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F.No.89-203/E-118460/2019 Appeal/20th Mtg.-2019/8th July, 2019 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of S.K. Momorial College, Pipar City, Rajasthan, Jodhpur dated 23/11/2018 is against the Order No. NRC/NCTE/NRCAPP-12237/257th (Part-3) Meeting/2016/159402 dated 29.09.2016 of the Northern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "the institution was given show cause notice vide letter dt. 30.11.2015 with direction to submit the reply within 30 days. The institution did not submit any reply of show cause notice within stipulated time."

AND WHEREAS the appellant, aggrieved by the order of the NRC dt. 29/09/02016, filed a S.B. Civil Writs No. 23712/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 23/10/2018, closed 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. Meharu Khan, Secretary, S.K. Momorial College, Pipar City, Rajasthan, Jodhpur presented the case of the appellant institution on 08/07/2019. In the appeal and during personal presentation and in the papers submitted during the course of presentation, the appellant <u>inter-alia</u> has made certain contradictory statements. At one place he has submitted that the institution has not received any show cause notice before rejection of their application to enable them to send a suitable reply. At another place he admitted that NRC issued a show cause notice dt. 30/11/2015 and they sent a reply on 12/12/2015. The appellant also enclosed copies

of the Show Cause Notice and their reply and the latter bears a receipt stamp dt. 14/12/2015.

AND WHEREAS the Committee noted from the file of the NRC that the appellant's reply dt. 12/12/2015 to the Show Cause Notice was received and it is available in the file, but the appellant did not submit the No Objection Certificate issued by the concerned affiliating body, with that reply.

AND WHEREAS the submission of the appeal has been delayed by one year, eleven months and 23 days beyond the prescribed period of 60 days. 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 Sections mentioned above may prefer an appeal within sixty days of issue of such orders. According to the Proviso under Section 18 (2) of the NCTE Act, an appeal may be admitted after the expiry of the period prescribed therefor, it the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period.

and whereas the Committee noted that the appellant in their appeal submitted that the reason for delay was that they were not aware of about the refusal of their application; when after long time they approached the NRC office and inquired about their application, they found from the authorities that their application has been refused long time back on grounds of non – submissions of reply to the Show Cause Notice. The appellant has not stated when they approached the NRC and when and how they got the refusal order. The statements made by the appellant are vague and without any details. The Committee is not satisfied that the appellant had sufficient cause for not preferring the appeal within the prescribed period. The Committee, therefore, decided not to condone the delay. Hence 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 concluded not to admit the appeal on ground of delay. Hence the appeal is not admitted.

> (Sanjay Awasthi) Member Secretary

1. The Secretary, S.K. Momorial College, Pipar City – 342601, Rajasthan, Jodhpur.

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,

4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.





F.No.89-204/E-118448/2019 Appeal/20th Mtg.-2019/8th July, 2019 NATIONAL COUNCIL FOR TEACHER EDUCATION Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 30/07/2019

ORDER

WHEREAS the appeal of Swami Vivekanand College, Amarmou, Sagar, the against 10/05/2019 is dated Pradesh Madhya WRC/APW06671/225118/304th /{M.P.}/2019/202626 dated 12.04.2019 of the Western Regional Committee, withdrawing recognition for conducting for M.Ed. Course on the grounds that "the institution has not submitted any proof of additional built-up area. The institution has not submitted any proof of additional infrastructure. The institution has not submitted a letter granting approval for the selection or appointment of faculty, issued by the affiliating body as per NCTE Regulations, 2014. The institution has not submitted NEC issued by the competent authority. The institution has not submitted land use certificate issued by the competent authority. The institution has submitted copy of building plan but Plot/khasra Number, total land area and earmarked area for each course being run in the same premises not mentioned and not proper readable. The institution has not submitted BCC issued by the competent authority. The institution has not submitted certified registered land document. The land khasra No. 608, 606 area 0.97 Hect. Submitted by the institution are in favour of Sachiv, Ajay Kumar Tiwari, which is not as per Regulations. 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 Sh. Alok Shukla, Assistant Director, Swami Vivekanand College, Amarmou, Sagar, Madhya Pradesh presented the case of the appellant institution on 08/07/2019. In the appeal and during personal presentation and in a letter

dt. 05/07/2019 it was submitted that show cause notice was to be issued by the N.C.T. E. but not issued. The point wise reply is narrated below: A proof of additional built up area document are attached with the appeal. A proof of additional Infrastructure document are attached with the appeal. A copy of letter of granting approval for the selection or appointment of faculty, issued by the affiliating body as per NCTE, Regulation 2014 are attached with the appeal. A copy of NEC issued by the Competent Authority document are attached with the appeal. A copy of land use certificate issued by competent authority document are attached with the appeal. The relevant documents are attached with the appeal. A copy of BCC issued by the competent authority document are attached with the appeal. Copies of the relevant land documents, namely, registered document, Khasra, NEC and affidavit are enclosed.

AND WHEREAS the Committee noted that according to the provisions contained in the first proviso under Section 17 (1) of the NCTE Act, 1993, no order withdrawing recognition against a recognised institution shall be passed unless a reasonable opportunity of making representation against the proposed order has been given to such a recognised institution. The Committee noted that the WRC has not given such an opportunity, in the form of Show Cause Notice, to the appellant institution. In these circumstances, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to issue, in the first instance, a Show Cause Notice to the appellant institution and take further action as per the provisions of the NCTE Act, 1993.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC with a direction to issue, in the first instance, a Show Cause Notice to the appellant institution and take further action as per the provisions of the NCTE Act, 1993.

NOW THEREFORE, the Council hereby remands back the case of Swami Vivekanand College, Amarmou, Sagar, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

- 1. The President, Swami Vivekanand College, Amarmou, Sagar 470339, 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.89-205/E-118427/2019 Appeal/20th Mtg.-2019/8th July, 2019 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Smt. S.B. Gardi B.Ed. College, Jamnagar, Gujarat dated 21/05/2019 is against the Order No. WRC/323054/Guj./304th/2018/202735 dated 12.04.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the Show Cause Notice was issued to the institution on 26.08.2016. The institution has submitted reply dated 07.10.2016 received in WRC office on 15.10.2016. On perusal of the reply of the institution it is observed that the institution has not submitted the following documents: The institution has not submitted a letter granting approval for the selection or appointment of faculty, issued by the affiliating body as per NCTE Regulations 2014. The institution has not submitted land use certificate issued by the competent authority. The institution has not submitted NEC issued by the competent authority. The institution has not submitted building plan approved by the competent authority mentioning khasra No./Plot No. total land area, total built-up area and earmarked area for each course being run in the same premises. The institution has not submitted Building Completion Certificate issued by the Competent Authority. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for B.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS Sh. Jayendra Mungara, Vice President and Sh. N.R. Badrakiya, Admin. Head, Smt. S.B. Gardi B.Ed. College, Jamnagar, Gujarat presented the case of the appellant institution on 08/07/2019. In the appeal it was submitted that copy of Letters from Saurasthra University, for the selection committee members is attached along with Advertisement Copy. Copy of Land Use Certificate issued by the competent authority is attached. Copy of NEC issued by the competent authority is attached. Building Plan approved by the competent authority mentioning khasra no./Plot No.,

total land area, total built-up area and earmarked area for each course being run in the same premises is attached. Copy of Building Completion certificate issued by the competent authority is attached.

