 Dated: 28-05-2019 and Letter No: NSIED/73/2019 dated:22/07/2019 to ERC NCTE to return the FDRs for renewal, but till date ERC, NCTE has not returned back FDRs for renewal. Once the FDR will be renewed, the same will be returned back to ERC, NCTE. The certified land deeds submitted to ERC NCTE vide letter no. 89/dt. 26.03.2012 contains plot no. 514, 108 and 106 are in the name of SDMKS. The total lands of all the above plots are 2.61.3 acres. As per NCTE norms 2009, about .67 acre of land was required to start B. Ed course. Hence the society, through an affidavit on dt. 27.12.2011 vide para 3 page 2 had declared and affirmed that plot no. 106, khata no. 74 contains total land of 1.18 acre and B. Ed building is located in plot no. 106. Hence the society declared at para3 page 2 of the above affidavit that .70 acre of land out of 1.18 acre of land from plot no. 106 is reserved for B. Ed course. Later on the society had decided to procure more land in the name of NSIEd for future use. Hence plot no. 111 Khata no. 75 was purchased by the society vide sale deed no. 1526/ dt. 29.03.2014. Kindly ref. sale deeds of dt. 12.10.2017 at para 3 page 3 enclosed. The society had transferred .30 acre out of 1.08 acre of from the above plot in the name of NSIEd. Accordingly, the society transferred 1 acre of land in the name of NSIEd as per the following details. Slno Khata no Plot no Transferred in the name NSIED out of Total Land 01 74 106 0.70 out of 1.18 acre of land 02 75 111 0.30 out of 1.08 acre of land. The reason of mismatch is justified as per the above details. That NSIED building is located over 0.70 acre of land on plot no. 106 and the building plan was drawn and signed by Mr. L. K. Suman, Sr. Architect on dt. 19.08.2011. The society had purchased and transferred 0.30 acre of land in the

name of NSIEd on dt. 12.10.2017. Both plot no. 106 and plot no. 111 are adjacent to each other. Sketch map signed by competent authority is enclosed. Hence only plot no. 106 is reflected in our building plan and Sketch Map. The building of NSIEd is constructed over plot no. 106 and building completion certificate was signed by Mukhiya of the concerned Panchayat and Mr L. K. Suman, Sr. Architect on dt. 19.08.2011 over that single plot. Later on the society purchased and transferred 0.30 acre of land of plot no. 111, Khata no. 75 on dt. 12.10.2017 for the purpose of future use. Since the building is constructed over single plot, Mukhiya of the concerned Panchayat and the Sr. Architect had put their signature on Building Completion Certificate (BCC) mentioning as vide sl. No. 7 of B C.C "The location of the land of the institute is a single plot or different plot" as Single Plot. The same B.C.C was counter signed by Asst. Engineer on dt. 22.05.2019. Practically the institute is having two plots viz. plot no. 106 Khata no. 74 and plot no. 111, khata no. 75 and both the plots are adjacent to each other. The sketch map of plots signed by the competent authority is enclosed herewith for ready reference and building completion certificate is enclosed. The building was constructed over plot no. 106 and the said plot was registered on dt. 01.09.2004. Hence in the B.C.C date of registration of land was mentioned as dt. 01.09.2004. That District Education Officer (DEO), East Singhbhum, Jharkhand is competent Education Authority of the District and he has issued "Building Use Certificate" vide letter no: 1967, dated:18-09-2019, That the building is exclusively used for Teacher Education Programme. Certificate of Dist Education Officer, East Singhbhum, Jharkhand is enclosed.

AND WHEREAS the appellant, in their letter dt. 19/11/2019, with regard to the FDRs, submitted that in order to avoid delay they have deposited Rs. 5 lakhs and Rs 3 lakhs towards endowment fund and reserve fund respectively in Vijaya Bank (now known as Bank of Baroda) on 19/11/2019 and enclosed copies of the two FDRs.

AND WHEREAS the Committee, noting that the appellant submitted explanation/documents vis a vis the grounds mentioned in the withdrawal order, concluded that the matter deserved to be remanded to the ERC with a direction to

consider the documents to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the ERC the documents submitted in the appeal, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the ERC with a direction to consider the documents to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the ERC the documents submitted in the appeal, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Netaji Subhas Institute of Education, Vill. – Pokhari, Bhilai Pahari, Golmuri Cum Jugsalai, East Singhbhum, Jharkhand to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Netaji Subhas Institute of Education, Plot No. 106, Vill. – Pokhari, Post – Bhilai Pahari, Golmuri Cum Jugsalai, East Singhbhum – 831012, Jharkhand.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli Bhubaneshwar - 751012
4. The Secretary, Education (looking after Teacher Education) Government of Jharkhand, Ranchi.

(3)

F.No.89-355/E-134935/2019 Appeal/33rd Mtg.-2019/21st November, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/12/2019

ORDER

WHEREAS the appeal of Kamala Bezbaruah Memorial College of Teacher Education, Bohotia Gaon, West Jorhat Circle, Jorhat, Assam dated 17/09/2019 is against the Order No. ER-274.14.34/(APE00199)/B.Ed./2019/61425 dated 28.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "1st show cause notice u/s 17(1) issued on 14.02.2019, followed by final show cause notice dated 14.05.2019 and the institution is still deficient on the following grounds:- Approved faculty list is not submitted as per prescribed norms of NCTE. Building plan is not legible. Built up area does not clearly indicated. Building completion certificate is not in accordance with NCTE prescribed proforma. The validity of FDRs expired. In view of the above, the Committee decided as under: Recognition granted to B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-21."

