(3)

F.No.89-370/E-135961/2019 Appeal/34th Mtg.-2019/22nd 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 Nandalal Bhosh B.T. College, Narayanpur, Padmanavpur, Amdanga, North 24-Pargana, West Bengal dated 05/08/2019 is against the Order No. ER-274.14.105/APE00643/B.Ed./2019/61301 dated 20.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the following grounds that "no reply received of SCN dated 18.05.2019 and the stipulated time period has already been over. The Show Cause Notice dated 22/04/2018 and 18/05/2019 required the applicant institution to submit "(i) Approved faculty list by the concerned affiliating body along with requisite documents. (ii) Approved building plan by the concerned competent Govt. Engineer/Authority. (iii) Approved building completion certificate by the concerned competent Govt. Engineer/Authority. (iv) FDRs towards Endowment fund and Reserve fund after conversion into joint operation mode as prescribed in the NCTE Regulations, 2014. (v) Confirmation on website updates of the institution with all details along with affidavit.

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 course is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-21"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 Dr. Kalyani Sahoo, Principal and Prof. K.C. Sahoo, Member, Nandalal Bhosh B.T. College, Narayanpur, Padmanavpur, Amdanga, North 24-Pargana, West Bengal presented the case of the appellant institution on 22/11/2019. In the appeal and during personal presentation it was submitted that "College as on date, fulfils all the conditions as stipulated by the NCTE. The compliance letter to the show cause notice of the NCTE, with supportive documents, was submitted to the ERC, NCTE, Bhubaneswar in both soft copy (dt. 2nd July 2019) & hard copy (11th July

2019) by courier services .as per the track record the same has been received in the office of the ERC. Bhubaneswar. The college was constrained to comply to the NCTE show cause notice within time frame for the genuine reasons as : a. certificate of FDRS of Rs.12,000,00 (7,000,00 + 5,00,000) was not in hand for want of Governing Body (GB)s permission as the president, GB was seriously & continuously ill. b. building completion certificate was not in hand for procedural delay at the office of the PWD, Govt. of West Bengal."

AND WHEREAS Appeal Committee noted that final Show Cause Notice (SCN) dated 18/05/2019 was issued to appellant institution seeking soft copy of the reply/representation alongwith required documents within 21 days. Appeal Committee noted that appellant institution had submitted a reply dated 02/07/2019 to the S C.N. which is found available on the regulatory file as received on 15/07/2019. Incidentally the 274th Meeting of the ERC was also held on 15-16th July, 2019 and as such it may not have been possible for the Regional Committee to take into consideration the reply and documents submitted by the appellant institution.

AND WHEREAS Appeal Committee appreciate the need for timely removal of deficiencies and its reporting to the NCTE by the applicant institution but at the same time marginal delays should be ignored at least in the case of existing institutions where withdrawal of recognition is attracted. Appeal Committee in the instant case decided to remand back the case to ERC to revisit the matter keeping in view the replies dated 02/07/2019 and 30/07/2019 submitted by appellant institution. After considering the replies to S.C.N. already submitted by the applicant institution, ERC should issue appropriate speaking order afresh.

AND WHEREAS after perusal of the Memoranda of appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to ERC to revisit the matter keeping in view the replies dated 02/07/2019 and 30/07/2019 already submitted by appellant institution.

After considering the replies to S.C.N. by the applicant institution ERC should issue appropriate speaking order afresh.

NOW THEREFORE, the Council hereby remands back the case of Nandalal Bhosh B.T. College, Narayanpur, Padmanavpur, Amdanga, North 24-Pargana, West Bengal to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Nandalal Bhosh B.T. College, 1255, Narayanpur, Padmanavpur, Amdanga, North 24-Pargana – 743126, 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.

(4)

F.No.89-371/E-135959/2019 Appeal/34th Mtg.-2019/22nd 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 Reimalie Academy College, Vill.-Bhatipara Revenue, Bijni, Bongaigaon, Assam dated 22/09/2019 is against the Order No. ER-275.14.13/(ERCAPP1350)/B.Ed./2019/61387 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 22.02.2019, followed by final show cause notice dated 18.05.2019 and the institution is still deficient on the following grounds:- Faculty list is not appropriate as per NCTE Regulations, 2014. Faculties at sl. No. 6, 7, 8, 9, 10, 11 & 12 appointed after 09.06.2017 for Pedagogy subjects do not have NET/Ph.D. qualification as per Gazette Notification No. 237 of NCTE published on 09.06.2017. Renewed FDRs in joint mode are not submitted."

AND WHEREAS Sh. Rajen Basumatary, Chairman and Sh. SK Najir Ali, Member, Reimalie Academy College, Vill.-Bhatipara Revenue, Bijni, Bongaigaon, Assam presented the case of the appellant institution on 22/11/2019. In the appeal and during personal presentation it was submitted that "FDRs are converted in joint made and a new faculty list has been got approved by the affiliating body i.e. Bodoland University, Kokrajhar, Assam."

AND WHEREAS Appeal Committee noted that appellant institution was granted recognition for conducting B.Ed. course in the year 2014 and some of the faculty members appointed by the institution after issue of NCTE notification of 2017 requiring Ph.D./NET qualification, were found to be not possessing the required Ph.D. or NET qualification. Appellant during the course of appeal hearing on 22/11/2019 submitted a revised list of faculty approved by affiliating University on 04/09/2019 and FDRs in joint mode. Since the appellant institution is an existing institution recognised since

2014 and has submitted evidence of having rectified the deficiencies, Appeal Committee decided to remand back the case to ERC for revisiting the matter after the appellant institution submits to ERC within 15 days of issue of appeal order the List of faculty approved by Bodoland University on 04/09/2019 and the FDRs in joint mode.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to ERC for revisiting the matter after the appellant institution submits to ERC within 15 days of issue of appeal order the List of faculty approved by Bodoland University on 04/09/2019 and the FDRs in joint mode.