AND WHEREAS the appellant, in the course of presentation, submitted a staff profile of 18 members and a librarian for their B.Ed. course duly countersigned by the Registrrar, Saurashtra University, Rajkot; copies of letters (in Gujarati) issued by the Saurashtra University approving the names of faculty; a notarised copy of Land Use Certificate dt. 15/05/2019 issued by Mamlatdar, Dhrol; a notarised copy of Non – Encumbrance Certificate by Dhrol Nagarpalika; a notarised copy of building plan, approved by Municipal Authority; a notarised copy of building completion certificate issued by Municipal authorities of Dhrol after inspection on 15/05/2019 and showing a total built up area 1875.34 sq. mts. in Building – 1 (Ground Floor only 914.32 sq. mts.) and Building – 2 (480.51 sq. mts. each in ground and first floors); and two notarised copies of FDRs.

AND WHEREAS the appellant, referring to their presentation before the Committee on 08/07/2019, in a letter dt. 12/07/2019, stating that they submitted an old building completion certificate which did not include proposed work, enclosed a revised building completion certificate for all built up area available for B.Ed. course. This certificate issued after an inspection on 11/07/2019 by the same Municipal Authorities shows a total built up area of 2294.71 sq. mts in building – 1 (ground floor 989.00 sq. mts and first floor 344.69 sq. mts.) and in building – 2 (480.51 sq. mts. each in ground and first floors).

AND WHEREAS the Committee noted that there is a considerable difference in the built-up area shown in the two building completion certificates issued within a gap of less than two months. In the second certificate the built-up area in the ground floor of the building – 1 has been increased from 914.32 sq. mts. to 989 sq. mts. and a first floor of 344.69 sq. mts has been added, which was not there in the first certificate, without any substantiated explanation. Further the built-up area figures given in the two certificates do not match with the figures given in the building plan.

AND WHEREAS the Committee noted that according to the Norms and Standards for B.Ed. course contained in Appendix – 4 to the NCTE Regulations, 2014, the built up area required for two units of B.Ed., for which the WRC issued revised recognition to the appellant, is 2000 sq. ft., while the built up area shown in the building completion certificate issued after an inspection on 15/05/2019 is 1875.34 sq. mts., which is less than the required 2000 sq. mts. The building completion certificate issued on 11/07/2019 showed 2294.71 sq. mts., without valid explanation and which also does not match with the building plan. In these circumstances, the Committee concluded that the WRC was justified in withdrawing recognition on the ground that the appellant did not submit a building completion certificate in response to the Show Cause Notice and the Building Completion Certificates submitted in appeal do not satisfactorily establish availability of the requisite built up area and therefore, the appeal deserved to be rejected and the order of WRC dt. 12/04/2019 withdrawing recognition 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 WRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the WRC is confirmed.

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

(Sanjay Awasthi) Member Secretary

^{1.} The Principal, Smt. S.B. Gardi B.Ed. College, Jamnagar - 361210, Gujarat.

^{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 Gujarat, Gandhinagar.



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F.No.89-206/E-118667/2019 Appeal/20th Mtg.-2019/8th July, 2019 NATIONAL COUNCIL FOR TEACHER EDUCATION NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Punyagiri College of Education, Srungavarapukota, No. Order the against 16/05/2019 is dated Pradesh Andhra SRO/NCTE/SRCAPP2757/B.Sc.B.Ed/AP/2019-102929 dated 05.04.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "exclusive infrastructural facilities were not provided for the proposed course. Even the Building Completion Certificate is not mentioning that the building is meant for B.Sc. B.Ed. programme. Further, the recent staff list is also not furnished as per amended NCTE Regulations, 2017."

AND WHEREAS Dr. Ch. Satya Rao, Principal, Punyagiri College of Education, Srungavarapukota, Andhra Pradesh presented the case of the appellant institution on 08/07/2019. In the appeal and during personal presentation it was submitted that exclusive infrastructural facilities were provided to the proposed course and a copy of the Building Completion and Building Plan are enclosed for clarification. As per the provisions of NCTE Regulations 2014, the teaching staff are recruited in the year 2016 at the time of getting the formal recognition; the old format was used to furnish their details, as there were no specific instructions issued in the show cause regarding the staff particulars format. If only our continuation of the recognition is considered by the benevolent authorities, we shall immediately furnish the staff details as per NCTE amended Regulations, 2017.

AND WHEREAS the Committee noted that the appellant has re-submitted the Building Completion Certificate submitted earlier to the SRC by writing 'B.Sc. B.Ed. course' against item nos. 17 and 18 of the certificate. The total built up area shown against item 15 of the certificate i.e. 1905.21 sq. mts. does not tally with the figure of

1544.16 sq. mts. shown against item no. 19 in the certificate. Further, it is not clear whether the area of multipurpose hall i.e. 200.03 sq. shown against item no. 20 in the certificate is included in 1544.16 sq. mts. The Committee also noted that the built-up area shown in the Building Completion Certificate is less than what is required as per the Norms and Standards for B.A. B.Ed./B.Sc. B.Ed. programme and the clarifications furnished in NCTE's Letter No. F.49-1/2016/NCTE/N&S dt. 19/01/2016. The appellant has not furnished the recent approved staff list as per the amended NCTE Regulations, 2017.

AND WHEREAS in view of the above position, the Committee concluded that the SRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of withdrawal dt. 05/04/2019 of the SRC 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 SRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

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

(Sanjay Awasthi) Member Secretary

^{1.} The Secretary, Punyagiri College of Education, Srungavarapukota – 535145, Andhra Pradesh.

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

^{3.} Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.

^{4.} The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.



10 207/E 118669/2019 Appeal/201

F.No.89-207/E-118669/2019 Appeal/20th Mtg.-2019/8th July, 2019
NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Shekhawati B.Sc./B.Ed. College, Sikar, Rajasthan dated 10/05/2019 is against the Order No. NRC/NCTE/261st Meeting/2016/164009 dated 29.12.2016 of the Northern Regional Committee, returning their application for grant of recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course, with all the documents, on the ground that "the online application has not been registered on server/portal of the NCTE."

AND WHEREAS Sh. Ramchandra, Lecturer, Shekhawati B.Sc./B.Ed. College, Sikar, Rajasthan presented the case of the appellant institution on 08/07/2019. In the appeal and during personal presentation it was submitted that they have made the payment online soon after filing application which they can show at the time of hearing. Your office would have sent us a reminder or a show cause notice before rejecting our file so that we could have sent our reply along with the supportings but unfortunately our file has been rejected and has not given us any chance for submitting our reply.

AND WHEREAS the Committee noted that the NRC returned the hard copy of the application of the appellant on 29/12/2016 and the appellant appealed against the decision after more than two years and four months. The reason adduced for delay in appealing is that after filing and completing all formalities, they did not receive any response and after a considerable period of time, when they approached the office and enquired about their application, they found that their application was rejected long time back.

