



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-25/E-288557/2023 Appeal/3rd Meeting, 2023  
APPLERC202314542**

Dr. Ambedkar Primary Teachers Training Institute, 51/781, Gobindapur, Juginda, Domkal, Murshidabad, West Bengal-742406 <b>APPELLANT</b>	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Kritibas Mondal, Lecturer</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023

## **ORDER/आदेश**

### **I. GROUNDS OF WITHDRAWAL**

The appeal of **Dr. Ambedkar Primary Teachers Training Institute, 51/781, Gobindapur, Juginda, Domkal, Murshidabad, West Bengal-742406** dated 21.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-313.45/NCTE/ERCAPP4130/B.Ed./WB/2022/66866** dated 24.11.2022 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has submitted its reply dated 07.08.2022 in response to the Final Show Cause Notice dated 09.04.2022 seeking further two months' time for recruitment of faculty. The period of two months' is already over in the month of October, 2022 and the institution has not responded further in this regard. Hence, the institution is still deficient on the following ground: (i). The institution has not submitted the latest list of faculty duly approved by the affiliating University. (ii). The institution has not uploaded the requisite information on its website as required under clause 7(14) of the NCTE Regulations, 2014 as amended from time to time. (iii). From the Performance Appraisal Report (PAR) for the academic session 2020-21, it is observed that the institution has not updated its website as per NCTE Regulations, 2014."

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

**Mr. Kritibas Mondal, Lecturer of Dr. Ambedkar Primary Teachers Training Institute, 51/781, Gobindapur, Juginda, Domkal, Murshidabad, West Bengal-742406** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: "Enclosed."

### **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 03.03.2018. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 24.11.2022.



The Appeal Committee in its 3<sup>rd</sup> Meeting, 2023 held on 27.02.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution has not submitted latest staff list duly approved by the affiliating body. Further, the institution has failed to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of teaching staff.
- (ii) The proof regarding disbursement of salary of the teaching and non-teaching staff, whether it is being paid through cheque/online payment has also not been submitted.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 24.11.2022 issued by ERC is confirmed.

#### 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 that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 24.11.2022 issued by ERC is confirmed.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।



Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Dr. Ambedkar Primary Teachers Training Institute, 51/781, Gobindapur, Juginda, Domkal, Murshidabad, West Bengal-742406
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal.



**IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-26/E-288702/2023 Appeal/3rd Meeting, 2023**  
**APPLSRC202314534**

K.R.E. Society's M.S. Muddanna Diploma in Elementary Education, 9/1, Jangal Koi, Hyderabad Road, Gandhi Gunj, Bidar, Karnataka, 585401 <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Girish K, Representative</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023



## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of K.R.E. Society's M.S. Muddanna Diploma in Elementary Education, 9/1, Jangal Koi, Hyderabad Road, Gandhi Gunj, Bidar, Karnataka, 585401 dated 19.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRC/NCTE/APSO2135/D.Ed./{KA}/2022/137327 dated 22.11.2022 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that "(i). The institution did not submit original/certified latest faculty list approved by the affiliating Body. (ii). The institution has only submitted FDRs of Rs. 3+5 Lakhs which is not sufficient even for one course. (iii). The institution did not submit original Form 'A' issued by the Bank. (iv). Multipurpose hall area size is not mentioned in building plan. (v). The institution has not submitted Domain name of the website. (vi). The website of the institution is not uploaded with the information required under clause 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014. (vii). The institution did not submit English translated copy of Non-Encumbrance Certificate."

### II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Girish K, Representative of K.R.E. Society's M.S. Muddanna Diploma in Elementary Education, 9/1, Jangal Koi, Hyderabad Road, Gandhi Gunj, Bidar, Karnataka, 585401 appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: "(i). Earlier submitted the photocopy of the faculty list now I am herewith submitting the certified through notary copy of the latest faculty list approved by the affiliating Body. The same is submitted for kind perusal. (ii). Since established of the college we maintained the FDRs I am humbly herewith submitting the FDRs for Rs. 7,00,000 and Rs. 5,00,000 total 12 Lakhs. FDRs we made renewal and amount made entry back side of the FDRs the total amount mentioned and for reference the same FDRs is submitted for kind perusal. (iii). Earlier submitted the photo copy of Form 'A' now I am herewith submitting the notary copy of Form 'A' issued by Bank. (iv). Earlier submitted the photo copy in that the multipurpose size which is not clear so now I am herewith humbly submitting clear view of building



plan with size. (v). Earlier submitted the Domain name of our website now once again I am herewith humbly submitting the Domain Name of the college website. www.kremsmuddannaded.in (vi). The institution maintaining the website and uploaded with the information required under clause 7(14)(i), 8(14), and 10(3) of NCTE Regulations, 2014. (vii). Earlier submitted the regional language but now I am herewith humbly submitting with notary of English translated copy of Non-Encumbrance Certificate.”

### 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 Elementary (D.Ed.) Course of two and half year’s duration with an annual intake of 50 students vide order dated 04.01.2005. The recognition of the institution for D.El.Ed. programme was withdrawn by the SRC vide order dated 22.11.2022.

The Appeal Committee in its 3<sup>rd</sup> Meeting, 2023 held on 27.02.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The staff list submitted by the institution is not accompanied with copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., etc. and experience of teaching staff.
- (ii) The submitted staff list shows that the faculty was appointment before 9<sup>th</sup> June, 2017 and the same was approved in the year 2022. The proof regarding disbursement of salary of the teaching and non-teaching staff, whether it is being paid through cheque/online payment has also not been submitted.
- (iii) The institution failed to submit proof of uploaded information of the Website of the institution as required under clause 7(14) (i), 8 (14) and 10 (3) of the NCTE Regulations, 2014.
- (iv) The institution has submitted Form ‘A’ which shows details of FDRs for an amount of Rs. 5+7 lakhs, however the institution has submitted copies of FDRs showing the reserve & endowment funds of Rs. 5+3 lakhs only
- (v) The institution also not submitted latest NEC issued by the competent authority.



Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 22.11.2022 issued by SRC is confirmed.

**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 that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 22.11.2022 issued by SRC is confirmed.**

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, K.R.E. Society's M.S. Muddanna Diploma in Elementary Education, 9/1, Jangal Koi, Hyderabad Road, Gandhi Gunj, Bidar, Karnataka, 585401**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Karnataka.**



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-28/E-288638/2023 Appeal/3rd Meeting, 2023**  
**APPLERC202314524**

N.G. College, N.G. College Campus, Lamphelpat, NG College Road, Imphal, Manipur-795004 <b>APPELLANT</b>	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Representative of the institution</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023

## ORDER/आदेश

### **I. GROUND OF REFUSAL**

The appeal of **N.G. College, N.G. College Campus, Lamphelpat, NG College Raod, Imphal, Manipur-795004** dated 03.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE/ERC/2324202205121061/MANIPUR/2022/REJ/62** dated 07.12.2022 of the Eastern Regional Committee, refusing recognition for conducting B.A. B.Ed./ B.Sc. B.Ed. Course on the grounds that "As per decision taken by ERC in its 312<sup>th</sup> meeting, Final Show Cause Notice was issued to the institution on certain deficiencies to submit reply with 7 days; however, the institution has not uploaded the reply of the Final Show Cause Notice issued to it. Hence, the Committee decided that the application submitted by the institution for ITEP be rejected under section 14/15 of the NCTE Act, 1993."

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

The representative of **N.G. College, N.G. College Campus, Lamphelpat, NG College Raod, Imphal, Manipur-795004** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: " We have almost all the relevant documents however due to transfer of earlier nodal officer we were incommunicado."

### **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 Eastern Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 30.05.2022. The recognition of the institution for ITEP programme was refused by the ERC vide order dated 07.12.2022.

The Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February, 2023 submitted



copies of the institution has submitted NAAC certificate for the period valid up to 14.03.2027.

The Appeal Committee noted that as per the Selection Criteria for Institutions/Universities under Pilot of 4-year Integrated Teacher Education Programme (ITEP) forwarded by the MoE vide O.M. dated 26<sup>th</sup> November, 2021 inter-alia provides the following: -

**“NAAC grading should have been valid for some period of time in last 2 years in case new applications have been filed.”**

After considering the appeal memoranda and documents submitted by the institution, the Committee decided to remand back the matter to the ERC to decide the matter afresh.

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, 2021, 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.



**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, 2021, 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. The Principal, N.G. College, N.G. College Campus, Lamphelpat, NG College Raod, Imphal, Manipur-795004
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 Manipur.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-29/E-288867/2023 Appeal/3rd Meeting, 2023  
APPLWRC202314544**

The New Progressive College of Teachers Education, Mehsana, Visnagar Road, Mehsana, Gujarat-384001 <b>APPELLANT</b>	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Patel Roshankumar Rameshbhai, Assistant Professor</b>
<b>Respondent by</b>	<b>Regional Director, WRC</b>
<b>Date of Hearing</b>	<b>27.02.2023</b>
<b>Date of Pronouncement</b>	<b>07.03.2023</b>



## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **The New Progressive College of Teachers Education, Mehsana, Visnagar Road, Mehsana, Gujarat-384001** dated 24.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.WRC/APW00063/323070/374<sup>th</sup>/2022/220923** dated 14.11.2022 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). Show Cause Notice dated 04.08.2017 was issued to the institution due to non-compliance of conditions mentioned in the revised recognition order dated 31.05.2015. (ii). Reply submitted by the institution was considered by WRC in its 291<sup>st</sup> meeting held on 26-27 April, 2018 and accordingly, the institution was communicated vide letter dated 04.05.2018 asking the institution to submit the staff profile of 1+15 faculty members (as per Appendix-VI of NCTE Regulations, 2014 and subsequent NCTE notification published on 09.06.2017) approved by Registrar in original. (iii). Reply vide letters dated 14.05.2018 and 11.08.2018 submitted by the institution was considered by WRC. The institution is still deficient on the following in light of NCTE Regulations, 2014 and subsequent amendments published time to time: - (i). Original faculty list comprising 1 Principal + 15 faculty members (as per Appendix-IV of NCTE Regulations, 2014 and subsequent NCTE notification published on 09.06.2017) approved by Registrar of affiliating not submitted. (ii). Scanned copy of faculty list submitted by the institution has been conditionally approved by Hemchandracharya North Gujarat University, Patan. (iii). As per the list, University approval for selection/appointment of Principal is under process and Principal is appointed on ad-hoc basis. (iv). Experience certificate of Principal substantiating eight years of teaching experience in a Secondary Teacher Education Institution as per NCTE Regulations, 2014 not submitted. (v). Faculty reflected at sl.no. 1 does not possess 55% at PG level as per NCTE Norms and Regulations, 2014. (vi). Faculty is not qualified as per NCTE Regulations, 2014 as amended vide notification dated 09.06.2017.”



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

**Mr. Patel Roshankumar Rameshbhai, Assistant Professor of The New Progressive College of Teachers Education, Mehsana, Visnagar Road, Mehsana, Gujarat-384001** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: “ (i). The institution is submitted the duly approved staff list which is as per NCTE Norms and Regulations. Copy is enclosed herewith. (ii). The institution has appointed permanent principal and the same has been duly approved by the affiliating Body as well. Copy of the appointment letter, acceptance letter and approval by the university are placed on record. (iii). The said deficiency has been duly corrected and relevant documents are placed on record. (iv). The experience certificate is also being placed record which is as per NCTE Norms and Regulations. (v). The said discrepancy has also been resolved, and the duly approved staff list is as per NCTE norms with required marks and qualifications. (vi). The institution has appointed the requisite staff on 18.12.2022 and the same is duly approved by the affiliating University. The duly approved staff list is submitted herewith. The institution has all the requisite infrastructure and documents as per the NCTE Act and Regulations and Undertakes to abide by the same in future as well. It is a humble request on part of the institution to kindly consider the reply and documents submitted by the institution on merits and remand back the case of the institution to WRC for fresh consideration. The institution with folded hands prays that a lenient view be taken, and the case of the institution be remanded back to WRC for further processing. All the documents are submitted alongwith the present appeal for kind consideration please.”