NOW THEREFORE, the Council hereby remands back the case of Reimalie Academy College, Vill.-Bhatipara Revenue, Bijni, Bongaigaon, Assam to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Chairman, Reimalie Academy College, 511, Vill.-Bhatipara Revenue, Bijni, Bongaigaon – 783390, 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.

F.No.89-372/E-136162/2019 Appeal/34th Mtg.-2019/22nd 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 Maharishi Mahesh Yogi Vedic Vishwavidyalaya, Vijay Nagar, Near Kanchan Vihar, Jabalpur, Madhya Pradesh dated 29/09/2019 is against the Order No. WRC/APW03401/224115/309th/B.P.Ed./2019/205303 dated 09.08.2019 of the Western Regional Committee, withdrawing recognition for conducting B.P.Ed. Course on the following grounds that "the Show Cause Notice was issued to the institution vide letter dated 01.02.2017. 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 B.P.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS Sh. Brij Kishor Shukla, Deputy Registrar and Sh. Shrawan Kumar Jha, Assistant Professor, Maharishi Mahesh Yogi Vedic Vishwavidyalaya, Vijay Nagar, Near Kanchan Vihar, Jabalpur, Madhya Pradesh presented the case of the appellant institution on 22/11/2019. In the appeal and during personal presentation it was submitted that "Reply to show cause notice dated 01.02.2017 was submitted by the institution on 23.02.2017 vide letter no MMYVV/B.P.Ed./172 dated 21.02.2017 within stipulated time frame. The afore mentioned reply was submitted to NCTE, WRC, Manas Bhawan, Shyamla Hills, Bhopal-462002 (M.P.) by hand with NCTE receipt No.: 158867 dated 23.02.2017. It is further respectfully submitted that upon perusal of website of NCTE (WRC). It has come to our knowledge that committee has decided to withdraw the recognition for B.P.Ed. programme of the university on ground that reply to the show cause notice dated 01.02.2017 was not received by NCTE. University has again resubmitted copy of its earlier reply along with all documents to Regional Director, NCTE (WRC), G-7, Sector-10, Dwaraka, New Delhi-110075 vide letter no. 2110 dated 10.08.2019 which has been received by NCTE on dated 13.08.2019 by hand."

AND WHEREAS Appeal Committee noted that the only reason for withdrawal of recognition for the B.P.Ed. course being conducted by appellant institution is non reply to the Show Cause Notice (SCN) dated 01/02/2017. Appellant during the course of appeal hearing submitted the acknowledgement receipt which was diarised at serial no. 158887 dated 23/02/2017 in the office of Western Regional Committee (WRC). Appellant institution by its letter dated 10/08/2019 has also forwarded a copy of this reply dated 21/02/2017 to WRC. Appeal Committee considering that the reply dated 21/02/2017 in response to the SCN dated 01/02/2017 might have been misplaced somewhere in the office of WRC, decided that impugned withdrawal order dated 09/08/2019 is erroneous one and is accordingly set aside. WRC is required to revisit the matter considering the copy of reply which has already been furnished by the appellant institution.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to set aside the impugned order of withdrawal dated 09/08/2019. WRC is required to revisit the matter considering the copy of reply which has already been furnished by the appellant institution.

NOW THEREFORE, the Council hereby remands back the case of Maharishi Mahesh Yogi Vedic Vishwavidyalaya, Vijay Nagar, Near Kanchan Vihar, Jabalpur, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Dy. Registrar (Academic), Maharishi Mahesh Yogi Vedic Vishwavidyalaya, 50, Narmada Road, Lamti, 39/3, Vijay Nagar, Near Kanchan Vihar, Jabalpur – 482002, 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.89-373/E-133605/2019 Appeal/34th Mtg.-2019/22nd November, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 05/12/2019

O R O E R

WHEREAS the appeal of K.R.D. College of Education, Vill.-Bharapara, Chhaygaon Pantan, Kamrup, Assam dated 13/08/2019 is against the Order No. ER-274.14.31/(APE00155)/B.Ed./2019/61353 dated 22/08/2019 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution is still deficient on the following grounds:- (i) Faculty list duly approved by the concerned affiliating body not submitted. (ii) Building completion certificate duly approved by the Govt. Engineer is not submitted. (iii) Blue print of building plan in original duly approved by the Govt. Engineer is not submitted. (iv) FDRs towards Endowment and Reserve fund after conversion into joint mode not submitted. (v) Converted FDRs in joint operation mode is required to be uploaded on institution website. (vi) Teaching faculty and other required documents in PDF form not uploaded & updated on institution website. 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./Smt. Rekhamani Dakua, Principal and Umananda Barua, Assistant Professor, K.R.D. College of Education, Vill.-Bharapara, Chhaygaon Pantan, Kamrup, Assam presented the case of the appellant institution on 22/11/2019. In the appeal and during personal presentation it was submitted that "we have full-filled all the deficiencies in accordance to the proceedings of 274th meeting of the ERC-NCTE held on 15th - 16th July, 2019. So, give us chance to place all necessary documents for your kind consideration and necessary action."

AND WHEREAS Appeal Committee noted that appellant institution is recognised for conducting B.Ed. programme since the year 2005 and as per terms and conditions of revised recognition order of 2015 under the NCTE Regulations, 2014 it was required

to upgrade its facilities on certain grounds such as faculty, built up area, FDRs and Website etc. Appeal Committee noted that appellant during the course of appeal hearing on 22/11/2019 was able to submit copies of revised list of faculty approved by affiliating body in November, 2019, FDRs in joint mode, Building Plan and B.C.C. approved by Government Engineer.

AND WHEREAS appellant is required to submit authenticated/original copies of all these required documents to ERC within 15 days of the issue of appeal order. Appeal Committee **decided** to remand back the case to ERC for revisiting the matter taking into consideration the documents which the appellant institution is required to submit within 15 days of the issue of appeal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to ERC for revisiting the matter taking into consideration the documents which the appellant institution is required to submit within 15 days of the issue of appeal order.

NOW THEREFORE, the Council hereby remands back the case of K.R.D. College of Education, Vill.-Bharapara, Chhaygaon Pantan, Kamrup, Assam to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Principal, K.R.D. College of Education, Vill.-Bharapara, 240, NH-17, Chhaygaon Pantan, Kamrup – 781124, 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.