AND WHEREAS the Committee noted that as per the provisions of Section 18 of the NCTE Act, 1993, appeals to the Council may be made against any order issued

under Section 14, Section 15 or Section 17 of the said Act. The order of the NRC dt. 29/12/2016 is not an order made under any of the above Sections of the Act. Notwithstanding this position, the reason adduced by the institution for delayed request is not a satisfactory/sufficient cause. In these circumstances, 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 concluded not to admit the appeal on ground of delay. Hence the appeal is not admitted.

(Sanjay Awasthi) Member Secretary

1. The Secretary, Shekhawati B.Sc./B.Ed. College, Sikar – 332031, 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.



F.No.89-210/E-119271/2019 Appeal/20th Mtg.-2019/8th July, 2019 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Lokmanya Tilak Education College, Madhav Nagar, against the 27/05/2019 is Pradesh dated Madhya Ujjain, WRC/OAPW0139/213021/B.Ed./306th /2019/203328-203335 dated 09.05.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the revised recognition order was issued to the institution on 31.05.2015. The Show Cause Notice was issued to the institution 27.07.2016. The institution has submitted reply of Show Cause Notice on 16.08.2016, 11.01.2019 & 04.02.2019. On perusal of the reply of the institution, it is observed that the institution has not submitted the following documents: The institution has not submitted original staff profile along with a letter granting approval for the selection or appointment of faculty issued by the affiliating body as per NCTE Amendment Regulations, 2017. The institution has not submitted NEC issued by the competent authority. The institution has submitted Building Completion Certificate issued from private architects in place of Ujjain Nagar Palika Nigam. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for B.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS the appellant filed a W.P. (C) 5484/2019 & CM Appls24063/2019 & CM Appls24063/2019 & CM Appls 24063/2019 & 24034/2019 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court, in their order dt. 21/05/2019, disposed of the petition permitting the petitioner to file an appeal against the impugned decision of the WRC, in terms of Section 18 of the NCTE Act, before the Appellate Committee, within one week. The Hon'ble High Court also observed that such appeal, if filed within the above period, the date and time of which would be communicated to the petitioner on its email Id and would be disposed of within a period of four weeks from the date of hearing. The Hon'ble High Court directed that till the disposal of the

appeal by the Appellate Committee, the petitioner institute shall be allowed to continue to function.

AND WHEREAS Dr. Pallavi Aadhav, Principal and Sh. Bharat Vyas, Secretary, Lokmanya Tilak Education College, Madhav Nagar, Ujjain, Madhya Pradesh presented the case of the appellant institution on 08/07/2019. In the appeal and during personal presentation and in a letter dt. 08/07/2019 it was submitted that they had submitted staff list, Non Encumbrance Certificate and Building Completion Certificate to the WRC with their replies dt. 11/01/2019 and 04/02/2019. The appellant, with their letter dt. 08/07/2019 submitted a copy of the letter dt. 19/06/2019 addressed to the Vikram University requesting approval for the staff; a copy of the university's letter dt. 20/06/2019 forwarding the staff list; a notarised copy of staff profile containing 18 faculty members, a notarised copy of Non - Encumbrance Certificate dt. 14/05/2019 issued by Tehsildar, Ujjain; and a notarised copy of the Building Completion Certificate prepared by private Architects & Engineer and countersigned by the Engineer of Ujjain Nagarpalika Nigam. This building completion certificate showed a total built up area of 6773.07 sq. ft. The appellant, with their letter dt. 12/07/2019, stating that they made a mistake in conversion in the building completion certificate submitted on 08/07/2019, enclosed a notarised copy of the Building Completion Certificate, prepared by a private engineer and countersigned by the Engineer and Zonal Officer of Ujjain Nagarpalika This certificate shows a total built up area of 2806.96 sq. mts. in ground and Nigam. first floors.

AND WHEREAS the Committee noted that appellant merely citing a conversion mistake, submitted a Building Completion Certificate in correct sq. mts. The measurements given in the two certificates i.e. 6773.07 sq. ft. and 2806.96 sq. mts., which are vastly different, do not have any relevance to the so called 'conversion mistake'. The appellant has not given any substantiated explanation/justification for the variations in the built up area. Further the Committee noted that in the building plan submitted by the appellant to the WRC with their letter dt. 11/01/2019, the total built up area (both existing and proposed) in ground and first floors is only 1940.06 sq. mt., which is much less than 2806.96 sq. mts.

Standards for B.Ed. course contained in Appendix – 4 to the NCTE Regulations, 2014, the built up area required for two units of B.Ed., for which the WRC issued revised recognition to the appellant, is 200 sq. mts. The appellant, as mentioned in the previous paras, has not given a satisfactory and acceptable explanation for submitting different building completion certificates, for a building which is reported to have been constructed in the years 2003-04. None of them is in conformity with the built up area envisaged in the building plan, which itself is less than the required 2000 sq. mts. In these circumstances, the Committee concluded that the WRC was justified in withdrawing recognition on the ground that the building completion certificate submitted to them was issued by Private Architects and not by Ujjain Nagarpalika Nigam and the appellant has not shown acceptable evidence of having the requisite built up area and therefore, the appeal deserved to be rejected and the order of the WRC dt. 09/05/2019 withdrawing recognition 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 WRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the WRC is confirmed.

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

(Sanjay Awasthi) (Member Secretary

1. The Principal, Lokmanya Tilak Education College, Neelganga Road, Madhav Nagar, Ujjain – 456010, 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.89-211/E-119600/2019 Appeal/20th Mtg.-2019/8th July, 2019 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Bharath College of Education, Neelagiri, Therkku Thottam, Bharath Avenue Thanjavur, Tamil Nadu dated 03/06/2019 is against the Order No. SRC/NCTE/APSO4806/104920-4924 dated 06.06.2019 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the ground that "the institution has not submitted any reply to the Show Cause Notice dt. 15.06.2017."

AND WHEREAS Prof. P.C. Kumar, Admin. Officer, Bharath College of Education, Neelagiri, Therkku Thottam, Bharath Avenue Thanjavur, Tamil Nadu presented the case of the appellant institution on 08/07/2019. In the appeal and during personal presentation and in a letter dt. 05/07/2019 it was submitted that they replied to the Show Cause Notice with all supporting documents on 04/07/2017 and the reply was sent by speed post. The appellant enclosed a notarised copy of their letter dt. 04/07/2017 as also a notarised copy of the Speed Post Receipt dt. 04/07/2017.

and whereas the Committee noted that the appellant's reply dt. 04/07/2017 is not in the file of the SRC. Since the appellant has shown evidence of their sending the reply, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the reply of the appellant dt. 04/07/2017, to be sent to them again by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the SRC their reply dt. 04/07/2017, with all its enclosures, 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

to remand back the case to the SRC with a direction to consider the reply of the appellant dt. 04/07/2017, to be sent to them again by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the SRC their reply dt. 04/07/2017, with all its enclosures, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Bharath College of Education, Neelagiri, Therkku Thottam, Bharath Avenue Thanjavur, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi) Member Secretary

