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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-289/E-209369/2021 Appeal/9th Meeting, 2022
APPLNRC202114155

Lal Gee B.Ed. College, Kh.No.735/81 Gutkar, Balh, Mandi Himachal Pradesh - 175021 **APPELLANT**	**Vs**	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Mr. Paras Mahajan, Director**
Respondent by	**Regional Director, NRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Lal Gee B.Ed. College, Kh.No.735/81 Gutkar, Balh, Mandi Himachal Pradesh -175021** dated 05/10/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No./NRC/NCTE/HP-185/338th(Virtual) Meeting/2021/215174-79** dated 10.08.2021 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "First Show Cause Notice was issued on 07.10.2020. The institution has submitted its reply which was received in NRC office on 12.11.2020. Further, Final Show Cause Notice was issued on 10.02.2021. The institution has not submitted the reply of final SCN. Further, Public Notice letter was issued on 30.03.2021 the institution has submitted its reply which was received

in NRC office on 13.04.2021. The institution is still deficient on the following grounds: - The latest/ current faculty list approved and signed each page by concerned affiliating body in original with details of their teaching subject, date of birth, date selection, date of joining, academic qualifications, teaching experience, Net/PhD (NCTE's GOI dated 09.06.2017), salary structure and related documents duly attested by authorized management representative not submitted. And notarized original affidavit of Rs.100/- on non-judicial stamp paper by the management and Rs. 10/- non judicial stamp paper by each selected/ appointed faculty in the NCTE Prescribed proforma are required to be submitted. Details of salary disbursed to the faculty alongwith six months bank statement and account number of each faculty member has not been submitted. Copies of valid Fixed Deposit Receipt nationalized/ scheduled bank towards Endowment & Reserve Fund in the joint operation mode with RD, NRC-NCTE and Management alongwith duly field Bank Form 'A' in original, verified /signed by the Manager of the Bank as per NCTE Regulations 2014 has not been submitted. Downloaded copies of documents from the website of the institution with hyperlinks of the same as per provisions of 7 (14) of the NCTE Regulations 2014 has not been submitted. Building Completion Certificate signed by the Competent Government Authority has not been submitted."

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

Mr. Paras Mahajan, Director of Lal Gee B.Ed. College, Kh.No.735/81 Gutkar, Balh, Mandi Himachal Pradesh -175021 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "Matter of record. The Second show cause notice as stated to be issued by NRC on 10th Feb 2021 has never been received in our institution. Had that been received, our institution would have replied immediately as can be seen that on the basis of Public Notice dated 30.03.2021 we have submitted the reply on 13.04.2021. Matter of record. It is submitted that our institution had appointed 1+15 faculty members, qualified as per NCTE regulations and the same has been submitted to NRC on 3.11.2020 giving the entire details, as asked for by NRC in show cause notice (Annex-1) The HP University vide office order No.2-24/92-HPU (Gen.) Vol. VII dated 09.02.2015 has clarified that all private B.Ed. colleges can appoint lecturer themselves (Annex-2). The same has not been withdrawn till date. The HP University vide letter dated 04.12.2015 has clarified that there is no provision in the university ordinance for counter signature of faculty list of B.Ed. course affiliated to this university (Annex- The Affidavit from the Management and from each staff was also submitted along with reply to Show Cause Notice (Annex-3). It is submitted that the copy of detail of salary disbursed to existing faculty along with six months bank statement and account numbers have already been submitted with the reply dated 03.11.2020 to the first show cause notice dated

07.10.2020. However, a copy of same is again re-submitted (Annex-4). It is submitted that copy of FDR and Form A have already been submitted along with the reply to the first show cause notice. Further, time and again our institution has requested NRC to send back the old FDRs for 12 lacs, so as to make them for a period of five years. To further facilitate the process, we have got prepared fresh FDRs for Rs. 5.00 and 07.00 lacs which have been submitted to NRC in original on 23.08.2021, (Annex-5) with a request that the old FDRs may kindly be returned to us with NOC from NCTE, so that we can encash the same. The same have not been returned till date by NRC. The screenshot of institute website along with hyperlink have already been submitted with the reply to the first show cause notice and are also being annexed herewith as Annexure-6. It is also submitted that our website i.e., www. lalgeebed.in is fully operational and functional and up to date information has been uploaded on the website. It is submitted that our institution had submitted the Building Completion Certificate to NRC along with the reply to Show Cause Notice (Annex-7) mentioning the total land area as 3100 sqm and built-up area as 2672 sqm. Further, the building completion certificate prepared by Registered Engineer and certified by Executive Engineer HPPWD Division No. 2 Mandi, H.P. is attached as Annexure-8. Further, the decision of NRC is also against the directions of the Hon'ble High Court of Himachal Pradesh as Shimla passed in CWP No. 1603/2016 dated 21st June 2016 wherein the Hon'ble Court has directed the respondents not to withdraw the recognition of the petitioner without hearing till the next date of hearing It is to mention here that the matter is still sub-judice. Further, the Hon'ble Court in CWP No. 1311/2017 dated 12th Dec 2018 after due considering the report of Special Investigating Team and thereafter the VT Team, as directed by the Hon'ble High Court of HP has categorically clarified that as there are no deficiencies in the working of the institution, it is permitted to continue with the courses, as are being run by it. The NRC instead of permitting our institution to continue, as decided by the Hon'ble Court in W.P. No. 1311/2017 and also being aware of the fact that Hon'ble Court vide order dated 21st June 2016 has directed the NCTE not to withdraw the recognition of our institution, has issued withdrawal order to our institution. THE ABOVE ACT OF NRC CLEARLY LEADS OF CONTEMPT OF COURT."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 17.08.2007. A revised provisional recognition order was issued to the institution on dt. 23.06.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (Two unit) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 10.08.2021

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 20th November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

(i) A copy of letter dated 11.8.2022 regarding approval of Principal and 16 Assistant Professors issued Himachal Pradesh University alongwith a staff list as per prescribed format duly approved by the affiliating University.
(ii) A copy of Forma 'A' alongwith copies of FDRs (Rs. 7,00,000 + 5,00,000 = 12,00,000/-) issued by Union Bank of India
(iii) A screenshot of website alongwith hyper link required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014.
(iv) A copy of bank statement showing details of disbursement of salary
(v) A copy of Building Completion Certificate approved by Executive Engineer, Mandi Division No. II PWD, Himachal Pradesh on dated 12.08.2021.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 10.08.2021. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, passed in W.P. (C) 4382/2021 has observed as follows: -

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

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30.07.2021, passed in W.P. (C) 7260/2021 has observed as follows: -

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 10.08.2021 is set-aside and the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to NRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The NRC is at a liberty to verify the submitted documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to NRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The NRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Lal Gee B.Ed. College, Kh.No.735/81 Gutkar, Balh, Mandi Himachal Pradesh -175021**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Himachal Pradesh.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-295/E-211542/2021 Appeal/9th Meeting, 2022
APPLWRC202114161

Sourabh College for Teacher Training, Kheda, 951/2, Hindauncity, Kheda, Karauli, Rajasthan-322234 **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**No one presented**
Respondent by	**Regional Director, WRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF REFUSAL

The appeal of **Sourabh College for Teacher Training, Kheda, 951/2, Hindauncity, Kheda, Karauli, Rajasthan-322234** dated 10.10.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. **WRC/NCTE/RJ.../B.P.Ed./337th /RAJ. /216206** dated 16.07.2021 of the Western Regional Committee, refusing recognition for conducting B.P.Ed. Course on the grounds that "Proof of payment of processing fee for the initial application. Copy of acknowledgement letter/ any other communication issued by NRC. Copy of rejection/ refusal order Issued by NRC for Initial application. Affidavit from the management as asked for in the show cause notice."

II. SUBMISSIONS MADE BY APPELLANT: -

No one from Sourabh College for Teacher Training, Kheda, 951/2, Hindauncity, Kheda, Karauli, Rajasthan-322234 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "Proof of Payment of Processing Fee Submitted by Institution. Copy of Acknowledgement Letter submitted by institution. Copy of Rejection/Refusal order submitted by institution. Affidavit submitted by institution."

III. OUTCOME OF THE CASE

Appeal Committee noted that the matter was taken up by the Appeal committee for hearing in its 23rd Meeting, 2021 held on 3rd December, 2021 and further taken up in its 4th Meeting, 2022 held on 26th April 2022, but nobody has appeared to represent the institution. Further, the matter was again taken up in 9th Meeting, 2022 held on 20th November 2022, however, on the said date also nobody has appeared to represent the institution before the Appellate Committee. The Committee decided not to grant another date for hearing to the institution and decided to consider the documents and passed appropriate order on the basis of material available on record.

The Committee noted that the application of the institution for B.P.Ed. programme was refused vide order dated 16.07.2021, and it has been observed by the Committee that since then the institution has not been granted recognition and in view of the following decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022 *inter-alia* considered the following Agenda(s): -

Agenda No [5]: Decision on application, irrespective of any course, which are not in line with NEP 2020:

The Council, after consideration of Agenda placed before the Council and detailed discussion and deliberation, as below, observed the following: -

- The NEP 2020 lays down that teacher education institutions will be gradually moved into multidisciplinary colleges and universities by 2030. By 2030, the minimal qualification for a person to become a teacher will be the 4 Year integrated B.Ed. degree.

- The 2 Year B.Ed. program will also be offered only for those who have already obtained Bachelor's Degrees in other specialized subjects and the 1 Year B.Ed. program for those who have completed the equivalent of 4 Year multidisciplinary Bachelor's Degrees or who have obtained a Master's degree in a specialty and wish to become a subject teacher in that specialty.
- As per provision of Section 12 of NCTE Act, 1993 it shall be the duty of the Council to take all such steps as it may think fit for ensuring planned and co-ordinated development of Teacher Education.
- There are approximately 430 applications for various Teacher Education Programmes, other than Diploma level courses. pending at different stages in the RCs.
- NEP 2020 has brought about a paradigm shift in the Teacher Education Sector. Accordingly, NCTE is also revamping its various curricula of ITEP. 2 Year B.Ed., 1 Year B.Ed. and introducing new courses of 4 Year Physical Education and 4 Year Art Education in line with NEP 2020. These courses are also to be aligned to the various criteria laid down by UGC and in alignment with NHEQE. NCFSE and NCFTE However, the existing courses which are currently running are not in alignment with these various aspects e.g., Credit System. 4 Stages of School Education (5+3+3+4). Entry- exit policy, no hard separation etc. These changes in curricula would also necessitate changes in the norms, standards and regulations. For the reasons aforementioned, it is not feasible to process any pending applications.

In light of the above, the Council members unanimously decided the following:

I. ***At present, there are several institutions which have been recognised by the Regional Committees of NCTE wherein courses/ programme, other than diploma level courses, are running. An Expert Committee be constituted to devise the modalities for conversion of these recognised institutions into multidisciplinary institutions in line with NEP 2020.***

II. ***The applications pending before the Regional Committees of NCTE shall not be processed further. Hence, all such pending applications before RCs at any stage of processing be returned along with the processing fee to the concerned institution(s).***

III. ***In the cases where the applications are being processed/ reopened as per the directions of the Hon'ble Court (s), the concerned Regional Committee shall file a review/appeal before the Hon'ble Court(s) alongwith stay application against the order passed by the Hon'ble Court(s) for processing of application(s) in view of the decision of the Council has taken in II above.***

Noting the above decision of the General body of the NCTE, the Appeal Committee decided not to entertain the Appeal of the applicant institution and, therefore, the order of the WRC dated 16.07.2021 refusing recognition for B.P.Ed. programme of the institution is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing and in the light of decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022, the Appeal Committee of the Council concluded that the appeal of the institution cannot be entertained. Hence, the instant appeal deserves to be rejected and impugned refusal order dated 16.07.2021 of WRC is confirmed.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Sourabh College for Teacher Training, Kheda, 951/2, Hindauncity, Kheda, Karauli, Rajasthan-322234**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-296/E-211543/2021 Appeal/9th Meeting, 2022
APPLWRC202114160

Rajasthan College of Teacher Training, Kheda, 953/2, Hindauncity, Kheda, Karauli, Rajasthan-322234 **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**No one presented**
Respondent by	**Regional Director, WRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF REFUSAL

The appeal of **Rajasthan College of Teacher Training, Kheda, 953/2, Hindauncity, Kheda, Karauli, Rajasthan-322234** dated 10/10/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. **RJ--/(B.P.Ed.)/2021/216205** dated 16.07.2021 of the Western Regional Committee, refusing recognition for conducting B.P.Ed. Course on the grounds that "Proof of payment of processing fee for the initial application. Copy of acknowledgement letter/ any other communication issued by NRC. Copy of rejection/ refusal order Issued by NRC for Initial application. Affidavit from the management as asked for in the show cause notice."

II. SUBMISSIONS MADE BY APPELLANT: -

No one from Rajasthan College of Teacher Training, Kheda, 953/2, Hindauncity, Kheda, Karauli, Rajasthan-322234 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "Proof of Payment of Processing Fee Submitted by Institution. Copy of Acknowledgement Letter / any other communication submitted by institution. Copy of Rejection/Refusal order submitted by institution. Affidavit submitted by institution."

III. OUTCOME OF THE CASE

Appeal Committee noted that the matter was taken up by the Appeal committee for hearing in its 23rd Meeting, 2021 held on 3rd December, 2021 and further taken up in its 4th Meeting, 2022 held on 26th April 2022, but nobody has appeared to represent the institution. Further, the matter was again taken up in 9th Meeting, 2022 held on 20th November 2022, however, on the said date also nobody has appeared to represent the institution before the Appellate Committee. The Committee decided not to grant another date for hearing to the institution and decided to consider the documents and passed appropriate order on the basis of material available on record. The recognition of the institution for B.P.Ed. programme was refused by the WRC vide order dated 16.07.2021.

The Committee noted that the application of the institution for B.P.Ed. programme was refused vide order dated 16.07.2021, and it has been observed by the Committee that since then the institution has not been granted recognition and in view of the following decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022 *inter-alia* considered the following Agenda(s): -

Agenda No [5]: Decision on application, irrespective of any course, which are not in line with NEP 2020:

The Council, after consideration of Agenda placed before the Council and detailed discussion and deliberation, as below, observed the following: -

- The NEP 2020 lays down that teacher education institutions will be gradually moved into multidisciplinary colleges and universities by 2030. By 2030, the minimal qualification for a person to become a teacher will be the 4 Year integrated B.Ed. degree.

- The 2 Year B.Ed. program will also be offered only for those who have already obtained Bachelor's Degrees in other specialized subjects and the 1 Year B.Ed. program for those who have completed the equivalent of 4 Year multidisciplinary Bachelor's Degrees or who have obtained a Master's degree in a specialty and wish to become a subject teacher in that specialty.
- As per provision of Section 12 of NCTE Act, 1993 it shall be the duty of the Council to take all such steps as it may think fit for ensuring planned and co-ordinated development of Teacher Education.
- There are approximately 430 applications for various Teacher Education Programmes, other than Diploma level courses. pending at different stages in the RCs.
- NEP 2020 has brought about a paradigm shift in the Teacher Education Sector. Accordingly, NCTE is also revamping its various curricula of ITEP. 2 Year B.Ed., 1 Year B.Ed. and introducing new courses of 4 Year Physical Education and 4 Year Art Education in line with NEP 2020. These courses are also to be aligned to the various criteria laid down by UGC and in alignment with NHEQE. NCFSE and NCFTE However, the existing courses which are currently running are not in alignment with these various aspects e.g., Credit System. 4 Stages of School Education (5+3+3+4). Entry- exit policy, no hard separation etc. These changes in curricula would also necessitate changes in the norms, standards and regulations. For the reasons aforementioned, it is not feasible to process any pending applications.