(7)

F.No.89-374/E-136541/2019 Appeal/34th Mtg.-2019/22nd 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 M.Ed. Department of Kolhan University, Chaibasa, West Singhbhum, Jharkhand dated 28/09/2019 is against the Order No. ER-274 14.93/(ERCAPP1932)/B.Ed./2019/61169 dated 05.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the following grounds that "no reply received of SCN dated 18.05.2019 on the following grounds and the stipulated time period has already been over. The submitted faculty list is not in accordance with the NCTE prescribed proforma. Building completion certificate is not submitted. In view of the above, the Committee decided as under: Recognition granted to M.Ed. course is withdrawn under section 17(1) of NCTE Act 1993 from the academic session 2020-2021."

AND WHEREAS Dr. Shukla Mahaty, Vice Chancellor, M.Ed. Department of Kolhan University, Chaibasa, West Singhbhum, Jharkhand presented the case of the appellant institution on 22/11/2019. In the appeal and during personal presentation it was submitted that "first Show Cause Notice issued by NCTE F.3-3/Regulation/NCTE/ERC/2016(Jharkhand)58742(6) dt. 20.04.2018 was received at our office on 26.04.2018 which clearly indicated that after a lapse of 06 days, the notice was received at this end and the reply of the Department of Education Kolhan University vide letter no. KU/M.Ed./09/18 dt. 07.05.2018 was sent on 07.05.2018 as clarified in the show cause notice and the cognizance of the same could not be taking into consideration and due contemplation could not be undertaken by ERC (NCTE), Bhubaneshwar in time and after a lapse of one year and three months all off a sudden ERC (NCTE), Bhubaneswar woke up without taken into account the delay is the part of that Office and in a whimsical manner the M.Ed. Course has been withdrawn showing simply the non-compliance in time and non-submission of the list of Teaching

Staff and Building Completion Certificate. In this entire episode of the actions undertaken by ERC (NCTE), the following points of contention are put forward in following manner for consideration of the appellate body. i) Kolhan University is a state university in Jharkhand established for catering the needs of the students, inhabitant of almost 80 tribal populated area since 13.08.2009. ii) The University after the inception has been struggling hard against the development parameters of already established university in the country and in such a situation the construction of the buildings have been taken up with normal progress in un-speculated time. iii) Because of the backwardness in the realm of the modern facilities in and around like Jamshedpur, Ranchi, Dhanbad, Hazaribagh etc. it has been lagging behind in pace against the stipulated time of progress which cannot be over Ruled and thrifted forward as desired in other developed area. iv) The reply of the show cause notice from this University bearing no. KU/M.Ed./09/18 dt. 07.05.2018 had been sent almost one year 3 months before the present scenario in which the approved faculty list duly signed by the Registrar, Kolhan University, the approved Building Plan by the concerned competent government Engineer, the information regarding the website of the University, the affidavit by authorized representative of the University and the information of the building construction being incomplete were furnished. At present the approved facuity list by the Registrar of the University in the format of NCTE, Building Completion Certificate signed by the competent authority on 10.07.2019 are hereby submitted and a copy of the same is also being sent to ERC (NCTE) in continuation of the order for de-recognition issued by ERC (NCTE)."

AND WHEREAS Appeal Committee noted the submissions made by appellant in its appeal memoranda as well as the list of faculty approved by affiliating university and building completion certificate signed by the university authority and countersigned by the H.O.D.

AND WHEREAS Appeal Committee noting that the deficiencies pointed out in the impugned order of withdrawal dated 05/08/2019 have since been rectified, appellant is required to submit copy of required documents to ERC within 15 days of

the issue of appeal order and thereupon ERC shall revisit the matter for taking an appropriate decision afresh.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that appellant is required to submit copy of required documents to ERC within 15 days of the issue of appeal order and thereupon ERC shall revisit the matter for taking an appropriate decision afresh.

NOW THEREFORE, the Council hereby remands back the case of M.Ed. Department of Kolhan University, Chaibasa, West Singhbhum, Jharkhand to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The HOD, M.Ed. Department of Kolhan University, Chaibasa, West Singhbhum, Jharkhand – 833202.
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.

F.No.89-376/E-136450/2019 Appeal/34th Mtg.-2019/22nd 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 Maa Sharda Educational Institute, Vill. – Gatheora, Chhatarpur, Madhya Pradesh dated 04/10/2019 is against the Order No. WRC/APP2016602O9-A/9839/309th/B.El.Ed./2019/205269 dated 08.08.2019 of the Western Regional Committee, withdrawing recognition for conducting B.El.Ed. Course on the following grounds that "the Show Cause Notice was issued to the institution vide letter dated 27.09.2018. 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 B.El.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS Sh. Vikas Singh, Clerk, Maa Sharda Educational Institute, Vill. – Gatheora, Chhatarpur, Madhya Pradesh presented the case of the appellant institution on 22/11/2019. In the appeal and during personal presentation it was submitted that "The institute has not received the SCN issued by the WRC, NCTE, New Delhi dated 27.09.2018. When the withdrawal order of 309th Meeting held on July 23-26, 2019 was received on 19th Aug. 2019. The institution came to know the fact that the re-cognization of B.El.Ed. is withdrawn with effect next academic session. The institution started the process of recruitment of Principal/Asst. Prof./lecturers according to the new NCTE notification dated 09.06.2017. and the staff profile has been sent to your esteemed office duly signed by the affiliating University Maharaja Chhatrasal Bundelkhand University Chhatarpur (M.P.), Hence you are requested to reinstate the affiliation of B.El.Ed. course."

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 27/09/2018 was issued to appellant institution on the grounds that 'Re-

examination of regulatory file shows that Assistant Professors/Lecturers donot have Ph.d or NET/SET.' Since the appellant institution failed to give any reply to SCN the impugned order of withdrawal was issued on 08/08/2019.