- 1. The Secretary, Bharath College of Education, Neelagiri, Therkku Thottam, Bharath Avenue Near New Bus Stand, Thanjavur 613005, 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.89-212/E-119657/2019 Appeal/20th Mtg.-2019/8th July, 2019 NATIONAL COUNCIL FOR TEACHER EDUCATION Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 30/07/2019

ORDER

WHEREAS the appeal of Pratibha Shikshak Prashikshan Mahila Mahavidyalay, Ganwar Jatan, Sanganer, Rajasthan dated 29/05/2019 is against the Order No. NCTE/NRC/NRCAPP201615295/B.A.B.Ed./B.Sc.B.Ed. - 4 Year Integrated/RJ/2017-2018/2; dated 30.04.2017 of the Northern Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "the NRC considered the reply to the SCN dt. 30/04/2017 and found that deficiencies still persisted as under: the institution has not submitted the certified registered land documents issued by the Registering Authority or civil authority concerned. The institution has not submitted the Non-Encumbrance Certificate issued by the Competent Authority indicating that the land is free from all encumbrances. The institution has not submitted the readable approved Building plan signed by the Competent Govt. Authority indicating the name of course, name of the institution, Khasra No./Plot No., total land area, total built-up area and the measurements of the Multi-purpose Hall as well as the other infrastructural facilities such as class rooms etc. application is the decided that Committee Hence. the recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

AND WHEREAS the appellant, aggrieved by the order of the NRC, filed a S.B. Civil Writs No. 3651/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 18/02/2019, closed 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. Jitendra Choudhary, Cashier and Ms. Rekha Choudhary, Lecturer, Pratibha Shikshak Prashikshan Mahila Mahavidyalay, Ganwar Jatan, Sanganer, Rajasthan presented the case of the appellant institution on 08/07/2019. In the appeal and during personal presentation it was submitted that this institution has applied online for grant of recognition for B.A. B.Ed./B.Sc. B.Ed. course on 30.05.2016 and hard copy of application was submitted to NRC, NCTE on 02/06/2016. The NRC, NCTE has issued a Show Cause Notice on 16.03.2017 in which certain deficiencies have been mentioned. This institution had submitted reply of show cause notice to NRC, NCTE on 24.04.2017 vide diary No. 167380. Copy of reply letter is annexed. NRC, NCTE had rejected the application of this institution on ground that deficiencies still persisted vide letter no. NCTE/NRC/ NRCAPP201615295/ B.A. B.Ed./B.Sc. B.Ed.-4 Years Integrated/RJ/2017-2018/2 date 30.04.2017, although this institution had submitted all required documents to NRC, NCTE on 24.04.2017. Non-Encumbrance Certificate issued by Jaipur Vikas Pradhikaran, Jaipur was submitted to NRC, NCTE along with hard copy of application. Copy of new Non-Encumbrance Certificate issued by Jaipur Vikas Pradhikaran, Jaipur is annexed. Copy of approved building map is annexed. Thus NRC, NCTE has rejected the application of this institute for grant of recognition of B.A. B.Ed./B.Sc. B.Ed. course on the ground that deficiencies still persisted while this institution had already submitted reply of Show Cause Notice along with all required documents to NRC, NCTE prior to rejection of application. Thus, the rejection of application of this institution made by NRC, NCTE is on illegal, unlawful, arbitrary, unjustified and unconstitutional basis. Therefore, it is prayed that the rejection order issued by NRC, NCTE be set aside and directions be issued to NRC, NCTE for further process of application of this institute for grant of recognition of B.A. B.Ed./B.Sc. B.Ed. course

AND WHEREAS the submission of the appeal has been delayed by one year and eleven months beyond the prescribed period of sixty days. The appellant has not given any reason whatsoever for the delay.

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 such an appeal may be preferred within sixty days of issue of such According to the provisions of Section 18 (2) of the Act no appeal shall be orders. admitted if it is preferred after the expiry of the period prescribed therefor, provided that 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 Committee noted that the appellant has not indicated any cause for not preferring the appeal within the prescribed period of sixty days. Hence 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 decided not to admit the appeal.

> (Sanjay Awasthi) Member Secretary

2. The Secretary, Ministry of Human Resource Development, Department of School Education

& Literacy, Shastri Bhawan, New Delhi.

4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

^{1.} The Chairman, Pratibha Shikshak Prashikshan Mahila Mahavidyalay, Ganwar Jatan, Ring Road, Sanganer - 303905, Rajasthan.

^{3.} Regional Director, Northern Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi -110075.



F.No.89-214/E-120026/2019 Appeal/20th Mtg.-2019/8th July, 2019 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Rural B.Ed. College, Aurad, Karnataka dated 25/05/2019 is against the Order No. SRO/NCTE/APSO2404/B.Ed/KA/2019-102724 dated 03.04.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the 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 institution has not responded to the Show Cause Notice served till date. Hence, the Committee decided to withdraw the recognition under Section 17 (1) of the NCTE Act."

AND WHEREAS Sh. Dhana Jiv. Rode, Principal, Rural B.Ed. College, Aurad, Karnataka presented the case of the appellant institution on 08/07/2019. In the appeal and during personal presentation it was submitted that the SRC decision to withdraw the recognition of the institution for the B.Ed. course without giving any reasonable opportunity to the institution is against the first proviso of section 17 (I) of the NCTE Act, 1993 which lays down as under: "Contravention of Provisions of the Act and Consequences there of (1) Where the Regional Committee is, on its own motion or on any representation received from any person, satisfied that a recognised institution has contravened any of the provisions of this Act, or the rules, regulations, orders made or issued thereunder, or any condition subject to which recognition under sub-section (3) of section 14 or permission under sub-section (3) of section 15 was granted, it may withdraw recognition of such recognised institution, for reasons to be recorded in writing: Provided that no such order against the recognised institution shall be passed unless a reasonable opportunity of making representation against the proposed order has been given to such recognised institution: Provided further that the order

withdrawing or refusing recognition passed by the Regional Committee shall come into force only with effect from the end of the academic session next following the date of communication of such order." It is pertinent to mention that SRC NCTE has given no opportunity to institution of making representation against the proposed order by the The letter/SCN-dated 20.05.2016 was never served to the institution Respondent. and the entire ground of passing the impugned order dated 03.04.2019 is perverse, arbitrary and illegal in the eye of law. The ground for the withdrawal of the recognition is totally based on wrong analysis and incorrect consideration of the prevailing law enforced and wrong examination of the documents. The Appellant has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and respondent is illegally blocking it from running the course which is clearly unwarranted and unlawful. Therefore, it is humbly prayed and requested that that instant appeal be considered and decided on merits, and the order letter dated 03.04.2019 served by the SRC, NCTE be quashed and set aside. Any other order or direction is fit and proper in the facts and circumstance of the present case be passed in favour of appellant.