## **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 20.02.2004. Thereafter, a formal recognition order was issued to the institution vide order dated 31.07.2007. 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 basic units of 50 students each) from the academic session 2015-16. The recognition of the



institution for B.Ed. programme was withdrawn by the WRC vide order dated 14.11.2022.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February, 2023 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) member approved by the Registrar, Hemchandracharya North Gujarat University, Patan as per provision of NCTE Regulations, 2014 alongwith a copy of experience certificate of the Principal.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 14.11.2022. 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 Western 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 14.11.2022 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, The New Progressive College of Teachers Education, Mehsana, Visnagar Road, Mehsana, Gujarat-384001
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 Gujarat.



**IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-30/E-288866/2023 Appeal/3rd Meeting, 2023  
APPLWRC202314545**

The New Progressive College of Teachers Education, Mehsana, Visnagar Road, Mehsana, Gujarat-384001 <b>APPELLANT</b>	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Patel Roshankumar Rameshbhai, Assistant Professor</b>
<b>Respondent by</b>	<b>Regional Director, WRC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023

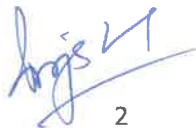
## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **The New Progressive College of Teachers Education, Mehsana, Visnagar Road, Mehsana, Gujarat-384001** dated 24.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.WRC/APW04679/325068/374<sup>th</sup>/2022/220899** dated 14.11.2022 of the Western Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “(i). Show Cause Notice 09.02.2018 was issued to the institution due to non-compliance of conditions mentioned in the revised recognition order dated 27.10.2016. (ii). Reply submitted by the institution was considered by WRC in its 336<sup>th</sup> meeting held on 24-25 March, 2021 and as decided by WRC, Final Show Cause Notice dated 07.04.2021 was issued to the institution to comply deficiencies mentioned therein. (iii). Photocopy of reply vide letter dated 14.08.2021 (available on record) submitted by the institution was considered by WRC. The institution is still deficient on the following in light of NCTE Regulations, 2014 and subsequent amendments published time to time. (i). Total land area not mentioned in the submitted certified copy of registered land documents. (ii). Non-Encumbrance Certificate issued by competent authority not submitted. (iii). In the submitted property card, plot/survey no. not mentioned. Land area is not as per NCTE Norms. (iv). Attested/Notarized copy of approved building plan exclusively earmarking the more than one teacher education programme, if running by the institution is not attached in the reply. (v). Land possession certificate form competent authority is not submitted. (vi). Experience certificate of Principal/HOD substantiating Ten years of professional experience in teacher education not submitted. (vii). The institution has not submitted approved building plan showing plot/ khasra no., total land area, total built up area, location of the building approved by competent authority.”

### II. SUBMISSIONS MADE BY APPELLANT: -

**Mr. Patel Roshankumar Rameshbhai, Assistant Professor of The New Progressive College of Teachers Education, Mehsana, Visnagar Road, Mehsana, Gujarat-384001** appeared online to present the case of the appellant institution on



27.02.2023. In the appeal memoranda it is submitted that: “(i). The institution herewith is submitting certified copy of land documents duly mentioned the total land area. Copy is placed on record. (ii). Non-Encumbrance Certificate issued by the competent authority is submitted herewith for consideration please. (iii). The property card is being submitting herewith which clearly mentions the plot/ survey no. and the total land area. Furthermore, the land area as per NCTE norms and regulations rather it is more than the requisite area. (iv). Duly approved building plan is submitted herewith for consideration which spells out the dimensions as per NCTE norms and regulations. (v). The land possession certificate is being submitted in order to cure the deficiency as pointed out. Copy enclosed. (vi). Experience certificate is submitted herewith and the same has also been submitted with B.Ed. appeal as filed by the institution. (vii). The building plan duly earmarking all the land and dimensions as per NCTE norms and regulations is enclosed 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 was granted recognition for M.Ed. Course vide order dated 28.02.2009. A revised provisional recognition order was issued to the institution on dt. 27.10.2016 for conducting M.Ed. course of two years duration with an annual intake of 50 (one basic units of 50 students each) from the academic session 2015-16. The recognition of the institution for M.Ed. programme was withdrawn by the WRC vide order dated 14.11.2022.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February, 2023 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 (10) members dated 11.08.2021 approved by the Registrar, Hemchandracharya North Gujarat University, Patan as per provision of NCTE Regulations, 2014.
- (ii) A copy of land documents alongwith site plan & land possession certificate.
- (iii) A copy of Non-Encumbrance Certificate.
- (iv) A copy of Building Completion Certificate alongwith copy of Building Plan.





- (v) A copy of Experience Certificate and appointment order of H.O.D.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 14.11.2022. 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 Western 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 14.11.2022 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
Deputy Secretary (Appeal) / उप सचिव (अपील)

**Copy to :-**

1. The Principal, The New Progressive College of Teachers Education, Mehsana, Visnagar Road, Mehsana, Gujarat-384001
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 Gujarat.



**IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

**राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075**

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील  
File No. 89-31/E-288842/2023 Appeal/3rd Meeting, 2023  
APPLERC202314539**

St. Paul Institute of Education, 142, Phesama, Abose AH 1, Kohima, Jakhama, Kohima, Nagaland-797001	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Mr. Barister Khongrymmai, Principal</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	<b>27.02.2023</b>
<b>Date of Pronouncement</b>	<b>07.03.2023</b>

## ORDER/आदेश

### **I. GROUNDS OF WITHDRAWAL**

The appeal of **St. Paul Institute of Education, 142, Phesama, Abose AH 1, Kohima, Jakhama, Kohima, Nagaland-797001** dated 18.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-313.58/NA-E/E-1/96/D.El.Ed./NL/2022/66954** dated 24.11.2022 of the Eastern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “((i). As per provision contained in Section 12 (j) & (k) of the NCTE Act, 1993, the institution was asked to fill up the Performance Appraisal Report (PAR) for the academic session 2020-21, however, the institution has not filled up the same. (ii). Therefore, as per decision taken by ERC in its 306<sup>th</sup> meeting held on 12<sup>th</sup> to 13<sup>th</sup> July, 2022, Show Cause Notice under Section 17(1) of NCTE Act, 1993 was issued to the institution for not filing PAR on the ground that the institution has breached the condition of recognition as per the provision of clause 8(12) of NCTE Regulations, 2014 and also clause 7(14) of NCTE, Regulations, 2014 which is related to uploading information on the website, if the web-site of the institution is not working. (iii). Further, as per decision taken by ERC in its 311<sup>th</sup> meeting held on 11<sup>th</sup> October, 2022, Final Show Cause Notice was issued to the institution for not submitting the reply of Show Cause Notice issued to it. (iv). The committee further noted that the institution has not submitted the reply of Final Show Cause Notice.”

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

**Mr. Barister Khongrymmai, Principal of St. Paul Institute of Education, 142, Phesama, Abose AH 1, Kohima, Jakhama, Kohima, Nagaland-797001** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: “A detailed report was sent for the failure to submit performance appraisal report on 25.11.2022. The content of the letter is below: Dear Sir/Madam your letter took us by surprise. This is the first communique we got concerning PAR data. Having not received any of such request, we were unable to submit PAR data. To put the record straight, let me share. I received your letter today i.e., 24.11.2022, however, the letter was sent by your esteemed office on 28.10.2022. The letter took almost a month to reach us. Being in a remoted place it is extremely difficulty for us to get postal communication. Twice a week we go to Kohima



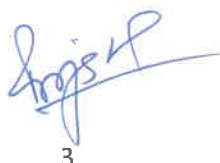
to collect our post at the Post Box. Unfortunately, the letter took such a long time. It is a way being here. Though our country has made great strides in electronic media, we have a very poor internet media, we have a very poor internet connection. Even opening the website takes a lot of time. Due to this poor connectivity, I was unable to check the website regularly. The first letter that you refer sent by your office did not reach us. I did not even get the first reminder. Such is our fate. We have been prompt in sending the required data whenever your esteemed office demanded and we got the communication. Your officer will vouch for it. Since we did not get any notice, we were unable not submit the PAR data. I am sure, you will understand our situation, condone the delay. We are also concerned about our students who are waiting to finish their course especially the first year students. We hope you will understand their pain and help us in continuing the course. Requesting your esteemed office to give me one more chance to upload the data in the said website. I will do it as early as possible. Requesting your esteemed office to reconsider the withdrawal order. Principal.”

### **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 D.El.Ed. Course of two-year duration with an annual intake of 60 students vide order dated 10.07.1997. The recognition of the institution for D.El.Ed. programme was withdrawn by the ERC vide order dated 24.11.2022.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27 February, 2023 and in the Appeal Memoranda the institution submitted that it has uploaded all the essential documents on the website of the institution which required verification. The Committee noted that while withdrawing the recognition, the Regional Committee has also taken one ground regarding non-submission of PAR.

The Appeal Committee noted that the institution was still found deficient in terms of submission of PAR for the session 2020-21. However, in light of the Court order dated 31.01.2023 passed in LPA 190/2021 & LPA 520/2022 by the Hon'ble High court of Delhi, the Appeal Committee decided to remand back the matter with specific direction to ERC



to decide the matter with respect to the outcome of LPA 190/2021 & LPA 520/2022. The relevant extract of the order dated 31.01.2023 is being reproduced hereunder:

**“Learned ASG has fairly stated before this Court that there will be no precipitative action against the Appellant Institutions till the next date of hearing.  
Accordingly, list these Applications on the aforesaid date i.e. 01.03.2023”**

The Committee has been informed that the said matter was finally heard by Hon’ble High Court & matter is now fixed for final judgement.

As such the Committee decided to remand back the matter to Regional Committee to take further necessary action. It is directed to the Regional Committee to pass appropriate order subject to outcome of writ petition.

In view of above, the Appeal submitted by the institution is allowed and matter is being remand back to ERC to decide the matter afresh.

The Appeal Committee noted that in case matter is being remanded back to Regional Committee, then the Legal issue will be involved, which are as under:

-  
The Appeal Committee noted that the order dated 08.04.2021 passed in W.P.(C). No. 4382/2021, the Hon’ble High Court of Delhi has directed as under: -

***“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 24.11.2022 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter subject to outcome of the order of the Hon'ble High Court in LPA 190/2021 & LPA 520/2022

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. It is being reiterated that the ERC shall take an appropriate decision with respect to the outcome of the LPA 190/2021 & LPA 520/2022

#### 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 that the matter is being remanded back to the ERC in light of the aforesaid order dated 31.01.2023 and the ERC is directed to carefully decide the matter with respect to the outcome of the LPA 190/2021 & LPA 520/2022.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
Deputy Secretary (Appeal)/ उप सचिव (अपील)

#### Copy to :-

1. The Principal, St. Paul Institute of Education, 142, Phesama, Abose AH 1, Kohima, Jakhama, Kohima, Nagaland-797001
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 Nagaland.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-32/E-289075/2023 Appeal/3rd Meeting, 2023  
APPLERC202314540**

District Institute of Education and Training (DIET), Tuensang, Old Medical, A, South Wing, Tuensang, Nagaland-798612	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Mr. Sanjay Sinha, Representative</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023



## **ORDER/आदेश**

### **I. GROUNDS OF WITHDRAWAL**

The appeal of **District Institute of Education and Training (DIET), Tuensang, Old Medical, A, South Wing, Tuensang, Nagaland-798612** dated 20.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-316.12/NA-E/E-1/99/U.G.T.T/NL/2022/67168** dated 05.01.2023 of the Eastern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “The institution has not submitted the reply of First Show Cause Notice dated 04.08.2022 and Final Show Cause Notice dated 28.10.2022 issued to it for non-submission of Performance Appraisal Report (PAR) for the academic session 2020-21. Hence, Committee decided that the recognition for U.G.T.T. programme be withdrawn under Section 17(1) of the NCTE Act, 1993 with effect from the end of academic session next following the date of communication of withdrawal order.”