AND WHEREAS perusal of the regulatory file reveals that WRC before issuing the recognition order cated 05/03/2018 did not insist on the approved faculty list in original and the list submitted by appellant institution on 19/02/2018 even did not have a column reflecting the Ph.d. or NET/SET qualification of the faculty. Appeal Committee further noted that online application dated 29/06/2016 submitted by appellant institution is for B.El.Ed. programme whereas details furnished by appellant relating to applied for programmes contains the names of two programmes i.e. B.El.Ed. (50) and 8.A. B.Ed./8.Sc. 8.Ed. (50). The affidavit submitted by appellant at the time of seeking recognition also contains the names of the two courses which are entirely different programmes. The N.O.C. dated 17/02/2017 submitted by appellant institution in response to a S.C.N. dated 06/02/2017 is for B.El.Ed. programme.

Appeal Committee noted that the Visiting Team which inspected the appellant institution on 3rd & 4th April, 2017 had mentioned the names of both course in its report i.e. B.Sc. B.Ed. and B.El.Ed. Appeal Committee further observed that recognition order dated 05/03/2018 was issued to the appellant institution for B.El.Ed. (4 Year) course without referring to para 1.2 of Appendix 3 of NCTE Regulation, 2014. Para 1.2 referred to above reads as follows:

> *"The B.El.Ed. programme shall be offered only in a constituent or affiliated college of a University offering undergraduate studies in liberal arts, humanities, social sciences commerce, mathematics and sciences, or a constituent or affiliated college of a University offering multiple teacher education programmes, or a University with multi-disciplinary faculty as defined in clause (b) of Regulations 2."*

AND WHEREAS appellant with its appeal memoranda dated 04/10/2019 had submitted a list of faculty approved on 04/10/2019 by affiliating university for B.El.Ed. programme. Appellant institution is required to submit the list of faculty approved by

affiliating university to ERC within 15 days of the issue of appeal order. Appeal Committee decided to remand back the case to WRC for revisiting the whole case in its true perspective considering the online application, eligibility criteria for conducting the course and issue a revised speaking order afresh.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on records and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to WRC for revisiting the whole case in its true perspective considering the online application, eligibility criteria for conducting the course and issue a revised speaking order afresh.

NOW THEREFORE, the Council hereby remands back the case of Maa Sharda Educational Institute, Vill. – Gatheora, Chhatarpur, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Manager, Maa Sharda Educational Institute, Vill. – Gatheora, 869, Panna Road, Chhatarpur – 471001, 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.

(10)

F.No.89-377/E-136549/2019 Appeal/34th Mtg.-2019/22nd 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 Loyola College of Education, Gumpa Ghurpisey, Namchi, South District, Sikkim dated 01/10/2019 is against the Order No. ER-275.14.40/SI-S/E-1/96 & APE00456/B.Ed./2019/61364 dated 22.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the following grounds that "faculty comprises 1+6 (full time) against the requirement of 1+15 as per NCTE Regulations, 2014 for running 100 intake of B.Ed. course. Part-time faculties are not accepted. The institution does not fulfil criteria (01 Principal + 07 faculties) as per NCTE Regulations, 2014 even for running one basic unit i.e. 50 intake. Recognition granted to B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-2021."

AND WHEREAS Dr. Francis AV, Principal, Loyola College of Education, Gumpa Ghurpisey, Namchi, South District, Sikkim presented the case of the appellant institution on 22/11/2019. In the appeal and during personal presentation it was submitted that "Having been brought under Sikkim University as per the Parliament Act of 2007, the College obtained permanent affiliation on 13.06.2014. The College was the first Institution in Sikkim to clear the Accreditation by NAAC in September 2011, valid up to September 2016 with a B Grade of CGPA 2.84 on four point scale. The College was also given the Minority Status by the National Commission for Minority Educational Institutions, New Delhi dt. 23, February, 2007. College obtained permission of NCTE for two units of students (NCTE Revised order/2015/31795/dt.20.05.2015). But, for some reason the Governing Body decided then to start with one unit only and it happened to continue till last academic year 2018-19 having had the required staff. Fulfilment of staff requirement for one unit: Ref.: show cause notice dt. 19.06.2019: deficit in staff members: Ms. Pratibha Thapa,

who joined duty from July 2014, left the College in June 2017. It was possible then for the College to recruit immediately Fr. Lawrence Maniar, S.J. (M.A., M.Ed.) from July 2017 to January 2018 and Fr. Joseph Boniface, S.J., from February to June 2018. Apparently, there was a delay to initiate and recruit a fresh member of the staff to make up the required number. At last the Management identified a candidate in March 2019 and cleared the deficit with the joining of Fr. Dr. P.J. Sandanasamy, S.J. well before the end of the academic year 2018-19. But there was an inadvertent omission that the newly appointed Principal, having signed and sent the compliance report to NCTE on 27.06.2019 as Principal, failed to include his own name along with the list of 1+6. The College did have 1+7 Staff Members for its single unit when the show cause notice was served. Issue No. 2: Opting for the Second Unit: Loyola College of Education, Namchi in South Sikkim, in its twenty-fifth Silver Jubilee year, desired to expand. There was a general feeling of increase of demand from the students for B.Ed. degree studies. The Governing Body of the College, in its meeting on 11th June 2019, after having considered about the required Staff and the increase of intake of Students, opted to go for the second unit from this academic year 2019-20. Accordingly, the College advertised in some of the prominent newspapers, inviting eligible candidates for additional Teaching staff and student-applicants for admission into B.Ed. course. Present Status: As per Sikkim University regulations, the College re-opened for this academic year on 15TH July 2019. The College conducted admission tests twice, selected and admitted 100 students. There are 23 students from Science Degree background, while the others falling in the category of English Language with 17 and of Social Sciences with 60 students. We have also included the details of 50 of the second year students. With repeated advertisements, we could also obtain the required Staff Members (1 + 15) who were selected through interviews by the selection committee, endorsed by the Governing Body and appointed to be in the Staff. We bring to your kind notice, that the Management was, for a special reason, in need of a change of the Principal and appointed Fr. Dr. Francis, A.V.,S.J., as Principal with effect from 14th September, 2019 in the place of Fr. Dr. P.J. Sandanasamy, S.J. who has now been named Secretary to the Governing Body. The Governing Body, in its Meeting on 25th Sept. 2019, endorsed the appointments. We