AND WHEREAS Sh. Lambodar Saikia, Principal, Kamala Bezbaruah Memorial College of Teacher Education, Bohotia Gaon, West Jorhat Circle, Jorhat, Assam presented the case of the appellant institution on 21/11/2019. In the appeal, the appellant, without submitting any explanation has enclosed a copy of the building completion certificate.

AND WHEREAS the Committee noted from the file of the ERC that the appellant, on the basis of the minutes of the 274th meeting held on 15 – 16 July, 2019, in which a decision was taken to withdraw recognition for B.Ed. course, the order of withdrawal having been issued on 28/08/2019, sent a letter dt. 28/08/2019 to the ERC, which was received on 10/09/2019 i.e. after the issue of the order of withdrawal. With that letter, the appellant submitted (i) a faculty list consisting of a Principal, seven full time Assistant Professors and two part time Assistant Professors (for performing Arts and Physical Education), countersigned by the Registrar, Dibrugarh University on

21/08/2019: (ii) legible building plans, approved by Government Engineers, (iii) a Building Completion Certificate, issued by the Executive Engineer; and (iv) two FDRs for Rs. 5 lakhs and Rs. 7 lakhs, jointly taken with the Regional Director, ERC and maturing on 08/08/2014.

AND WHEREAS the Committee noted from the documents submitted to the ERC that the staff profile has not been signed by the Registrar on every page but has been signed only on the last page; and out of total built up area of 16840.225 sq. ft., only 9806.250 sq. ft. is having RCC roofing, the rest having only CI sheet roofing. According to the provisions of Clause 8 (7) of the NCTE Regulations, 2014, no temporary structure or asbestos roofing shall be allowed in the institution, even if it is in addition to the prescribed built up area. If the CI sheet roofing is excluded, the built up area with RCC roofing available is not adequate for the B Ed. course as per the NCTE Norms, which should be should be 1500 sq. mts.

AND WHEREAS the Committee, in view of the above deficiencies noticed, concluded that the appeal deserved to be rejected and the order of the ERC confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the ERC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the ERC is confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Principal, Kamala Bezbaruah Memorial College of Teacher Education, Bohotia Gaon, 71, College Path, West Jorhat Circle, Jorhat – 785001, Assam.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012
4. The Secretary, Education (looking after Teacher Education) Government of Assam, Dispur.

(4)

F.No.89-356/E-135170/2019 Appeal/33rd Mtg.-2019/21st November, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/12/2019

ORDER

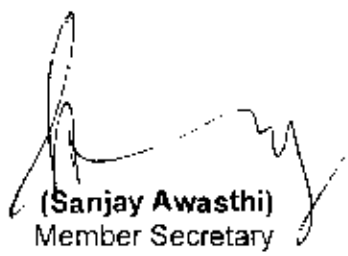
WHEREAS the appeal of K.R. Teachers Training Institute, Village – Lakhani, Khandela, Sikar Rajasthan dated 24/09/2019 is against the Order No. NRC/NCTE/NRCAPP-2016-16620/306th Meeting/2019/205876 dated 13.09.2019 of the Northern Regional Committee, granting recognition for conducting one unit (50 intake) of B.Ed. course. The appellant wants recognition for two units (100 intake).

AND WHEREAS Sh. Mahendhar Kumar, Secretary, K.R. Teachers Training Institute, Village – Lakhani, Khandela, Sikar Rajasthan presented the case of the appellant institution on 21/11/2019. In the appeal and during personal presentation it was submitted that the institution fulfils all the requirements as per Regulation 2014 for grant of recognition of two units (100 Seats) The institution submitted list of one Principal and fifteen teaching staff as per requirement of the Regulations.

AND WHEREAS the Committee noted that the appellant applied for grant of recognition for conducting B.Ed. course of two units with an intake of 100 students and the NRC after conducting inspection, issued a Letter of Intent under Clause 7 (13) of the NCTE Regulations, 2014 on 28/04/2019, indicating that the approved intake was 100 students i.e. two units. The appellant, in response, submitted various documents, which included, an approved staff list of sixteen members, including the principal. The NRC, however granted recognition for one unit (50 students) only. The file of the NRC does not indicate the reasons for granting recognition for one unit only. In these circumstances, the Committee concluded that the matter deserved to be remanded to the NRC with a direction to issue to the appellant a self speaking communication/order for granting recognition for one unit only.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deaerved to be remanded to the NRC with a direction to issue to the appellant a self-speaking communication/order for granting recognition for one unit only.

NOW THEREFORE, the Council hereby remands back the case of K.R. Teachers Training Institute, Village – Lakhani, Khandela, Sikar Rajasthan to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, K.R. Teachers Training Institute, Village – Lakhani, via Ringas, Khandela, Sikar – 332404, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

(5)

F.No.89-357/E-135193/2019 Appeal/33rd Mtg.-2019/21st November, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/12/2019

ORDER

WHEREAS the appeal of Satya Narain Uccha Shiksha Sansthan, Tulsipur, Mallhipur Jamunaha Road, Jamunaha, Shravasti, Uttar Pradesh dated 28/09/2019 is against the Order No. NRC/NCTE/NRCAPP-8645/275th (Part – I)Meeting/2017/183640 - 45 dated 27/10/2017 of the Northern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "the institution has not submitted the reply of SCN dated 30.03.2017 within the stipulated time."