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

**Mr. Sanjay Sinha, Representative of District Institute of Education and Training (DIET), Tuensang, Old Medical, A, South Wing, Tuensang, Nagaland-798612** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: “(i). The institution is not aware of such intimation as the institute has not received such information. (ii). Late receipt of Show Cause Notice, because of poor postal service in our locality. But submitted PAR for the session 2020-2021 to the regional director through email id ER@NCTE-INDIA.ORG on 30.08.2022. (iii). As we have not received any intimation whether our “PAR sent through email was accepted or not, we could not make our next course of action.”

### **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 UGTT Course of one year duration with an annual intake of 50





students (one unit) vide order dated 05.01.2000. The recognition of the institution for U.G.T.T. programme was withdrawn by the ERC vide order dated 05.01.2023.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27 February, 2023 and in the Appeal Memoranda the institution submitted that it has uploaded all the essential documents on the website of the institution which required verification. The Committee noted that while withdrawing the recognition, the Regional Committee has also taken one ground regarding non-submission of PAR.

The Appeal Committee noted that the institution was still found deficient in terms of submission of PAR for the session 2020-21. However, in light of the Court order dated 31.01.2023 passed in LPA 190/2021 & LPA 520/2022 by the Hon'ble High court of Delhi, the Appeal Committee decided to remand back the matter with specific direction to ERC to decide the matter with respect to the outcome of LPA 190/2021 & LPA 520/2022. The relevant extract of the order dated 31.01.2023 is being reproduced hereunder:

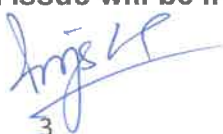
**"Learned ASG has fairly stated before this Court that there will be no precipitative action against the Appellant Institutions till the next date of hearing. Accordingly, list these Applications on the aforesaid date i.e. 01.03.2023"**

The Committee has been informed that the said matter was finally heard by Hon'ble High Court & matter is now fixed for final judgement.

As such the Committee decided to remand back the matter to Regional Committee to take further necessary action. It is directed to the Regional Committee to pass appropriate order subject to outcome of writ petition.

In view of above, the Appeal submitted by the institution is allowed and matter is being remand back to ERC to decide the matter afresh.

The Appeal Committee noted that in case matter is being remanded back to Regional Committee, then the Legal issue will be involved, which are as under:

  
3

The Appeal Committee noted that the order dated 08.04.2021 passed in W.P.(C). No. 4382/2021, the Hon'ble High Court of Delhi has directed as under: -

***“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 05.01.2023 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the subject to outcome of the order of the Hon'ble High Court in LPA 190/2021 & LPA 520/2022


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. It is being reiterated that the ERC shall take an appropriate decision with respect to the outcome of the LPA 190/2021 & LPA 520/2022



**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 that the matter is being remanded back to the ERC in light of the aforesaid order dated 31.01.2023 and the ERC is directed to carefully decide the matter with respect to the outcome of the LPA 190/2021 & LPA 520/2022.**

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. **The Principal, District Institute of Education and Training (DIET), Tuensang, Old Medical, A, South Wing, Tuensang, Nagaland-798612**
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 Nagaland.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-33/E-289038/2023 Appeal/3rd Meeting, 2023  
APPLERC202314543**

Gobindapur Academic PTTI, 341-345, Gobindapur, Juginda, Domkal, Murshidabad, West Bengal-742406	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Mr. MD Anowar Hossain, Representative</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023

## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of **Gobindapur Academic PTI, 341-345, Gobindapur, Juginda, Domkal, Murshidabad, West Bengal-742406** dated 21.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-313.42/NCTE/ERCAPP4123/B.Ed./WB/2022/66812** dated 24.11.2022 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i). The institution has submitted its reply dated 18.06.2022 in response to the Final Show Cause Notice dated 09.04.2022 seeking further two months' time for recruitment of faculty. (ii). The period of two months' is already over in the month of August, 2022 and the institution has not responded further in this regard. Hence, the institution is still deficient on the following grounds: (i). The institution has not submitted the latest list of faculty duly approved by the affiliating University. (ii). The institution has not uploaded the requisite information on its website as required under clause 7(14) of the NCTE Regulations, 2014 as amended from time to time. (iii). From the Performance Appraisal Report (PAR) for the academic session 2020-21, it is observed that the institution has not updated its website as per NCTE Regulations, 2014."

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

**Mr. Md Anowar Hossain, Representative of Gobindapur Academic PTI, 341-345, Gobindapur, Juginda, Domkal, Murshidabad, West Bengal-742406** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: "University could not provide specific interview date for the recruitment of faculty."

### **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 of two-year duration with an annual intake of 100 students vide order dated 23.02.2018, as per NCTE Regulation, 2014. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 24.11.2022.



The Appeal Committee in its 3<sup>rd</sup> Meeting, 2023 held on 27.02.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution has not submitted latest staff list duly approved by the affiliating body. Further, the institution has failed to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of teaching staff.
- (ii) The submitted staff list shows that the faculty was appointment before 9<sup>th</sup> June, 2017, the proof regarding disbursement of salary of the teaching and non-teaching staff, whether it is being paid through cheque/online payment has also not been submitted.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 24.11.2022 issued by ERC is confirmed.

#### 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 that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 24.11.2022 issued by ERC is confirmed.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Gobindapur Academic PTTI, 341-345, Gobindapur, Juginda, Domkal, Murshidabad, West Bengal-742406
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-34/E-289616/2023 Appeal/3rd Meeting, 2023**  
**APPLERC202314548**

B. J. B. Autonomous College, Bhubaneswar, 70, 290, 300, 304, 294, BJB Nagar, Khordha, Odisha-751014 <b>APPELLANT</b>	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Dr. Kanan Kumar Patro, Assistant Professor</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	<b>27.02.2023</b>
<b>Date of Pronouncement</b>	<b>07.03.2023</b>

## ORDER/आदेश

### I. GROUNDS OF REFUSAL

The appeal of **B. J. B. Autonomous College, Bhubaneswar, 70, 290, 300, 304, 294, BJB Nagar, Khordha, Odisha-751014** dated 27.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE/ERC/2324202205211118/ODISHA/2022/REJC/119** dated 07.12.2022 of the Eastern Regional Committee, refusing recognition for conducting ITEP Course on the grounds that "As per decision taken by ERC in its 312<sup>th</sup> meeting, Final Show Cause Notice was issued to the institution on certain deficiencies to submit reply with 7 days; however, the institution has not uploaded the reply of the Final Show Cause Notice issued to it. Hence, the Committee decided that the application submitted by the institution for ITEP be rejected under section 14/15 of the NCTE Act, 1993."

### II. SUBMISSIONS MADE BY APPELLANT: -

**Dr. Kanan Kumar Patro, Assistant Professor of B. J. B. Autonomous College, Bhubaneswar, 70, 290, 300, 304, 294, BJB Nagar, Khordha, Odisha-751014** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: " (i). Documents relating to this institution, which is purely a Government Institution were received late despite our best effort. The delay caused was beyond our control as the concerned government authorities could not provide the relevant documents in time. (ii). Frequent and repeated technical glitches also caused the delay. However, the reply to the SCN has been sent by email on 27.11.2022 and by speed post on 28.11.2022, which may kindly be accepted. (iii). NAAC, in view of COVID-19 pandemic have extended the validity of accreditation in favour of this institution up-to 31.12.2022 vide letter no- NAAC/ Covid-Ext. Closure/BSP/2022 dated 29<sup>th</sup> Nov, 2022. It is also to be noted that at the time of the refusal order. The institution was very much under NAAC Accreditation. Our self-study report (SSR) has been prequalified for Assessment after which necessary payment has been made and subsequent steps are being taken for the NAAC peer team visit. (Annexure-2). (iv). No Objection Certificate (NOC) for opening of ITEP course from the





session 2023-24, as per clause 5 (3) of NCTE Regulation 2014 has been obtained from the Affiliating Body i.e., Utkal University, Vani Vihar, Bhubaneswar vide letter no. - Aff/1346/2464/2022 dated- 26.05.2022 (Annexure-3). (v). This is purely a state government-established and managed autonomous college. A certificate to this effect has been issued by the Principal who is the competent authority (Annexure-4). (vi). As per the mandate of the Odisha Government all the official land documents are being issued in the official language of the state i.e., Odia. The same had been uploaded to the online ITEP application. As required the translated notarized copy of land documents- LUC, Mutation along with Non-Encumbrance Certificate obtained in the English language is being submitted for your kind consideration (Annexure-5). (vii). In pursuance of Policy of Higher Education Department, Govt. of Odisha, vide letter no- 19324/HE dated 11.05.2022, B.J.B (Autonomous) College is to take necessary steps to file an online application/ Appeal to NCTE for the opening of ITEP. It may be treated as a NOC by the State Govt. (Annexure-6). (viii). As B.J.B. Autonomous College is a Government College under the Higher Education Department, Government of Odisha, offering UG and PG programmes, the particulars land/building/room etc. has not been earmarked or specified by the Chief Architect, Govt. of Odisha in the original building plan of the college. Once the initial recognition is granted by NCTE for ITEP Programme from the session 2023-24, the approved Building Plan is signed by the Competent Authority indicating the name of the particular course, name of the institution, Khasra No. /Plot No., total land area, total build-up area and measurements of the multipurpose hall as well as other infrastructural facilities such as classroom etc. will be obtained before the physical verification by the visiting team. (Annexure 7) A scanned copy of the Essential Data Sheet submitted by the institution as per the clause 7(4) of the NCTE Regulations 2009, duly sworn before the Notary Public to the visiting team during opening of two-year B.Ed. course on 06.04.2016 is also being attached for your consideration. (Annexure-8). (ix). The Fire Safety Certificate has been obtained from the office of the Executive Engineer, Bhubaneswar (R & B) Division No.1, Bhubaneswar vide letter no. 85 dated 07.01.2021. (Annexure-9). (x). The Building Safety and Completion Certificate in the prescribed format of NCTE issued by the Superintending Engineer, (R & B) Division-I, Bhubaneswar vide letter no. 379 dated 13.01.2023 for the



opening of ITEP in B.J.B Autonomous College is being annexed for your kind consideration. (Annexure-10).”

### 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 Eastern Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 28.05.2022. The recognition of the institution for ITEP programme was refused by the ERC vide order dated 07.12.2022.

The Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February, 2023 submitted copies of NOC, Building Plan, BCC etc. alongwith a copy of certificate of Accreditation issued by NAAC valid upto 31.12.2022 (as per the letter dated 18.11.2022 issued by the NAAC) as claiming to have rectified the shortcomings pointed out in the impugned refusal order. The Committee noted that refusal order was passed on the main ground that the certificate of accreditation issued by NAAC which was valid upto 01.12.2021.

The Appeal Committee noted that as per the Selection Criteria for Institutions/Universities under Pilot of 4-year Integrated Teacher Education Programme (ITEP) forwarded by the MoE vide O.M. dated 26<sup>th</sup> November, 2021 inter-alia provides the following: -

**“NAAC grading should have been valid for some period of time in last 2 years in case new applications have been filed.”**

After considering the appeal memoranda and documents submitted by the institution, the Committee decided to remand back the matter to the ERC to decide the matter afresh.

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, 2021, 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.

**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, 2021, 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, B. J. B. Autonomous College, Bhubaneswar, 70, 290, 300, 304, 294, BJB Nagar, Khordha, Odisha-751014**
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 /एनसीटीई अपीलीय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-35/E-289626/2023 Appeal/3rd Meeting, 2023**  
**APPLSRC202314551**

Bangalore City College of Education, 160, Chelekere, Chelekere Main Road, Bangalore, Karnataka-560043 <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Prasad Rao, Managing Trustee</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	<b>27.02.2023</b>
<b>Date of Pronouncement</b>	<b>07.03.2023</b>

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Bangalore City College of Education, 160, Chelekere, Chelekere Main Road, Bangalore, Karnataka-560043** dated 27.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO2368/B.Ed./{KA}/2022/(137604-137608)** dated 01.12.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted latest list of faculties in the prescribed format for B.Ed., M.Ed. and D.El.Ed. programme duly approved by the Registrar of the affiliating body as per NCTE Regulations, 2014. (ii). The institution has submitted lease dated 02.06.2006 at the of recognition, however at the time of inspection conducted on 16<sup>th</sup> – 17<sup>th</sup> November 2016, the institution has submitted registered sale deed dated 17.02.2010 for same survey no. i.e., 160, and now institution again submitted lease deed dated 21.06.2005. (iii). The institution has submitted BCC of registration of land dated 02.06.2006 mismatch with 02.01.2006 lease deed dated 21.06.2005. It is in individual name. (iv). The institution has submitted building plan, but multipurpose hall size is not mentioned. (v). The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014.”