place before you the list of the Staff Members (1 + 15) as approved by Sikkim University along with the Bio-metric downloaded table, installed and in use from 10th August, 2019, with details of attendance of the Staff Members and of the Students (50 of second years and 100 of the first years). We have submitted the necessary information and particulars like the academic qualifications and their date of joining the College together with the Staff Timetable. We have enclosed the Affidavit of the Secretary of the Governing Body of the College (Rs 100/- revenue stamped paper) regarding the decision to add a second unit in the College for which the College had obtained permission earlier. Again, the Affidavits of every staff member have also been submitted herewith. The College, celebrating the Silver Jubilee of its educational existence, added a memorable exquisite Auditorium (34.35 mts x 9.9 mts – plan included) which was inaugurated on 25th September 2018 by His Excellency Sri Ganga Prasad, the Governor of Sikkim. The College made it all the more significant by expanding itself last year with an additional Post-Graduate Course M.A.(Ed.), having its own classrooms and library section with the approval of Sikkim University. Keeping in view the possibility of taking to the proposed Integrated Course in the near future and in order to show the College as a Composite College, the Governing Body decided in favour of starting M.Phil. and Ph.D. courses in Education under Sikkim University. The Management is ready to meet the infrastructural requirements. We promise to abide by every rule and regulation of NCTE and humbly request you to repeal the order of withdrawal of Recognition and permit us to run the College with regularity and with intellectual and moral standard and be an effective instrument in the development of the Nation. Photos of the Staff Members, first and second year students, the Hostels for boys and girls and the play field together with the allotment and size of rooms of the College Building are also have been included herewith for your kind perusal."

AND WHEREAS Appeal Committee noted the submission made by appellant institution with regard to lesser number of admissions made during the preceding years after the issue of revised recognition order in 2015 under the NCTE Regulation, 2014. Appellant also submitted, during the course of appeal hearing on 22/11/2019,

copy of the list containing the names of one Principal and 16 lecturers approved by Sikkim University. The list contains the names of 7 faculty appointed prior to 01/08/2017 and 9 faculty appointed in the year 2019. Appellant informed Appeal Committee that prior to academic year 2019-20 it had lesser number of admissions which enabled the institution to conduct the course with lesser faculty and now onwards it has full complement of academic faculty. Appellant is required to submit copy of latest approved faculty list to ERC within 15 days of the issue of appeal order. Appeal Committee decided to remand back the case to ERC for revisiting the matter after the appellant has submitted to it the recent list of faculty appointed with the approval of affiliating body.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on records and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to ERC for revisiting the matter after the appellant has submitted to it the recent list of faculty appointed with the approval of affiliating body.

NOW THEREFORE, the Council hereby remands back the case of Loyola College of Education, Gumpa Ghurpisey, Namchi, South District, Sikkim to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Principal, Loyola College of Education, Gumpa Ghurpisey, 165, Namchi, South District, Sikkim – 737126.
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 Sikkim, Gangtok.

(11)

F.No.89-378/E-136544/2019 Appeal/34th Mtg.-2019/22nd 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 Shanti Niketan College of Education, Adampur Road, Agroha, Hisar, Haryana dated 26/09/2019 is against the Order No. NRC/NCTE/NRCAPP-11184/257 (Part-3) Meeting/2016/159030 dated 27.09.2016 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. Course on the following grounds that "Government of Haryana vide its letter dt. 12.04.2016 has requested the NRC, NCTE not to entertain the application of Societies / Trusts seeking recognition for 4 year integrated course B.A. B.Ed./B.Sc. B.Ed. and opening of new B.Ed. colleges in the State henceforth and during the years 2016-17 and 2017-18."

AND WHEREAS Sh. Mahender Singh, President, Shanti Niketan College of Education, Adampur Road, Agroha, Hisar, Haryana presented the case of the appellant institution on 22/11/2019. In the appeal and during personal presentation it was submitted that on 27.02.2015, the NCTE issued Public Notice thereby inviting fresh applications for academic session 2016-17 from some States and for some of the courses. The reason disclosed for not accepting applications from such States was that those States had not recommended for opening of new colleges in their States. In respect of the State of Haryana there was no restriction and applications were invited by the NCTE for all courses except D.El.Ed. course for the academic session 2016-17. With a view to start B.A. B.Ed./B.Sc. B.Ed. course from 2016-15 academic session, appellant constructed additional building and created requisite infrastructure in conformity with NCTE Norms & Standards. Accordingly, appellant submitted new application with the NRC for B.A.B.Ed/B.Sc.B.Ed course on 28.05.2015. Appellant had also submitted NOC dated 19.05.2015 issued by Kurukshetra University. A true copy of NDC dated 19.05.2015 issued by Kurukshetra University. The NRC

processed the application of the appellant and after noticing that the same was complete in all respects and there were no deficiencies, it conducted inspection of the institution and issued LOI dated 26.04.2016. The Appellant complied with the requirements of the LOI and submitted compliance report to the NRC on 06.06.2016. The NRC was required to pass final order of recognition in favour of the Appellant. However, upon enquiry from the NRC it transpired that the NRC is not going to issue the recognition order on the ground of having received a letter dated 12.04.2016 whereby the state Govt has banned the opening of new colleges in the State. Being aggrieved the Appellant filed CWP No.14936 of 2016 before the High Court of Punjab & Haryana for seeking a direction to the NRC to issue formal recognition order. It was also prayed that the letter dated 12.04.2016 issued by the State Govt be quashed. The said writ petition was filed on 25.07.2016 in which notice was issued and the writ petition was thereafter pending adjudication for quite long time. During pendency of the said writ petition, in May 2019 the Appellant came to know that the NRC had already rejected the application of the Appellant on 27.09.2016. Thus, the Appellant filed an application before the High Court on 06.09.2019 for seeking permission to withdraw the writ petition with liberty to approach the NCTE by way of appeal in view of passing the order dated 27.09.2016 by the NRC. The said application was allowed vide order dated 11.09.2019 Being aggrieved, the Appellant is filing the present appeal on inter-alia the following grounds:- G R O U N D S a. It is submitted that the application of the Appellant is required to be decided in accordance with the orders passed by the NCTE in appeals filed by similarly situated institutions. All these institutions had submitted applications when the ban was not in force and their application came to be rejected on the ground of subsequently imposed ban by the State Govt. Now the NCTE has taken the stand that the subsequently imposed ban by the State Govt would not be applicable to applications which were submitted when the ban had not been imposed. In compliance of the above said orders passed by the NCTE, the NRC has processed the said applications without reference to the ban imposed by the State Govt. The same decision has been applied by the NRC even to those cases which had not even approached the NCTE in appeal. Thus, on the ground of parity the application of the Appellant is also required to be decided in the like