AND WHEREAS Dr. M. Verma, Secretary, Satya Narain Uccha Shiksha Sansthan, Tulsipur, Mallhipur Jamunaha Road, Jamunaha, Shravasti, Uttar Pradesh presented the case of the appellant institution on 21/11/2019. In the appeal and during personal presentation it was submitted that the appellant had applied and submitted the application to NRC, NCTE, Jaipur for grant the recognition of B. Ed course One unit (50 seats). The NRC has refused the grant recognition vide its order No. F.No. NRC/NCTE/NRCAPP-8645 / 235Th Meeting / 2015/19572 Dated 29/04/2015. The appellant has appealed to NCTE against the decision of NRC vide its order No. F.No. NRC / NCTE / NRCAPP-8645 / 235Th Meeting/ 2015/19572 Dated 29/04/2015. The NCTE has passed the order with F.No. 89-50/2015 Appeal/ 9th meeting-2015 Dated 13/10/2015 that "The Committee concluded that the appeal deserves to be remanded to NRC with a direction to consider the application as per NCTE Regulation 2014." Copy of the order is enclosed. Till date NRC has not inspected the institution for the grant of recognition, although, NCTE has demanded the inspection fee of Rs. One lac fifty thousand (Rs 150,000/-). The Institution has already submitted the inspection fee at the time of application. Without the inspection of the institution, again demanding the fee by the NRC is not legal and logical. Copy of the letter of the demand of the fee of Rs. 150,000/- is enclosed. Without any opportunity to hear the institution regarding unwanted fee, NRC has rejected the application but did not inform to institution. The

NRC NCTE has not communicated the order till date and it is only when the Petitioner personally approached the office then he came to know about such rejection, therefore the delay in filing of the instant appeal is bonafide and liable to be condoned. Whenever, the Institution has approached to NRC for the Constitution of VT it has come to know, that the file has been rejected by NRC in their meeting of 275th dated 16-21 September 2017 (part- 1). Copy of the meeting of its Rejection is enclosed. The order of NRC for demanding the fee of Rs. 150000/- dated 30 March 2017 is against the Law and facts, hence liable to be set aside. No opportunity of hearing (our letter dated 12/03/2016- Copy is enclosed) was afforded by by NRC before passing order dated 16-21 September 1017. Hence the impugned order is against the principles of natural justice. Letter dated 12/03/2016 was kept in dark, hence order dated 30 March 2017 and 16-21 September 1017 is a NON-EST order. The institution in the queue for recognition for B Ed course since 31 December 2012. So it is humbly prayed that kindly summon the entire File No. NRC/NCTE/NRCAPP-8645/ B. Ed/ 2012 from NRC/NCTE and set aside the order dated 16-21 September 2017 and to pass a directive to NRC/NCTE to reconsider our original application dated 31 December 2012 for recognition of B. Ed course.

AND WHEREAS the appellant, with their letter dated Nil and submitted in the course of presentation, enclosed a copy of Demand Draft dt. 08/07/2019 for Rs. 1,50,000/-, copies of affiliation letters issued by Dr. Ram Manohar Lohiya Avadh University, Faizabad and Siddharth Viswavidyalaya, Kapilavastu, Siddharth Nagar granting affiliation for Degree courses and copy of No Objection Certificate dt. 28/05/2015 for B.Ed. course issued by Dr. Ram Manohar Lohiya university, Faizabad.

AND WHEREAS the Committee noted that the submission of the appeal has been delayed by one year nine months and two days beyond the prescribed period of sixty days.

AND WHEREAS the Committee noted that according to the provisions of Section 18 (1) of the NCTE Act, 1993, any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed. According to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under the above mentioned

Sections of the Act may prefer an appeal to the Council within sixty days of issue of such orders. According to the provisions of Section 18 (2) of the NCTE Act, no appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor; provided such an appeal may be admitted after the expiry of the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period.

AND WHEREAS the appellant submitted that the NRC has not communicated the refusal order till date and it is only after they approached the office they came to know about rejection and therefore, the delay in appeal is bonafide. The Committee noted that neither the refusal order dt. 27/10/2017 nor the show cause notice dt. 30/03/2017 referred to therein were returned undelivered. The Committee, therefore, is not satisfied that a mere statement that the NRC did not communicate the refusal order and the appellant came to know about rejection when they approached the office, is a sufficient cause for not preferring the appeal within the prescribed period. Hence the delay is not condoned and the appeal is not admitted.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee is not satisfied that a mere statement that the NRC did not communicate the refusal order and the appellant came to know about rejection when they approached the office, is a sufficient cause for not preferring the appeal within the prescribed period. Hence the delay is not condoned and the appeal is not admitted.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Satya Narain Uccha Shiksha Sansthan, 1472, Tulsipur, Mallhipur Jamunaha Road, Jamunaha, Shravasti – 271801, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

(6)

F.No.89-358/E-135595/2019 Appeal/33rd Mtg.-2019/21st November, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/12/2019

ORDER

WHEREAS the appeal of A.N. Shikshan Sansthan, Chomu, Jaipur, Rajasthan dated 22/09/2019 is against the Letter No. New Appl./RF/Raj./NRCAPP-8064/48408 dated 11.06.2013 of the Northern Regional Committee, returning their application for conducting D.El.Ed. course on the following grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of

Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant, aggrieved by the letter of the NRC dt. 11/06/2013, filed a S.B. Civil Writs No. 4102/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 25/02/2019, closed the writ proceedings with liberty reserved to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner; the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Balbir Singh, Director, A.N. Shikshan Sansthan, Chomu, Jaipur, Rajasthan presented the case of the appellant institution on 21/11/2019. In the appeal and during personal presentation it was submitted that NRC did not issued any Show Cause Notice to their Institution, as per the provisions of the NCTE ACT, providing a reasonable opportunity for making a written representation. The decision for returning of file are liable to be quashed and set aside. The return of the application of the petitioners is without any reference to the subsequent ban imposed by the state of Rajasthan in relation to granting permission/recognition for running the D.El.Ed. course. The Hon'ble Supreme Court while granting time to NCTE for notifying the new regulations to 30.11.2013, had held "those who are desirous of establishing teacher education colleges/institutions shall be free to make applications in accordance with the new regulations. their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations." The petitioner has invested huge amount of capital and manpower for development of infrastructure and facilities at its institutions and it has been continuously litigating for securing its rights and for running teacher education course but respondent is illegally blocking it from running the course which is clearly unwarranted and unlawful. The appellant has available with it all the infrastructure and facilities for running D.El.Ed.

course as per application norms but it has been unlawfully deprived from running the course. The appellant, with their letter dt. 21/11/2019, forwarded copies of some communications, without making any reference to what has been submitted in the appeal memorandum. These include a copy of the NOC dt. 12/03/2019 for D.El.Ed. course issued by the Director, Primary Education, Rajasthan, Bikaner.

AND WHEREAS the relevant file of the N.R.C. is not available. It has been brought to the notice of the Committee in their meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in their above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative

recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. The Committee also noted that in view of the N.R.C. returning the application in original to the appellant, with a request to the NCTE to refund the processing fee also, virtually no application exists as of now. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras 4 and 5 above concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, A.N. Shikshan Sansthan, Plot No. 1379/102/1 and 1021/2, Chomu, Jaipur – 303704, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

(1)

F.No.89-359/E-135588/2019 Appeal/33rd Mtg.-2019/21st November, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/12/2019

ORDER

WHEREAS the appeal of Nandanpur Teachers Training Institute, Village-Nandanpur, Subdivision-Ghatal, Midnapur, West Bengal dated 25/09/2019 is against the Order No. ER-274.14.20/APE00897/B.Ed./2019/61322 dated 22.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the following grounds that "faculty list is not approved by concerned affiliating body. Selection/appointment of principal is not made as per prescribed procedure. In view of the above, the Committee decided as under: Recognition granted to B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-21."

AND WHEREAS Sh. Uday Chandra Ghosh, Member, Nandanpur Teachers Training Institute, Village-Nandanpur, Subdivision-Ghatal, Midnapur, West Bengal presented the case of the appellant institution on 21/11/2019. In the appeal and during personal presentation it was submitted that faculty list is duly approved by the affiliating university on 02/08/2019 and formal appointment of principal by the affiliating university done on 23/07/2019 and formal joining of principal took place on 27/07/2019. They complied vide their letter dated 24/11/2018 excepting the appointment of principal and reasons explained in the compliance report along with documents. Letter dated 09/02/2019 excepting the appointment of principal and reasons explained in the compliance report along with documents. They replied on 01/04/2019 and explained about non - availability of the date of interview of the principal from the affiliating university with documents. The appellant, in the course of presentation, submitted the approved faculty list of 15 members and a Principal.

AND WHEREAS in view of the above position, the Committee concluded that the matter deserved to be remanded to the ERC with a direction to consider the approved faculty list, including the principal, to be sent to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the ERC, the approved faculty list, with originals, wherever necessary, within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the ERC with a direction to consider the approved faculty list, including the principal, to be sent to them by the appellant, and take further action as per the NCTE Regulations, 2014 **The** appellant is directed to forward to the ERC, the approved faculty list, with originals, wherever necessary, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Nandanpur Teachers Training Institute, Village-Nandanpur, Subdivision-Ghatal, Midnapur, West Bengal to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Nandanpur Teachers Training Institute, Village-Nandanpur, PO-Sekendari, District Board Road, Block-Dispur-1, Subdivision-Ghatal, Midnapur – 721146, West Bengal.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.

F.No.89-360/E-135607/2019 Appeal/33rd Mtg.-2019/21st November, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/12/2019

ORDER

WHEREAS the appeal of Rajaji College of Education, Thyagarajanagar, Chennai City, Tamil Nadu dated 26/09/2019 is against the Order No. SRC/NCTE/AOSO0156/B.Ed.-Al/106093 dated 07.08.2019 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the following grounds that "the original files of the Institution alongwith other related documents, NCTE Act, 1993, Regulations Guidelines issued by NCTE from time to time and documents furnished by the institution were carefully considered by the SRC and the following observations were made:- The Committee decided to withdraw the recognition granted to Rajaji College of Education, Dakshina Bharat Hindi Prachar Sabha, Thyagarayanagar, Chennai – 600017, Tamilnadu for conducting B.Ed. course as the institution has not submitted any affidavit in respect of adherence of NCTE Regulations, 2014 and hence provisional revised recognition order under NCTE Regulations, 2014 was not issued. Further, the institution failed to submit any reply to the Show Cause Notice dt. 05.04.2016."