### II. SUBMISSIONS MADE BY APPELLANT: -

**Mr. Prasad Rao, Managing Trustee of Bangalore City College of Education, 160, Chelekere, Chelekere Main Road, Bangalore, Karnataka-560043** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: “(i). We humbly submit that we have submitted the approval list issued by the Bangalore North University. Whereas SRC has sought individual staff details with approval from the Registrar. We are submitting herewith the latest staff list approved by the Registrar, Bangalore North University for both B.Ed. and M.Ed. courses for kind consideration. Further we submit that D.El.Ed. programme is not being run and it is closed. (ii). We humbly submit that our institution had Lease Deed for 30 years of land at Sy.No. 160 to an extent of 1 Acre 1 Gunta. Further, the same land was purchased by our institution and Sale Deed was executed on 17.02.2010. Further, the SRC has also conducted inspection of our institution on



16.11.2016. Our institution is having own land and building. The lease deed dated 02.06.2006 is a different land and by mistake that document was also submitted along with other document. We humbly apologize and submit that our institution is having own land and building at Sy.no. 160 and we are submitting herewith the certified copy of the land documents for kind consideration. (iii). We humbly submit that the BCC that SRC mentioned was of different land by mistake. We are submitting herewith the approved Building Completion Certificate of our own land and building at Sy.No. 160 issued by the Executive Engineer, Bruhat, Bengaluru, Mahanagara Palika for kind consideration. (iv). We humbly submit that our institution is having two buildings. The inspection team of SRC has also verified both the buildings during the visit on 16.11.2016. The Multipurpose Hall is situated in the Building No.2 at 3<sup>rd</sup> Floor. We have submitted two building plans. Whereas only one building plan has been considered by SRC. Our institution is having Multipurpose Hall of 2309.93 sq.ft. as per NCTE norms. We are submitting herewith approved building plans of both Building-1 and Building-2 for kind consideration. (v). We humbly submit that our institution is having website [www.bangalorecitycollege.org](http://www.bangalorecitycollege.org). All the necessary information as required under NCTE Regulations are updated and submitted herewith for kind consideration.”

### **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 30.12.2005. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 14.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 16.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 01.12.2022.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February, 2023 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) member dated 22.12.2022 approved by the Registrar, Bengaluru North University, Karnataka as per provision of NCTE Regulations, 2014.
- (ii) A copy of land documents in the name of the Ramakrishna Education Trust, approved building plan, Building Completion Certificate approved by Executive Engineer on dated 24.04.2016
- (iii) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 01.12.2022. 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 Southern 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 01.12.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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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. The SRC is further directed to take decision for D.El.Ed. programme as it is submitted by the institution that the institution is not running D.El.Ed. programme.

#### **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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

#### **Copy to :-**

1. The Principal, Bangalore City College of Education, 160, Chelekere, Chelekere Main Road, Bangalore, Karnataka-560043
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-36/E-289628/2023 Appeal/3rd Meeting, 2023  
APPLSRC202314552**

Bangalore City College of Education, 160, Chelekere, Chelekere Main Road, Bangalore, Karnataka-560043 <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Prasad Rao, Managing Trustee</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Bangalore City College of Education, 160, Chelekere, Chelekere Main Road, Bangalore, Karnataka-560043** dated 27.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO7204/M.Ed./{KA}/2022/137610** dated 01.12.2022 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “(i). The institution has not submitted latest list of faculties in the prescribed format for B.Ed., M.Ed. and D.El.Ed. programme duly approved by the Registrar of the affiliating body as per NCTE Regulations, 2014. (ii). The institution has submitted lease dated 02.06.2006 at the of recognition, however at the time of inspection conducted on 16<sup>th</sup> – 17<sup>th</sup> November 2016, the institution has submitted registered sale deed dated 17.02.2010 for same survey no. i.e., 160, and now institution again submitted lease deed dated 21.06.2005. (iii). The institution has submitted BCC of registration of land dated 02.06.2006 mismatch with 02.01.2006 lease deed dated 21.06.2005. It is in individual name. (iv). The institution has submitted building plan, but multipurpose hall size is not mentioned. (v). The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014.”

### II. SUBMISSIONS MADE BY APPELLANT: -

**Mr. Prasad Rao, Managing Trustee of Bangalore City College of Education, 160, Chelekere, Chelekere Main Road, Bangalore, Karnataka-560043** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: “(i). We humbly submit that we have submitted the approval list issued by the Bangalore North University. Whereas SRC has sought individual staff details with approval from the Registrar. We are submitting herewith the latest staff list approved by the Registrar, Bangalore North University for both B.Ed. and M.Ed. courses for kind consideration. Further we submit that D.El.Ed. programme is not being run and it is closed. (ii). We humbly submit that our institution had Lease Deed for 30 years of land at Sy.No. 160 to an extent of 1 Acre 1 Gunta. Further, the same land was purchased by our institution and Sale Deed was executed on 17.02.2010. Further, the SRC has also conducted inspection of our institution on



16.11.2016. Our institution is having own land and building. The lease deed dated 02.06.2006 is a different land and by mistake that document was also submitted along with other document. We humbly apologise and submit that our institution is having own land and building at Sy.no. 160 and we are submitting herewith the certified copy of the land documents for kind consideration. (iii). We humbly submit that the BCC that SRC mentioned was of different land by mistake. We are submitting herewith the approved Building Completion Certificate of our own land and building at Sy.No. 160 issued by the Executive Engineer, Bruhat, Bengaluru, Mahanagara Palika for kind consideration. (iv). We humbly submit that our institution is having two buildings. The inspection team of SRC has also verified both the buildings during the visit on 16.11.2016. The Multipurpose Hall is situated in the Building No.2 at 3<sup>rd</sup> Floor. We have submitted two building plans. Whereas only one building plan has been considered by SRC. Our institution is having Multipurpose Hall of 2309.93 sq.ft. as per NCTE norms. We are submitting herewith approved building plans of both Building-1 and Building-2 for kind consideration. (v). We humbly submit that our institution is having website [www.bangalorecitycollege.org](http://www.bangalorecitycollege.org). All the necessary information as required under NCTE Regulations are updated and submitted herewith for kind consideration.”

### **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 of one year duration with an annual intake of 25 students vide order dated 23.02.2009. A enhancement of intake of 10 seats from existing 25 to 35 is permitted for M.Ed. course on 28.09.2010. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 02.01.2015 for its willingness for adherence of provisions of new Regulations. 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 (one units) from the academic session 2015-16. The recognition of the institution for M.Ed. programme was withdrawn by the SRC vide order dated 01.12.2022.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February, 2023



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+9) member dated 22.12.2022 approved by the Registrar, Bengaluru North University, Karnataka as per provision of NCTE Regulations, 2014.
- (ii) A copy of land documents, building plan and Building Completion Certificate approved by Executive Engineer on dated 24.04.2016
- (iii) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 01.12.2022. 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 Southern Regional Committee and decision taken accordingly.

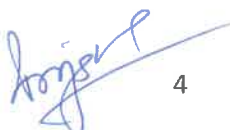
Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, passed in W.P. (C) 4382/2021 has observed as follows: -

***“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 01.12.2022 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
**Deputy Secretary (Appeal) / उप सचिव (अपील)**

#### **Copy to :-**

- 1. The Principal, Bangalore City College of Education, 160, Chelekere, Chelekere Main Road, Bangalore, Karnataka-560043**
- 2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
- 4. The Secretary, Education (looking after Teacher Education) Government of Karnataka.**



**IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-38/E-290199/2023 Appeal/3rd Meeting, 2023  
APPLERC202314520**

Mithila Hanumant National College of Health and Physical Education, 187, Indiranagar, Goimishra Lagma, Govt. Inter College Lagma Road, Salepur Lagma, Ward No.02, Ghanshyampur, Darbhanga, Bihar-847427 <b>APPELLANT</b>	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Dr. Kulanand Jha, Director-cum-Principal</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023



## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Mithila Hanumant National College of Health and Physical Education, 187, Indiranagar, Goimishra Lagma, Govt. Inter College Lagma Road, Salepur Lagma, Ward No.02, Ghanshyampur, Darbhanga, Bihar-847427** dated 08.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-313.55/ERCAPE00851/D.P.Ed./2022/66879** dated 24.11.2022 of the Eastern Regional Committee, withdrawing recognition for conducting D.P.Ed. Course on the grounds that “(i). As per provision contained in Section 12 (j) & (k) of the NCTE Act, 1993, the institution was asked to fill up the Performance Appraisal Report (PAR) for the academic session 2020-21, however, the institution has not filled up the same. (ii). Therefore, as per decision taken by ERC in its 306<sup>th</sup> meeting held on 12<sup>th</sup> to 13<sup>th</sup> July, 2022, Show Cause Notice under Section 17 (1) of NCTE Act, 1993 was issued to the institution for not filing PAR on the ground that the institution has breached the condition of recognition as per the provision of clause 8 (12) of NCTE Regulations, 2014 and also Clause 7 (14) of NCTE, Regulations, 2014 which is related to uploading information on the website, if the website of the institution is not working. (iii). Further, as per decision taken by ERC in its 311<sup>th</sup> meeting held on 11<sup>th</sup> October, 2022, Final Show Cause Notice was issued to the institution for not submitting the reply of Show Cause Notice issued to it. (iv). The Committee further noted that the institution has not submitted the reply of Final Show Cause.”

### II. SUBMISSIONS MADE BY APPELLANT: -

**Dr. Kulanand Jha, Director-cum-Principal of Mithila Hanumant National College of Health and Physical Education, 187, Indiranagar, Goimishra Lagma, Govt. Inter College Lagma Road, Salepur Lagma, Ward No.02, Ghanshyampur, Darbhanga, Bihar-847427** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: “Appeal against the order no. 66879 dated 24.11.2022 by which the recognition of the institution has been withdrawn is as follows: - (i). That a Show Cause Notice was issued on 05.08.2022 to this college under Section 17 (1) of NCTE, Act 1993 to show



explanation/representation. (ii). That the said letter was received in the college on 27.08.2022 at about 6 P.M. (iii). That the same was immediately responded by this institution through email on 01.09.2022 as well as through speed post on 30.08.2022 showing therein the detailed. Explanation/representation. (iv). That both the communication i.e., email as well as the speed post was received/ delivered to your esteemed Committee but it appears that the same was not placed before the ERC in its 311<sup>th</sup> (virtual) meeting held on 11.10.2022. (Photocopy of tracking receipt enclosed). (v). That it further appears that due to aforesaid reasons, a letter dated 20/28.10.2022 was again issued to this institution for final representation under section 17 (1) of the Act. (vi). That it is submitted that this institution again vide its letter dated 26.11.2022, submitted its representation annexing therein the entire documents/ communication to your esteemed Committee. (vii). That without considering the representations filed by this institution, an order No.66879 dated 24.11.2022 has been issued withdrawing the recognition. (viii). That the institution has already uploaded the PAR as its website. The institution has not breached the provision of clause 8 (12) of NCTE Regulation, 2014 nor has violated clause 7 (14) (i) of NCTE Regulation 2014 and thus the basis of withdrawing the recognition of the institution mentioned in clause 4 of the letter No. 66879 dated 24.11.2022 in Contrary to records available in the ERC [Relevant records/ Communications to ERC are enclosed] Therefore, it is requested to your highness to consider the aborsaid facts, recall the order as contained vide letter, No. 66879 dated 24.11.2022 and continue the recognition of the institution in the interest of Justice and in the interest of the students.”