AND WHEREAS the Committee noted that as submitted by the appellant, the SRC, before issuing the withdrawal order dt. 03/04/2019 did not provide a reasonable opportunity of making representation against the proposed order to the appellant institution as per the first Proviso to Section 17 (1) of the NCTE Act, 1993. Further the letter dt. 20/05/2016 referred to in the withdrawal order, which the appellant claims that they have not received, is only for payment of balance of shifting fee and not a show cause notice. In these circumstances, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to issue a Show Cause Notice to the appellant institution and take further action as per the provisions of the NCTE Act, 1993.

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 the SRC with a direction to issue a Show Cause

Notice to the appellant institution and take further action as per the provisions of the NCTE Act, 1993.

NOW THEREFORE, the Council hereby remands back the case of Rural B.Ed. College, Aurad, Karnataka to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi) Member Secretary

1. The Principal, Rural B.Ed. College, Aurad – 585326, Karnataka.

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

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

4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.



F.No.89-215/E-120031/2019 Appeal/20th Mtg.-2019/8th July, 2019 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Sardar Patel College, Aloda, Dataramgarh, Reengus, Rajasthan dated 01/06/2019 is against the Order No. NRC/NCTE/NRCAPP-11913/257th (Part-3) Meeting/2016/159349 dated 29.09.2016 of the Northern Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "the institution was given show cause notice vide letter dt. 14.12.2015 with direction to submit the reply within 30 days. The institution did not submit any reply of show cause notice within stipulated time."

AND WHEREAS the appellant filed a S.B. Civil Writs No. 5859/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 03/04/2019, granted the request of the petitioner to withdraw the Writ Petition with liberty to file an appeal under Section 18 of the Act and allowed the Writ Petition to be dismissed as withdrawn. The Hon'ble High Court also directed that if such an appeal is preferred, the question regarding limitation shall not be considered and appeal shall be decided on merits.

AND WHEREAS Sh. Narayan Singh, President, Sardar Patel College, Aloda, Dataramgarh, Reengus, Rajasthan presented the case of the appellant institution on 08/07/2019. In the appeal and during personal presentation and in a letter dt. 08/07/2019 it was submitted that soon after receiving of Show cause notice dated 14.12.2015, they had sent a letter to the regional office on 21.12.2015 stating that they had applied for NOC from the Affiliating body and will submit soon after they received the same. Within 9 months i.e., before rejection of their application, the NRC NCTE has conducted so many meetings and since their college's name has not appeared in

any of the minutes of meeting, they understood that the NRC has considered their letter and their application is in progress. Had they not received their letter, they would have rejected the application in the very first meeting soon after completion of 30 days but they have not and in the meantime, they had also submitted the NOC vide their letter dated 30.05.2016 to NRC NCTE and were rest assured that their application will be considered for the next process. After considerable period of time, when they have not received any letter from office, they approached the office and found that their application has been rejected after 9 months from the date of issue of show cause notice. After many follow-ups they had managed to get the rejection letter after a year. The appellant, with their letter dt. 08/07/2019, forwarded copies of their letter dt. 21/12/2015, in reply to N.R.C's letter dt. 14/12/2015 and letter dt. 30/05/2016 with which they forwarded a copy of the NOC dt. 17/05/2016 issued by Pandit Deendayal Upadhyaya Shekhawati University, Sikar to the NRC.

AND WHEREAS the Committee noted that, while the two letters dt. 21/12/2015 and 30/05/2016 are not found in the N.R.C's file, the copy of the letter dt. 30/05/2016, with which the N.O.C. was forwarded, bears the stamped receipt of NRC no. 143038 dt. 30/05/2016. In these circumstances, the Committee concluded that the matter deserved to be remanded to the NRC with a direction to verify the receipt of the appellant's letter dt. 30/05/2016 and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the NRC a copy of their letter dt. 30/05/2016, with its enclosures within 15 days of receipt of orders on the appeal to facilitate further action.

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 NRC with a direction to verify the receipt of the appellant's letter dt. 30/05/2016 and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the NRC a copy of their letter dt. 30/05/2016, with its enclosures within 15 days of receipt of orders on the appeal to facilitate further action.

NOW THEREFORE, the Council hereby remands back the case of Sardar Patel College, Aloda, Dataramgarh, Reengus, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

- 1. The President, Sardar Patel College, Aloda, Dataramgarh, Reengus 332602 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.





F.No.89-216/E-119986/2019 Appeal/20th Mtg.-2019/8th July, 2019 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Umiyaji Parivar Education Trust Mahila B.Ed. College, Order 30/05/2019 is against the dated Dhrol, Gujarat WRC/APW00543/323154/GUJ./304th/2019/202818 dated 12.04.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "The compliance letter was issued to the institution on 22.02.2018. The institution has submitted reply dated 15.03.2018 & 30.04.2018 received in WRC office on 16.03.2018 & 07.05.2018. On perusal of the reply of the institution it is observed that the institution has not submitted the following documents: The institution has not submitted a letter granting approval for the selection or appointment of faculty, issued by the affiliating body as per NCTE Regulations 2014. The institution has not submitted building completion certificate issued by the competent authority. The institution has not submitted Registered land documents as per NCTE Regulations. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for B.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS Sh. Babubhai Ghodasara, President and Sh. Ramesh, Representative, Umiyaji Parivar Education Trust Mahila B.Ed. College, Dhrol, Gujarat presented the case of the appellant institution on 08/07/2019. In the appeal and during personal presentation it was submitted that copies of letters from Saurasthra University, for the Selection Committee members is attached along with copies of advertisement. Copy of Building Completion Certificate issued by the Competent Authority is attached. Copies of all land documents attached herewith. The appellant, with their letter dt. 08/07/2019, submitted a copy of the staff profile of eleven members, including a Librarian, countersigned by the Registrar, Saurashtra University, Rajkot, a notarised copy of the Building Completion Certificate signed by the Municipal Engineer

and Chief Officer, Dhrol Nagarpalika and a copy of land lease agreement dt. 23/05/2019 between two trusts.

AND WHEREAS the Committee noted that according to the provisions of Clause 8 (4) (i) of the NCTE Regulations, 2014 no institution shall be granted recognition unless the institution or society sponsoring the institution is in possession of the required land free from encumbrance either on ownership basis or on lease from Government or Government Institutions. From the Lease Agreement it is seen that the owner of the land is one Trust and Lessee is another Trust. This lease agreement is, therefore, a private lease and not from any Government or Government institutions. In these circumstances, the Committee concluded that the WRC was justified in withdrawing recognition on the ground that the appellant, even in appeal, has not submitted registered land documents acceptable as per the NCTE Regulations and therefore, the appeal deserved to be rejected and the order of the WRC dt. 12/04/2019 withdrawing recognition 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 WRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the WRC is confirmed.

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

(Sanjay Awasthi) Member Secretary

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 Gujarat, Gandhinagar.

^{1.} The Managing Trustee, Umiyaji Parivar Education Trust Mahila B.Ed. College, Dhrol – 361210, Gujarat.