manner. B. Law is settled that applications submitted by institutions seeking recognition are required to be considered as per the law prevailing at the time of submission of the applications. C. The Appellant had created requisite infrastructure for conducting the course from 2016-17 academic session after spending about several crores and had accordingly submitted application for seeking recognition and NRC was required to process the same as per Regulations for 2016-17 academic session. The Appellant has thus lost several academic sessions by now and if the application is not finally processed then it shall suffer loss of another academic session. D. The impugned decision is illegal and without jurisdiction. Every action of the statutory authority must necessarily be supported and backed by statutory provisions. The NRC has acted contrary to express provisions of the Statute which tantamount to illegal exercise of power on its part. It is a clear case of abdication of power and complete non application of mind on part of the NRC in discharge of its statutory duties and functions. E. The NCTE Act read with Regulations has specified the role of the State Govts. Before grant of recognition by the Regional Committee, the Act does not contemplate of any role of the State Govt. It is in clause 7 of the NCTE Regulations, 2009 that the role of State Govt is provided which stipulates that immediately on receipt of applications, the Regional Committee shall send one copy thereof to the State Govt to ascertain its views, which shall be furnished within a particular time frame and thereafter the Regional Committee shall take the final decision after considering such recommendations whether to grant recognition or not. Thus, the role of the State Govt is restricted to only this stage and no other stage. F. The impugned order passed by the NRC is clearly violative of the law declared by the Hon'ble Supreme Court of India in State of Maharashtra vs Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya & Ors [(2006) 9 SCC 1] and Maa Vaishno Devi Mahila Mahavidyalaya vs State of U.P & Ors [(2013) 2 SCC 617] in which it has been held that final authority to grant recognition under NCTE Act is the NCTE and absence or non-grant of NOC by the State Govt was immaterial and irrelevant so far as the power of the NCTE is concerned. Relevant paras of the said judgment are extracted below for convenience:- "62. From the above decisions, in our judgment, the law appears to be very well settled. So far as co-ordination and determination of standards

in institutions for higher education or research, scientific and technical institutions are concerned, the subject is exclusively covered by Entry 66 of List I of Schedule VII to the Constitution and State has no power to encroach upon the legislative power of Parliament. It is only when the subject is covered by Entry 25 of List III of Schedule VII to the Constitution that there is a concurrent power of Parliament as well as State Legislatures and appropriate Act can be by the State Legislature subject to limitations and restrictions under the Constitution. 63. In the instant case, admittedly, Parliament has enacted 1993 Act, which is in force. The Preamble of the Act provides for establishment of National Council for Teacher Education (NCTE) with a view to achieving planned and coordinated development of the teacher-education system throughout the country, the regulation and proper maintenance of norms and standards in the teacher- education system and for matters connected therewith. With a view to achieving that object, National Council for Teacher Education has been established at four places by the Central Government. It is thus clear that the field is fully and completely occupied by an Act of Parliament and covered by Entry 66 of List I of Schedule VII. It is, therefore, not open to the State Legislature to encroach upon the said field. Parliament alone could have exercised the power by making appropriate law. In the circumstances, it is not open to State Government to refuse permission relying on a State Act or on policy consideration. 64. Even otherwise, in our opinion, the High Court was fully justified in negativing the argument of the State Government that no permission could be refused by the State Government on policy consideration. As already observed earlier, policy consideration was negatived by this Court in Thirumuruga Kirupananda Trust, as also in Jaya Gokul Educational Trust. 68. In view of the fact, however, that according to us, the final authority lies with NCTE and we are supported in taking that view by various decisions of this Court, NCTE cannot be deprived of its authority or power in taking an appropriate decision under the Act irrespective of absence of No Objection Certificate by the State Government/Union Territory. Absence or non-production of NOC by the institution, therefore, was immaterial and irrelevant so far as the power of NCTE is concerned. 74. It is thus clear that the Central Government has considered the subject of Secondary Education and Higher Education at the national level. The Act of 1993 also requires Parliament to

consider Teacher Education System throughout the country. NCTE, therefore, in our opinion, is expected to deal with applications for establishing new B.Ed. colleges or allowing increase in intake capacity, keeping in view 1993 Act and planned and co-ordinated development of teacher-education system in the country. It is neither open to the State Government nor to a University to consider the local conditions or apply State policy to refuse such permission. In fact, as held by this Court in cases referred to hereinabove, State Government has no power to reject the prayer of an institution or to overrule the decision of NCTE. The action of the State Government, therefore, was contrary to law and has rightly been set aside by the High Court." G. As per the NCTE Regulations, the NRC was required to obtain recommendations of the State Govt by sending the application of the Appellant. The recommendations contemplated and visualized under the scheme of the Regulations have to be institution specific and the Govt must furnish reasons in respect of the institution whose application is under process with the NRC. There is no scope of generalized opinions like the one given in the present case. Therefore, by taking into consideration such highly generalized recommendations, the NRC has committed serious error and therefore the impugned decisions are required to be quashed. H. It is submitted that clause 7 of NCTE Regulations, 2009 use the expression "recommendations" which means the opinion of the State Govt in respect of the institution and must be based upon specific data and reasons. The Regulations does not contemplate that the recommendations are binding upon Regional Committee. They only provide that recommendations must be taken into account by the Regional Committee alongwith the inspection report and other material in arriving at the decision to grant or decline recognition to the institution concerned. Even if the recommendations are negative, the Regional Committee would still be within its powers to take a contrary view. Thus, what is crucial is application of mind on part of Regional Committee to the entire material placed before it which would also include recommendations sent by State Govt. The Respondents virtually surrendered their discretion and abdicated their statutory obligations in being bound by the recommendation of the State Govt. The Respondents have misunderstood the scope, relevance and impact of recommendations upon their power to take final decision for grant of recognition to any institution. The NRC processed the application