AND WHEREAS Prof. Satish Pandey, Director and Dr. R.B. Hulloli, Principal, Rajaji College of Education, Thyagarajanagar, Chennai City, Tamil Nadu presented the case of the appellant institution on 21/11/2019. In the appeal and during personal presentation it was submitted that the institution has voluntarily submitted affidavit for issuance of Revised Provisional Recognition order based on the Public Notice through letter dated. 20.01.2015. (copy attached) whereas SRC has issued show cause notice dt. 05.04.2016 (copy attached) stating that affidavit is not submitted. In reply to SCN, the institution has again submitted an affidavit through letter dt. 12.04.2016. (copy attached) whereas SRC, NCTE has already issued revised provisional recognition order on 31.05.2015 itself (copy attached) which is before issuance of SCN. Further,

the institution has requested for correction in the college name through letter dt. 22.06.2015 (copy attached). Thereafter, SRC, NCTE has issued a corrigendum for RPRO through the order dt. 15.07.2015 (copy attached). Thereafter, SRC in its 375 meeting dt. 13-14 May, 2019 without any information has taken up their institution matter and without scrutinizing their file has directly passed order withdrawing recognition to their Rajaji College of Education, Chennai stating that affidavit is not submitted for issuance of RPRO order. Whereas, our institution has submitted affidavit two times and SRC has also issued RPRO order. Further, they have made representation to SRC dt. 06.06.2019 informing the facts and also stating that RPRO is issued to their institution. SRC has gone ahead with issuing withdrawal of recognition order dt. 07.08.2019 (copy attached) which is very shocking to their institution. SRC has erred in passing withdrawal of recognition order even after complying with submission of affidavit two times. It is very surprising that even after SRC issuing revised provisional recognition order, without considering the documents and without ascertaining facts has taken wrong decision to withdraw recognition to their institution viz., Rajaji College of Education, Chennai. They requested the appeal authority to set aside the withdrawal order of SRC and grant continuation of recognition to their institution and oblige.

AND WHEREAS the Committee noted the contents of the various documents submitted by the appellant, including the affidavits and the revised recognition order and corrigendum thereto issued by the SRC. One of the documents is a letter dt. 06/06/2019 written by the appellant to the SRC in which it was pointed out that while the revised order was issued with their correct file no. APS01324, the Show Cause Notice was issued with file no. APS00158. The file of the SRC does not contain either the revised order or corrigendum thereto but only contains show cause notice with file no. APSO 0158. There is obviously some confusion and mix-up of two files. In these circumstances, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to re-visit the matter in the light of the submissions made by the appellant and take further action as per the NCTE Regulations, 2014. The

appellant is directed to forward to the SRC copies of all correspondence submitted in appeal within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to re-visit the matter in the light of the submissions made by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the SRC copies of all correspondence submitted in appeal within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Rajaji College of Education, Thyagarajanagar, Chennai City, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Principal, Rajaji College of Education, P.G. Complex, 6703-6717, Thyagarajanagar, Thanikachalam Road, Chennai City – 600017, Tamil Nadu.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamil Nadu, Chennai.

(9)

F.No.89-361/E-135659/2019 Appeal/33rd Mtg.-2019/21st November, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/12/2019

ORDER

WHEREAS the appeal of Nagaji Institute of Teachers Education, Jhansi Road, Sitholi, Gwalior, Madhya Pradesh dated 11/09/2019 is against the Order No. WRC/APW00649/223191/B.Ed./309th/2019/204989 dated 01.08.2019 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the following grounds that "and Whereas, the matter was placed in 309th Meeting held on 23rd – 26th 2019 of WRC and the Committee decided that " ..In compliance of the Hon'ble High Court order dated 28/05/2019 in WP No. 6159/2019 the petitioner college was allowed to appear before the committee in person. The office of WRC had sent an email dated 10/07/2019 to the institution on the email id mentioned in the High Court order. However, no representative has appeared on behalf of the institution in WRC. The committee perused once again the documents submitted on 6/5/2019 by the appellant institution along with the Hon'ble High Court order. It is observed that: Documents submitted along with Hon'ble High Court order are the photocopies of the documents already submitted on 11/12/2018. The institution failed to submit letter of approval. The staff from Sr. No. 11 to 16 are not as per NCTE Regulations. Hence, the committee decided that the withdrawal order dated 27/03/2018 stands. Hence, the committee decided that the withdrawal order dated 27.03.2018 stands."

AND WHEREAS Sh. Ajay Narwaria, Administrative Officer, Nagaji Institute of Teachers Education, Jhansi Road, Sitholi, Gwalior, Madhya Pradesh presented the case of the appellant institution on 21/11/2019. In the appeal and during personal presentation it was submitted that the institution has submitted the list of approved staff from the competent authority, it means affiliating body (Jiwaji University Gwalior) therefore the ground of rejection is contrary to records because the Registrar of the University is the executing body therefore he is fully competent to approve the staff list

which has been submitted by the appellant having 1 Principal and 15 Assistant Professor/Teacher which is provided under the NCTE Regulation. In this respect it is submitted that the staff s.no. 11 to 16 have been appointed by the Governing Body of the institution which is authorized under the statute of the University because the Governing body is competent to make appointment in place of any vacancy because if any staff faculty leave the institution either by way of resignation or any other reasons, then in such a case it is not possible to the institution to get approved appointment from the affiliating body immediately. However the appellant institution has issued an advertisement in the daily news paper Times of India dated 23.04.2019 advertising the vacancy and has also received the applications form from the candidates and therefore as per the statute 28(17) of the University, the affiliating body (Jiwaji University) is required to constitute Selection Committee and for that the appellant institution has requested to the institution on 03.09.2019 by depositing the fees on 03.09.2019 but the University is constituting the committee for appointment of 6 members. However, it is clear that the appointment of the 6 Assistant Professors is in the pipeline and the process for appointment is affirm from the University, i.e. beyond the control of the appellant and as soon as the University constitute the Selection Committee and selected the candidates who have submitted the application form, the appointments will be made accordingly, without there being any delay. Therefore, it is clear that there is no fault of the appellant and matter is pending before the University for appointments hence the appeal filed by the appellant deserves to be allowed and the impugned order deserves to be quashed. The appellant, with their letter dt. 20/11/2019, forwarded a faculty list of 16 members, signed by the Registrar, Jiwaji University, Gwalior, Madhya Pradesh together with a letter dt. 20/11/2019 from the Registrar confirming that the appointed faculty is according to the U.G.C. rules.