F.No.89-217/E-120489/2019 Appeal/20th Mtg.-2019/8th July, 2019 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Ayyanna College of Teacher Education, Chodavaram Road, K. Kotapadu, Andhra Pradesh dated 04/06/2019 is against the Order No. SRO/NCTE/SRCAPP3383/B.A.B.Ed/AP/2019/102954 dated 05.04.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "The building plan is not exclusively for the proposed course. In the Encumbrance Certificate submitted the name of one Shri Shaik Ayyanna Saheb is reflected instead of Ayyanna Education Society exclusively. Further, the LUC is not in the proper format. In the approved building plan and the building completion certificate it is not clearly indicated the course for which it is constructed. The recent staff list is also not furnished as per the Amended NCTE Regulations, 2017 as desired in the Show Cause Notice. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act."

AND WHEREAS Dr. Sheik Khaseem, Secretary, Ayyanna College of Teacher Education, Chodavaram Road, K. Kotapadu, Andhra Pradesh presented the case of the appellant institution on 08/07/2019. In the appeal and during personal presentation it was submitted that the SRC decision to withdraw the recognition of the institution for the BA B.Ed. course without giving any reasonable opportunity to the institution is against the first proviso of section 17 of the NCTE Act, 1993. That the institution has submitted its reply vide letter dated 29.11.2018 with all the requisite document of the SCN dated 06.11.2018 issued on 13.11.2018 and the entire ground of passing the impugned order dated 05.04.2019 is perverse, arbitrary and illegal in the eye of law. The institution have exclusive building plan for the proposed course. The institution have submitted the Gift settlement deed in the favor of Ayyana Education society and Sheik Khaseem, Secretary, Ayyana Education Society. It is also relevant to mention

that House Tax in the name of Ayyana Education Society has been paid for last ten years. The institution has submitted the Land Use Certificate from Tahsildar, Mandal Revenue Department, Government of Andhra Pradesh and receipt for the land Sistu Nala paid to pattidar in the name of Ayyana Education Society. The institution as per provision of NCTE Regulations, 2014 have recruited the teaching staff. It is pertinent to mention that at the time of recognition order the faculty list was submitted in old format and institution undertakes that it would submit the faculty list as per the NCTE Amended Regulations 2017. The ground for the withdrawal of the recognition is totally based on wrong analysis and incorrect consideration of the prevailing law enforced and wrong examination of the documents.

AND WHEREAS the appellant, in the course of presentation submitted a copy of the building plan, in which the words 'Four years integrated B.A. B.Ed./B.Sc. B.Ed'. have been added. He submitted a copy of the Statement of Encumbrance on property dt. 17/06/2019 in which the names of Shiek Ayyanna Saheb and Shiek Khasim Ayyanna Educational Society have been mentioned as the Executant and Claimant respectively. The appellant now submitted a building completion certificate in which the name of the course is mentioned. But this certificate is different having 25 items compared to the one submitted in reply to the show cause notice, which has only 11 items. In the course of presentation, the appellant verbally informed that the course has not yet been started after grant of recognition in 2016.

AND WHEREAS the Committee noted that the SRC issued the Show Cause Notice dt. 13/11/2018 under Section 17 of the NCTE Act, 1993. The Committee also noted that the appellant has not furnished the latest staff list as per the Amended NCTE Regulations, 2017 duly approved by the affiliating body. In these circumstances, the Committee concluded that the SRC was justified in withdrawing recognition on the ground of non-submission of approved staff list as per the amended NCTE Regulations, 2017 and therefore, the appeal deserved to be rejected and the order of the SRC 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 SRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

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

(Sanjay Awasthi) Member Secretary

1. The Secretary, Ayyanna College of Teacher Education, Chodavaram Road, K. Kotapadu – 531034, Andhra Pradesh.

2. The Secretary, Ministry of Human Resource Development, Department of School Education

& Literacy, Shastri Bhawan, New Delhi.

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

4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.



F.No.89-218/E-120490/2019 Appeal/20th Mtg.-2019/8th July, 2019 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Ayyanna College of Teacher Education, Chodavaram Road, K. Kotapadu, Andhra Pradesh dated 04/06/2019 is against the Order No. SRO/NCTE/SRCAPP14826/B.Sc.B.Ed./AP/2019/102945 dated 05.04.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "The building plan is not exclusively for the proposed course. In the Encumbrance Certificate submitted the name of one Shri Shaik Ayyanna Saheb is reflected instead of Ayyanna Education Society exclusively. Further, the LUC is not in the proper format. In the approved building plan and the building completion certificate it is not clearly indicated the course for which it is constructed. The recent staff list is also not furnished as per the Amended NCTE Regulations, 2017 as desired in the Show Cause Notice. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act."

AND WHEREAS Dr. Sheik Khaseem, Secretary, Ayyanna College of Teacher Education, Chodavaram Road, K. Kotapadu, Andhra Pradesh presented the case of the appellant institution on 08/07/2019. In the appeal and during personal presentation it was submitted that the SRC decision to withdraw the recognition of the institution for the BA B.Ed. course without giving any reasonable opportunity to the institution is against the first proviso of section 17 of the NCTE Act, 1993. That the institution has submitted its reply vide letter dated 29.11.2018 with all the requisite document of the SCN dated 06.11.2018 issued on 13.11.2018 and the entire ground of passing the impugned order dated 05.04.2019 is perverse, arbitrary and illegal in the eye of law. The institution have exclusive building plan to the proposed course. The institution have submitted the Gift settlement deed in the favor of Ayyana Education society and Sheik Khaseem, Secretary, Ayyana Education Society. It is also relevant to mention

that House Tax in the name of Ayyana Education Society has been paid for last ten years. The institution has submitted the Land Use Certificate from Tahsildar, Mandal Revenue Department, Government of Andhra Pradesh and receipt for the land Sistu Nala paid to pattidar in the name of Ayyana Education Society. The institution as per provision of NCTE Regulations, 2014 have recruited the teaching staff. It is pertinent to mention that at the time of recognition order the faculty list was submitted in old format and institution undertakes that it would submits the faculty list as per the NCTE Amended Regulations 2017. The ground for the withdrawal of the recognition is totally based on wrong analysis and incorrect consideration of the prevailing law enforced and wrong examination of the documents.

AND WHEREAS the appellant, in the course of presentation submitted a copy of the building plan, in which the words 'Four years integrated B.A. B.Ed./B.Sc. B.Ed'. have been added. He submitted a copy of the Statement of Encumbrance on property dt. 17/06/2019 in which the names of Shiek Ayyanna Saheb and Shiek Khasim Ayyanna Educational Society have been mentioned as the Executant and Claimant respectively. The appellant now submitted a building completion certificate in which the name of the course is mentioned. But this certificate is different having 25 items compared to the one submitted in reply to the show cause notice, which has only 11 items. In the course of presentation, the appellant verbally informed that the course has not yet been started after grant of recognition in 2016.

AND WHEREAS the Committee noted that the SRC issued the Show Cause Notice dt. 13/11/2018 under Section 17 of the NCTE Act, 1993. The Committee also noted that the appellant has not furnished the latest staff list as per the Amended NCTE Regulations, 2017 duly approved by the affiliating body. In these circumstances, the Committee concluded that the SRC was justified in withdrawing recognition on the ground of non-submission of approved staff list as per the amended NCTE Regulations, 2017 and therefore, the appeal deserved to be rejected and the order of the SRC 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 SRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

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

(Sanjay Awasthi) Member Secretary

1. The Secretary, Ayyanna College of Teacher Education, Chodavaram Road, K. Kotapadu – 531034, Andhra Pradesh.

2. The Secretary, Ministry of Human Resource Development, Department of School Education

& Literacy, Shastri Bhawan, New Delhi.