of the Appellant and after noticing that the same was complete in all respects and there were no deficiencies, it conducted inspection of the institution and issued LOI dated 26.04.2016. The Appellant complied with the requirements of the LOI and submitted compliance report to the NRC on 06.06.2016. However, upon enquiry from the NRC it transpired that the NRC is not going to issue the recognition order on the ground of having received a letter dated 12.04.2016 whereby the state Govt has banned the opening of new colleges in the State. Being aggrieved the Appellant filed CWP No.14936 of 2016 before the High Court of Punjab & Haryana for seeking a direction to the NRC to issue formal recognition order. It was also prayed that the letter dated 12.04.2016 issued by the State Govt be quashed. The said writ petition was filed on 25.07.2016 in which notice was issued and the writ petition was thereafter pending adjudication for quite long time. During pendency of the said writ petition, in May 2019 the Appellant came to know that the NRC had already rejected the application of the Appellant on 27.09.2016. Thus, the Appellant filed an application before the High Court on 06.09.2019 for seeking permission to withdraw the writ petition with liberty to approach the NCTE by way of appeal in view of passing the order dated 27.09.2016 by the NRC. The said application was allowed vide order dated 11.09.2019. Hence being aggrieved, the Appellant is filing the present appeal."

AND WHEREAS Appeal Committee noted that impugned refusal order was issued on 27/09/2016 with copies forwarded to (i) Secretary of Sir Chotu Ram Hooda Education Society, Agroha, Hissar, (ii) Shanti Niketan College of Education, Village Agroha, Hissar, (iii) Kurukshetra University, Kurukheshtra etc. The appellant's plea that it had come to know of the refusal order only in 2019 and had withdrawn its case from the High Court to enable filing statutory appeal is therefore, not acceptable. Section 18 of the NCTE Act enable an appellant to prefer appeal to the Council within such period as may be prescribed. The last para of the impugned refusal order dated 27/09/2016 mentioned that institution if not satisfied with the refusal order may prefer appeal within 60 days from the date of order. The reason for delay in preferring appeal i.e. pendency of a Court case before Hon'ble Punjab and Haryana High Court is not logical as nothing in the NCTE Act and Rules prevents an appellant to

simultaneously prefer an appeal and file a case in the Court of Law. Appellant institution is recognised for conducting some other teacher education programmes and as such is supposed to be conversant with the NCTE Act/Rules and Regulations relating to the procedure and time limit for preferring appeal. Appeal Committee decided that delay of more than 2 years and 10 months in preferring appeal is not condonable. Hence appeal filed by appellant is not admitted on grounds of inordinate delay of more than 2 years and 10 months.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to accept the appeal on grounds of inordinate delay of more than 2 years and 10 months. Hence the appeal is not admitted.

(Sanjay Awasthi)
Member Secretary

1. The President, Shanti Niketan College of Education, 292/126, Adampur Road, Agroha, Hisar – 125047, Haryana.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.

(12)

F.No.89-379/E-136535/2019 Appeal/34th Mtg.-2019/22nd 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 Jamshedpur Women's College, Vill./Po – Bistupur, Town City, Jamshedpur, Dist.-Purba Singhbhum, Jharkhand dated 31/07/2019 is against the Order No. ER-272.14.91/(APE00410 & ERCAPP1021)/B.Ed./2019/80846 dated 19.06.2019 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the following grounds that "show cause notice u/s 17(1) was issued on 20.04.2018 & 18.05.2019. The submitted copy faculty list dated 20.05.2019 signed by Principal is neither in accordance with the NCTE prescribed proforma not approved by the concerned affiliating body. 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. APE00410 & ERCAPP1021 is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-2021."

AND WHEREAS Prof. (Dr.) Shukla Mahanty, Vice Chancellor Ku. And Dr. Ramaa Subramanian, Coordinator, Jamshedpur Women's College, Vill./Po – Bistupur, Town City, Jamshedpur, Dist.-Purba Singhbhum, Jharkhand presented the case of the appellant institution on 22/11/2019. In the appeal and during personal presentation it was submitted that "Recognition of the B.Ed. Course was granted by NCTE, ERC, Bhubaneshwar in 2004 although the courses had been in operation from early 2004, that also being the first constituent institution in Jharkhand but have been under the University precincts regarding all administrative decisions including appointment of teaching and non-teaching staff. ii) The report submitted as supposed to be received on 27.05.2019 of NCTE, ERC consisted of the complete picture of the infrastructure, other requisites and all the appointed teachers in this institution from time to time by the University, firstly Ranchi University thereafter Kolhan University (from 2009) as the