In light of the above, the Council members unanimously decided the following:

I. ***At present, there are several institutions which have been recognised by the Regional Committees of NCTE wherein courses/ programme, other than diploma level courses, are running. An Expert Committee be constituted to devise the modalities for conversion of these recognised institutions into multidisciplinary institutions in line with NEP 2020.***

II. ***The applications pending before the Regional Committees of NCTE shall not be processed further. Hence, all such pending applications before RCs at any stage of processing be returned along with the processing fee to the concerned institution(s).***

III. ***In the cases where the applications are being processed/ reopened as per the directions of the Hon'ble Court (s), the concerned Regional Committee shall file a review/appeal before the Hon'ble Court(s) alongwith stay application against the order passed by the Hon'ble Court(s) for processing of application(s) in view of the decision of the Council has taken in II above.***

Noting the above decision of the General body of the NCTE, the Appeal Committee decided not to entertain the Appeal of the applicant institution and, therefore, the order of the WRC dated 16.07.2021 refusing recognition for B.P.Ed. programme of the institution is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing and in the light of decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022, the Appeal Committee of the Council concluded that the appeal of the institution cannot be entertained. Hence, the instant appeal deserves to be rejected and impugned refusal order dated 16.07.2021 of WRC is confirmed.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Rajasthan College of Teacher Training, Kheda, 953/2, Hindauncity, Kheda, Karauli, Rajasthan-322234**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-28/E-238227/2022 Appeal/9th Meeting, 2022
APPLNRC202214254

Himachal Institution of Physical Education, (Dhauladhar Education Society), 41/35/34 Shahpur, Manali-Pathankot Road, Chakban Bhaniar, Kangra Himachal Pradesh-176206 **APPELLANT**	**Vs**	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**No one presented**
Respondent by	**Regional Director, NRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF APPEAL

The appeal of **Himachal Institution of Physical Education, (Dhauladhar Education Society), 41/35/34 Shahpur, Manali-Pathankot Road, Chakban Bhaniar, Kangra Himachal Pradesh-176206** dated 20/01/2022 filed under Section 18 of NCTE Act, 1993 is for application for new **B.P.Ed. course**.

II. SUBMISSIONS MADE BY APPELLANT: -

No one **appeared** online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "Fresh application".

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided to dismiss the present appeal in the light that instant appeal has been wrongly filed as there is no refusal order/withdrawal order passed by the Regional Committee.

IV. DECISION: -

Appeal Committee decided to dismiss the present appeal as not maintainable hence Appeal is rejected.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Himachal Institution of Physical Education, (Dhauladhar Education Society), 41/35/34 Shahpur, Manali-Pathankot Road, Chakban Bhaniar, Kangra Himachal Pradesh-176206**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Himachal Pradesh.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-66/E-244305/2022 Appeal/9th Meeting, 2022
APPLSRC202214294

Al Madina College of Education, Kesharajupally 2-1/1 Miryalaguda Road, Thipparthy, Nalgonda Telangana-508001 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Mr. Md. Ahmed Hussain, Vice President**
Respondent by	**Regional Director, SRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Al Madina College of Education, Kesharajupally 2-1/1 Miryalaguda Road, Thipparthy, Nalgonda Telangana-508001** dated 23/02/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APSO9727/B.Ed./TS/2021/129771** (Without Order) dated 31.12.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution was issued a Last Reminder Letter. The institution has submitted its reply vide letter dated 04.12.2020. The committee observed the reply submitted by the institution and found following deficiencies: 1. The institution has submitted faculty approval letter dated 19.12.2019. The institution has not submitted latest faculty list duly approved by Affiliating University in prescribed format as per NCTE Regulation 2014. 2. The institution did not submit proforma of faculty inter-alia mentioning the qualification

and date of joining of all faculty duly approved by the affiliating body. 3. All 14 staff have been shown as "renewal" in letter dated 19.12.2019 whereas vide letters dated 01.03.2016 and 12.12.2017 only 9 faculty have been shown as "renewal". The initial approval of 5 faculty has neither been submitted nor the institution had submitted their date of joining. 4. The building plan submitted by the institution do not show the total built up area of the institution. 5. As per Visiting Team Report and building plan submitted at the time of recognition, the built-up area at first floor is shown as 521.05 square meters whereas the building plan submitted now is showing the size of first floor as 1277.26 square meters which is totally different, and the act of institution is treated as misleading to the SRC. 6. The website of the institution is not uploaded with the information required under clause 7(14)(l), 8(14) and 10(3) of NCTE Regulation, 2014. 7. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulation, 2014."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Md. Ahmed Hussain, Vice President of Al Madina College of Education, Kesharajupally 2-1/1 Miryalaguda Road, Thipparthy, Nalgonda Telangana-508001 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "1. Due to pandemic, we are not submitted latest faculty here with we are submitting latest faculty approved list by Affiliating University (M. G. U. Nalgonda.) in prescribed format as per the NCTE Regulations 2014. 2. Here with we are submitting joining Report of faculty copies which is approved by the Registrars of our University from time to time as per the Norms of NCTE Regulations. 3. We approved for 9 staff members 2011 at the time of permission granted by NCTE and in the Academic year 2016-17. We are not taken admission due to T.S. Govt. has not conducted 2 phases of counselling hence no one (student) is opted hence there were no admission it was mentioned as (0) students to that academic year 2016-17, after that for the academic year 2017-18 M. G. University affiliating body inspected our college and gave permission to 100 i.e., (02) basic units, in that academic year there was only 1st year students, hence we did not have 2 year students. We went for approvals for the academic year 2018-2019, our faculty were approved by the university up to (15) faculty members, in 2019-20 academic year. One of the faculty members i.e., Abdul Kareem Physical Director was resigned and join in other college. And 14 staff members were approved by the university for the academic year 2019-21. Due to Corona, there were no staff approvals by the university for the academic year 2021-

22 batch we had approved 17 staff members by the university officials, and also we are submitting along with joining Reports of the faculty from the starting period from the college establishment. 4. Already we submitted building plan which is having 2554.52 square meters to run 2 basic units and also we are once again submitting. (Copy enclosed). 5. As per the visiting Team Report we are having the fully infrastructure building, which is constructed for Education purposes only, as per the NCTE Rules and Regulations 1500 square meters is required for 100 students hence we shown the same plan of building i.e., 1798.31 square meters. Is allotted for the B.Ed. course at that time in first floor we shown 521.05 square meters. After that NCTE Regulations, which is not enough to run the B.Ed. course for (2) units 2000 square meters is required to run the institution hence we allotted total building to the B.Ed. course which is having built up area 2554.52 square meters. (The copy is enclosed). 6. The website of the institution is re-uploaded with the information required under clause 7(14)(I), 8(14) and 10(3) of NCTE Regulations, 2014. Here with enclosing the copy.ie. www.al-madina.in. 7. We paid salary to faculty & non-teaching through cheques."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 11.04.2004. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 21.02.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 19.03.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (Two unit) from the academic session 2015-16. The institution has submitted request for reduction of intake from 2 units to 1 unit on dated 02.03.2016. Accordingly, a corrigendum order no. SRO/NCTE/APS09727/B.Ed./TS/2017-18/94085 dated 21.07.2017 was issued to the institution for conducting B.Ed. programme of two-years duration with an annual intake of 50 for one basic unit of 50 students. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 31.12.2021.

The appellant institution had moved to the Hon'ble Delhi High Court by the way of W.P.C. No. 15039/2022 titled Al Madina College of Education V/s National Council for Teacher Education & Anr. The Hon'ble Court vide order dated 31.10.2022 issued following directions:-

"...5. The Appellate Committee of NCTE shall also endeavour to dispose of Petitioner's appeal as expeditiously as possible, not later than three months from today."

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 20th November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

(i) A list of Faculty Members, approved by Registrar of Affiliating Body vide letter dated 04.02.2022 alongwith their joining report.
(ii) A copy of approved Building Plan
(iii) A copy of website of the institution is uploaded under clause 7(14)(l), 8(14) and 10(3) of NCTE Regulation, 2014.
(iv) A copy of disbursement of salary to faculty & non-teaching staff through bank account as per Bank Statement issued by Canara Bank on 22.2.2022.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 31.12.2021. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, passed in W.P. (C) 4382/2021 has observed as follows: -

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

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30.07.2021, passed in W.P. (C) 7260/2021 has observed as follows: -

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 31.12.2021 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to SRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Al Madina College of Education, Kesharajupally 2-1/1 Miryalaguda Road, Thipparthy, Nalgonda Telangana-508001**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Telangana.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-71/E-244965/2022 Appeal/9th Meeting, 2022
APPLWRC202214298

Gopeshwar Shikshak Prashikshan Mahavidyalaya, Village-Kanwarpura, Doongerja, Tehsil-Digod, Kanwarpura 43, 689/45, 692/46, 693/50, 683/118 Doongerja, Kota Sultanpur Road Digod, Kota Rajasthan-325201 **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Mr. Bhuvnesh Sharma, Representative of the Institution.**
Respondent by	**Regional Director, WRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF REFUSAL

The appeal of **Gopeshwar Shikshak Prashikshan Mahavidyalaya, Village-Kanwarpura, Doongerja, Tehsil-Digod, Kanwarpura 43, 689/45, 692/46, 693/50, 683/118 Doongerja, Kota Sultanpur Road Digod, Kota Rajasthan-325201** dated 25/02/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.WRC/NCTE/NRCAPP-14167/349th/ 2022/219064** dated 09.02.2022 of the Western Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "The institution has submitted reply to the final SCN dated 13.08.2021 on 30.11.2021. Built up area is less for conducting exiting

2 units of B.Ed. course, one unit of D.El.Ed. course and proposed additional unit of D.El.Ed. course."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Bhuvnesh Sharma, Representative of Gopeshwar Shikshak Prashikshan Mahavidyalaya, Village-Kanwarpura, Doongerja, Tehsil-Digod, Kanwarpura 43, 689/45, 692/46, 693/50, 683/118 Doongerja, Kota Sultanpur Road Digod, Kota Rajasthan-325201 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "1. That this institution had been granted recognition for running I unit (50 Seats) of STC (D.El.Ed.) course by the NRC, NCTE vide letter dated 25.08.2008. Copy of recognition order is annexed and marked as Annexure-4. 2. That the NCTE, New Delhi had issued a public notice on 27th Feb 2015 through which NCTE invites application for recognition of teachers training programme for the academic session 2016-17, except the state and UTs, with listed programme, as indicated in para 2 below. The application in the prescribed form should be submitted "ONLINE" to the concerned Regional Committee along with fees and requisite documents as prescribed in NCTE (Recognition Norms and procedure) regulations 2014 from 1st March 2015 to 31st May 2015. There was no ban was imposed in the State of Rajasthan for D.El.Ed. Course. Copy of public notice is annexed and marked as Annexure-5. 3. That NCTE had issued a Public Notice on 30th May 2015 through NCTE had extended the last dated for submission of online application by the stakeholders up to 30th June 2015. Copy of public notice is annexed and marked as Annexure-6. 4. That this institution had submitted online application for grant of recognition for 2 additional units of D.El.Ed. course along with required fees and documents on 27/06/2015 and hard copy of application was submitted to NRC, NCTE on 10/07/2015. Copy of received letter is annexed and marked as Annexure-7. 5. That Department of Elementary Education (Aayojana), Govt. of Rajasthan had sent a recommendation letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that N.O.C. for grant of recognition for fresh/additional intake of D.El.Ed. course for session 2019-20 will be issued for Govt./Private institutions. Copy of letter is annexed and marked as Annexure-8. 6. That NRC, NCTE had not processed the application of this institution submitted for grant of recognition of 2 additional units of D.El.Ed. course. Being aggrieved from the action of NRC, NCTE, this institution had filled a S.B. Civil Writ Petition No. 22685/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble Court had ordered to NRC, NCTE to adjudicate upon the pending application of

petitioner as expeditiously as possible either in the next meeting scheduled or within three months from the date a certified copy of this order is presented. Copy of order of Hon'ble Court is annexed and marked as Annexure 9. 7. That this institution had submitted a representation to NRC, NCTE along with certified copy of order of Hon'ble court and requested to process the application of this institution for grant of recognition for 2 additional units of D.El.Ed. course on 12.10.2018, Copy of letter dated 12.10.2018 is annexed. Copy of letter dated 12.10.2018 is annexed and marked as Annexure-10. 8. That Director Elementary Education Rajasthan, Bikaner had issued N.O.C. for grant to recognition for D.El.Ed. course on 25.02.2019 to various institutions. The name of this institution is mentioned at S. No. 12. Copy of N.O.C. dated 25.02.2019 is annexed and marked asAnnexure-11. 9. That this institution had again submitted a request letter along with copy of N.O.C. for D.El.Ed. course to NRC, NCTE on 27.02.2019 with request to process the application of this institution. Copy of letter dated 27.02.2019 is annexed and marked as Annexure-12. 10. That this institution had again submitted a request letter along with copy of N.O.C. for D.El.Ed. course to NRC, NCTE on 05.03.2019 with request to process the application of this institution. Copy of letter dated 05.03.2019 is annexed and marked as Annexure-13. 11. That NRC, NCTE has issued an order on 31.05.2019 to this institution in which it is mentioned that the file of this institution has already been processed and refusal order has been issued on 13.10.2016. The earlier order of NRC, NCTE stands still. Copy of order dated 31.05.2019 is annexed and marked as Annexure-14. 12. That in the Appeal of Adarsh Teacher Training College, Deoli, Rajasthan, Appeal Authority had already ordered on 12.09.2018 that the matter deserved to be remanded to the NRC for considering the reply of the institution and take further action as per Regulations, 2014. The applicant is required to submit the reply/documents to NRC within 15 days from the issue of this orders. Copy of Appeal order dated 12.09.2018 is annexed and marked as Annexure-15. 13. That being aggrieved from the refusal order issued by NRC, NCTE, this institution had filed an appeal u/s 18 of NCTE Act, 1993. Appellate Authority, NCTE had rejected the appeal of this institution and confirm the refusal order issued by NRC, NCTE. Copy of Appeal order dated 26.09.2019 is annexed and marked as Annexure-16. 14. That being aggrieved from the refusal order issued by NRC, NCTE and rejection order issued by Appellate Authority, NCTE, this institution had filed W.P. (C) No. 11100/2020 and CM APPLS. 34682-83/2020 in Hon'ble High Court, Delhi. Hon'ble High Court had accepted the case of this institution and passed an order dated 24.12.2020. Hon'ble court had directed to WRC, NCTE to consider and process the application of this institution. Copy of order of Hon'ble Court is annexed and marked as Annexure-17. 15. That in compliance to the order of Hon'ble High Court, New Delhi, this institution has

submitted a representation along with court order and other relevant documents to WRC, NCTE on 07.01.2021. Copy of representation letter is annexed and marked as Annexure-18. 16. That the matter was considered in 339 meeting of WRC, NCTE. WRC, NCTE had issued a show cause notice to this institution indicating certain deficiencies vide letter no. WRC/NCTE/ NRCAPP-14167/D.El.Ed. (ADDL. INTAKE)/339th /RAJ./2021/216946 dated 10.08.2021. Copy of Show Cause Notice is annexed and marked as Annexure-19. 17. That this institution had submitted a detailed reply of show cause notice dated 10.08.2021 along with required documents to WRC, NCTE on 04.09.2021. Copy of reply letter is annexed and marked as Annexure-20. 18. That due to non-consideration of application for grant of recognition of D.El.Ed. (Add. Intake) course of this institution by the WRC, NCTE, this institution had filed a CONT.CAS(C) 786/2021 in Hon'ble High Court, New Delhi. Hon'ble court had accepted the contempt petition of this institution on 26.10.2021. Copy of order of Hon'ble Court is annexed and marked as Annexure-21. 19. That this institution had submitted order of Hon'ble court to WRC, NCTE on 13.11.2021 along with necessary documents. Copy of letter is annexed and marked as Annexure-22. 20. That the Hon'ble High Court, New Delhi had passed an order on 14.12.2021 in respect to the CONT.CAS(C) 786/2021 filed by this institution. Copy of order of Hon'ble Court is annexed and marked as Annexure-23. 21. That WRC, NCTE has not considered the reply and documents submitted by this institution and refused the application for grant of recognition of D.El.Ed. (Add. Intake) course of this institution vide order No. WRC/NCTE/NRCAPP 14167/ 349th / 2022/ 219064 dated 09.02.2022. Copy of refusal order is annexed and marked as Annexure-24. 22. That Application of this institution has been refused by the WRC, NCTE on the ground of built-up area. Total built up area of the college building is 4009.61 Sqm. Copy of building map and building completion certificate are already submitted to WRC, NCTE on 04.09.2021 along with reply of show cause notice dated 10.08.2021. But WRC, NCTE do not consider the documents submitted by this institution and refused the application of this institution on melafide, unjustified, illegal, unconstitutional and against the provision of NCTE Regulations, 2014. Copy of building map and building completion certificate are annexed and marked as Annexure-25. 23. That in clause 6 of Appendix-2 of NCTE Regulations, 2014, it is clearly stated that total built up area requirement for D.El.Ed. + B.Ed. + Education Component of B.A. / B.Sc. B.Ed. is 3000.00 Sqm. 500 Sqm. additional built-up area is required for 1 additional unit of D.El.Ed. course. This institution had applied for 2 additional units of D.El.Ed. course. Thus, 1000 Sqm. additional built-up area is required as per NCTE norms. Total built up area of this institution is 4009.61 Sqm. which is sufficient built-up area as per NCTE norms. Copy of Appendix-2 is annexed and marked as