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

4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.



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F.No.89-219/E-120704/2019 Appeal/20th Mtg.-2019/8th July, 2019 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Sri Srinivasa College of Education, 7th Street, Vuyyuru, Andhra Pradesh dated 10/06/2019 is against the Order No. SRO/NCTE/SRCAPP3515/B.Sc.B.Ed./AP/2019-103015 dated 05.04.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "It is observed that the proposed approved plan for building belongs to Sri Paruchuri Srinivasa Rao. As such the plan is not approved for the proposed College of Teacher Education. The recent staff list is also not furnished as per the Amended NCTE Regulations, 2017. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act."

AND WHEREAS Sh. P. Srinivasa Rao, Secretary, Sri Srinivasa College of Education, 7th Street, Vuyyuru, Andhra Pradesh presented the case of the appellant institution on 08/07/2019. In the appeal and during personal presentation it was submitted that (i) after processing of their application and conducting an inspection SRC granted recognition for conducting B.Sc. B.Ed. course on 02/05/2016; (ii) SRC also issued recognition for conducting D.El.Ed. course; (iii) the SRC issued a Show Cause Notice dated 06/11/2018; (iv) the appellant, with their letter dt. 27/11/2018 forwarded the entire documents to SRC including the building plan dt. 28/11/2011 and approved faculty list and the university's letter; (v) the building plan of the appellant institution was approved as per G.O.M.S. No. 67PRRD (DS4) dt. 02/06/2002 in the name of the Parent Society i.e. Vidyaranga Educational Society vide authority letter dt. 28/11/2011 (vi) despite their reply to the Show Cause Notice, SRC withdrew recognition arbitrarily; (vii) SRC has not issued a Show Cause Notice on the grounds on which the withdrawal order has been issued; (viii) SRC is wrong in passing the impugned withdrawal order as the Act stipulates the provision for withdrawal of

recognition from the next effective session; (ix) they filed a Writ Petition (Civil) No. 6458 of 2019 before the Hon'ble High Court of Delhi at New Delhi and the Hon'ble High Court in their order dt. 29/05/2019 directed the petitioner institution to file a statutory appeal and stayed the operation of the withdrawal order (a copy of this order not enclosed to the appeal is available in the file of the SRC).

AND WHEREAS the Committee noted that the appellant, in response to the Show Cause Notice dt. 06/11/2018 in which inter-alia 'all documents regarding creation of infrastructural facilities by the institution to run Teacher Education Programme (TEP) as per provisions of NCTE Regulations, 2014' were called for, submitted various documents including a building plan in which, besides the name of Vidyaranya Educational Society, it is mentioned that it belongs to Sri Paruchuri Srinivasa Rao. The Committee noted that in another blueprint of the plan available in the file, it is mentioned that building for Vidyaranya Educational Society belongs to Sri Paruchuri Srinivasa Rao. In the plan for the change of roof from AC Sheets to RCC roof slab in the second floor of the building, forwarded with the appeal, it is stated that it belongs to Vidyaranya Education Society, represented by its Secretary Sri Paruchuri Srinivasa Rao. None of these plans indicate that it is for the proposed college of Teacher Education.

AND WHEREAS the appellant, with the appeal enclosed a copy of the staff list, signed <u>not</u> by the Registrar of the university but by the Coordinator, College Development Council of the University, who was earlier nominated by the university as a member of the Selection Committee. Further there is no indication when the selection of staff was made.

AND WHEREAS in view of the above position, the Committee concluded that the SRC was justified in withdrawing recognition on the two grounds mentioned in the withdrawal order and therefore, the appeal deserved to be rejected and the order of the SRC 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 SRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

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

(Sanjay Awasthi) Member Secretary

1. The Secretary, Sri Srinivasa College of Education, 7th Vuyyuru – 521165, Andhra Pradesh.

2. The Secretary, Ministry of Human Resource Development, Department of School Education

& Literacy, Shastri Bhawan, New Delhi.

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

4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.



F.No.89-220/E-120697/2019 Appeal/20th Mtg.-2019/8th July, 2019 NATIONAL COUNCIL FOR TEACHER EDUCATION 110.00

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Amrutha College of Education, Mulaguntapadu, Singarayakonda, Andhra Pradesh dated 10/06/2019 is against the Order No. SRC/NCTE/APSO8714/B.Ed/AP/2019/103611 dated 24.04.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "(i) Certified copy of land documents not submitted. (ii) Building Plan old and new are contrary to each other. (iii) If the land is in the name of the Society, it should reflect in Encumbrance Certificate instead many Encumbrance Certificates were issued for different plots which is against NCTE Norms. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act."

AND WHEREAS the appellant, aggrieved by the order of the SRC, filed a W.P. (C) 5995/2019 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court, in their order dt. 27/05/2019, permitted the petitioner to file an appeal against the impugned order dt. 24/04/2019, withdrawing petitioner's recognition, before the Appellate Committee of the NCTE within a period of one week from today. The Hon'ble High Court also observed that during the pending of the appeal, the operation of the impugned order would remain stayed. The Hon'ble High Court also observed that such appeal, if filed, shall be decided by the Appellate Committee within eight weeks therefrom. The Hon'ble High Court further observed that pending decision of the appellate authority, operation of the order withdrawing petitioner's recognition shall remain stayed. The Hon'ble High Court, in their order, permitted the petitioner to participate in the counselling exercise.

AND WHEREAS Sh. Kesavarapu Jali Reddy, Member, Amrutha College of Education, Mulaguntapadu, Singarayakonda, Andhra Pradesh presented the case of the appellant institution on 08/07/2019. In the appeal and during personal presentation it was submitted that (i) the appellant institution was granted recognition for conducting B.Ed. course with an annual intake of 100 students on 18/10/2007 after verifying the infrastructural and instructional facilities; (ii) as per the provisions of the NCTE Regulations, 2014, SRC issued a revised recognition with an annual intake of 100 students on 06/05/2015; (iii) SRC issued a show cause notice dt. 31/01/2019 for submission of the documents mentioned therein; (iv) the appellant submitted a reply to the show cause notice in their letter dt. 25/02/2019 enclosing the entire documents as demanded; (v) the SRC is wrong in passing the impugned order as the Act stipulates the provisions for withdrawal of recognition from next effective session; (vi) SRC is wrong in taking decision to withdraw recognition as no show cause notice as per the provisions of Section 17 of the NCTE Act, 1993 was issued on the grounds on which withdrawal has been decided; and (vii) the SRC issued withdrawal order pointing out certain other points which were not part of the show cause notice and the appellant had no opportunity to justify and explain the position with regard to building plan and NEC. The appellant in the course of presentation submitted copies of six land sale deeds. The appellant requested restoration of recognition.