### 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 D.P.Ed. Course of two-year duration with an annual intake of 50 students vide order dated 03.03.2015. The recognition of the institution for D.P.Ed. programme was withdrawn by the ERC vide order dated 24.11.2022.



The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February 2023 and in the Appeal Memoranda the institution submitted that it has uploaded all the essential documents on the website of the institution which required verification. The Committee noted that while withdrawing the recognition, the Regional Committee has also taken one ground regarding non-submission of PAR.

The Appeal Committee noted that the institution was still found deficient in terms of submission of PAR for the session 2020-21. However, in light of the Court order dated 31.01.2023 passed in LPA 190/2021 & LPA 520/2022 by the Hon'ble High court of Delhi, the Appeal Committee decided to remand back the matter with specific direction to ERC to decide the matter with respect to the outcome of LPA 190/2021 & LPA 520/2022. The relevant extract of the order dated 31.01.2023 is being reproduced hereunder:

**“Learned ASG has fairly stated before this Court that there will be no precipitative action against the Appellant Institutions till the next date of hearing.  
Accordingly, list these Applications on the aforesaid date i.e. 01.03.2023”**

The Committee has been informed that the said matter was finally heard by Hon'ble High Court & matter is now fixed for final judgement.

As such the Committee decided to remand back the matter to Regional Committee to take further necessary action. It is directed to the Regional Committee to pass appropriate order subject to outcome of writ petition.

In view of above, the Appeal submitted by the institution is allowed and matter is being remand back to ERC to decide the matter afresh.

The Appeal Committee noted that in case matter is being remanded back to Regional Committee, then the Legal issue will be involved, which are as under:

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The Appeal Committee noted that the order dated 08.04.2021 passed in W.P.(C). No. 4382/2021, the Hon'ble High Court of Delhi has directed as under: -

***“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 24.11.2022 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter as per outcome of the LPA 190/2021 & LPA 520/2022.

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. It is being reiterated that the ERC shall take an appropriate decision with respect to the outcome of the LPA 190/2021 & LPA 520/2022



#### 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 that the matter is being remanded back to the ERC in light of the aforesaid order dated 31.01.2023 and the ERC is directed to carefully decide the matter with respect to the outcome of the LPA 190/2021 & LPA 520/2022.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Mithila Hanumant National College of Health and Physical Education, 187, Indiranagar, Goimishra Lagma, Govt. Inter College Lagma Road, Salepur Lagma, Ward No.02, Ghanshyampur, Darbhanga, Bihar-847427
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 Bihar.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-39/E-290414/2023 Appeal/3rd Meeting, 2023**  
**APPLERC202214493**

Dharikishan Singh Teachers Training College, 1065, 739, Kulharia, Ara Patna Road, Koilear, Bhojpur, Bihar-802160 <b>APPELLANT</b>	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Sidhnath Singh and Lal Bahadur Singh, Secretary/Manager</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	<b>27.02.2023</b>
<b>Date of Pronouncement</b>	<b>07.03.2023</b>

## ORDER/आदेश

### **I. GROUNDS OF WITHDRAWAL**

The appeal of **Dharikishan Singh Teachers Training College, 1065, 739, Kulharia, Ara Patna Road, Koilear, Bhojpur, Bihar-802160** dated 04.12.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-313.47/NCTE/ERCAPP201646276 (ID No.11324) B.Ed. Addi. Intake/BR/2022/66839** dated 24.11.2022 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “((i). The institution has submitted the list(s) of faculty approved on 13.09.2019 & 01.06.2017 by the affiliating University. The institution has not submitted the latest list of faculty duly approved by the affiliating University. (ii). The institution has not appointed teaching faculty for Health and Physical Education, Fine Arts and Performing Arts. (iii). The institution has not uploaded the requisite information on its website as required under clause 7(14) of the NCTE Regulations, 2014 as amended from time to time. (iv). From the Performance Appraisal Report (PAR) for the academic session 2020-21, it is observed that the institution has not updated its website as per NCTE Regulations, 2014.”

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

**Mr. Sidhnath Singh and Lal Bahadur Singh, Secretary/Manager of Dharikishan Singh Teachers Training College, 1065, 739, Kulharia, Ara Patna Road, Koilear, Bhojpur, Bihar-802160** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: “ (i). The institute has one principal and 23 teachers including physical education teacher, art & craft teacher and music teacher. The all-teachers are qualified and duly approved by the affiliating body i.e., V.K.S., University, Ara, Bihar. The latest faculty list duly approved is attached herewith. (ii). The institution has already appointed faculty for health and physical education, fine arts and performing arts. The same is approved by the affiliating Body. The list of the same is hereby attached. (iii). All information has already been uploaded on the website of the institution as per requirement of clause 7(14) of NCTE Regulation, 2014. The website is [www.dsaews.com](http://www.dsaews.com) and the printout of the website is

2 



attached. The website is properly working. (iv). As stated above under point no.3, the website of the institution is updated and all requisite information has been uploaded on the website.”

### 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 of two-year duration with an annual intake of 100 students vide order dated 02.05.2016 followed by NCTE/order dated 11.10.2017 as per NCTE Regulations, 2014 for an annual additional intake of 50 (Existing 100 intake + additional 50 intake) thus making the total intake of 150 (Three basic units of 50 students each). The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 24.11.2022.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February, 2023 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+23) members dated 01.12.2022 approved by the Registrar, V.K.S. University, Bihar as per provision of NCTE Regulations, 2014.

The Committee noted that the institution has already filled the PAR. The institution has also appointed faculty for Music & Fine Art.

In view of above, the Committee decided to accept the appeal submitted by the institution. The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 24.11.2022. 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.



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 24.11.2022 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. The Principal, Dharikishan Singh Teachers Training College, 1065, 739, Kulharia, Ara Patna Road, Koilear, Bhojpur, Bihar-802160
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 Himachal Pradesh.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

**राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)**

**जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075**

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-40/E-290852/2023 Appeal/3rd Meeting, 2023  
APPLWRC202314553**

Swami Vivekanand STC College, 381/350, Danta, Khandela Road, Kelwara, Shahbad, Baran, Rajasthan-325224 <b>APPELLANT</b>	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Abhishek Singh Sodhi, Secretary</b>
<b>Respondent by</b>	<b>Regional Director, WRC</b>
<b>Date of Hearing</b>	<b>27.02.2023</b>
<b>Date of Pronouncement</b>	<b>07.03.2023</b>

## ORDER/आदेश

### I. GROUNDS OF REFUSAL

The appeal of **Swami Vivekanand STC College, 381/350, Danta, Khandela Road, Kelwara, Shahbad, Baran, Rajasthan-325224** dated 01.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE/NRCAPP-14888/367<sup>th</sup> Meeting/D.El.Ed./2022/221080** dated 01.12.2022 of the Western Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that “(i). Affidavit on Rs. 1000 stamp paper from the President/Secretary of the Management duly notarized giving the details of applications pending with NCTE and also the existing courses being run by the management on the same land where this application is proposed, as per format approved by WRC. (ii). To submit the proof of submission of initial application by NRC in original, self-attested. (iii). To submit the proof of rejection of the initial application by NRC in original, duly self-attested. (iv). To submit the proof of payment of processing fee at the time of initial application, self-attested (photocopy of DD/Bank Statement/Certificate form Bank etc. (v). Reply of the Show Cause Notice not submitted by the institution.”

### II. SUBMISSIONS MADE BY APPELLANT: -

**Mr. Abhishek Singh Sodhi, Secretary of Swami Vivekanand STC College, 381/350, Danta, Khandela Road, Kelwara, Shahbad, Baran, Rajasthan-325224** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: “Swami Vivekanand STC College Kelwara Baran application number is NRCAPP-14888. The Show Cause notice of WRC NCTE Delhi Meeting 337 is not received by post or email to the institution. So, delay the reply of Show Cause Notice. Institution original file submit by related documents as per check list of refusal order. So, Appeal is consider the institution is located in tribal area (Sahariya Area) in Shahbad Baran, Rajasthan.”

### 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 30.06.2015. The recognition of

the institution for D.El.Ed. programme was refused by the WRC vide order dated 01.12.2022.

The Appeal Committee noted that the application of the institution for D.El.Ed. programme was refused vide order dated 01.12.2022 and since then the institution has not been granted recognition. The Committee further noted that General Body of the NCTE in its 55<sup>th</sup> meeting held on 14.07.2022 *inter-alia* has taken a following policy decision that the applications pending before the Regional Committees of NCTE shall not be processed further: -

**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 01.12.2022 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 55<sup>th</sup> 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 01.12.2022 of WRC is confirmed.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।



Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Swami Vivekanand STC College, 381/350, Danta, Khandela Road, Kelwara, Shahbad, Baran, Rajasthan-325224
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 /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-41/E-291589/2023 Appeal/3rd Meeting, 2023  
APPLSRC202214488**

Shree Fulsing Narayan Chavan College of Education, 19/2a, Hittinhalli Tanda, Sindagi now changed as Devarhipparagi, Bijapur, Karnataka-586215 <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Santosh K. Patil, FDA</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	<b>27.02.2023</b>
<b>Date of Pronouncement</b>	<b>07.03.2023</b>

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Shree Fulsing Narayan Chavan College of Education, 19/2a, Hittinhalli Tanda, Sindagi now changed as Devarhipparagi, Bijapur, Karnataka-586215** dated 30.11.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO9344/M.Ed./{KA}/2022/136091** dated 13.10.2022 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “The institution has not submitted latest list of faculties in the prescribed format for M.Ed. programme duly approved by the Registrar of affiliating Body as per NCTE Regulations, 2014. (ii). As per building plan submitted by the institution multipurpose hall is not mentioned. (iii). The BCC submitted by the institution shows the total built up area 2116.15 sq.ft. only which is not sufficient as per NCTE Regulation, 2014. (iv). The institution did not submit original Form ‘A’ issued by the bank regarding maintenance of FDRs towards Endowment and Reserve Fund. (v). The website of the institution is not uploaded with the information required under clause 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014.”

### II. SUBMISSIONS MADE BY APPELLANT: -

**Mr. Santosh K. Patil, FDA of Shree Fulsing Narayan Chavan College of Education, 19/2a, Hittinhalli Tanda, Sindagi now changed as Devarhipparagi, Bijapur, Karnataka-586215** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: “(i). Faculty members list submitted as per NCTE standard Regulations, 2014. (ii). As per building plan submitted by the institution multipurpose hall is mentioned. (iii). BCC submitted by the institution shows the total built up area 30680.18 sq.ft. is enclosed. (iv). Original Form ‘A’ issued by the Bank regarding maintenance of FDRs towards Endowment and Reserve Fund is enclosed. (v). Information uploaded in website under clause 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014.”



### 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 25 students vide order dated 15.05.2019. The enhancement of intake of 10 seats from existing 25 to 35 is permitted to the institution vide order dated 24.08.2010. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 21.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 26.05.2015 for conducting M.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 M.Ed. programme was withdrawn by the SRC vide order dated 13.10.2022.

The Appeal Committee in its 3<sup>rd</sup> Meeting, 2023 held on 27.02.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution has not appointed faculty in terms of provisions of the NCTE Regulations, 2014. Further, the institution has failed to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of teaching staff.
- (ii) The proof regarding disbursement of salary of the teaching and non-teaching staff, whether it is being paid through cheque/online payment has also not been submitted.
- (iii) The building plan submitted by the institution is not readable.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 13.10.2022 issued by SRC is confirmed.