Annexure-26. 24. That number of required rooms for D.El.Ed. course is stated at clause no. 6 (1) (b) of Appendix-2 and number of required rooms for B.Ed. course is stated at clause no. 6 (1) (b) of Appendix-4. Copy of Appendix-2 and Appendix-4 are annexed and marked as Annexure-27. 25. That it is clearly stated after clause No. 6.3 of Appendix-2 and Appendix-4 that if more than one courses in teacher education are run by the same institution in the same campus, the facilities of playground, multipurpose hall, library, and laboratory (with proportionate addition of books and equipment's) and instructional space can be shared. This institution is running 2 units of B.Ed. course and 1 unit of D.El.Ed. course in the same campus. This institution had applied for 2 additional units of D.El.Ed. course. As per NCTE Regulations, 2014, multipurpose hall, library, laboratory, other instructional space, and playground of the institution is commonly shared by existing B.Ed. and D.El.Ed. course and proposed D.El.Ed. (Add. Intake) course. Only for classrooms are required for proposed D.El.Ed. (Add. Intake) course. All required rooms for B.Ed. and D.El.Ed. course are available in the college building. Copy of Appendix-2 and Appendix-4 are annexed and marked as Annexure-28. 26. That WRC, NCTE has refused the application for grant of recognition of D.El.Ed. (Add. Intake) course of this institution on the ground of less built-up area but WRC, NCTE has not disclosed that how much total built up area are required for B.Ed. (2 units) and D.El.Ed. (3 units) courses. Thus, WRC, NCTE has refused the application submitted by this institution for recognition of 2 additional units of D.El.Ed. course on illegal, unlawful, unjustified, arbitrary, unconstitutional basis and against the provisions of NCTE Regulations, 2014. So, it is prayed that the rejection order dated 09.02.2022 issued by WRC, NCTE for 2 additional units of D.El.Ed. course be set aside, and direction be issued to WRC, NCTE for further processing of the application of this institution for grant of recognition for 2 additional units of D.El.Ed. course."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution had submitted an application to the Western Regional Committee for grant of recognition for seeking permission for running the D.El.Ed. course on 27.06.2015. The recognition of the institution for D.El.Ed. programme was refused by the WRC vide order dated 09.02.2022.

The Committee noted that the application of the institution for D.El.Ed. programme was refused vide order dated 09.02.2022, and it has been observed by the Committee that since then the institution has not been granted recognition and in view of the following decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022 *inter-alia* considered the following Agenda(s): -

Agenda No [5]: Decision on application, irrespective of any course, which are not in line with NEP 2020:

The Council, after consideration of Agenda placed before the Council and detailed discussion and deliberation, as below, observed the following: -

- The NEP 2020 lays down that teacher education institutions will be gradually moved into multidisciplinary colleges and universities by 2030. By 2030, the minimal qualification for a person to become a teacher will be the 4 Year integrated B.Ed. degree.
- The 2 Year B.Ed. program will also be offered only for those who have already obtained Bachelor's Degrees in other specialized subjects and the 1 Year B.Ed. program for those who have completed the equivalent of 4 Year multidisciplinary Bachelor's Degrees or who have obtained a Master's degree in a specialty and wish to become a subject teacher in that specialty.
- As per provision of Section 12 of NCTE Act, 1993 it shall be the duty of the Council to take all such steps as it may think fit for ensuring planned and co-ordinated development of Teacher Education.
- There are approximately 430 applications for various Teacher Education Programmes, other than Diploma level courses. pending at different stages in the RCs.
- NEP 2020 has brought about a paradigm shift in the Teacher Education Sector. Accordingly, NCTE is also revamping its various curricula of ITEP. 2 Year B.Ed., 1 Year B.Ed. and introducing new courses of 4 Year Physical Education and 4 Year Art Education in line with NEP 2020. These courses are also to be aligned to the various criteria laid down by UGC and in alignment with NHEQE. NCFSE and NCFTE However, the existing courses which are currently running are not in alignment with these various aspects e.g., Credit System. 4 Stages of School Education (5+3+3+4). Entry- exit policy, no hard separation etc. These changes in curricula would also necessitate changes in the norms, standards and regulations. For the reasons aforementioned, it is not feasible to process any pending applications.

In light of the above, the Council members unanimously decided the following:

I. ***At present, there are several institutions which have been recognised by the Regional Committees of NCTE wherein courses/ programme, other than diploma level courses, are running. An Expert Committee be constituted to devise the modalities for conversion of these recognised institutions into multidisciplinary institutions in line with NEP 2020.***

II. ***The applications pending before the Regional Committees of NCTE shall not be processed further. Hence, all such pending applications before RCs at any stage of processing be returned along with the processing fee to the concerned institution(s).***

III. ***In the cases where the applications are being processed/ reopened as per the directions of the Hon'ble Court (s), the concerned Regional Committee shall file a review/appeal before the Hon'ble Court(s) alongwith stay application against the order passed by the Hon'ble Court(s) for processing of application(s) in view of the decision of the Council has taken in II above.***

Noting the above decision of the General body of the NCTE, the Appeal Committee decided not to entertain the Appeal of the applicant institution and, therefore, the order of the WRC dated 09.02.2022 refusing recognition for D.El.Ed. programme of the institution is confirmed.

IV. **DECISION: -**

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing and in the light of decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022, the Appeal Committee of the Council concluded that the appeal of the institution cannot be entertained. Hence, the instant appeal deserves to be rejected and impugned refusal order dated 09.02.2022 of WRC is confirmed.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Gopeshwar Shikshak Prashikshan Mahavidyalaya, Village-Kanwarpura, Doongerja, Tehsil-Digod, Kanwarpura 43, 689/45, 692/46, 693/50, 683/118 Doongerja, Kota Sultanpur Road Digod, Kota Rajasthan-325201**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-76/E-246031/2022 Appeal/9th Meeting, 2022
APPLNRC202214306

Rohini Devi Shikshan Sansthan, Village Ammipur 223, 243 Peeng, Ammipur Kunda, Partapgarh Uttar Pradesh-243014 **APPELLANT**	**Vs**	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Mr. Sarveshwar Kumar Singh, Representative of the Institution.**
Respondent by	**Regional Director, NRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF REFUSAL

The appeal of **Rohini Devi Shikshan Sansthan, Village Ammipur 223, 243 Peeng, Ammipur Kunda, Partapgarh Uttar Pradesh-243014** dated 04/03/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **NRC/NCTE/NRCAPP-5518/256thMeeting (Part-2)/2016/158731-32** dated 23.09.2016 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "The institution was given Show Cause Notice vide letter dated 23.09.2015 with direction to submit the reply within 30 days. The institution did not submit any reply of Show Cause Notice."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Sarveshwar Kumar Singh, Representative of Rohini Devi Shikshan Sansthan, Village Ammipur 223, 243 Peeng, Ammipur Kunda, Partapgarh Uttar Pradesh-243014 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "That I am the Manager of Rohini Devi Educational Institute, Village Amipur Post Peg, Tehsil Kunda, District Pratapgarh-230143, Uttar Pradesh. It has been learned from the website of the North Regional Committee 225th meeting that 7(13) letter of intent has been decided to Rohini Devi Educational Institute. 2. That the NRC / NCTE has been informed personally and through correspondence that the North Regional Committee meeting should kindly send a copy of the 225th 7(13) letters of intent to the University and the institute, so that the Head of the Institute and the Spoke persons get approval from the university. 3. That the due to non-receipt of the copy of letter of Intent of the Northern Regional Committee, the Spoke persons have not been approved by the University. 4. That the manager has completely prepared the college building as per the NCTE norms, but due to non-receipt of the letter of the North Regional Committee, the institute has lost the session. 5. That the office of NRC / NCTE has been informed personally and through correspondence that the letter of intent should be sent to the University, otherwise the photocopy of the decision taken should be given. But there is no response from the North Regional Committee yet. 6. That the manager has given notice in correspondence and personally also to bring the pending papers in the North Regional Committee office in the process. Share 7. That the letter of NRC / NCTE has not been given even when asked personally by the manager. Due to which instead of 60 days, 5 years have been spent in seeking letter from the Northern Regional Committee. 8. That there has been a delay of two years due to Covid-19. 9. That due to non-receipt of the copy of the letter of the Northern Regional Committee, the National Teacher Education Council (NCTE Section 18) Appeal reply date 14.02.2022 is going from."

III. OUTCOME OF THE CASE

The Appeal Committee noted that the recognition of the institution for B.Ed. programme was refused vide Order No. **NRC/NCTE/NRCAPP-5518/256thMeeting (Part-2)/2016/158731-32** dated 23.09.2016.

The Committee noted that the application of the institution for B.Ed. programme was refused vide order dated 23.09.2016, and it has been observed by the Committee that since then the institution has not been granted recognition and in view of the following decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022 *inter-alia* considered the following Agenda(s): -

Agenda No [5]: Decision on application, irrespective of any course, which are not in line with NEP 2020:

The Council, after consideration of Agenda placed before the Council and detailed discussion and deliberation, as below, observed the following: -

- The NEP 2020 lays down that teacher education institutions will be gradually moved into multidisciplinary colleges and universities by 2030. By 2030, the minimal qualification for a person to become a teacher will be the 4 Year integrated B.Ed. degree.
- The 2 Year B.Ed. program will also be offered only for those who have already obtained Bachelor's Degrees in other specialized subjects and the 1 Year B.Ed. program for those who have completed the equivalent of 4 Year multidisciplinary Bachelor's Degrees or who have obtained a Master's degree in a specialty and wish to become a subject teacher in that specialty.
- As per provision of Section 12 of NCTE Act, 1993 it shall be the duty of the Council to take all such steps as it may think fit for ensuring planned and co-ordinated development of Teacher Education.
- There are approximately 430 applications for various Teacher Education Programmes, other than Diploma level courses. pending at different stages in the RCs.
- NEP 2020 has brought about a paradigm shift in the Teacher Education Sector. Accordingly, NCTE is also revamping its various curricula of ITEP. 2 Year B.Ed., 1 Year B.Ed. and introducing new courses of 4 Year Physical Education and 4 Year Art Education in line with NEP 2020. These courses are also to be aligned to the various criteria laid down by UGC and in alignment with NHEQE. NCFSE and NCFTE However, the existing courses which are currently running are not in alignment with these various aspects e.g., Credit System. 4 Stages of School Education (5+3+3+4). Entry- exit policy, no hard separation etc. These changes in curricula would also necessitate changes in the norms, standards and regulations. For the reasons aforementioned, it is not feasible to process any pending applications.

In light of the above, the Council members unanimously decided the following:

I. ***At present, there are several institutions which have been recognised by the Regional Committees of NCTE wherein courses/ programme, other than diploma level courses, are running. An Expert Committee be constituted to devise the modalities for conversion of these recognised institutions into multidisciplinary institutions in line with NEP 2020.***

II. ***The applications pending before the Regional Committees of NCTE shall not be processed further. Hence, all such pending applications before RCs at any stage of processing be returned along with the processing fee to the concerned institution(s).***

III. *In the cases where the applications are being processed/ reopened as per the directions of the Hon'ble Court (s), the concerned Regional Committee shall file a review/appeal before the Hon'ble Court(s) alongwith stay application against the order passed by the Hon'ble Court(s) for processing of application(s) in view of the decision of the Council has taken in II above.*

Noting the above decision of the General body of the NCTE, the Appeal Committee decided not to entertain the Appeal of the applicant institution and, therefore, the order of the NRC dated 23.09.2016 refusing recognition for B.Ed. programme of the institution is confirmed.

IV. **DECISION: -**

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing and in the light of decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022, the Appeal Committee of the Council concluded that the appeal of the institution cannot be entertained. Hence, the instant appeal deserves to be rejected and impugned refusal order dated 23.09.2016 of NRC is confirmed.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Rohini Devi Shikshan Sansthan, Village Ammipur 223, 243 Peeng, Ammipur Kunda, Partapgarh Uttar Pradesh-243014**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-295/E-126780/2019 Appeal/9th Meeting, 2022
APPLSRC201913307

Arutperunchothi Ramalingasammy College of Education, Madugarai Main Road, Ariankuppam Commune, Puducherry – 605007 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Mr. Sivanandan Roberts, Chairman**
Respondent by	**Regional Director, SRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Arutperunchothi Ramalingasammy College of Education, Madugarai Main Road, Ariankuppam Commune, Puducherry – 605007** dated 18/07/2019 filed under Section 17 of NCTE Act, 1993 against the Order No. **SRC/NCTE/APSO2337/106206** dated 25.06.2019 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The SRC observed that the institution submitted reply vide letter dated 31.01.2019 and 07.02.2019 to the Show Cause Notice dated 07.01.2019 and following observations have been made:- The institution submitted a Private Lease deed dated 19.07.2002 which is not acceptable as the land is in lease from an individual whereas per NCTE Regulation, 2014 land either on ownership or on Government lease is permissible. The institution submitted an affidavit as required under clause

8(5) of NCTE Regulation, 2014 but the same is not in proper format. The institution has not submitted the Land Use Certificate. The institution has submitted a copy of letter dt. 07.02.2019 issued by the Dean (I/C), CDC, Pondicherry University having name of 8(1+7) faculty, provisionally approved by the University. A copy of staff profiles duly approved by the affiliating body as required under Appendix-4 of NCTE Regulation, 2014 for two units of B.Ed. Course. The institution submitted a copy of BCC issued by Private Civil Engineer and the same is not issued by the Competent Authority."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Sivanandan Roberts, Chairman of Arutperunchothi Ramalingasammy College of Education, Madugarai Main Road, Ariankuppam Commune, Puducherry – 605007 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal Memoranda it is submitted that "All matters are still pending with Delhi High Court."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course vide order dated 29.11.2006. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 25.05.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 11.08.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (Two unit) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 25.06.2019.

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 20th November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

(i) A copy of faculty list (1+15) but not approved by the Registrar.
(ii) A copy of Land Use Certificate dated 21.06.2022.
(iii) A copy of Building Completion Certificate dated 17.06.2022.
(iv) A copy of deed of donation dated 09.06.2022.

The Committee noted that vide order dated 30.08.2019 passed by the Appeal Committee confirmed the withdrawal order passed by the SRC. The Appellant has challenged the said appellate order before the Hon'ble High Court of Madras. The Hon'ble High Court has set aside the Appellate Order and has remanded back the present matter to the Appeal Committee to decide a fresh.

In compliance of the Hon'ble Court order dated 11.04.2022 passed by the Hon'ble High Court of Madras in W.P. No. 35194 of 2019 titled Arutperunchothi Ramalingasammy College of Education v/s NCTE, the matter was taken up again by the Appellate Committee. The relevant extract of the said order is being reproduced hereunder:

"...The petitioner challenges an order passed by the National Council for Teacher Education dated 30.08.2019 withdrawing the recognition of the B.Ed. course to it.
2. Learned counsel for the petitioner as well as Mr. Su. Srinivas, learned counsel appearing for the respondent would concur on the position that the matter may be restored to the file of the respondent appellate authority for reconsideration afresh.
3. Acceding to the common submission made, the appeal is restored to the file of the appellate authority for re-consideration after hearing the petitioner. The impugned order dated 30.08.2019 is set aside..."