AND WHEREAS the Committee noted that that SRC in their show cause notice dt. 31/01/2019 clearly mentioned that it will take action for withdrawal of recognition and approved building plan and Non-Encumbrance Certificate have been included in the list of wanted documents. The Committee noted that building plans submitted (a) at the time of applying for recognition, (b) in response to the show cause notice dt. 31/01/2019 and (c) in the appeal are differing from each other and the appellant has not submitted any explanation in the appeal though he had an opportunity to do so. Similarly, the appellant has not submitted any explanation about the NECs. The appellant in the course of presentation submitted only copies of sale deeds and not certified copies thereof.

AND WHEREAS in view of the above position, the Committee concluded that the SRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of the SRC withdrawing recognition 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 SRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

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

(Sanjay Awasthi) Member Secretary

1. The Secretary, Amrutha College of Education, Mulaguntapadu, Singarayakonda – 523101, Andhra Pradesh.

2. The Secretary, Ministry of Human Resource Development, Department of School Education

& Literacy, Shastri Bhawan, New Delhi.

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

4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.



F.No.89-221/E-120900/2019 Appeal/20th Mtg.-2019/8th July, 2019 NATIONAL COUNCIL FOR TEACHER EDUCATION Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 30/07/2019

ORDER

WHEREAS the appeal of Rama Krishna Integrated Degree College, Raghunathpura, Sanganer, Rajasthan dated 28/02/2019 is against the Letter No. NRC/NCTE/NRCAPP201616081/ID No. 9516/294th/Meeting/2019 dated 09.02.2019 of the Northern Regional Committee, informing the appellant that one unit of B.A. B.Ed. was allotted as per the number of selected faculty submitted by the institution and the institution has to apply for recognition of one unit of B.Sc. B.Ed. as per NCTE Regulations, 2014.

Rama Krishna Integrated Degree College, Raghunathpura, Sanganer, Rajasthan presented the case of the appellant institution on 08/07/2019. In the appeal and during personal presentation it was submitted that they applied for grant of recognition for B.A. B.Ed./B.Sc. B.Ed. course and the NRC issued a Letter of Intent dt. 12/04/2017 for one unit of B.A. B.Ed. and one unit of B.Sc. B.Ed. The institution applied to Rajasthan University for approval of faculty. The university informed that last date of approval has passed and fee will not be deposited. The institution filed a writ petition in the matter and after the orders of the Hon'ble High Court dt. 01/05/2017, the University approved staff for one unit of B.A. B.Ed. by paying additional charge for next session of B.A. B.Ed. The University of Rajasthan considers B.A. B.Ed. and B.Sc. B.Ed. as separate units and affiliation fee for both of them is different. They informed the NRC that faculty approval for B.Sc. B.Ed. is under process of the University and as soon as the faculty is approved, the approval letter will be submitted.

approved the faculty for B.Sc. B.Ed. <u>vide</u> their letter dt. 03/10/2018 and the same was submitted to NRC for grant of recognition for one unit of B.Sc. B.Ed. The NRC has informed that they have to apply for grant of recognition for B.Sc. B.Ed. as per NCTE Regulations, 2014 as they have already been granted recognition for B.A. B.Ed. course. The appellant requested that they may be granted recognition for one unit of B.Sc. B.Ed. as they have the faculty for this course approved by the University. The appellant enclosed copies of the minutes of the meetings of the NRC wherein it was decided to grant recognition for two units instead of one unit of B.A. B.Ed./B.Sc. B.Ed. to some institutions.

AND WHEREAS the Committee noted that the NRC inter-alia on the basis of the approved staff list furnished by the appellant, granted recognition for one unit of B.A. B.Ed./B.Sc. B.Ed. in their order dt. 02/05/2017. NRC issued a corrigendum dt. 20/06/2017 to the order dt. 02/05/2017 stating that the recognition granted was for one unit of B.A. B.Ed. The appellant submitted the approved staff list for B.Sc. B.Ed. only on 03/11/2018. There is no provision in the NCTE Regulations, 2014 for grant of recognition in instalments with reference to the applications received for grant of Once the Regional Committee has granted a recognition after recognition. considering the documents submitted in response to the Letter of Intent, the matter attains finality. In these circumstances, the Committee concluded that the NRC was justified in taking the decision communicated to the appellant in their letter dt. 09/02/2019 and therefore, the appeal deserves to be rejected and the decision of the NRC 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 NRC was justified in in taking the decision communicated to the appellant in their letter dt. 09/02/2019 and therefore, the appeal deserved to be rejected and the decision of the NRC is confirmed.

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

(Sanjay Awasthi) Member Secretary

- 1. The Secretary, Rama Krishna Integrated Degree College, Raghunathpura (Ratlya), Diggi Road, Sanganer 302029, 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.





F.No.89-222/E-120963/2019 Appeal/20th Mtg.-2019/8th July, 2019 NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 30/07/2019

ORDER

WHEREAS the appeal of Shri Swaminarayan Gurukul B.Ed. College, Biharibag, Palanpur, Gujarat dated 21/05/2019 is against WRC/APW05529/323525/GUJ./304th/2019/202813 dated 12.04.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the SCN was issued to the institution on 26.08.2018. The institution has submitted reply dated 04.05.2017 received in WRC office on 11.05.2017. On perusal of the reply of the institution it is observed that the institution has not submitted the following documents:- The institution has not submitted a letter granting approval for the selection or appointments of faculty, issued by the affiliating body as per NCTE Regulations, 2014. The institution has not submitted building completion certificate issued by the competent authority. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for B.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS Sh. Patel A. Kumar, Representative, Shri Swaminarayan Gurukul B.Ed. College, Biharibag, Palanpur, Gujarat presented the case of the appellant institution on 08/07/2019. In the appeal and during personal presentation the appellant submitted a number of documents, which include, (i) a staff profile of 17 members approved by the I/c Registrar, Hemchandracharya North Gujarat University, Patan together with a forwarding letter from the I/c Registrar dt. 12/06/2019 and (ii) a copy of the Building Completion Certificate issued by the Executive Engineer, Panchayat (R&B) Division, Palanpur.

AND WHEREAS the Committee, noting that the appellant has submitted 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 submitted in appeal, to be sent to them by the appellant, and take further action as per the provisions of the NCTE Act, 1993 and NCTE Regulations, 2014. The appellant is directed to forward to the WRC the documents submitted in the appeal within 15 days of receipt of orders of the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC with a direction to consider the documents submitted in appeal, to be sent to them by the appellant, and take further action as per the provisions of the NCTE Act, 1993 and NCTE Regulations, 2014. The appellant is directed to forward to the WRC the documents submitted in the appeal within 15 days of receipt of orders of the appeal.

NOW THEREFORE, the Council hereby remands back the case of Shri Swaminarayan Gurukul B.Ed. College, Biharibag, Palanpur, Gujarat to the WRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi) Member Secretary

^{1.} The Principal, Shri Swaminarayan Gurukul B.Ed. College, Biharibag, Delhi Highway, Palanpur – 385001, Gujarat.

^{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 Gujarat, Gandhinagar.