College previously used to be as a constituent unit had been guided by the administrative control of the University and thereafter being the Autonomous Institution apart from academic decision of examination & related matter the appointments had been made by the University only. In such a situation there had been no arbitrary and administrative colossal from the institution itself. It can be completely assertive that the complete list comprising of all the appointed teachers for a different period were neither appointed by the college itself nor inducted from any outside source but consisting only of the university appointed, duly processed policy of recruitment. In the locust of the observations specifically addressed in the part of the proceeding recorded by ERC (NCTE), Bhubaneshwar that the list was signed by the Principal dtd. 20/05/2019 has never been incongruous to anything supposed to have been done by the College itself rather the list consisting of only university approved and appointed teachers. However, on such an observation the list pertaining to the teaching staff of the institution is hereby submitted in accordance with the University procedures recruitment process and the comprehensive list as desired in the NCTE prescribed proforma. iii) The most important aspect of the reflection from the submission of the Show Cause which has been received on 27.05.2019 by the NCTE (ERC), Bhubaneswar appears to be to the contrary of the tradition and exemplary continuation of the B.Ed. Courses along with the other courses, which still is supposed to be the best and torch bearing in the State so far in respect of infrastructure and standard along with the level of teaching in the State has been deriding and misconceptions in the part of NCTE (ERC), Bhubaneswar in failing to provide more opportunity and chance for arriving at a conclusive feedback from the institution itself. iv) It is also an important event which might have altered the attention of the University and the Institution, has been the phenomenal declaration of Jamshedpur Women's College being ceremoniously elevated to Jamshedpur Women's University on 3rd Feb. 2019 by Hon'ble Prime Minister (Notified in the Gazette vide notification no -29/2018-240/ dtd. 13.02.2019) at Srinagar as a national event. It is still in a transition State from College level to University status and still the notification for the post of Vice-Chancellor and others are awaited. As such the academic decisions and perpetuity consequences are affected undesirably. At this stage the complete list of the teaching

staff after procedure exercises by the university is submitted as required and desired in the NCTE (ERC) proforma after getting it thoroughly overhauled by the University Officials in accordance with the subjectivity and descriptive figures relating to each teaching staff, as to be accepted by NCTE (ERC). In view of our above submissions it is earnestly prayed that the observation of NCTE (ERC), Bhubaneshwar may kindly be reviewed and the recognition of B.Ed. courses may be restored and installed at the earliest for the session 2020-21 onwards in Jamshedpur Women's College.

AND WHEREAS Appeal Committee noted that impugned order of withdrawal dated 19/06/2019 is on the ground that faculty list submitted by appellant institution in response to the Show Cause Notice (SCN) dated 21/05/2019 is signed by Principal and is not in accordance with the NCTE prescribed performa. Appellant during appeal hearing on 22/11/2019 submitted copies of a faculty list approved by affiliating university on 16/08/2019. This list contained names of one Principal and 30 faculty members as the appellant institution is recognised to conduct B.Ed. course with an intake of 4 units.

AND WHEREAS appellant institution is required to submit authenticated copy of the list of faculty approved by affiliating university to ERC within 15 days of the issue of appeal order. Appeal Committee decided to remand back the case to ERC for revisiting the matter considering the list of faculty approved by Kolhan University and required to be submitted by appellant institution to ERC within 15 days of the issue of appeal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on records and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to ERC for revisiting the matter considering the list of faculty approved by Kolhan University and required to be submitted by appellant institution to ERC within 15 days of the issue of appeal order.

NOW THEREFORE, the Council hereby remands back the case of Jamshedpur Women's College, Vill./Po – Bistupur, Town City, Jamshedpur, Dist.-Purba Singhbhum, Jharkhand to the ERC, NCTE, for necessary action as indicated abova.

(Sanjay Awasthi)
Member Secretary

1. The Principal, Jamshedpur Women's College, Vill./Po – Bistupur, Town City, Jamshedpur, Diat.-Purba Singhbhum, Jharkhand – 831037.
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.

(14)

F.No.89-381/E-136552/2019 Appeal/34th Mtg.-2019/22nd 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 Adarsh Shikshan Prashikshan Vidhyalaya, Pilani, Surajgarh, Jhunjhunu, Rajasthan dated 29/09/2019 is against the Letter No. New App./RF/Raj./NRCAPP-8696/2013-14/62468 dated 15.10.2013 of the Northern Regional Committee, thereby returning the 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. 17165-166/2009, 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 Govemment/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 Regulations 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is 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 filed a S.B. Civil Writ No. 13510/2019 before the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur. The Hon'ble High Court in its order dated 14/08/2019 disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that appeal will be disposed of expeditiously in accordance with law by the Appellate Authority.

AND WHEREAS appellant has also drawn attention of Appeal Committee to a recent order dated 18/10/2019 issued by High Court of Delhi at New Delhi issued in W.P. (C) cases filed by various institution in 2018 and 2019. Hon'ble High Court in the concluding para of its order dated 18/10/2019 allowed the Writ Petitions and directed that Regional Committees will consider the applications of petitioners without being burdened by the fact that various State Governments have imposed a ban on setting up of new institutions and granting recognition to new courses. Hon'ble Court in its order has further stated that 'since this is an order *in rem*, the concerned Regional Committee will consider on merit the applications of even those who are similarly circumstanced and have filed their respective applications before the ban kicked in as per the extant provisions of law.

AND WHEREAS Sh. Sanjiv Kumar, Secretary, Adarsh Shikshan Prashikshan Vidhyalaya, Pilani, Surajgarh, Jhunjhunu, Rajasthan presented the case of the appellant institution on 22/11/2019. In the appeal and during personal presentation it

was submitted that the controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

AND WHEREAS the relevant regulatory file pertaining to this case of the N.R.C. is not available. It has been brought to the notice of the Committee in the 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 the 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. Moreover, when the application made by appellant was returned in the year 2013 the application fee was also refunded and appellant had accepted the refund. This literally means that there has been no application in existence thereafter. Section 18 of the NCTE Act allows appeal against orders made under Section 14, Section 15 and Section 17 of the Act and the time limit prescribed for filing such appeal under the extant Appeal Rules is 60 days. In view of this position, that the N.R.C. was justified in returning the application and there cannot be an appeal without an application having been processed and refused/rejected the appeal deserved to be rejected and the decision of the N.R.C. confirmed. The appellant institution is free to submit a fresh application as and when NCTE issues notification inviting application for the desired courses. NCTE is however, free to issue instruction/guidelines to its Regional Committee in compliance with the orders of Hon'ble Court issued from time to time.

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 above, 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.

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Adarsh Shikshan Prashikshan Vidhyalaya, Ward No.1, 512, Pilani, Rajgarh Road, Surajgarh, Jhunjhunu – 333031, 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.