The Appeal Committee noted that the staff list submitted by the institution is not signed by the Registrar of Affiliating University as required by the NCTE Regulation, 2014.

The Committee noted that despite opportunities, the institution did not submit requisite documents as such the Committee considered the matter and decided that there is no any merit in the appeal due to lack of requisite documents.

As such the committee decided that the withdrawal order dated 25.06.2019 passed by the SRC is justified and the appeal deserves to be rejected.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, the committee decided to reject the appeal submitted by the institution and the impugned order passed by the SRC is hereby confirmed.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Arutperunchothi Ramalingasammy College of Education, Madugarai Main Road, Ariankuppam Commune, Puducherry – 605007**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Puducherry.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-260/E-170467/2020 Appeal/9th Meeting, 2022
APPLSRC202013664

B.T.K. B.Ed. College of Education, Manapparai Road, Opp. EB Office, Viralimalai, 216/2, 216/5A3, 216/5A 1A, 216/5A 4, Viralimalai, Manapparai Road, Pudukkottai, Tamilnadu – 621316 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Mr. B.T. Arasa Kumar, Chairman**
Respondent by	**Regional Director, SRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **B.T.K. B.Ed. College of Education, Manapparai Road, Opp. EB Office, Viralimalai, 216/2, 216/5A3, 216/5A 1A, 216/5A 4, Viralimalai, Manapparai Road, Pudukkottai, Tamilnadu – 621316** dated 13/05/2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. **SRO/NCTE/APSO4537/B.Ed./TN/2020/114965-71** dated 27/02/2020. of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has submitted notarized copy of xerox copy of Sale Deed dt.

24.02.2005. The LUC in respect of total 22 S. No. (10.69 Acres) has been submitted but land documents submitted only in respect of 8 S. No. further, there are difference in Survey number of LUC with land continuity certificate. The size of classrooms and Multi-Purpose Hall are less than the requirement of NCTE Regulations. The institution has submitted notarized copy of xerox copy of site plan which is also approved in regional language. The institution has submitted notarized copy of xerox copy of Land Usage Certificate. Further the LUC is not in proper format of State Govt. The institution has submitted notarized copy of xerox copy of NEC dt. 26.08.2019 but in regional language also the same is not legible. The faculty is not sufficient for both courses as per NCTE, Regulations. Further, the signature of the Registrar, TNTEU are not available on the last pages of proforma of faculty for both courses. All pages of proforma are xerox copy and last pages are signed by correspondent of institute originally without signature of Registrar. The institution has not submitted website details of the institution as per NCTE guidelines."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. B.T. Arasa Kumar, Chairman of B.T.K. B.Ed. College of Education, Manapparai Road, Opp. EB Office, Viralimalai, 216/2, 216/5A3, 216/5A 1A, 216/5A 4, Viralimalai, Manapparai Road, Pudukkottai, Tamilnadu – 621316 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal Memoranda it is submitted that "Our College was started in Year 2006, and it is one of the oldest institutions in our State. Our Trust viz BTK Educational Development Trust got the NCTE order for the B.Ed. course in the year 2006 in the proceeding of the Regional Director, the southern regional committee as per F.SRO/NCTE/B.Ed./2006-2007/7643 dated: 12.09.2006. Then we got affiliation order from Bharathidasan University, Tiruchirappalli. We started the B.Ed. course in our own Building. Again, we got the NCTE order for M.Ed. Course in the year 2008, In the proceeding of the Regional Director, Southern Regional Committee as per F.SRO/NCTE/M.Ed./2006-2007/15503 dated: 03.03.2008. Then it was affiliated to TNTEU, Chennai. Both B.Ed. & M.Ed. courses are running in the same campus in its own Building, BTK Education Development trust totally having 10.69 acres of land. Out of 10.69 acres of land 2.62 ½ acres of land were allotted to the BTK College of Education (B.Ed. & M.Ed. Course) as per the Resolution, Passed by the Trust members on 10.12.2012. Part of Land from that 30 feet Public Road is Formed and Denoted and Executed in Favour of Governor of Tamil Nadu. The Public Road is Common for all the institutions and separated Compound is made for each institution run by the Management. The

survey Numbers and Building are one and same as Mentioned in the application Made for NCTE in the Year of 2005. Now Notarized Copy of the Resolution in English version is enclosed for your verification. Therefore, we have submitted Notarized copy of Two sales Deeds only for B.Ed. & M.Ed. course. dated: 24.02.2005 and 09.03.2005 measuring 2.62 ½ acres of land for this Land Use and Continuity Certificate for the above 2.62 ½ acres of land are now submitting herewith for verification. As per the NCTE Norms and Regulation of 2009, a Minimum of 10Sq.Ft is required per student for Bed course and also the TNTEU restrict the maximum number of students admitted for a pedagogical subject is 25 students, The Latest Norms and Regulation of NCTE 2014,has not mentioning the size of class Room and Multipurpose Hall for Bed course, but for M.Ed. course for an intake of 50 students there shall be a provision for at least two classrooms having the Capacity of not less than 50 Sq.m and three small Rooms of size having the capacity of 30 Sq.m We are having the above mentioned Rooms as per NCTE Norms. In addition to that we are having one Multipurpose Hall having the capacity for 200 students as accommodation and one more seminar Hall has the capacity for 150 students. We are running the courses B.Ed. & M.Ed. Successfully nearly for the past 12 years. Our college (B.Ed. & M.Ed. course) is also accredited with B Grade by NAAC. With the above-mentioned accommodation is in sufficient for the above courses, we are ready to provide required facility for the same. We had submitted a notarized copy of Xerox copies of the Site Plan, which is approved in regional language by the President, Viralimalai. Now we are submitting here with the English version of the plan approved. We have already submitted notarized copy of Xerox copies of the Land Use Certificate for 10.69 acres of Land under the Management of BTK Educational Development Trust. But now we are allotted 2.62 ½ acres Land for BTK College Education (B.Ed. & M.Ed.) as per the Resolution Passed by the Trust members on 10.12.2012. Therefore, we are submitting herewith the Notarized copy of the Land use certificate in proper Format of the State Government for B.Ed. & M.Ed. course for 2.62 ½ acres of land. Notarized copy of the Resolution in English version is enclosed for your Verification. We have submitted Notarized copy of Non-Encumbrance Certificate in regional Language. Now we are submitting herewith the Notarized copy of the English version of Non- Encumbrance Certificate for verification. Our college was started in Year 2006, and it is one of the oldest institutions in Our State and it also a First Batch in B.Ed. Course in Tamil Nadu. We appointed Qualified Staff for both B.Ed. & M.Ed. Courses as per NCTE Norms we have submitted proposal for Qualification approval for both B.Ed. & M.Ed. Courses to the Registrar TNTEU, Chennai in the year 2010 but Qualification approval was received only after seven-year 2017.It is not a fault on the part of the management and the

Tamil Nadu Teacher Education University make unnecessary delay for Granting Qualification approval for our Staff members both B.Ed. & M.Ed. Courses. We are having sufficient number of faculty members for both B. Ed. & M.Ed. Course as per NCTE Norms. Now we have got staff Approval for Twelve faculty members for B.Ed. course from the Registrar, TNTEU, Chennai. The remaining three faculty members we have submitted proposal for approval, and it is still pending in the TNTEU, Chennai. We got approval for seven faculty members for M.Ed. course from the Registrar, TNTEU, Chennai. The remaining three faculty members we have submitted proposal for approval, and it is still pending in the TNTEU, Chennai. Now we approached the Registrar, TNTEU, Chennai. In order to get the signature in the Proforma of faculty members for both B.Ed. & M.Ed. courses and in turn to be submitted to NCTE. But the Registrar, refused to Signature in the Proforma mentioning that once Qualification approval was given it is not necessary to Sign in the Proforma. We have submitted copy of Staff approved already sent to NCTE. But now Staff approved copy of both B.Ed. & M.Ed. courses is enclosed for your Verification. We are submitting herewith the website details of the Institution as Per NCTE guidelines. Enclosed by screen Shot."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 13.07.2007. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 27.10.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 30.04.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (Two unit) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 27.02.2020.

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 20th November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

(i) A list of latest faculty members (1+15), signed by the Registrar of Affiliating body.

(ii) A copy of Sale Deed dated 24.2.2005
(iii) A copy of Land Resolution, approved Building Plan and Site Plan.
(iv) A copy of LUC, LCC and NEC
(v) A copy of website screenshot.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 27.02.2020. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, passed in W.P. (C) 4382/2021 has observed as follows: -

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

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30.07.2021, passed in W.P. (C) 7260/2021 has observed as follows: -

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 27.02.2020 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to SRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, B.T.K. B.Ed. College of Education, Manapparai Road, Opp. EB Office, Viralimalai, 216/2, 216/5A3, 216/5A 1A, 216/5A 4, Viralimalai, Manapparai Road, Pudukkottai, Tamilnadu – 621316**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-336/E-224442/2021 Appeal/9th Meeting, 2022
APPL12981

Kovid Shikshan Prashikshan Sansthan, Jhotwara Kalwar, Jhotwara, Rajasthan-302016 **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**No one presented**
Respondent by	**Regional Director, WRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF REFUSAL

The appeal of **Kovid Shikshan Prashikshan Sansthan, Jhotwara Kalwar, Jhotwara, Rajasthan-302016** dated 11.12.2018filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No. 7-15/NRC/ NCTE/Returning of Application/ Raj/2009** dated 02.03.2009 of the Western Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "The NCTE Hqtrs has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed./STC/Shiksha Shastri course to any institution in the state of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fees and documents to the institution concerned."

II. SUBMISSIONS MADE BY APPELLANT: -

No one from Kovid Shikshan Prashikshan Sansthan, Jhotwara Kalwar, Jhotwara, Rajasthan-302016 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "In the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order no.89/534/E/8922/217 Appeal/15th Meeting 2017 dated. 16.10.2017 titled St. Meera T.T college directed the NRC to process further the application on the ground that... the committee noted that the appellant could not have submitted the application online within the time frame allowed by the Honorable High Court on 10.12.2015 i.e., one month, which is a virtual impossibility due to closure of NCTE portal. The Copy of order will submit to you at the time of hearing. On the grounds discussed and narrated, the ground of rejection of our application is solely baseless. The appellant institution approached the Honorable Court and Court in his order dated has directed ...Indisputably, the order impugned herein is an appeal able order under section 18 of the National Council for Teacher Education Act, 1993. In view of the above, this Court is not inclined to entertain the writ application under Article 226 of the Constitution invoking extra ordinarily Jurisdiction, until the petitioner having first exhausted the statutory remedy of appeal as aforesaid, under the Act of 1993. The institution has also filed a S. B. Civil Writs No. 23631 to the High Court of Judicature of Rajasthan Bench at Jaipur and the order is enclosed herewith for your reference."

III. OUTCOME OF THE CASE

Appeal Committee noted that the matter was taken up by the Appeal committee for hearing in its 1st Meeting, 2022 held on 6th January, 2022 and further taken up in its 5th Meeting, 2022 held on 10th June, 2022, but nobody has appeared to represent the institution. Further, the matter was again taken up in 9th Meeting held on 20th November 2022, however, on the said date also nobody has appeared to represent the institution before the Appellate Committee. The Committee decided not to grant another date for hearing to the institution and decided to consider the documents and passed appropriate order on the basis of material available on record.

The Committee noted that the application of the institution for D.El.Ed. programme was refused vide order dated 02.03.2009, and it has been observed by the Committee that since then the institution has not been granted recognition and in view of the following decision taken

by the General Body of the NCTE in its 55th meeting held on 14.07.2022 *inter-alia* considered the following Agenda(s): -

Agenda No [5]: Decision on application, irrespective of any course, which are not in line with NEP 2020:

The Council, after consideration of Agenda placed before the Council and detailed discussion and deliberation, as below, observed the following: -

- The NEP 2020 lays down that teacher education institutions will be gradually moved into multidisciplinary colleges and universities by 2030. By 2030, the minimal qualification for a person to become a teacher will be the 4 Year integrated B.Ed. degree.
- The 2 Year B.Ed. program will also be offered only for those who have already obtained Bachelor's Degrees in other specialized subjects and the 1 Year B.Ed. program for those who have completed the equivalent of 4 Year multidisciplinary Bachelor's Degrees or who have obtained a Master's degree in a specialty and wish to become a subject teacher in that specialty.
- As per provision of Section 12 of NCTE Act, 1993 it shall be the duty of the Council to take all such steps as it may think fit for ensuring planned and co-ordinated development of Teacher Education.
- There are approximately 430 applications for various Teacher Education Programmes, other than Diploma level courses. pending at different stages in the RCs.
- NEP 2020 has brought about a paradigm shift in the Teacher Education Sector. Accordingly, NCTE is also revamping its various curricula of ITEP. 2 Year B.Ed., 1 Year B.Ed. and introducing new courses of 4 Year Physical Education and 4 Year Art Education in line with NEP 2020. These courses are also to be aligned to the various criteria laid down by UGC and in alignment with NHEQE. NCFSE and NCFTE However, the existing courses which are currently running are not in alignment with these various aspects e.g., Credit System. 4 Stages of School Education (5+3+3+4). Entry- exit policy, no hard separation etc. These changes in curricula would also necessitate changes in the norms, standards and regulations. For the reasons aforementioned, it is not feasible to process any pending applications.

In light of the above, the Council members unanimously decided the following:

I. ***At present, there are several institutions which have been recognised by the Regional Committees of NCTE wherein courses/ programme, other than diploma level courses, are running. An Expert Committee be constituted to devise the modalities for conversion of these recognised institutions into multidisciplinary institutions in line with NEP 2020.***

II. ***The applications pending before the Regional Committees of NCTE shall not be processed further. Hence, all such pending applications before RCs at any stage of processing be returned along with the processing fee to the concerned institution(s).***

III. ***In the cases where the applications are being processed/ reopened as per the directions of the Hon'ble Court (s), the concerned Regional Committee shall file a review/appeal before the Hon'ble Court(s) alongwith stay application against the***

order passed by the Hon'ble Court(s) for processing of application(s) in view of the decision of the Council has taken in II above.

Noting the above decision of the General body of the NCTE, the Appeal Committee decided not to entertain the Appeal of the applicant institution and, therefore, the order of the WRC dated 02.03.2009 refusing recognition for D.El.Ed. programme of the institution is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing and in the light of decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022, the Appeal Committee of the Council concluded that the appeal of the institution cannot be entertained. Hence, the instant appeal deserves to be rejected and impugned refusal order dated 02.03.2009 of WRC is confirmed.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Kovid Shikshan Prashikshan Sansthan, Jhotwara Kalwar, Jhotwara, Rajasthan-302016**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-337/E-224447/2021 Appeal/9th Meeting, 2022
APPL12983

Rajasthan Shikshan Prashikshan Sansthan, Kheda Balwada from House, Surajgarh, Rajasthan-333031 **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**No one presented**
Respondent by	**Regional Director, WRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF REFUSAL

The appeal of **Rajasthan Shikshan Prashikshan Sansthan, Kheda Balwada from House, Surajgarh, Rajasthan-333031** dated 12.12.2018 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No. 7-15/NRC/ NCTE/Returning of Application/ Raj/2009** dated 02.03.2009 of the Western Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "The NCTE Hqtrs has independently decided to reiterate the decision to already taken by NCTE not to grant recognition for B.Ed./STC/Shiksha Shastri Course to any institution in the state of Rajasthan for the academic session 2009/10 and to return all the applications along with processing fees and documents to the institution concerned."