AND WHEREAS the Committee, noting that the appellant has furnished the documents found wanting in the withdrawal order, concluded that the matter deserved to be remanded to the WRC with a direction to consider the documents to be furnished to them by the appellant, and take further action as per the NCTE Regulations, 2014.

The appellant is directed to forward to the WRC the documents submitted in appeal within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to consider the documents to be furnished to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC the documents submitted in appeal within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Nagaji Institute of Teachers Education, Jhansi Road, Sitholi, Gwalior, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. **The Secretary, Nagaji Institute of Teachers Education, Thakur Baba Campus, Jhansi Road, Sitholi, Gwalior – 474001, Madhya Pradesh.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

F.No.89-362/E-135635/2019 Appeal/33rd Mtg.-2019/21st November, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/12/2019

ORDER

WHEREAS the appeal of V.J.P. College of Education, Siruganur, Trichy, Tiruchirapali, Tamil Nadu dated 26/09/2019 is against the Order No. SRC/NCTE/APSO4290/B.Ed./109031 dated 30.08.2019 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the following grounds that "the Committee perused the material available about the VJP college of education Trichy. It is an existing teacher education offering B.Ed. from 2005. When the SRC through a notice dated 21.2.2019 asked for the information to issue continuation of recognition order, instead of furnishing the information through their advocate the management expressed their inability to furnish the information and requested for some more time. As it is an existing institution it is not expected from the institution such a reply and hence the committee decided to withdraw the recognition."

AND WHEREAS the appellant, aggrieved by the order of the SRC dt. 30/08/2019, filed a W.P. (C) 10195/2019 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court, in their order dt. 23/09/2019, disposed of the petition with liberty to the petitioner to take recourse to the appropriate statutory remedy i.e. an appeal. The Hon'ble High Court also observed that in case, an appeal is filed, the NCTE will give liberty to the petitioner to place on record the original documents and they will be considered by the NCTE as per law. The NCTE will take up the appeal for hearing and dispose of the same within two weeks.

AND WHEREAS Sh. Mohammed Raffi, Office Managing Staff, V.J.P. College of Education, Siruganur, Trichy, Tiruchirapali, Tamil Nadu presented the case of the appellant institution on 21/11/2019. In the appeal and during personal presentation the appellant made a detailed submission about their institution right from the stage of

their applying for grant of recognition on 22/12/2004. The submissions in brief are: (i) after following the procedures and conducting inspection recognition for conducting B.Ed. course of one year duration with an intake of 100 students from the academic session 2005-06 was granted on 22/11/2005; (ii) after the 2014 Regulations came into force a revised recognition order was issued on 14/05/2015 for conducting B.Ed. course of two year duration with an intake of two units (100); (iii) the institution was required to fulfil the conditions mentioned in the revised recognition; (iv) in response to show cause notice issued by the SRC, the appellant requested to grant some additional time to submit the documents mentioned in the Show Cause Notice; (v) when their representative visited the SRC on 09/09/2019 with all the documents, he was informed that they cannot review the decision; and (vi) the SRC passed the order arbitrarily and wrongly.

AND WHEREAS the appellant with the appeal and also in the course of presentation, submitted (i) a copy of the Building Completion Certificate issued by a Government Engineer; (ii) a copy of staff profile of a Principal, 14 Assistant Professors and one Director (Physical Education) countersigned by the Registrar, Tamil Nadu Teachers Education University; (iii) copies of two FDRs for Rs. 5 lakhs and Rs. 10 lakhs jointly held with the Regional Director, SRC with maturity dates of 18/12/2021 and 25/09/2021 respectively; (iv) a copy land utilisation certificate dt. 09/10/2019; (vi) a copy of Land Deed; and (vii) a copy of the building plan.

AND WHEREAS in view of the above position and in compliance with the orders of the Hon'ble High Court, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the SRC all the documents submitted by them in appeal and in the course of presentation, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing. the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the SRC all the documents submitted by them in appeal and in the course of presentation, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of V.J.P. College of Education, Siruganur, Trichy, Tiruchirapali, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. **The Correspondent, V.J.P. College of Education, 595/1, 595/2, 595/3A, Siruganur, Trichy – Chennai Main Road, Trichy, Tiruchirapali – 621105, Tamil Nadu.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamil Nadu, Chennai.

F.No.89-363/E-135602/2019 Appeal/33rd Mtg.-2019/21st November, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/12/2019

ORDER

WHEREAS the appeal of S.D. College, Vill. – Meu, Rasota, Pamgarh, Jangir – Champa, Chhattisgarh dated 24/09/2019 is against the Order No. WRC/APP3158/B.Ed./279th /CG/2017/188410 dated 16.08.2017 of the Western Regional Committee, granting recognition for conducting B.Ed. Course for one unit only. The appellant wants recognition for two units (100 intake).