**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 that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 13.10.2022 issued by SRC is confirmed.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. The Principal, Shree Fulsing Narayan Chavan College of Education, 19/2a, Hittinhalli Tanda, Sindagi now changed as Devarhipparagi, Bijapur, Karnataka-586215
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-42/E-291717/2023 Appeal/3rd Meeting, 2023**  
**APPLNRC202314559**

Babu Kamta Prasad Jain Mahavidyalaya, 192, Shahpur Badoli, Delhi Road, Baraut, Baghpat, Uttar Pradesh-250611 <b>APPELLANT</b>	<b><u>Vs</u></b>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. <b>RESPONDENT</b>
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Representative of Appellant	<b>Mr. Pradeep Kumar Jain, Secretary</b>
Respondent by	<b>Regional Director, NRC</b>
Date of Hearing	27.02.2023
Date of Pronouncement	07.03.2023

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

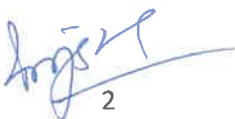
The appeal of **Babu Kamta Prasad Jain Mahavidyalaya, 192, Shahpur Badoli, Delhi Road, Baraut, Baghpat, Uttar Pradesh-250611** dated 09.02.2023 filed under Section 18 of NCTE Act, 1993 is against the decision taken in 366<sup>th</sup> meeting of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted reply to two consecutive Show Cause Notices issued on 05.04.2018 and subsequently on 09.10.2020 and Committee decided as under: - (i). The recognition of B.Ed. & its Additional intake of M.Ed. courses to be withdrawn from the academic session 2021-2022."

### II. SUBMISSIONS MADE BY APPELLANT: -

**Mr. Pradeep Kumar Jain, Secretary of Babu Kamta Prasad Jain Mahavidyalaya, 192, Shahpur Badoli, Delhi Road, Baraut, Baghpat, Uttar Pradesh-250611** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: "(i). Because the appellant/institution is affiliated to Chaudhary Charan Singh University, Meerut, Uttar Pradesh, and it has duly approved the faculty for B.Ed. course signed by the competent authority, wherein the details of the faculty are mentioned as per the NCTE norms and standards. (ii). Because the appellant/institution is affiliated to Chaudhary Charan Singh University, Meerut, Uttar Pradesh, and it has duly approved the faculty for M.Ed. course signed by the competent authority, wherein the details of the faculty are mentioned as per the NCTE norms and standards. (iii). Because the appellant/institution is disbursing the salaries of the faculty members in the bank account."

### III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the recognition was granted by the Northern Regional Committee to, **Babu Kamta Prasad Jain Mahavidyalaya, Delhi Road, Near Badoli, Baraut – 250611, Uttar Pradesh** for B.Ed. course vide Order



2

No.NRC/NCTE/F-3/UP-1192/2004/8943-8951 dated 12.10.2004 with an annual intake of 100 seats and vide Order No. NRC/NCTE/UP-2497/33396-33402 dated 03.12.2007 with an additional annual intake of 100 seats and in light of NCTE Regulations, 2014 revised recognition order No. NRC/NCTE/UP-2497/2015/101834-39 dated. 21.05.2015 for B.Ed. course with an annual intake of four units of 200 students from the academic session 2015-16. As per decisions taken by NRC in its 322<sup>nd</sup> meeting (Virtual) meeting, the recognition was withdrawn by NRC vide order No. NRC/NCTE/UP-1192-B.Ed., UP-2497-B.Ed. (Addl.)/322<sup>nd</sup> (Virtual) Meeting/2020/213597-602 dated 03.03.2021 from the end of the academic session next following the date of order of withdrawal.

The institution filed an appeal in the NCTE Hqrs New Delhi against the NRC order dated 03.03.2021. The Appeal Committee decided to remand back the case vide order dated 22.10.2021. The matter was again considered by NRC in its 366<sup>th</sup> (Blended Mode) Meeting held on 26<sup>th</sup> & 28<sup>th</sup> March, 2020 and the Committee decided as under:

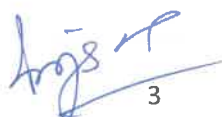
**"The institution has submitted documents in compliance to SCN issued to it on 20/01/2022. The committee has gone through the documents submitted by the institution and found that the institution is still deficient on the following points:**

- 1. The institution has submitted the list of the faculty members, but it is not approved by competent authority of the affiliating body and signed by the secretary of the institution only which is not valid.**
- 2. One more list with total 11 faculty members is submitted which is issued by the affiliating body on 20/01/2022 which is also not as per the NCTE regulations 2014 requirement.**
- 3. The institution has not submitted any document and salary statement for last six months of each faculty to prove that they are still on role of the institution."**

The Committee noted that no withdrawal order was not issued to the institution. The institution had filed W.P.(C) 7746/2022 before the Hon'ble High Court of Delhi and Court had passed order dated 19.05.2022 the operative part of the order is as under:

***"In terms of the second proviso to Section 17(1) of the NCTE Act,1993, the order of withdrawal takes effect at the end of the academic session next following the date when it was passed. It is common ground that the order having been passed on 26th and 28th March, 2022, it would take effect from the end of the academic session 2022-23.***

***In view of the above, it is made clear that the petitioner is entitled to take part in counselling and admit students for the academic session 2022-23. NCTE is***

  
3



***directed to reflect Petitioner's status as a recognised institution for the year 2022-23 on its portal and also to communicate the same to the Petitioner's affiliating university and the concerned State Government within a period of three days from today.***

***The petition stands disposed of in these terms."***

The matter was considered by NRC in its 369<sup>th</sup> (Emergent) (Virtual Mode) Meeting held on 26<sup>th</sup> May, 2022 and the Committee decided as under:

In compliance of order dated 19/05/2022 passed in W.P. (C) No. 7746/2022 by the Hon'ble High Court of Delhi the original file of the Institution, alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, facts/circumstances of the case were carefully considered by NRC and decided that the decision taken by NRC in its 366<sup>th</sup> meeting held on 26<sup>th</sup> & 28<sup>th</sup> March, 2022, regarding effective session for withdrawal would take effect from the end of the academic session 2022-2023 and the status of the institution for the year 2022-2023 be treated as recognized. The concerned affiliation University and State Govt. may be informed accordingly.

Accordingly, a letter was issued to the University of Choudhary Charan Singh University, Meerut, Uttar Pradesh, State Govt. Uttar Pradesh and institution on 27.05.2022.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February, 2023 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+28) member dated 03.02.2023 approved by the Registrar, Chaudhary Charan Singh University, Meerut, Uttar Pradesh as per provision of NCTE Regulations, 2014.
- (ii) A copy of statement of salary disbursement to the faculty issued by Axis Bank.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the 366<sup>th</sup> meeting minutes of the NRC in respect of the



institution. The Committee noted that the document submitted in appeal require to be verified by the Northern 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 decision of the NRC in respect of the institution is set-aside and the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.**

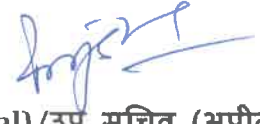
Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to NRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।



Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Babu Kamta Prasad Jain Mahavidyalaya, 192, Shahpur Badoli, Delhi Road, Baraut, Baghpat, Uttar Pradesh-250611
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 /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-43/E-291718/2023 Appeal/3rd Meeting, 2023  
APPLNRC202314560**

Babu Kamta Prasad Jain Mahavidyalaya, 192, Shahpur Badoli, Delhi Road, Baraut, Baghpat, Uttar Pradesh-250611 <b>APPELLANT</b>	<b><u>Vs</u></b>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Pradeep Kumar Jain, Secretary</b>
<b>Respondent by</b>	<b>Regional Director, NRC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

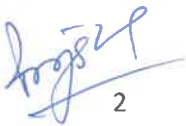
The appeal of **Babu Kamta Prasad Jain Mahavidyalaya, 192, Shahpur Badoli, Delhi Road, Baraut, Baghpat, Uttar Pradesh-250611** dated 10.02.2023 filed under Section 18 of NCTE Act, 1993 is against the decision taken in 366<sup>th</sup> meeting of the Northern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that "The institution has not submitted reply to two consecutive Show Cause Notices issued on 05.04.2018 and subsequently on 09.10.2020 and Committee decided as under: - (i). The recognition of B.Ed. & its Additional intake of M.Ed. courses to be withdrawn from the academic session 2021-2022."

### II. SUBMISSIONS MADE BY APPELLANT: -

**Mr. Pradeep Kumar Jain, Secretary of Babu Kamta Prasad Jain Mahavidyalaya, 192, Shahpur Badoli, Delhi Road, Baraut, Baghpat, Uttar Pradesh-250611** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: "(i). Because the appellant/institution is affiliated to Chaudhary Charan Singh University, Meerut, Uttar Pradesh, and it has duly approved the faculty for B.Ed. course signed by the competent authority, wherein the details of the faculty are mentioned as per the NCTE norms and standards. (ii). Because the appellant/institution is affiliated to Chaudhary Charan Singh University, Meerut, Uttar Pradesh, and it has duly approved the faculty for M.Ed. course signed by the competent authority, wherein the details of the faculty are mentioned as per the NCTE norms and standards. (iii). Because the appellant/institution is disbursing the salaries of the faculty members in the bank account."

### III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the recognition was granted by the Northern Regional Committee to, **Babu Kamta Prasad Jain Mahavidyalaya, Delhi Road, Near Badoli, Baraut – 250611, Uttar Pradesh** for M.Ed. course vide Order



2

No.NRC/NCTE/F-73/UP-2496/2007/31827-31833 dated 01.11.2007 with an annual intake of 27 seats and in light of NCTE Regulations, 2014 revised recognition order No. NRC/NCTE/UP-2496/2015/104923-28 dated. 31.05.2015 for M.Ed. course with an annual intake of four units of 50 students from the academic session 2015-16. As per decisions taken by NRC in its 322<sup>nd</sup> meeting (Virtual) meeting, the recognition was withdrawn by NRC vide order No. NRC/NCTE/UP-2496-M.Ed./322<sup>nd</sup> (Virtual) Meeting/2020/ 213603-08 dated 03.03.2021 from the end of the academic session next following the date of order of withdrawal. The institution filed an appeal in the NCTE Hqrs New Delhi against the NRC order dated 03.03.2021. The Appeal Committee decided to remand back the case vide order dated 22.10.2021. The institution has submitted reply of Show Cause Notice received in NRC office on 21.02.2022. The matter was considered by NRC in its 366<sup>th</sup> (Blended Mode) Meeting held on 26<sup>th</sup> & 28<sup>th</sup> March, 2022 and the Committee decided as under:

***"The committee has gone through the documents submitted by the institution and found that the institution is still deficient on the following points:***

- 1. The institution has submitted the list of the faculty members, but it is not approved by competent authority of the affiliating body and signed by the secretary of the institution only which is not valid.***
- 2. One more list with total 11 faculty members is submitted which is issued by the affiliating body on 20/01/2022 which is also not as per the NCTE regulations 2014 requirement.***
- 3. The institution has not submitted any document and salary statement for last six months of each faculty to prove that they are still on role of the institution."***

Hence, the Committee decided that the withdrawal order issued on 03/03/2021 as per the decision of 322<sup>nd</sup> NRC meeting stands from the academic session 2022-2023 for both B.Ed. and M.Ed. Courses

The Appeal Committee noted that no withdrawal order was not issued to the institution. The institution had filed W.P.(C) 7904/2022 before the Hon'ble High Court of Delhi and Court had passed order dated 19.05.2022 the operative part of the order is as under:



***“4. In terms of the second proviso to Section 17(1) of the NCTE Act, 1993, the order of withdrawal takes effect at the end of the academic session next following the date when it was passed. It is common ground that the order having been passed on 26th and 28th March, 2022, it would take effect from the end of the academic session 2022-23.***

***5. In view of the above, it is made clear that the petitioner is entitled to take part in counselling and admit students for the academic session 2022-23. NCTE is directed to reflect Petitioner's status as a recognised institution for the year 2022-23 on its portal and also to communicate the same to the Petitioner's affiliating university and the concerned State Government within a period of three days from today.***

***6. The petition stands disposed of in these terms”***

The matter was considered by NRC in its 369<sup>th</sup> (Emergent) (Virtual Mode) Meeting held on 26<sup>th</sup> May, 2022 and the Committee decided as under:

In compliance of order dated 23/05/2022 passed in W.P. (C) No. 7904/2022 by the Hon'ble High Court of Delhi the original file of the Institution, alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, facts/circumstances of the case were carefully considered by NRC and decided that the decision taken by NRC in its 366<sup>th</sup> meeting held on 26<sup>th</sup> & 28<sup>th</sup> March, 2022, regarding effective session for withdrawal would take effect from the end of the academic session 2022-2023 and the status of the institution for the year 2022-2023 be treated as recognized. The concerned affiliation University and State Govt. may be informed accordingly.