II. SUBMISSIONS MADE BY APPELLANT: -

No one from Rajasthan Shikshan Prashikshan Sansthan, Kheda Balwada from House, Surajgarh, Rajasthan-333031 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "Honorable High Court has made observation regarding the decision taken by the appellate authority of the National Council for Teacher Education in the case of Saint Meera TT College, Rajsamand, Rajasthan in which the application submitted by the appellant institution therein, hard copy format was considered and it was observed by the appellate authority that the provision of regulations of 2014 requiring the submission of online application and State recommendation were not applicable to those application which were submitted in the year 2008 or before the implementation of the regulations of 2014. Therefore, the Honorable High Court has decided that the applications submitted in hard copy format prior to the implementation of the regulations of 2014 are also required to be granted to the application teacher education institutions if they fulfill the other infrastructure and instructional requirements. Northern Regional Committee of the National Council for teacher education has already implemented the decision delivered by the Honorable court of Rajasthan at principal seat Jodhpur in the above noted writ petition bearing number 12712/2017 in the case of Murali Singh Yadav Shishak Prashikshan Sansthan in the 281st meeting of the Norther Regional Committee held from 20th to 21st of February of 2018 and the above named institution has already been granted recognition under the provisions of Regulation 716 of the regulations of 2014 for the D.El.Ed. course. S.B. Civil writ Petition number 12712/2017 and the case of the appellant institution is also situated in similar sphere to the case of Saint Meera T.T. College, Rajsamand, Rajasthan decided by the appellate authority of the National Council for Teacher Education as observed by the Honorable High Court in its order dated 17th of February 2016 in the above noted civil writ petition. It is requested that as the Northern Regional committee has already implemented the verdict of the Honorable High Court has passed in the Above noted Civil Writ petition bearing number 12712/2017 therefore it is required that the case of the appellant institution may also be decided on the similar lines as has been done in the above-mentioned cases on the ground of parity."

III. OUTCOME OF THE CASE

Appeal Committee noted that the matter was taken up by the Appeal committee for hearing in its 1st Meeting, 2022 held on 6th January, 2022 and further taken up in its 5th Meeting,

2022 held on 10th June, 2022, but nobody has appeared to represent the institution. Further, the matter was again taken up in 9th Meeting held on 20th November 2022, however, on the said date also nobody has appeared to represent the institution before the Appellate Committee. The Committee decided not to grant another date for hearing to the institution and decided to consider the documents and passed appropriate order on the basis of material available on record.

The Committee noted that the application of the institution for D.El.Ed. programme was refused vide order dated 02.03.2009, and it has been observed by the Committee that since then the institution has not been granted recognition and in view of the following decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022 *inter-alia* considered the following Agenda(s): -

Agenda No [5]: Decision on application, irrespective of any course, which are not in line with NEP 2020:

The Council, after consideration of Agenda placed before the Council and detailed discussion and deliberation, as below, observed the following: -

- The NEP 2020 lays down that teacher education institutions will be gradually moved into multidisciplinary colleges and universities by 2030. By 2030, the minimal qualification for a person to become a teacher will be the 4 Year integrated B.Ed. degree.
- The 2 Year B.Ed. program will also be offered only for those who have already obtained Bachelor's Degrees in other specialized subjects and the 1 Year B.Ed. program for those who have completed the equivalent of 4 Year multidisciplinary Bachelor's Degrees or who have obtained a Master's degree in a specialty and wish to become a subject teacher in that specialty.
- As per provision of Section 12 of NCTE Act, 1993 it shall be the duty of the Council to take all such steps as it may think fit for ensuring planned and co-ordinated development of Teacher Education.
- There are approximately 430 applications for various Teacher Education Programmes, other than Diploma level courses. pending at different stages in the RCs.
- NEP 2020 has brought about a paradigm shift in the Teacher Education Sector. Accordingly, NCTE is also revamping its various curricula of ITEP. 2 Year B.Ed., 1 Year B.Ed. and introducing new courses of 4 Year Physical Education and 4 Year Art Education in line with NEP 2020. These courses are also to be aligned to the various criteria laid down by UGC and in alignment with NHEQE. NCFSE and NCFTE However, the existing courses which are currently running are not in alignment with these various aspects e.g., Credit System. 4 Stages of School Education (5+3+3+4). Entry- exit policy, no hard separation etc. These changes in curricula would also necessitate changes in the norms, standards and regulations. For the reasons aforementioned, it is not feasible to process any pending applications.

In light of the above, the Council members unanimously decided the following:

I. ***At present, there are several institutions which have been recognised by the Regional Committees of NCTE wherein courses/ programme, other than diploma level courses, are running. An Expert Committee be constituted to devise the modalities for conversion of these recognised institutions into multidisciplinary institutions in line with NEP 2020.***

II. ***The applications pending before the Regional Committees of NCTE shall not be processed further. Hence, all such pending applications before RCs at any stage of processing be returned along with the processing fee to the concerned institution(s).***

III. ***In the cases where the applications are being processed/ reopened as per the directions of the Hon'ble Court (s), the concerned Regional Committee shall file a review/appeal before the Hon'ble Court(s) alongwith stay application against the order passed by the Hon'ble Court(s) for processing of application(s) in view of the decision of the Council has taken in II above.***

Noting the above decision of the General body of the NCTE, the Appeal Committee decided not to entertain the Appeal of the applicant institution and, therefore, the order of the WRC dated 02.03.2009 refusing recognition for D.El.Ed. programme of the institution is confirmed.

IV. **DECISION: -**

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing and in the light of decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022, the Appeal Committee of the Council concluded that the appeal of the institution cannot be entertained. Hence, the instant appeal deserves to be rejected and impugned refusal order dated 02.03.2009 of WRC is confirmed.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Rajasthan Shikshan Prashikshan Sansthan, Kheda Balwada from House, Surajgarh, Rajasthan-333031**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-87/E-247206/2022 Appeal/9th Meeting, 2022
APPLNRC202214312

Shobhit Education Society, 19 Chalola Dhamandri Road Chalola, UNA Himachal Pradesh-174303 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Mr. Desh Raj Gautam, Chairman**
Respondent by	**Regional Director, NRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF FILING OF APPEAL

The appeal of **Shobhit Education Society, 19 Chalola Dhamandri Road Chalola, UNA Himachal Pradesh-174303** dated 10.03.2022 filed under Section 18 of NCTE Act, 1993 is for application for new **D.El.Ed. course**.

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Desh Raj Gautam, Chairman of Shobhit Education Society, 19 Chalola Dhamandri Road Chalola, UNA Himachal Pradesh-174303 appeared online to present the

case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "Newly applied for the JBT D.El.Ed.". During the hearing of the appeal the representative of the institution has submitted that the institution has wrongly filed instant appeal although it is not maintainable as no refusal order/withdrawal order has been passed by the Regional Committee.

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and considered the submission made by the institution at the time of the hearing of appeal and decided to dismiss the present appeal in the light that instant appeal has been wrongly filed as there is no refusal order/withdrawal order passed by the Regional Committee.

IV. DECISION: -

Appeal Committee decided to dismiss the present appeal as not maintainable hence Appeal is rejected.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Shobhit Education Society, 19 Chalola Dhamandri Road Chalola, UNA Himachal Pradesh-174303**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Himachal Pradesh.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-162/E-257588/2022 Appeal/9th Meeting, 2022
APPLWRC201913334

Sanskar Shikshan Prashikshan Sansthan, 2140, Nadbai, Piprau Road, Nadbai, Bharatpur, Rajasthan-321602 **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Representative of Sanskar Shikshan Prashikshan Sansthan**
Respondent by	**Regional Director, WRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF REJECTION

The appeal of **Sanskar Shikshan Prashikshan Sansthan, 2140, Nadbai, Piprau Road, Nadbai, Bharatpur, Rajasthan-321602** dated 07/08/2019 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.7-15/NRC/NCTE/Returning of Application/S.No.-235/RaJ./2009/70576** dated 07/03/2009 of the Western Regional Committee, returning of application of B.Ed. for the Academic Session 2009-10 on the grounds that "The NCTE HQ has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed./STC/Shiksha Shastri course to any institution in the state of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of Sanskar Shikshan Prashikshan Sansthan, 2140, Nadbai, Piprau Road, Nadbai, Bharatpur, Rajasthan-321602 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal Memoranda, the appellant institution submitted that: "Detailed appeal along with all the enclosures attached with this online appeal."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution had submitted an application to the institution was returned vide letter dt. 07.03.2009.

The Committee noted that the institution has filed Writ Petition bearing no. 7704 of 2019 before the Hon'ble High Court of Rajasthan at Jaipur and vide order dated 29.04.2019, the Hon'ble High Court has passed following orders: -

> ***"....1. Admittedly appeal lies under Section 18 of National Council for Teacher Education Act, 1993 against the order passed by the NRC.***
> ***2. In view thereof, the counsel for the petitioner prays to withdraw this petition with liberty to file an appeal before the NCTE with the prayer that the delay in filing the appeal may be condoned.***
> ***3. The writ petition is allowed to be withdrawn with liberty to the petitioner to file an appeal before the NCTE with directions to the NCTE to decide the appeal on merits ignoring the limitation period.***
> ***4. The writ petition is dismissed accordingly..."***

The Committee noted that the application of the institution for B.Ed. programme was refused vide order dated 07.03.2009, and it has been observed by the Committee that since then the institution has not been granted recognition and in view of the following decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022 *inter-alia* considered the following Agenda(s): -

Agenda No [5]: Decision on application, irrespective of any course, which are not in line with NEP 2020:

The Council, after consideration of Agenda placed before the Council and detailed discussion and deliberation, as below, observed the following: -

- The NEP 2020 lays down that teacher education institutions will be gradually moved into multidisciplinary colleges and universities by 2030. By 2030, the minimal qualification for a person to become a teacher will be the 4 Year integrated B.Ed. degree.
- The 2 Year B.Ed. program will also be offered only for those who have already obtained Bachelor's Degrees in other specialized subjects and the 1 Year B.Ed. program for those who have completed the equivalent of 4 Year multidisciplinary Bachelor's Degrees or who have obtained a Master's degree in a specialty and wish to become a subject teacher in that specialty.
- As per provision of Section 12 of NCTE Act, 1993 it shall be the duty of the Council to take all such steps as it may think fit for ensuring planned and co-ordinated development of Teacher Education.
- There are approximately 430 applications for various Teacher Education Programmes, other than Diploma level courses. pending at different stages in the RCs.
- NEP 2020 has brought about a paradigm shift in the Teacher Education Sector. Accordingly, NCTE is also revamping its various curricula of ITEP. 2 Year B.Ed., 1 Year B.Ed. and introducing new courses of 4 Year Physical Education and 4 Year Art Education in line with NEP 2020. These courses are also to be aligned to the various criteria laid down by UGC and in alignment with NHEQE. NCFSE and NCFTE However, the existing courses which are currently running are not in alignment with these various aspects e.g., Credit System. 4 Stages of School Education (5+3+3+4). Entry- exit policy, no hard separation etc. These changes in curricula would also necessitate changes in the norms, standards and regulations. For the reasons aforementioned, it is not feasible to process any pending applications.

In light of the above, the Council members unanimously decided the following:

I. ***At present, there are several institutions which have been recognised by the Regional Committees of NCTE wherein courses/ programme, other than diploma level courses, are running. An Expert Committee be constituted to devise the modalities for conversion of these recognised institutions into multidisciplinary institutions in line with NEP 2020.***

II. ***The applications pending before the Regional Committees of NCTE shall not be processed further. Hence, all such pending applications before RCs at any stage of processing be returned along with the processing fee to the concerned institution(s).***

III. ***In the cases where the applications are being processed/ reopened as per the directions of the Hon'ble Court (s), the concerned Regional Committee shall file a review/appeal before the Hon'ble Court(s) alongwith stay application against the order passed by the Hon'ble Court(s) for processing of application(s) in view of the decision of the Council has taken in II above.***

Noting the above decision of the General body of the NCTE, the Appeal Committee decided not to entertain the Appeal of the applicant institution and, therefore, the order of the WRC dated 07.03.2009 refusing recognition for B.Ed. programme of the institution is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing and in the light of decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022, the Appeal Committee of the Council concluded that the appeal of the institution cannot be entertained. Hence, the instant appeal deserves to be rejected and impugned refusal order dated 07.03.2009 of WRC is confirmed.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Sanskar Shikshan Prashikshan Sansthan, 2140, Nadbai, Piprau Road, Nadbai, Bharatpur, Rajasthan-321602**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-146/E-257178/2022 Appeal/9th Meeting, 2022
APPLNRC202214375

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

Representative of Appellant	**Mr. Saurabh Tiwari, Assistant Professor**
Respondent by	**Regional Director, NRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Sarvodya Mahavidyalaya, 01119, Chaumuhan, National Highway 2, Chaumuhan, Chhata, Mathura, Uttar Pradesh-281406** dated 21.05.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No./NRC/NCTE/UP-682 & UP-2350/365th (Vol. – II) (Blended March) Meeting/2022/217689** dated 24.03.2022 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted the latest faculty list in original with details of their academic qualification approved by the affiliating body. The list submitted by the institution is of 2020 that too signed by the secretary of the institution himself and not by any affiliating body. The institution

has submitted the details of the salary disbursement to the faculty members for last six month in a list, but no bank account statements of the faculties are submitted to show that they are still on role of the institution. The link of the website with the latest faculty details is not submitted. The website of the institution is not functional."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Saurabh Tiwari, Assistant Professor of Sarvodya Mahavidyalaya, 01119, Chaumuhan, National Highway 2, Chaumuhan, Chhata, Mathura, Uttar Pradesh-281406 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal Memoranda it is submitted that "That the appellant is filing the instant appeal before this forum seeking (a) Quashing of the impugned withdrawal order dated 24.03.2022 issued by NRC whereby the Respondent No. 2 has withdrawn the recognition granted to appellant institution, without following the due procedure and / or it is submitted that earlier, NRC had issued an order dated 09.10.2020 withdrawing recognition of appellant institution, however, the appeal committee of NCTE vide its order dated 02.09.2021 had set aside the said withdrawal order dated 09.10.2021 issued by the NRC. In view of the same, this Hon'ble Court vide its order dated 27.09.2021 passed in Write Petition (C) No. 10924/2021, enabled the appellant institution to function as a recognized institution and directed the NRC to issue order of restoration to petitioner institution restoring its recognition. However, now the NRC, vide its impugned withdrawal order dated 24.03.2022, has decided to stand with its earlier withdrawal order dated 09.10.2020, which stands quashed by Hon'ble Court and NCTE, in complete contravention of observations made & directions issued by Hon'ble Court vide the aforesaid order dated 27.09.2021. A true copy of the impugned withdrawal order dated 24.03.2022 issued by the NRC is annexed hereto as Annexure P 1 (b) That thereafter, pursuant to invitation of applications by the NCTE, the appellant institution applied before the NRC for grant of recognition of B.Ed. course and submitted all the requisite documents and prescribed processing fee, in support of its application. (c) That being satisfied of the infrastructural and instructional facilities available in the petitioner institution, NRC vide its order dated 27.11.2002 granted recognition to appellant institution for conducting B.Ed. course with annual intake of 60 students from academic session 2002-03. A true copy of recognition order dated 27.11.2002 issued by NRC is annexed hereto as Annexure P 2 (d) That thereafter, Dr. B.R. Ambedkar University (affiliating university of the appellant) vide its letter dated 01.07.2005 accorded affiliation to the appellant institution for conducting the said B.Ed. course. (e)That thereafter, appellant institution submitted its application to NRC on 06.02.2007 seeking recognition for conducting B.Ed. course (additional intake) of one year duration with an intake of additional 40 students and accordingly, being satisfied, NRC vide its order dated 18.02.2010 granted recognition to appellant institution for conducting B.Ed. course (additional intake) thereby making the total intake of 100 students (basic 60 + additional 40) from the academic