AND WHEREAS Dr. Kamalesh Kumar, Director and Sh. Vimalesh Pandey, Co-Director, S.D. College, Vill – Meu, Rasota, Pamgarh, Jangir – Champa, Chhattisgarh presented the case of the appellant institution on 21/11/2019. In the online appeal it was submitted that LOI 100 seat ka order jari huwa hai. In a letter dt. 16/11/2019 and during personal presentation it was submitted that while according to the Letter of Intent dt. 28/04/2017 the intake was 100 the order of recognition dt. 16/08/2017 granted only one unit (50 intake). The appellant, with their letter dt. 16/11/2019, forwarded a faculty list of a Principal and 15 other teaching staff approved by the Registrar, Atal Bihari Vajpayee University, Bilaspur (CG) on 15/11/2019 together with a forwarding letter dt. 18/11/2019 mentioning therein that it is meant for starting another unit of 50 students.

AND WHEREAS the Committee noted that in response to the Letter of Intent, the appellant forwarded a staff list of one Principal and 10 faculty members only, which is inadequate for two units (100 intake) and hence recognition was granted for one unit (50) only.

AND WHEREAS the Committee noted that submission of the appeal has been delayed by one year, nine months and nine days beyond the prescribed period of 60 days.

AND WHEREAS the Committee noted that according to the provisions of Section 18 (1) of the NCTE Act, 1993, any person aggrieved by an order made under Section

14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed. According to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under the above mentioned Sections of the Act may prefer an appeal to the Council within sixty days of issue of such orders. According to the provisions of Section 18 (2) of the NCTE Act, no appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor; provided such an appeal may be admitted after the expiry of the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period.

AND WHEREAS the appellant, in their letter dt. 16/11/2019 stated that being a new organisation they were not aware about going in for appeal. The Committee is not satisfied that the reason adduced by the appellant for delay in appeal is a sufficient cause for not preferring the appeal within the prescribed period. The Committee, therefore, decided not to admit the appeal.

AN0 WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee is not satisfied that the reason adduced by the appellant for delay in appeal is a sufficient cause for not preferring the appeal within the prescribed period. The Committee, therefore, decided not to admit the appeal.

(Sanjay Awasthi)
Member Secretary

1. **The principal, S.D. College, Vill. – Meu, 1425/49, Rasota, Pamgarh, Jangir – Champa – 495554, Chhattisgarh.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Chhattisgarh, Raipur

(12)

F.No.89-364/E-135672/2019 Appeal/33rd Mtg.-2019/21st November, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/12/2019

ORDER

WHEREAS the appeal of Jyotirmoy School of Education, Champahati, Kalikapur, South 24- Pargana, West Bengal dated 18/09/2019 is against the Order No. ER-274.14.75/ERCAPP1083/B.Ed./2019/61476 dated 02.09.2019 of the Eastern Regional Committee, thereby reducing intake of B.Ed. course from two units to one unit on the following ground that "faculty list comprises 1+14 instead of 1+15 as per NCTE Regulations, 2014 "

AND WHEREAS Sh. Ashok Kumar, Representative and Sh. Rishu Raj, Representative, Jyotirmoy School of Education, Champahati, Kalikapur, South 24-Pargana, West Bengal presented the case of the appellant institution on 21/11/2019. In the appeal and during personal presentation it was submitted that that usually NCTE gives chance to all its institutes to rectify/improve any issue, but unfortunately they did not get any opportunity on the subject issue. They have already selected and appointed required number of faculty members which has been duly approved by the authorized University, i.e. WBUTTEPA as on 05/08/2019. They list of approved faculty members has been intimated to the Eastern Regional Committee on 05/08/2019 and also submitted the latest faculty list on 13/11/2019 The appellant enclosed an approved staff list of 18 persons, comprising of a principal, 16 teaching staff and a librarian.

AND WHEREAS the Committee noted from the file of the ERC that the appellant's letter dt. 05/08/2019 with a copy of the staff list approved by the affiliating university, has been received in the ERC on 09/08/2019. Since the appellant has furnished the staff list sufficient for two units, the Committee concluded that the matter deserved to be remanded to the ERC with a direction to consider the appellant's letter

dt. 05/08/2019 and its enclosures and take further action as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the ERC with a direction to consider the appellant's letter dt. 05/08/2019 and its enclosures and take further action as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Jyotirmoy School of Education, Champahati, Kalikapur, South 24- Pargana, West Bengal to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The President, Jyotirmoy School of Education, 641, 620, Champahati, Tematha, Kalikapur, South 24- Pargana – 743330, West Bengal.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.

F.No.89-366/E-135666/2019 Appeal/33rd Mtg.-2019/21st November, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/12/2019

ORDER

WHEREAS the appeal of Uluberia College, Orisha Trunk Road, Uluberia, Howrah, West Bengal dated 25/09/2019 is against the Order No. ER-272.14.102/APE00688/B.Ed./2019/60685 dated 14.06.2019 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the following grounds that "show cause notices u/s 17(1) were issued on 21.02.2019 & 21.05.2019. FDRs of Rs. 12 lakh (Rs. 5 lakh+Rs.7 lakh) towards Endowment and Reserve fund in joint mode with RD, ERC, NCTE along with bank certificate not submitted. Request for exemption of FDRs is not accepted. In view of the above, the Committee decided as under: The Committee is of the opinion that recognition granted to B.Ed. course of the application bearing Code No. APE00688 is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-21."