Accordingly, letter was issued to the University of Choudhary Charan Singh University, Meerut, Uttar Pradesh, State Govt. Uttar Pradesh and institution on 27.05.2022.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February, 2023 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+9) member dated 03.02.2023 approved by the Registrar, Chaudhary Charan Singh University, Meerut, Uttar Pradesh as per provision of NCTE Regulations, 2014.
- (ii) A copy of statement of salary disbursement to the faculty issued by Axis Bank.



4



The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the minutes of 366<sup>th</sup> meeting of the NRC in respect of the institution. The Committee noted that the document submitted in appeal require to be verified by the Northern 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 decision of the NRC in respect of the institution 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।



Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Babu Kamta Prasad Jain Mahavidyalaya, 192, Shahpur Badoli, Delhi Road, Baraut, Baghpat, Uttar Pradesh-250611
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 / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-44/E-291761/2023 Appeal/3rd Meeting, 2023**  
**APPLWRC202314549**

Sardar Vallabh Bhai Patel Shikshak Prashikshan School Bhadra, Khasra No. 58, Bhadra, Hanumangarh, Rajasthan-335501 <b>APPELLANT</b>	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Ajay Kumar Sharma, Office Superintendent</b>
<b>Respondent by</b>	<b>Regional Director, WRC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023

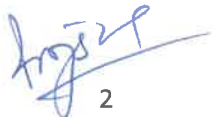
## ORDER/आदेश

### **I. GROUNDS OF REFUSAL**

The appeal of **Sardar Vallabh Bhai Patel Shikshak Prashikshan School Bhadra, Khasra No. 58, Bhadra, Hanumangarh, Rajasthan-335501** dated 10.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE/WRC/NRCAPP-4501/D.El.Ed./364<sup>th</sup>/RJ/2022/221160** dated 12.12.2022 of the Western Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that “(i). Committee in its 355<sup>th</sup> meeting held on 26<sup>th</sup> February 2022, has decided to issue Show Cause Notice to the institution. (ii). Institution submitted reply on 21.03.2022 on the basis of minutes uploaded on the website. (iii). Non-Encumbrance Certificate (NEC) submitted is not in original and not in the prescribed format.”

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

**Mr. Ajay Kumar Sharma, Office Superintendent of Sardar Vallabh Bhai Patel Shikshak Prashikshan School Bhadra, Khasra No. 58, Bhadra, Hanumangarh, Rajasthan-335501** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: “(i). The appellant has provided the Non-Encumbrance Certificate vide its letter dated 21.03.2022 and 17.06.2022. The regulation 2014, categorically provides that the institution has to only provide the information that the land is free from all encumbrances and there is no mention of a format of certificate. The appellant provided a certificate which categorically shows that the land is free from all encumbrances. The Hon’ble High Court of Delhi in W.P.(C) 3390/2016 Royal Institute of Science & Management versus National Council for Teacher Education & Anr and W.P.(C) 5965/2018 Rohitash Institute of Elementary Education versus National Council for Teacher Education and Ans has categorically held that the regulation 2014 is silent upon the format of Non-Encumbrance Certificate. The appellant has filed the W.P.(C) 11578/2022 before the Hon’ble High Court of Delhi and the said petition was disposed of in following terms: “3. The order of refusal is appealable under section 18 of the NCTE Act, 1993 (Hereinafter, ‘The Act’). Considering this fact, since there is an efficacious remedy available to the petitioner, the Court is not



2

inclined to entertain the present petition. That said, counsel for the petitioner has urged, that the Court should condone the delay in invoking the aforesaid remedy of an appeal, considering the fact that thirty days have lapsed since the 364<sup>th</sup> Meeting of the WRC. The petitioner further submits that the issue urged in the present petition stands covered in favor of the petitioner in light of the decision of this Court in W.P.(C) 3390/2016 dated 12<sup>th</sup> September, 2017, and W.P.(C) 5965/2018 dated 27<sup>th</sup> February, 2019. The Appellate committee of the NCTE would take into consideration, the above-mentioned decisions relied upon by the petitioner, while deciding the Appeal, if so filled.””

### 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 27.12.2012. The recognition of the institution for D.El.Ed. programme was refused by the WRC vide order dated 12.12.2022.

The Appeal Committee noted that the application of the institution for D.El.Ed. programme was refused vide order dated 12.12.2022 and since then the institution has not been granted recognition. The Committee further noted that General Body of the NCTE in its 55<sup>th</sup> meeting held on 14.07.2022 *inter-alia* has taken a following policy decision that the applications pending before the Regional Committees of NCTE shall not be processed further: -

**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 12.12.2022 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 55<sup>th</sup> 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 12.12.2022 of WRC is confirmed.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Sardar Vallabh Bhai Patel Shikshak Prashikshan School Bhadra, Khasra No. 58, Bhadra, Hanumangarh, Rajasthan-335501**
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 /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-278/E-285357/2022 Appeal/3rd Meeting, 2023**  
**APPLWRC202214435**

Maratha Shikshan Sansthan, Plot No-281, Kakaddara Talegaon (S.P.), Arvi Road, Talegaon, Ashti, Wardha, Maharashtra-442204. <b>APPELLANT</b>	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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Representative of Appellant	<b>Dr. Sandeep R Nimbhorkar, Principal (I/C)</b>
Respondent by	<b>Regional Director, WRC</b>
Date of Hearing	<b>27.02.2023</b>
Date of Pronouncement	<b>07.03.2023</b>

## **ORDER/आदेश**

### **I. GROUNDS OF WITHDRAWAL**

The appeal of **Maratha Shikshan Sansthan, Plot No-281, Kakaddara Talegaon (S.P.), Arvi Road, Talegaon, Ashti, Wardha, Maharashtra-442204** dated 30.07.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.WRC/APW02772/123346/366<sup>th</sup>/MH/2022/221051** dated 29.11.2022 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). Final Show Cause Notice issued on 11.02.2021 reply not received within stipulated time. (ii). Hence, Committee decided to withdraw the recognition of the B.Ed. Course. (iii). The institution has not uploaded the necessary information on its official website. (iv). The institution has also not submitted the filled copy of the Performance Appraisal Report.”

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

**Dr. Sandeep R Nimbhorkar, Principal (I/C) of Maratha Shikshan Sansthan, Plot No-281, Kakaddara Talegaon (S.P.), Arvi Road, Talegaon, Ashti, Wardha, Maharashtra-442204** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that “We have send the documents on design held by WRC 326 Meeting and 294 Meeting also dated on 29.01.2021 (Separately and combine also) 1. We have send latest staff profile for teaching and non-teaching staff members, NCTE revise order, Govt. Order, University affiliation order and university approval of staff member. (Copies attach with appeal application) 2. We have constructed our own website, our website address is (PRPBED.ORG) on this site we have uploaded all the details) copy attach online and speed post documentary. 3. We have filled PAR as per your guideline, we have filled PAR copy. (Attach with this documentary) we are following all the direction which is denoted in your rule and improved time to time. So, kindly forgive us from withdrawal.”

### **III. OUTCOME OF THE CASE**

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 seats on 07.03.2007,



a revised recognition order was issued by WRC on dated 31.05.2015 with an annual intake of 100 students (two basic units of 50 students each) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 29.11.2022.

The Committee noted that as per the request of the institution, the WRC permitted reduction of intake of the institution from two units to one unit and the WRC withdrawn the recognition of the institution on the ground that the institution has not replied within the stipulated time. The WRC has not pointed out the specific deficiencies observed by the institution except the following: -

- (i) The institution has not uploaded the necessary information on its official website.
- (ii) The institution has also not submitted the filled copy of the Performance Appraisal Report.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February 2023 and in the Appeal Memoranda the institution submitted that it has uploaded all the essential documents on the website of the institution which required verification. The Committee noted that while withdrawing the recognition, the Regional Committee has also taken one ground regarding non-submission of PAR.

The Appeal Committee noted that the institution was still found deficient in terms of submission of PAR for the session 2020-21. However, in light of the Court order dated 31.01.2023 passed in LPA 190/2021 & LPA 520/2022 by the Hon'ble High court of Delhi, the Appeal Committee decided to remand back the matter with specific direction to ERC to decide the matter with respect to the outcome of LPA 190/2021 & LPA 520/2022. The relevant extract of the order dated 31.01.2023 is being reproduced hereunder:

**"Learned ASG has fairly stated before this Court that there will be no precipitative action against the Appellant Institutions till the next date of hearing.  
Accordingly, list these Applications on the aforesaid date i.e. 01.03.2023"**

The Committee has been informed that the said matter was finally heard by Hon'ble High Court & matter is now fixed for final judgement.

As such the Committee decided to remand back the matter to Regional Committee to take further necessary action. It is directed to the Regional Committee to pass appropriate order subject to outcome of writ petition.

In view of above, the Appeal submitted by the institution is allowed and matter is being remand back to WRC to decide the matter afresh.

**The Appeal Committee noted that in case matter is being remanded back to Regional Committee, then the Legal issue will be involved, which are as under:**

The Appeal Committee noted that the order dated 08.04.2021 passed in W.P.(C). No. 4382/2021, the Hon'ble High Court of Delhi has directed as under: -

***“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 29.11.2022 is set-aside and the Appellate Committee has



**decided to remand back the case to WRC for revisiting the matter subject to outcome of the order of the Hon'ble High Court in LPA 190/2021 & LPA 520/2022**

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. **It is being reiterated that the WRC shall take an appropriate decision with respect to the outcome of the LPA 190/2021 & LPA 520/2022**

**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 that the matter is being remanded back to the WRC in light of the aforesaid order dated 31.01.2023 and the **WRC is directed to carefully decide the matter with respect to the outcome of the LPA 190/2021 & LPA 520/2022.**

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Maratha Shikshan Sansthan, Plot No-281, Kakaddara Talegaon (S.P.), Arvi Road, Talegaon, Ashti, Wardha, Maharashtra-442204**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Maharashtra.**



**IN THE NCTE APPELLATE AUTHORITY / एन सी टी ई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

**राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)**

**जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075**

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एन सी टी ई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-279/E-285520/2022 Appeal/3rd Meeting, 2023**

**APPLERC202214505**

Salar College of Education and Research, 1000,1001,1007, Salar, Dahapara, Salar, Murshidabad, West Bengal-742401 <b>APPELLANT</b>	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Gulam Sakline, Secretary</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	<b>27.02.2023</b>
<b>Date of Pronouncement</b>	<b>07.03.2023</b>

## ORDER/आदेश

### **I. GROUNDS OF REFUSAL**

The appeal of **Salar College of Education and Research, 1000,1001,1007, Salar, Dahapara, Salar, Murshidabad, West Bengal-742401** dated 25.12.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No **ERC/238.36/ERCAPP3557/B.Ed./2016/53211** dated 02.05.2017 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “(a). Show Cause Notice was issued on 16.07.2016 on the following grounds: (i). Inspection letter was issued to the Institution on 07.02.2016. (ii). Inspection not conducted yet. (iii). Dr. B.K. Mohanty and Dr. Sujata Acharya VT members contacted telephonically to the applicant institution, but the institution intimated that the building is under construction. It will take another 6 months’ time to complete the building. So, new the college does not want inspection at present. (b). Reply from institution not received till date & the time limit has already been over.”