session 2009-10. A true copy of recognition order dated 18.02.2010 issued by NRC is annexed hereto as Annexure P 3 (f) That, accordingly, the affiliating university of the appellant institution vide its letter dated 01.07.2014 accorded its affiliation to the appellant institution for conducting the said B.Ed. course in respect of additional 40 seats also. (g) That thereafter in the year 2019, the NRC in its 301st meeting held from 09th-11th May 2019, considered the letter dated 19.01.2019 of Dr. B.R. Ambedkar University regarding adherence of norms, and decided to issued show cause notice to various institution including the appellant institution. The NRC issued the show cause notice dated 02.07.2019 to the appellant institution with direction to submit its comment on the complaint raised by the affiliating university. (h) That thereafter, the appellant institution vide its letter dated 01.08.2019 submitted its reply to the show cause notice dated 02.07.2019 issued by NRC alongwith all the supporting documents and requisite information including the approved faculty list. (i) That thereafter, NRC in its 311the meeting held on 16th to 17th January 2020, considered the reply of appellant institution submitted in response to show cause notice dated 02.07.2019 and observed as under: "1. The institution has not submitted approved faculty list in original with details of their academic qualification / experience 2. The institution has not submitted the details of salary disbursed to the faculty along with six months bank statement alongwith account number of each faculty members. 3. The reply of SCN dated 02.07.2019 submitted by the institution is not satisfactory as it does not address the above deficiencies and the institution is being given final opportunity before withdrawal of recognition. 4. Further, the website link showing the faculty details is not submitted by the institution." Hence, second show cause notice under section 17 of the NCTE Act, 1993 be issued to the institution to submit reply within 30 days from the date of issue of show cause notice." In view of the above, the NRC issued the show cause notice dated 26.02.2020 to the appellant institution. A true copy of the order dated 26.02.2020 issued by NRC is annexed hereto as Annexure P4 (j) That although the appellant institution was already having requisite number of faculty for conducting the said B.Ed. course, however, in view of the letter dated 19.01.2019 issued by the affiliating university, appellant institution made appointment of some more / additional faculty and subsequently, the Registrar of the affiliating university of petitioner institution issued letters dated 23.01.2020 & 14.08.2020 accorded its approval to the said faculty. It is relevant to state that the appellant institution also is having faculties earlier letters approved vide university letter dated 21.08.2010. Further, it is relevant to state that the faculty approvals are ongoing process in a recognized / running institution as the faculty leaves and joins the institution. Accordingly, university vide its letter dated 24.03.2021 has also constituted the expert team for appointment of new faculties. A true translated copies of the letters dated 07.06.2004, 11.06.2009, 21.08.2010, 23.01.2020, 14.08.2020 and 24.03.2021 issued by the Registrar of affiliating university. Now the institute has obtained the approval of Eight more faculty members from the university are annexed here to as Annexure P5 (Colly). (k) That thereafter, the NRC in its 315th meeting (virtual) held on 17th & 20th August 2020 took the matter of appellant institution for consideration, however, notwithstanding the compliances made, documents submitted & information provided by the appellant

institution from time to time, decided to withdraw its recognition observing that the reply to the show cause notice has not been submitted by the appellant institution. A true copy of the relevant extracts of the minutes of 315th meeting (virtual) held on 17th & 20th August 2020 of the NRC is annexed hereto as Annexure P6 (l) That being aggrieved by the decision taken by NRC in its of 315th meeting (virtual) held on 17th and 20th August 2020, the appellant preferred its online statutory appeal under section 18 of the NCTE Act, 1993 before the NCTE on 16.09.2020 and also submitted the necessary / relevant documents including the subsequent approval dated 14.08.2020 issued by the affiliating university in support of its appeal and notarized affidavits. A true copy of appeal report dated 16.09.2020 submitted by petitioner institution is annexed hereto as Annexure P7 (m) That it is submitted that the appellant institution also submitted the copy of list of faculties in the prescribed proforma and salary bank statement of last 6 months along with other documents. (n) That subsequently, as decided by the NRC in its of 315th meeting (virtual) held on 17th and 20th August 2020, the NRC issued the formal withdrawal order dated 09.10.2020 arbitrarily withdrawing the recognition of the appellant institution for conducting the B.Ed. course from the end of academic session next following the date of order of withdrawal. It is submitted that the statutory appeal had already been preferred by the appellant institution against the said decision of NRC taken by it in its of 315th meeting (virtual) held on 17th and 20th August, 2020. A true copy of the order dated 09.10.2020 issued by Respondent No. 2 is annexed hereto as Annexure P8 (o) That during pendency of the statutory appeal of the appellant institution, the University of Lucknow, notified the counselling schedule of in respect of JEE B.Ed. 2020-22, as per which the counselling process in the State of Uttar Pradesh was to be commenced from 19.11.2020. (p) That in these circumstances particularly in view of the pendency of the statutory appeal, the appellant institution approached Hon'ble Court by way of filling the Writ Petition (C) No.9952/2020, paying as under: "(a) issue an appropriate writ[s]/direction[s] or order[s] staying the operation and effect of the order dated 09.10.2020 passed by the NRC till the final disposal of the appeal and (b) issue an appropriate writ[s]/direction[s] or order[s] directing the respondent no.2 communicate the recognized status of the petitioner institution to its affiliating university and also to the Department of Higher Education so as to enable the petitioner institution to participate in the ongoing counselling process for the academic session 2020-21 in respect of B.Ed. course" (q) That the said Writ Petition was listed for consideration before Hon'ble Court and vide its order 10.12.2020, observe and directed as under: "4. Keeping in view the fact that the petitioner is an old institution recognized and functioning since 2002 and also the submission of the petitioner institution that the withdrawal order is effective from the end of the academic session next following the date of order of withdrawal, it would be in the interest of justice that the petitioner institution is allowed to participate in the counselling for this academic session. 5. The petitioner institution has made out a prima facie case. Accordingly, petitioner institution is permitted to participate in the counselling for the current academic year i.e., 2020-21. 6. The respondents will take all consequential steps forthwith including changing the status of the petitioner institution on the website, informing the Department of Higher

Education, State of U.P. and affiliating university/concerned authority. 7. The appellate authority may adjudicate/dispose of the appeal filed by the petitioner institution uninfluenced by any observations made by this court and as per law." A true copy of the order dated 10.12.2020 passed by Hon'ble Court in Writ Petition (C) No.9952/2020 is annexed hereto as Annexure P9 (r)That thereafter, the affiliating university of the petitioner institution vides its letter dated 19.03.2021, desired the requisite information from all the B.Ed. colleges of the State, so that their name may be incorporated in the list of institutions eligible for the counselling process for the academic session 2021-23. It is submitted that the affiliating university has also sought the information including the intake of students sanctioned by the NRC. A true translated copy of the letter dated 19.03.2021 of the affiliating university is annexed hereto as Annexure P10 (s) That subsequently, NRC issued a public notice dated 30.03.2021 seeking compliance NCTE Regulations 2014 from the institutions to whom, the revised recognition orders in terms of the said 2014 Regulations, were required to be issued. Vide the said public notice dated 30.03.2021. A true copy of the NRC public notice dated 30.03.2021 is annexed hereto as Annexure P11. (t) That subsequently, in response to letter dated 19.03.2021 issued by its affiliating university, the appellant institution vide its letter dated 06.04.2021 submitted the requisite detail in the prescribed proforma. A true translated copy of the letter dated 06.04.2021 of the appellant institution is annexed hereto as Annexure P12 (u) That it is submitted that though, the appellant institution was in compliance of the aforesaid NCTE Regulations 2014 as it already had submitted the requisite documents/information with the NRC/NCTE at the time of submitting its statutory appeal, however, the appellant institution vide its letter dated 12.04.2021 again submitted the documents/information, as desired by the NRC vide the public notice dated 30.03.2021. A true copy of the letter dated 12.04.2021 of the appellant institution is annexed hereto as Annexure P13 (v) That subsequently, the Lucknow University i.e., the nodal university for conducting the counselling for the present academic 2021-23 for B.Ed. course, issued a press note dated 17.04.2021 postponing the counselling schedule in respect of B.Ed. course due to covid pandemic, which was supposed to be commenced from 19.05.2021. A true translated copy of the press note dated 17.04.20021 of the affiliating university is annexed hereto as Annexure P14 (w) That in view of the above, the appellant institution vide its reminder letter dated 28.05.2021 informed the NRC about likely commencement of counselling schedule and requested to allow to participate in the counselling process in view of the pendency of their statutory appeal before the appeal committee of NCTE. A true copy of petitioner's letter dated 28.05.2021 is annexed hereto as Annexure P15 (x) That thereafter, the Govt. of Uttar Pradesh vide its letter dated 17.06.2021 addressed to Lucknow University, informed the modified schedule for conducting the counselling process, as per which, the date of entrance examination & commencement of counselling process was 18.07.2021 and 10.08.2021 respectively. A true translated copy of letter dated 17.06. 2021 of the Govt. of Uttar Pradesh is annexed hereto as Annexure P1 (y) That thereafter, the said appeal of the appellant institution was heard by appeal committee of NCTE on 24.07.2021 when the representatives of the petitioner institution produced the documents in support of

its appeal, which were desired by the NRC in the absence of which the NRC had initiated for withdrawal of the appellant institution. (z) That thereafter, the Lucknow University (the nodal university) issued a press note date nil thereby informing that the date for U.P. State B.Ed. 2021-23 Admission Test, was fixed as 30.07.2021. A true copy of the press note dated nil of Lucknow University is annexed hereto as Annexure P 17 (z1) That since the last date of 30.07.2021 notified by the Lucknow University was approaching fast and the appeal of the appellant institution was still lying pending with the NRC, appellant institution was still lying pending with the NRC, appellant institution approached Hon'ble Court by way of filing the Writ Petition (C) No. 7019/2021 seeking stay of the withdrawal order dated 09.10.2020 passed by the NRC and to enable the appellant institution to participate in the ongoing counselling process for the academic session 2020-21 in respect of B.Ed. course. The said Writ Petition was listed before this Hon'ble Court on 04.08.2021 when the same was dismissed as withdrawn. A true copy of the order dated 04.08.2021 passed by this Hon'ble Court in Writ Petition (C) No. 7019/2021 is annexed hereto as Annexure P 18 (z2)That being satisfied with the documents submitted by the representatives of the appellant, the appeal committee of the NCTE vide its order dated 02.09.2021 allowed the appeal of the appellant setting aside the impugned withdrawal order dated 09.10.2020 of the NRC and remanded the matter back to NRC for reconsideration of the same. A true copy of order dated 02.09.2021 passed by the Appeal Committee of NCTE is annexed hereto as Annexure P 19 (z3) That thereafter, appellant institution vide its letter dated 04.09.2021 informed the NRC that appellant institution has already submitted the requisite documents alongwith submission of appeal, except the approval of some faculty members, which is lying pending before the affiliating university. Appellant institution also submitted that as and when the documents are received, the same will be submitted accordingly. A true copy of appellant letter dated 04.09.2021 is annexed hereto as Annexure P 20 (z4)That thereafter, the appellant institution vide its letter dated 13.09.2021 informed the NRC that the appellant institution has already submitted the requisite documents alongwith submission of appeal, except the approval of some faculty members, which is lying pending before the affiliating university and as and when the documents are received, the same will be submitted to NCTE. Vide the said letter dated 13.09.2021, the appellant institution also requested the NRC to restore the recognition of appellant institution. The said letter has been received in the office of NRC on 16.09.2021. A true copy of appellant letter dated 13.09.2021 alongwith speed post tracking report is annexed hereto as Annexure P 21 (z5)That thereafter, the Lucknow University on its website published the counselling schedule in respect of B.Ed. 2021-23, which was to commenced from 17.09.2021, however, petitioner institution was unable to participate in the said counselling schedule as the NRC had not forwarded the name of appellant institution for the purpose of counseling to the Affiliating University and the Department of Higher Education, despite the fact that the Appeal Committee of NCTE vide its order dated 02.9.2021 has set aside the withdrawal order dated 09.10.2020 of the NRC. A true copy of the counselling schedule notified by Lucknow University in respect of JEE B.Ed. 2021-23 is annexed hereto as Annexure P 22 (z6) That it is relevant to state here that

Hon'ble Court vide its order dated 08.05.2019 passed in some other W.P. (C) No.4959/2019 (HICT Shiksha Mahavidyalaya), has held that it is axiomatic that on having been challenged before appellate committee and thereafter culminated into an order of remand, the order of original authority stands quashed as the same is no longer in effect and therefore, the status of the petitioner as a recognized institution cannot be disturbed. A true copy of the order dated 08.05.2019 passed by Hon'ble Court in W.P. (C) No.4959/2019 is annexed hereto as Annexure P23 (z7) That thereafter, since the NRC was not considering the matter of the appellant institution, therefore, being apprehended to lose counselling and academic session, appellant institution, again approached Hon'ble Court by filing Writ Petition (C) No. 10924/2021 seeking direction to NRC to issue restoration order and necessary communications to affiliating university and so as to enable the appellant institution to participate in the counselling. (z8) That thereafter, the said Writ Petition (C) No.10924/2021 of appellant institution was listed before this Hon'ble Court when this Hon'ble Court vide its order dated 27.09.2021 passed therein, set aside the withdrawal order dated 09.10.2020 issued by NRC and permitted the appellant institution to participate in the counselling, with following observations and directions: "4. The abovementioned facts show that withdrawal order has already been set aside by Appellate Committee. As such, until the NRC takes a fresh decision, there is no impediment to petitioner's recognition and participation in counselling and admitting students. The NRC is directed to issue an order of recognition within one week from today and to reflect the petitioner's status as a recognised institution on the website within the same period. The NCTE will also communicate the correct status of the petitioner to affiliating University and the concerned State Government within one week. It is submitted that vide the said order, this Hon'ble Court clearly set aside the order dated 09.10.2021 issued by the NRC. A true copy of the order dated 27.09.2021 passed by Hon'ble Court in W.P. (C) No.10924/2021 is annexed hereto as Annexure P24 (z9) That thereafter, institution vide its letter dated 29.09.2021, submitted a copy of aforesaid order dated 27.09.2021 to the NRC and requested to issue restoration order and also to comply with the conditions contained in the said order dated 27.09.2021. A true copy of the appellant letter dated 29.09.2021 is annexed hereto as Annexure P 25 (z10) That thereafter, the NRC in its 347th (virtual) meeting held on 30.09.2021 consider the matter of petitioner institution and thereafter, issued a letter dated 11.10.2021 to the Department of Higher Education and the Affiliating University of the appellant institution, permitting the appellant institution to participate in the counselling process for the academic session 2021-22. A true copy of letter dated 11.10.2021 issued by the NRC is annexed hereto as Annexure P 26 (z11) That, accordingly, the appellant institution participated in the counselling process for the academic session 2021-22 and admitted students, which are pursuing their studies in the appellant institution. It is relevant to state that the restoration order, as directed by Hon'ble Court on 27.09.2021, is yet to be issued by the NRC. (z12) That subsequent thereto, selection committee consisting of subject experts nominated by the affiliating university vide its letter dated 24.03.2021, selected the candidates to be appointed a faculty in the appellant institution and thereafter, the sponsoring body of appellant institution, hold meeting dated