AND WHEREAS Sh. SK Ibrahim, Assistant Professor and Sh. Debi Prasad Mondal, Assistant Professor, Uluberia College, Orisha Trunk Road, Uluberia, Howrah, West Bengal presented the case of the appellant institution on 21/11/2019. In the appeal and during personal presentation it was submitted that in response to the first show cause notice [dated 21.02.2019], we had duly provided the required documents but withheld on the FDR issue as we are a Govt.-aided institution in the second show cause notice [dated 21. 05. 2019], NCTE asked us to provide the faculty list duly signed by the Registrar of WBUTTEPA and persisted on issuing the FDR in the joint mode. In our response to the second show cause notice we clearly established the fact that we are affiliated to the university of Calcutta and not to WBUTTEPA. We further clarified that the B.Ed. Dept. of Uluberia College is Govt.-aided and hence is not entitled to enter into any FDR mode with NCTE. We, in this context, have strictly acted in accordance to the direction of the State Government as per State

Government's decision, all Govt./Govt.-aided B.Ed. institutions of West Bengal have been exempted from providing the mentioned FDRS to NCTE. We were helplessly caught between the conflicting stand of the State Government and NCTE on the FDR issue whereas the former disapproves of it, the latter approves of it for all B.Ed. institutions in India. The consequent dubiety on the FDR issue has caused us to delay in issuing the FDR with NCTE in joint mode. NCTE, however, instead of clarifying our stand on the FDR issue, has directly sent us an order, derecognizing the B.Ed. Dept. of Uluberia College from the session 2020-21. The consequent sensation, created by the order, led us to instantly issue the FDRS in joint mode. The FDRS were prepared within 60 days from the date of issue of the NCTE order. Since the order was sent from the office at Bhubaneswar and not from NCTE, New Delhi, we decided to courier the prepared FDRS to the address, as mentioned in the order, at Bhubaneswar. We were under the impression that once the FDRS have been issued, the department will regain its recognition and there will further be no need to appeal online against the NCTE order. The dubiety on the FDR issue which still persists between NCTE & State Government has been the prime cause in not issuing the FDRS on time. It is further to ensure that we are in no discordance with NCTE, and that the FDRS in joint mode with NCTE have already been prepared B.Ed. Dept. of Uluberia College has the existing strength of 200 [100 per session] students enrolled for the sessions 2018-20 & 2019-21, 22 teaching & non-teaching staffs and all the infrastructural resources required to run the Department. NCTE has already been furnished with documents, authenticating our potential to effectively run the Department. We will hence be deeply obliged to NCTE if, in the light of the mentioned reasons, the order to derecognize our Department is revoked and that we are once more allowed to run our Department as effectively as ever.

AND WHEREAS the Committee noted that the appellant, with their letter dt. 21/08/2019, has sent copies of two FDRs for Rs. 7 lakhs and Rs. 5 lakhs taken jointly with the Regional Director, ERC with maturity date of 13/08/2024 along with a copy of the letter dt. 13/08/2019 issued by the State Bank of India to the ERC and they are in the file. In these circumstances, the Committee concluded that the matter deserved to

be remanded to the ERC with a direction to consider the two FDRs submitted by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the ERC the originals of the FDRs, if necessary, with 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the ERC with a direction to consider the two FDRs submitted by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the ERC the originals of the FDRs, if necessary, with 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Uluberia College, Orisha Trunk Road, Uluberia, Howrah, West Bengal to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Principal, Uluberia College, 442, Orisha Trunk Road, Uluberia, Howrah – 711315, West Bengal.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.

(15)

F.No.89-367/E-135953/2019 Appeal/33rd Mtg.-2019/21st November, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/12/2019

ORDER

WHEREAS the appeal of Parjanya B.Ed. College, Paharpur Hirak Road, Baliapur, Dhanbad, Jharkhand dated 29/09/2019 is against the Order No. ER-275.14.36/(ERCAPP1124)/B.Ed./2019/61399 dated 26.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the following grounds that "1st show cause notice u/s 17(1) issued on 11.03.2019. final show cause notice issued dated 18.06.2019 and the institution is still deficient on the following grounds:- Last page of submitted faculty list dated 29.10.2015 showing photocopy of newspaper, which is not accepted. Building plan not authenticated by competent Govt. Authority. Building completion certificate is not submitted. Recognition granted to B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-2021. Recognition granted to B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-21."

AND WHEREAS Sh. Jitender Kumar Singh, Chairman and Dr. Smriti Nagi, Principal, Parjanya B.Ed. College, Paharpur Hirak Road, Baliapur, Dhanbad, Jharkhand presented the case of the appellant institution on 21/11/2019. In the appeal and during personal presentation it was submitted that the institution always submitted faculty list whenever required. The institution submitted building plan approved by Competent Govt. Authority. The institution always submitted building completion certificate/note - the institution submitted faculty list, building plan and building completion certificate in ERC, NCTE Bhubaneswar then NCTE granted the recognition for intake of 100. The institution prays to see all requisite documents and cancel the withdrawal order for session 2020-2021. The appellant, with their appeal enclosed (i) faculty list signed by the Registrar, BBMKU, Dhanbad on 06/07/2019; (ii) building plan approved by District

Engineer, Zila Parishad, Dhanbad; and (iii) a Building Completion Certificate issued by the Executive Engineer, Nagar Nigam, Dhanbad.

AND WHEREAS the Committee, noting that the appellant furnished the documents found wanting in the withdrawal order, concluded that the matter deserved to be remanded to the ERC with a direction to consider the documents to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the ERC the documents submitted in appeal with originals thereof, wherever necessary within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the ERC with a direction to consider the documents to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the ERC the documents submitted in appeal with originals thereof, wherever necessary within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Parjanya B.Ed. College, Paharpur Hirak Road, Baliapur, Dhanbad, Jharkhand to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Parjanya B.Ed. College, 36, Paharpur Hirak Road, Baliapur, Dhanbad – 828201, Jharkhand.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Jharkhand, Ranchi.