05.03.2022 of its management committee, which recommended to obtain approval of the selected faculty, from the affiliating university. Accordingly, the appellant institution vides letter dated 08.03.2022, submitted the requisite documents to the affiliating university, for the purpose of approval of faculty. A true translated copy of the minutes of meeting dated 05.03.2022 of the management committee of petitioner institution and a true translated copy of letter dated 08.03.2022 of appellant institution are annexed hereto as Annexure P 27 (Colly) (z13) That thereafter, the NRC in its 365th (Vol. II) (Blended Mode) meeting held on 08-09.03.2022, considered the matter of the appellant institution and decided as under: "While going through the details of documents submitted by the petitioner institution, committee found the following deficiency: 1. The institution has not submitted latest approved faculty list in original with details of their academic qualifications approved by the affiliating body. The list submitted by the institution is of 2020 that too signed by the Secretary of the institution himself and not by any affiliating body. 2. The institution has submitted the details of the salary disbursement to the faculty members for last six month in a list, but no bank account statements of the faculties are submitted to show that they are still on role of the institution. 3. The link of the website with the latest faculty details is not submitted. 4. The website of the institution is not functional. Hence, the committee decided the withdrawal order issued to the institution dt. 9th Oct. 2020 stands from the session 2022-2023." (z14) That, accordingly, in view of the aforesaid decision taken by NRC in its 365th meeting, the WRC issued the impugned withdrawal order dated 24.03.2022 confirming the order dated 09.10.2020, which already stands quashed by Hon'ble Court vide order dated 27.09.2021. (z15) That it is submitted that while taking the aforesaid decision, the NRC failed to appreciate that the effect of quashing an order of withdrawal by Hon'ble Court is to restore the same position of the appellant institution, as it stood on the date, prior to passing of the order already quashed. It is submitted that it is a well-established principle of law that the order of a competent authority remains effective and operative only until the same is set aside or quashed by due process of law and once it is quashed, it is deprived of all legal effects, right from its inception and its effect would be ceased to exist as a result of which, the institution would be entitled to all consequential benefits and would be deemed to be recognized ever since. (z16) That it is submitted that the NRC while issuing the aforesaid impugned withdrawal order dated 24.03.2022, failed to appreciate that if an institution has been able to remedy the defects due to which its recognition was withdrawn, then, there is no reason as to why the aspect should not be considered by the authority concerned. However, NRC has given effect to the already quashed order without considering the matter/documents of petitioner institution, which were considered by the appeal committee and after having satisfied by same, the appeal committee had remanded the matter back to NRC for reconsideration. It is submitted that NRC has adopted a contradictory view to appeal committee's observation in perusing documents. (z17) That it is submitted that though in the aforesaid impugned withdrawal order dated 22.03.2022, the NRC has pointed out certain deficiencies, however, no show cause notice, in terms of the aforesaid SOP, has been issued by the NRC with regard to said deficiencies. It is submitted that upon quashing

of such an order, the status of an institution would be deemed to be recognized ever since, and also Hon'ble Court while restoring the recognition of appellant institution, has held that the status of the appellant institution will be treated as recognized, until a fresh decision is taken by the NRC, therefore, the NRC was required to serve the appellant institution with a fresh show cause notice with opportunity to rectify the same. (z18) That so far as the deficiencies pointed out in the impugned withdrawal order dated 22.03.2022 regarding the approved list of faculties and their details pertaining to qualification and salary etc. is concerned, it is submitted that the NRC failed to appreciate that the appellant institution vide its letter dated 01.08.2019 had submitted its reply to the show cause notice dated 02.07.2019 alongwith the information pertaining to approved faculty list. Further, the Registrar of the affiliating university of appellant institution had also issued letters dated 23.01.2020 & 14.08.2020 according approval to the faculty of the appellant institution (z19) That it is submitted that if the NRC was initiating any action against the appellant institution on the behest of a letter issued by the affiliating university, then, it ought to have forward the reply of appellant institution submitted against the show cause notice, to the affiliating university of the appellant institution, for their reference and record as it was the University who failed to accord its approval to the faculty appointed in appellant institution. (z 20) That it is relevant to state that in many identical cases the appeal committee of the NCTE has granted the opportunity to institutions by remanding back their refused application to the concerned regional committee for the purposes of reconsideration and compliance needed at the end of the institutions. It is submitted that in one of the identical cases NCTE vide its order dated 18.02.2019, remanded back the application of the institution observing that the delay in submission of the compliance of the LOI i.e., the approved staff list, was due to the reason beyond the control of the applicant which has happened due to the strike in Kurukshetra University. A true copy of the appeal order dated 18.02.2019 of the appeal committee of NCTE is annexed hereto as Annexure P 28 (z21) That it is submitted that the appellant institution does not lack any infrastructural and instructional facilities which is required as per norms for conducting the B.Ed. course, as prescribed by NCTE. It is submitted that NRC failed to observe that the appellant institution has taken all the requisite steps to comply with the directions issued by the NRC/NCTE from time to time. (z22) That as observed in the instant withdrawal order 24.03.2022, the NRC ought to have demanded the documents from the appeal and institution. It is submitted that the appellant institution is herein submitting the documents again as observed deficient by the NRC. The documents are as under: a. Latest Faculty list in the NCTE format as approved by the University is being annexed herewith as ANNEXURE 29 b. Bank statement is being annexed herewith as ANNEXURE 30 c. Website link screen shot is being annexed herewith as ANNEXURE 31 PRAYER It is, therefore, most respectfully prayed that this council may graciously be pleased to:- a) Quashed the impugned order of the NRC and direct the issuance of restoration order."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 18.02.2010. The institution had not submitted an affidavit as its acceptance for adherence to the provisions of the NCTE Regulations, 2014, and therefore, a revised provisional recognition order (RPRO), as per NCTE Regulations, 2014 was not issued to the institution. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 24.03.2022

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 20th November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

(i) A list of faculty dated 8.6.2022 approved by the affiliating body alongwith copies of letter issued by the Registrar, Dr. Bheemrao Ambedkar University, Agra, dated 18.5.2022 regarding approval of eight faculty members, letter dated 14.8.2020 regarding approval of 6 faculty members, letter dated 23.1.2020 regarding appointment of 4 faculty members and letter dated 21.8.2010 regarding appointment of 8 faculty members respectively.

(ii) A copy of request letter to the Bank of India for release of salary in the respect account of faculty.

(iii) A printout of website homepage.

The Appeal Committee noted that the list of faculty submitted by the institution which was approved by the affiliating University on 08.06.2022, as mentioned Sl. No. III (1 & 2) are part time faculty as such the institution does not fulfil the criteria in terms of NCTE Regulation, 2014 as the part time faculty are not allowed. The Committee also noted that the institution has submitted copies of staff approval letters issued by the Registrar, Dr. Bheemrao Ambedkar University, Agra, dated 18.5.2022 regarding approval of eight faculty members, letter dated 14.8.2020 regarding approval of 6 faculty members, letter dated 23.1.2020 regarding appointment of 4 faculty members and letter dated 21.8.2010 regarding appointment of 8 faculty members respectively.

The Committee decided to consider the latest faculty list letter dated 18.05.2022 issued by the Registrar, Dr. Bheemrao Ambedkar University, Agra. After considering the latest faculty letter which was issued on 18.5.2022, the Committee noted that the institution does not have sufficient faculty in terms of NCTE Regulation, 2014. The institution has not submitted any justification in this regard.

As such the committee decided that the withdrawal order dated 24.03.2022 passed by the NRC is justified and the appeal deserve to be rejected.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, the committee decided to reject the appeal submitted by the institution and the impugned order passed by the NRC is hereby confirmed.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Sarvodya Mahavidyalaya, 01119, Chaumuhan, National Highway 2, Chaumuhan, Chhata, Mathura, Uttar Pradesh-281406**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

F. No. 89-149/E-257188/2022 Appeal/9th Meeting, 2022
APPLERC202214377

Kabi Samrat Upendra Bhanja College of Teacher Education 321-1, Bhanjanagar, Lalsingh, Bhanjanagar, Ganjam, Odisha-761126 **APPELLANT**	**Vs**	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Principal of Kabi Samrat Upendra Bhanja College**
Respondent by	**Regional Director, ERC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Kabi Samrat Upendra Bhanja College of Teacher Education Bhanjanagar, 321-1, Lalsingh, Bhanjanagar, Ganjam, Odisha-761126** dated 25/05/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-274.14.1/(ORS/E-2/96 & ERCAPP1862)/B.Ed./2019/61356** dated 22/08/2019 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Faculty list comprises 1+5 instead of 1+15 for running two units (100 intake of B.Ed. course. Faculties at Sl. No. 2&3 are on part-time, not accepted. The submitted faculty is not as per NCTE Regulations, 2014."

II. SUBMISSIONS MADE BY APPELLANT: -

The Principal of Kabi Samrat Upendra Bhanja College of Teacher Education Bhanjanagar, 321-1, Lalsingh, Bhanjanagar, Ganjam, Odisha-761126 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "The filling of vacancies of this college has already been taken by Higher Education Department Govt. of Odisha and appointed list of faculty has been published by OPSC, Odisha. The appointment of faculty has been made as per NCTE Regulation.

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 24.02.2014. A revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course from the academic session of two years from 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 22.08.2019.

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 20th November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

(i) A copy of Recruitment to the post of Assistant Professor in Teacher Education published by O.P.S.C.
(ii) A copy of approved faculty list (1+8) for B.Ed. programme

The Appeal Committee noted that the institution submitted faulty list for 1 unit. Accordingly, the Appeal Committee decided that the institution shall file a representation before the Eastern Regional Committee in this regard and the ERC is directed to scrutinize the representation along with requisite documents.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 22.08.2019 The Committee, noted that the

document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Eastern Regional Committee and decision taken accordingly.

As far as the delay is concerned the institution has submitted that the delay caused in filing of Appeal was due to the ongoing recruitment process and final result was awaited from Odisha Public Service Commission, Cuttack. As such the Appeal could not be filed in time. The institution further submitted that delay caused is not deliberate. In view of the above, the Committee accepted the submission made by the institution regarding the delay in filling of appeal and accordingly, the Committee decided to condone the delay.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, passed in W.P. (C) 4382/2021 has observed as follows: -

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

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30.07.2021, passed in W.P. (C) 7260/2021 has observed as follows: -

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 22.08.2019 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued

from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Kabi Samrat Upendra Bhanja College of Teacher Education Bhanjanagar, 321-1, Lalsingh, Bhanjanagar, Ganjam, Odisha-761126**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Odisha.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-153/E-257530/2022 Appeal/9th Meeting, 2022
APPLERC202214383

Government Teachers Training College Phulbani, 34, Phulbani, Main Road Near Panchayat Bhawan, Kandhamal, Odisha-762001 **APPELLANT**	**Vs**	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Prof. Sudam Charan Mallick, Principal**
Respondent by	**Regional Director, ERC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Government Teachers Training College Phulbani, 34, Phulbani, Main Road Near Panchayat Bhawan, Kandhamal, Odisha-762001** dated 27/05/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No **F.No.ERC/274.1.14/APE00961/B.Ed./2019/61349** dated 22/08/2019 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "1st Show Cause Notice u/s 17(1) issued on 20.04.2018. Final Show Cause Notice u/s 17(1) issued on 18.05.2019. Faculty list comprises 1 (Principal/HOD) +4 (lectures) out of which 03 lecturers on

part-time, which is not adequate as per NCTE Regulation, 2014 and subsequent amendment dated 09.06.2017."

II. SUBMISSIONS MADE BY APPELLANT: -

Prof. Sudam Charan Mallick, Principal of Government Teachers Training College Phulbani, 34, Phulbani, Main Road Near Panchayat Bhawan, Kandhamal, Odisha-762001 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda, it is submitted that "Department of Higher Education, Govt. of Odisha notification number -09, DTD-27/07/2021) has taken steps for recruitment of teaching faculties as per NCTE Norms. The OPSE interview of 04 subjects i.e. (Pedagogy) Math, Geography, Political Science, Botany have completed. All the required teachers according to NCTE Norms will join very soon."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 31.08.2009. A revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (Two unit) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 22.08.2019.

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 20th November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

(i) A copy of Recruitment to the post of Assistant Professor in Teacher Education issued by Asstt. Secretary, O.P.S.C dated 29.4.2022.
(ii) A copy of approved faculty list (1+8) for B.Ed. programme.

The Appeal Committee noted that the institution submitted faulty list for 1 unit. Accordingly, the Appeal Committee decided that the institution shall file a representation before the Eastern

Regional Committee in this regard and the ERC is directed to scrutinize the representation along with requisite documents.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 22.08.2019. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

As far as the delay is concerned the institution has submitted that the delay caused in filing of Appeal was due to the ongoing recruitment process and final result was awaited from Odisha Public Service Commission, Cuttack. As such the Appeal could not be filed in time. The institution further submitted that delay caused is not deliberate. In view of the above, the Committee accepted the submission made by the institution regarding the delay in filling of appeal and accordingly, the Committee decided to condone the delay.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, passed in W.P. (C) 4382/2021 has observed as follows: -

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

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30.07.2021, passed in W.P. (C) 7260/2021 has observed as follows: -

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 22.08.2019 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Government Teachers Training College Phulbani, 34, Phulbani, Main Road Near Panchayat Bhawan, Kandhamal, Odisha-762001**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Odisha.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-157/257536/2022 Appeal/9th Meeting, 2022
APPLERC202214392

Nalini Devi Womens College of Teacher Education, 913, Kharvelnagar, Kharvelnagar, Bhubaneswar GPO, Khurda, Odisha-751001 **APPELLANT**	**Vs**	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Dr. Gayatri Mohanty, Principal**
Respondent by	**Regional Director, ERC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF APPEAL

The appeal of **Nalini Devi Womens College of Teacher Education, 913, Kharvelnagar, Kharvelnagar, Bhubaneswar GPO, Khurda, Odisha-751001** dated 28/05/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-295.08/OR-S/E-8/96 & APE00555/B.Ed./2021/64424** dated 31/08/2021 of the Eastern Regional Committee, whereby the recognition has been granted for one basic unit only.

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Gayatri Mohanty, Principal of Nalini Devi Womens College of Teacher Education, 913, Kharvelnagar, Kharvelnagar, Bhubaneswar GPO, Khurda, Odisha-751001 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "Department of Higher Education, Govt. of Odisha has been pro-actively looking into the faculty positions right from the 1st day after getting the administrative control on transference of Teacher Education colleges which was under the administrative control of Dept. of school and mass education vide letter no. 5053/SME dt. 03.03.2021. 385 teaching faculty posts have been urgently advertised vide advertisement no. 9 of 2021-22 by Odisha Public Service Commission and four of its subject areas i.e., Mathematics, Geography, Political Science, Botany (out of 11 advertised) are already published. (Copy of results enclosed). It is learnt that by the end of June, 2022 the entire faculty positions will be filled up as the postings are being done on a priority basis vide letter no. 4056 dt. 30.04.2022 and 4228 dt. 05.05.2022. (Copy Enclosed). Presently, the college is running with 50 students (one unit) of B.Ed. course with enough infrastructure and manpower. The institution can run smoothly with another 2 units (100 students) making it to 150 (3 units) being the only Women's Teacher Training Institute and the most premier one, this institute now appeals for an additional intake of 100 students (2 units) of B.Ed. students as per the Govt. directive vide letter no. 19324/HE dt. 11.05.2022. (Copy enclosed). Website of the college has been maintained and updated. http://scertodisha.nic.in/ndwctebhubaneswar/."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course vide order dated 31.05.1996, subsequently the institution was granted recognition time to time vide orders dated 16.10.1996 & 20.06.2008. A revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 200 (Four unit) from the academic session 2015-16.

The Committee noted that the recognition granted to the institution was withdrawn by the ERC on 22.08.2019 due to lack of faculty. The institution has challenged the said withdrawal

order before the Appeal Committee and vide its order dated 19.08.2021 has set aside the said withdrawal order and matter was remanded back to ERC to revisit the matter for restoration of recognition of one unit. In view of the same the ERC has issued restoration order for one basic unit.

The Committee noted that the institution has submitted representation dt. 17.11.2022 whereby the institution is seeking restoration of B.Ed. seats from 50 to 150 from the academic session 2022-23.

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 20th November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned order:

(i) A copy of approved faculty list (1+17) for B.Ed. programme.
(ii) A copy of Recruitment to the post of Assistant Professor in Teacher Education issued by Asstt. Secretary, OPSC dt. 29.04.2022.

The Appeal Committee noted that the institution submitted faulty list for 2 units. Accordingly, the Appeal Committee decided that the institution shall file a representation before the Eastern Regional Committee in this regard and the ERC is directed to scrutinize the representation along with requisite documents.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Order dated 31.08.2021. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the impugned order, require to be verified by the Regional Committee and decision taken accordingly.

As far as the delay is concerned the institution has submitted that the delay caused in filing of Appeal was due to the ongoing recruitment process and final result was awaited from Odisha Public Service Commission, Cuttack. As such the Appeal could not be filed in time. The institution further submitted that delay caused is not deliberate. In view of the above, the Committee accepted the submission made by the institution regarding the delay in filling of appeal and accordingly, the Committee decided to condone the delay.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Nalini Devi Womens College of Teacher Education, 913, Kharvelnagar, Kharvelnagar, Bhubaneswar GPO, Khurda, Odisha-751001**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Odisha.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-167/E-258161/2022 Appeal/9th Meeting, 2022
APPLERC202214400

Dibakar Patnaik Institute of Advanced Studies in Education, 285, Kanisi, Haldiapadar, Ganjam, Odisha-760008 **APPELLANT**	**Vs**	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Dr. Srikant Paikaray, Principal**
Respondent by	**Regional Director, ERC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Dibakar Patnaik Institute of Advanced Studies in Education, 285, Kanisi, Haldiapadar, Ganjam, Odisha-760008** dated 28/05/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-283.1/(OR-SO/N-4/99)/M.Ed./2020/62988** dated 08/09/2020 of the Eastern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that "(i) The institution has submitted 1+7 teaching faculty against the requirement of 10 for running one unit of M.Ed. course as per Appendix-5 of Regulation-2014/Norms & Standards. (ii) Out of 08, five lectures appointed on part-time basis, which is not permissible."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Srikant Paikaray, Principal of Dibakar Patnaik Institute of Advanced Studies in Education, 285, Kanisi, Haldiapadar, Ganjam, Odisha-760008 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "Now deptt. of Higher Education, Govt. of Odisha have initiated to fill up the regular post of Asst. Proff. Latest by June, 2022 through OPSC."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course with an annual intake of 24 students vide order dated 06.04.2000. A revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting M.Ed. course of two years duration with an annual intake of 50 from the academic session 2015-16. The recognition of the institution for M.Ed. programme was withdrawn by the ERC vide order dated 08.09.2020.

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 20th November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

(i) A copy of approved faculty list (1+9) for M.Ed. programme.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 08.09.2020. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

As far as the delay is concerned the institution has submitted that the delay caused in filing of Appeal was due to the ongoing recruitment process and final result was awaited from Odisha Public Service Commission, Cuttack. As such the Appeal could not be filed in time. The institution further submitted that delay caused is not deliberate. In view of the above, the

Committee accepted the submission made by the institution regarding the delay in filling of appeal and accordingly, the Committee decided to condone the delay.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, passed in W.P. (C) 4382/2021 has observed as follows: -

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

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30.07.2021, passed in W.P. (C) 7260/2021 has observed as follows: -

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 08.09.2020 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Dibakar Patnaik Institute of Advanced Studies in Education, 285, Kanisi, Haldiapadar, Ganjam, Odisha-760008**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Odisha.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-168/E-258161/2022 Appeal/9th Meeting, 2022
APPLERC202214399

Dibakar Patnaik Institute of Advanced Studies in Education, 285, Kanisi, Haldiapadar, Ganjam, Odisha-760008 **APPELLANT**	**Vs**	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Dr. Srikant Paikaray, Principal**
Respondent by	**Regional Director, ERC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Dibakar Patnaik Institute of Advanced Studies in Education, 285, Kanisi, Haldiapadar, Ganjam, Odisha-760008** dated 26/05/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-278.6/(OR-S/E-11/96 & ERCAPP1886)/B.Ed./2020/62142** dated 28/01/2020 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Faculty list is not duly approved by the concerned affiliating body. Teaching faculty comprises 1+8 as against the requirement of 1+15 for running two units of B.Ed. course as per NCTE Regulation, 2014."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Srikant Paikaray, Principal of Dibakar Patnaik Institute of Advanced Studies in Education, 285, Kanisi, Haldiapadar, Ganjam, Odisha-760008 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "Now the Govt. of Odisha in the deptt. of higher education has initiated through OPSC to fill up all the posts of teaching faculties which will be fulfilled latest by June 2022, i.e., commencement of new academic session."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an additional annual intake of 40 students, thus making the total annual intake of 100 vide order dated 24.02.2014. A revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (Two unit) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 28.01.2020.

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 20th November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

(i) A copy of approved faculty list (1+15) for B.Ed. programme

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 28.01.2020. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

As far as the delay is concerned the institution has submitted that the delay caused in filing of Appeal was due to the ongoing recruitment process and final result was awaited from Odisha Public Service Commission, Cuttack. As such the Appeal could not be filed in time. The

institution further submitted that delay caused is not deliberate. In view of the above, the Committee accepted the submission made by the institution regarding the delay in filling of appeal and accordingly, the Committee decided to condone the delay.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, passed in W.P. (C) 4382/2021 has observed as follows: -

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

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30.07.2021, passed in W.P. (C) 7260/2021 has observed as follows: -

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 28.01.2020 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Dibakar Patnaik Institute of Advanced Studies in Education, 285, Kanisi, Haldiapadar, Ganjam, Odisha-760008**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Odisha.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-161/E-157586/2022 Appeal/9th Meeting, 2022
APPLNRC202214368

Lodhi Singh Dwarika Singh Kausik Mahavidyalya, 436, Alampur, Bihariganj, Sauna, Saidpur, Ghazipur, Uttar Pradesh-233221 **APPELLANT**	**Vs**	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Mr. Bhullan Yadav, Member**
Respondent by	**Regional Director, NRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF REFUSAL

The appeal of **Lodhi Singh Dwarika Singh Kausik Mahavidyalya, 436, Alampur, Bihariganj, Sauna, Saidpur, Ghazipur, Uttar Pradesh-233221** dated 17/05/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NRC/NCTE/NRCAPP-5376-B.Ed./365th(Vol-11)(Blended Mode)/Meeting/2022/217821** dated 04/04/2022 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the following grounds " (i). The institution has not submitted any documents after its last communication dated. 20/11/2015. (ii). The institution has not submitted latest faculty list approved by the affiliating body. (iii). The list submitted in 2015 is also not enough in numbers as well as discipline as per NCTE regulations 2014 which are mandatory. (iv). The institution has already been given enough

opportunities to comply with the documents as per the regulations of NCTE, but it has not submitted any document."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Bhullan Yadav, Member of Lodhi Singh Dwarika Singh Kausik Mahavidyalya, 436, Alampur, Bihariganj, Sauna, Saidpur, Ghazipur, Uttar Pradesh-233221 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "Attached herewith"

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution had submitted an application to the Northern Regional Committee for grant of recognition for seeking permission for running the B.Ed. course on 28.12.2012. The recognition of the institution for B.Ed. programme was refused by the NRC vide order dated 04.04.2022.

The Committee noted that the application of the institution for B.Ed. programme was refused vide order dated 04.04.2022, and it has been observed by the Committee that since then the institution has not been granted recognition and in view of the following decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022 *inter-alia* considered the following Agenda(s): -

Agenda No [5]: Decision on application, irrespective of any course, which are not in line with NEP 2020:

The Council, after consideration of Agenda placed before the Council and detailed discussion and deliberation, as below, observed the following: -

- The NEP 2020 lays down that teacher education institutions will be gradually moved into multidisciplinary colleges and universities by 2030. By 2030, the minimal qualification for a person to become a teacher will be the 4 Year integrated B.Ed. degree.
- The 2 Year B.Ed. program will also be offered only for those who have already obtained Bachelor's Degrees in other specialized subjects and the 1 Year B.Ed. program for those who have completed the equivalent of 4 Year multidisciplinary Bachelor's Degrees or who have

obtained a Master's degree in a specialty and wish to become a subject teacher in that specialty.

- As per provision of Section 12 of NCTE Act, 1993 it shall be the duty of the Council to take all such steps as it may think fit for ensuring planned and co-ordinated development of Teacher Education.
- There are approximately 430 applications for various Teacher Education Programmes, other than Diploma level courses. pending at different stages in the RCs.
- NEP 2020 has brought about a paradigm shift in the Teacher Education Sector. Accordingly, NCTE is also revamping its various curricula of ITEP. 2 Year B.Ed., 1 Year B.Ed. and introducing new courses of 4 Year Physical Education and 4 Year Art Education in line with NEP 2020. These courses are also to be aligned to the various criteria laid down by UGC and in alignment with NHEQE. NCFSE and NCFTE However, the existing courses which are currently running are not in alignment with these various aspects e.g., Credit System. 4 Stages of School Education (5+3+3+4). Entry- exit policy, no hard separation etc. These changes in curricula would also necessitate changes in the norms, standards and regulations. For the reasons aforementioned, it is not feasible to process any pending applications.

In light of the above, the Council members unanimously decided the following:

I. ***At present, there are several institutions which have been recognised by the Regional Committees of NCTE wherein courses/ programme, other than diploma level courses, are running. An Expert Committee be constituted to devise the modalities for conversion of these recognised institutions into multidisciplinary institutions in line with NEP 2020.***

II. ***The applications pending before the Regional Committees of NCTE shall not be processed further. Hence, all such pending applications before RCs at any stage of processing be returned along with the processing fee to the concerned institution(s).***

III. ***In the cases where the applications are being processed/ reopened as per the directions of the Hon'ble Court (s), the concerned Regional Committee shall file a review/appeal before the Hon'ble Court(s) alongwith stay application against the order passed by the Hon'ble Court(s) for processing of application(s) in view of the decision of the Council has taken in II above.***

Noting the above decision of the General body of the NCTE, the Appeal Committee decided not to entertain the Appeal of the applicant institution and, therefore, the order of the NRC dated 04.04.2022 refusing recognition for B.Ed. programme of the institution is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing and in the light of decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022, the Appeal Committee of the Council concluded that the appeal of the institution cannot be entertained. Hence, the instant appeal deserves to be rejected and impugned refusal order dated 04.04.2022 of NRC is confirmed.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Lodhi Singh Dwarika Singh Kausik Mahavidyalya, 436, Alampur, Bihariganj, Sauna, Saidpur, Ghazipur, Uttar Pradesh-233221**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-245/E-260951/2022 Appeal/9th Meeting, 2022
APPLWRC202214417

Department of Physical Education, Awadhesh Pratap Singh University, Huzur, Sirmor Road, University, Rewa, Madhya Pradesh-486003 **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Representative of Department of Physical Education**
Respondent by	**Regional Director, WRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Department of Physical Education, Awadhesh Pratap Singh University, Huzur, Sirmor Road, University, Rewa, Madhya Pradesh-486003** dated 17.06.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.WRC/214011/B.P.E.d./301st/{M.P.}/2019/201131** dated 23.01.2019 of the Western Regional Committee, withdrawing recognition for conducting B.P.Ed. Course on the grounds that "(i). Original staff profile (1-Principal/HOD + 15-Faculties form the session 2016-2017 duly approved by the affiliating body. (ii). Original notarized (not xerox) CLU, NEC, Building Plan and Building Completion Certificate. Show Cause Notice was issued to the University on 01.02.2017

for appointment of staff as per Appendix-VII of NCTE Regulations, 2014. The University replied on 10.03.2017. The University has submitted a list of five faculty members, who are on contract basis. It should appoint regular staff as required under Appendix-VII of NCTE Regulation, 2014. Compliance should be submitted by the University within one month failing which recognition will be withdrawn.

Reply not submitted by the institution and the matter was placed in 301st WRC meeting held on January 17-18, 2019, and the Committee observed that: - Show Cause Notice was issued to the institution on 01.02.2017 followed by a Compliance letter dated 30.08.2018 to which reply has not been received till date. Hence, Recognition is withdrawn from the academic session 2019-2020. FDRs, if any, be returned."

II. SUBMISSIONS MADE BY APPELLANT: -

Representative of Department of Physical Education, Awadhesh Pratap Singh University, Huzur, Sirmor Road, University, Rewa, Madhya Pradesh-486003 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "The staff profile is completed."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.P.Ed. Course with an annual intake of 50 students vide order dated 19.07.1999. A revised provisional recognition order was issued to the institution on dt. 20.05.2015 for conducting B.P.Ed. course of two years duration with an annual intake of 100 (Two unit) from the academic session 2015-16. The recognition of the institution for B.P.Ed. programme was withdrawn by the WRC vide order dated 23.01.2019.

The Committee noted that the institution has already challenged the withdrawal order dated 23.01.2019 issued by the WRC before the Appeal Committee and vide its order dated 26.09.2019, the Appeal Committee has rejected the said appeal and the order issued by the WRC was confirmed.

It is pertinent to mention that there is no provision in the NCTE Act or Rules/Regulations framed thereunder for rehearing of appeal once it has been decided and disposed of. Hence the Appellate Committee conclude that the instant Appeal being second appeal is not maintainable.

The Appeal Committee further noted that the appellant moved to the Hon'ble Delhi High Court by way of W.P.(C). 14756/2022 wherein the Hon'ble Court vide order dated 01.11.2022 observed:

> ***"....on instructions, states that he does not wish to press appeal dated 17th June, 2022, which is pending consideration before the Appellate Authority of Respondent No. 1 -NCTE. In view thereof, he submits that the present writ petition is rendered infructuous, and he would like to withdraw the same with liberty to assail withdrawal order dated 23rd January, 2019 as well as order of Appellate Authority dated 26th September, 2019, before appropriate forum.***
>
> ***3. The above-noted statement of Mr. Kumar is taken on record. Petitioner's appeal dated 17th June, 2022, under Section 18 of the NCTE Act, 1993, before the Appellate Authority, stands dismissed as withdrawn...."***

In view afore - mentioned extract of the Hon'ble Court order dated 01.11.2022, the appeal of the appellant institution stands dismissed as withdrawn. Hence, the Appeal is not maintainable.

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

The Appeal Committee in light of the aforesaid observation decided not to take up the appeal as the same has been withdrawn by the appellant institution itself.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Department of Physical Education, Awadhesh Pratap Singh University, Huzur, Sirmor Road, University, Rewa, Madhya Pradesh-486003**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh.

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

DATE: 05/12/2022

APPEAL FILED UNDER SECTON 18 OF NCTE ACT

File No. 89-245/E-260951/2022 Appeal/9th Meeting, 2022
APPLWRC202214418

Department of Education, Awadhesh Pratap Singh University, Huzur, Sirmor Road, University, Rewa, Madhya Pradesh-486003	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.

Representative of Appellant	**Representative of Department of Physical Education**
Respondent by	**Regional Director, WRC**
Date of Hearing	20.11.2022
Date of Pronouncement	05.12.2022

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Department of Education, Awadhesh Pratap Singh University, Huzur, Sirmor Road, University, Rewa, Madhya Pradesh-486003** dated 19.06.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.WRC/APWO3409/223450/B.Ed./310th/2019/205856** dated 04.09.2019 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i). The summary of the case submitted on 27/03/2017 reveals that the reply was not submitted within the stipulated time of 30 days as per the Show Cause Notice. (ii). Moreover, the staff profile of 1+8 faculty members is insufficient and not in original for approved intake of two basic units."

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of Department of Education, Awadhesh Pratap Singh University, Huzur, Sirmor Road, University, Rewa, Madhya Pradesh-486003 appeared online to present the case of the appellant institution on 20.11.2022. In the appeal memoranda it is submitted that "The staff profile is completed."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course vide order dated 15.09.2006. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 01.05.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 25.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 50 (One unit) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 04.04.2019.

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 20th November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

(i) A copy of letter dated 18.06.2022 issued by Vice Chancellor with respect to faculty of 15 members for B.Ed. Course along with list of faculty (1+15) approved by the Registrar A.P.S University.

The Committee noted that there is delay in filing of the present appeal however, the institution has submitted that due to appointment of faculty, which was under process, the appeal could not be submitted within stipulated time. The explanation given by the institution regarding delay is accepted by the Appeal Committee and decided to condone the delay. As such, the delay in filing of present appeal is hereby condoned.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 04.09.2019. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, passed in W.P. (C) 4382/2021 has observed as follows: -

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

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30.07.2021, passed in W.P. (C) 7260/2021 has observed as follows: -

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 04.09.2019 is set-aside and the Appellate Committee has decided to remand back the case to WRC for revisiting the matter.

Noting the submission and verbal 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 which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The WRC is at a liberty to verify the submitted documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to WRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The WRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Department of Education, Awadhesh Pratap Singh University, Huzur, Sirmor Road, University, Rewa, Madhya Pradesh-486003**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
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