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

**Mr. Gulam Sakline, Secretary of Salar College of Education and Research, 1000,1001,1007, Salar, Dahapara, Salar, Murshidabad, West Bengal-742401** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal Memoranda it is submitted that “Due to insufficient fund building was not completed during the time of inspection. But we not stopped our construction work. Our area is minority dominated and a large number of students demanding to run the institute. We waited for the fresh application to NCTE but unfortunately on application for new B.Ed. course has not come so far. Due to Covid-19. We confused to communicate. Now we have completed the building and arranged others instructional facilities according to the norms and standers of NCTE 2014. Kindly inspect us and give opportunity to run the institute for the session 2023 with the intake 100 (B.Ed.).”

### **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 Eastern Regional Committee for grant of recognition for





seeking permission for running the B.Ed. Course on 24.06.2015. The recognition of the institution for B.Ed. programme was refused by the ERC vide order dated 02.05.2017.

The Appeal Committee noted that the application of the institution for B.Ed. programme was refused vide order dated 02.05.2017 and since then the institution has not been granted recognition. The Committee further noted that General Body of the NCTE in its 55<sup>th</sup> meeting held on 14.07.2022 *inter-alia* has taken a following policy decision that the applications pending before the Regional Committees of NCTE shall not be processed further: -

**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 ERC dated 02.05.2017 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 55<sup>th</sup> 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 02.05.2017 of ERC is confirmed.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Salar College of Education and Research, 1000,1001,1007, Salar, Dahapara, Salar, Murshidabad, West Bengal-742401
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-5/E-286652/2023 Appeal/3rd Meeting, 2023  
APPLSRC202314512**

Islamia Educational Society, 143/A, 143/AA, 143/E, Munidevunipalli, Sangareddy, Kondapur, Medak, Telangana- 502001 <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Dr. Khadar Khan, Secretary Correspondent</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	<b>27.02.2023</b>
<b>Date of Pronouncement</b>	<b>07.03.2023</b>

## ORDER/आदेश

### **I. GROUNDS OF WITHDRAWAL**

The appeal of Islamia Educational Society, 143/A, 143/AA, 143/E, Munidevunipalli, Sangareddy, Kondapur, Medak, Telangana-502001 dated 05.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No.SRC/NCTE/APSO0350/B.Ed./TS/2022/136711 dated 15.11.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The Committee decided that to withdraw the recognition granted to National College of Education, Sangareddy Revenue Division, Munidevunipalli Village, Kondapur Mandal, Medak District-502295, Telangana for conducting B.Ed. course under clause 17(1) of NCTE Act, 1993 on the request of the institution vide its letter dated 09.03.2019. However, the FDRs towards Reserve Fund will be issued by the Regional Director on the submission of the following: (a) NOC from the affiliating body. (b). NOC from the staff/faculty. (c). Resolution of the management to the effect for closure of the course."

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

Dr. Khadar Khan, Secretary Correspondent of Islamia Educational Society, 143/A, 143/AA, 143/E, Munidevunipalli, Sangareddy, Kondapur, Medak, Telangana-502001 appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that "Ours is the own building. All the relevant paper submitted."

### **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 of one year with an annual intake of 100 students. A revised recognition order was issued to the institution on 14.05.2015 with an annual intake of 100 students (two basic unit of 50 students each). The SRC in its 322<sup>nd</sup> meeting held on 20<sup>th</sup>-21<sup>st</sup> Oct., 2016 decided reduction of intake of the institution from 2



unit to 1 unit. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 15.11.2022.

The Appeal Committee noted that SRC had on 13.11.2019, issued Withdrawal Order mentioning the fact that the institution has requested for closure of the course/college. That on earlier occasion vide order dt. 04.11.2020, the Appeal Committee remanded back the matter to SRC for consideration observing that the SRC ought to have verified the authenticity of the mail so received. The order also mentioned that there was no resolution of the Society or any documents necessary for acceding to such request for closure.

The Appeal Committee noted that SRC issued Show Cause Notice dt. 23.12.2020 on several grounds and the institution submitted its reply dt. 02.01.2021 alongwith all the documents. The Appeal Committee noted SRC without considering the reply dt. 02.01.2021, on merits simply confirmed the withdrawal order in its 403<sup>rd</sup> Meeting held on 18<sup>th</sup> & 19<sup>th</sup> October, 2021 and SRC failed to point out any deficiency in the reply submitted by the institution.

The Appeal Committee noted that the institution filed Writ Petition No. 2929 of 2022. The Hon'ble Court vide order dt. 21.02.2022 directed SRC to re-examine the reply and documents submitted by the institution vide letter dt. 02.01.2021 and give a decision in 8 weeks. The Committee noted that the SRC without considering the documents as directed by the Court, sent a letter to Osmania University seeking the current status of the institution.

The Appeal Committee noted that the SRC once again considered the case of the institution in its 415<sup>th</sup> meeting held on 3<sup>rd</sup> & 4<sup>th</sup> November and once again decided to confirm withdrawal order and communicated the same vide letter dt. 15.11.2022. The Appeal Committee noted that SRC in its letter dt. 15.11.2022 confirmed the Withdrawal Order on the basis of the reply of the University that the institution was not granted affiliation and no other ground with respect to deficiencies, if any, were mentioned.



The Appeal Committee noted that the institution could not get fresh affiliation as no continuation order or restoration order was there in favor of the institution. As the circumstances was beyond the control of the institution so this fact should have been considered by the Southern Regional Committee. The SRC failed to take note of the same and decided to confirm the Withdrawal Order solely on the basis of the reply sent by the University for non-grant of affiliation for the academic session 2021-2022.

The Appeal Committee noted also that the SRC in its 322<sup>nd</sup> meeting held on 20-21 Oct., 2016 considered the request of the institution for reduction of intake from 2 unit to 1 unit and the same was accepted by the SRC, NCTE.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February, 2023 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) members approved by the Registrar, Osmania University, Telangana as per provisions of the NCTE Regulations, 2014.
- (ii) A copy of proof of submission of Performance Appraisal Report.
- (iii) A copy of Sale Deed dated 19.05.2001.
- (iv) A copy of Statement of Encumbrance on Property.
- (v) A copy of Building Completion Certificate approved by Assistant Engineer, (P.R.) Mandal Parishad Kondapur on dated 27.07.2022.
- (vi) A copy of Form 'A' along with FDRs (Amount Rs.5,00,000/- and amount Rs. 7,00,000/- issued from Union Bank of India) Total Amount Rs. 12,00,000/-.
- (vii) A copy of bank statement showing salary disbursement to the faculty.
- (viii) A copy of Affidavit on Rs. 100 stamp paper.
- (ix) A copy of Building Plan along with Site Plan approved by Competent Authority.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in Show Cause Notice dated 23.1.2020. The Committee, noted that the document submitted in appeal require to be verified by the Southern 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 order dated 15.11.2022 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Islamia Educational Society, 143/A, 143/AA, 143/E, Munidevunipalli, Sangareddy, Kondapur, Medak, Telangana-502001
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 /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-7/E-286636/2023 Appeal/3rd Meeting, 2023**  
**APPLWRC202314513**

Shree Mukesh Jani B.Ed. College, R.S., No. 884/Paiky- Plot No. 1 to 9, 19 to 28, Amreli, Gavdaka Road, H.O. Amreli, Amreli, Gujarat-365601 <b>APPELLANT</b>	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Representative of the institution</b>
<b>Respondent by</b>	<b>Regional Director, WRC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Shree Mukesh Jani B.Ed. College, R.S., No. 884/Paiky-Plot No. 1 to 9, 19 to 28, Amreli, Gavdaka Road, H.O. Amreli, Amreli, Gujarat-365601** dated 05.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.WRC/APWO4203/323412/374<sup>th</sup>/2022/220883 to 220890** dated 11.11.2022 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). Show Cause Notice dated 26.08.2016 was issued to the institution due to non-compliance of conditions mentioned in the revised recognition order dated 31.05.2015. (ii). No reply/ required documents have been received from the institution. (iii). The matter was placed before the WRC in its 312<sup>th</sup> meeting held on 27-29 January, 2020 and accordingly, second show cause notice dated 10.02.2020 was issued to the institution. (iv). The reply vide letter dated 09.03.2020 submitted by the institution was considered by WRC. (v). The institution is still deficient on the following in light of NCTE Regulations, 2014 and subsequent amendments published time to time. (vi). Certified copy of registered land documents not submitted. (vii). The notarized change of Land Use Certificate dated 16.04.2022 issued by Mamlatdar, Amreli shows that the land is owned by Shri Atulbhai Bhaichandra Jani & Shri Visvashbhai Chaichandra Jani. The diverted area not mentioned in the CLU. (viii). Photocopy of submitted Building Plan approved Amreli Municipal Corporation, wherein the name of owner mentioned Shri Atulbhai Bhaichandra Jani & Shri Visvashbhai Bhaichandra Jani. Survey/Khasra no. not mentioned. Total plot area, built up area mentioned is not legible. (ix). In the submitted Building Completion Certificate, name of owner mentioned Shri Atulbhai Bhaichandra Jani & Shri Visvashbhai Bhaichandra Jani. Built up area mentioned as 2524 sq.ft. which is not as per NCTE Norms. (x). Faculty in Performing Arts (Music/Dance/Theatre) not appointed. (xi). Experience certificate of Principal substantiating eight years of teaching experience in a Secondary Teacher Education Institution as per NCTE Regulations, 2014 not submitted. (xii). Photocopy of FDR for Rs. 4.00 lakh submitted is not in joint operation mode with Regional Director, WRC, NCTE. (xiii). Non-encumbrance certificate is not submitted.”



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

The representative of Shree Mukesh Jani B.Ed. College, R.S., No. 884/Paiky-Plot No. 1 to 9, 19 to 28, Amreli, Gavdaka Road, H.O. Amreli, Amreli, Gujarat-365601 appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that “(i). Already submitted. (ii). Plot no is mentioned in certificate of land use but diverted area is mentioned in rural land no. 2 certificate. (iii). In submitted building plan survey khasra no is already mentioned and total plot area, built up are also mentioned. (iv). In the submitted Building Completion Certificate, name of owner mentioned Shri Arulbhai Bhaichandra Jani & Shri Visvashbhai Bhaichandra Jani. Built up area mentioned as 2525 SQ. MT. (v). Faculty in performing art (Music/Dance/Theatre) are in process. (vi). Submitted. (vii). Already jointly operation mode with Regional Director WRC, NCTE. (viii). Non-Encumbrance Certificate has been obtained.”

## **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 13.08.2008. 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 100 (two basic units of 50 students each) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 11.11.2022.

The Appeal Committee noted that the institution had earlier submitted copy of land & building documents in individual name and now submitted Sale Deed documents alongwith other relevant documents, as such the Committee is of the view that the documents may be verified.

The Appeal Committee in the light of the submission made by the appellant Institution during on-line hearing held on 27.2.2023 the Appeal Committee pass the following orders: -

- (i) Inspection under Section 13 of the NCTE Act, 1993 shall be conducted by the Western Regional Committee (WRC), NCTE as per laid down



3

procedure to verify the infrastructure and instructional facilities available with the institution.

The Appeal Committee further directed the Western Regional Committee (WRC), NCTE that on being receipt of the report of the Visiting Team, the same shall be examined by the WRC, and furnish a report as to whether the institution is fulfilling the norms and standards as per provisions of the NCTE Regulations or not, to enable the Appeal Committee to take appropriate decision in the matter.

The Appeal Committee decided to keep the matter pending until the report is submitted by the Western Regional Committee (WRC) as it is very necessary to ascertain whether institution is having infrastructure & instructional facilities viz-a-viz fulfilling the norms & standards as per provisions of the NCTE Regulations, 2014. Thus, it may not be advisable to remand back the case for the reasons that it will have an adverse effect on the quality of education and fate of students.

**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 that the Appeal is kept pending till the report is submitted by Western Regional Committee (WRC), NCTE in terms of direction given herein above.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. The Principal, Shree Mukesh Jani B.Ed. College, R.S., No. 884/Paiky-Plot No. 1 to 9, 19 to 28, Amreli, Gavdaka Road, H.O. Amreli, Amreli, Gujarat-365601
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 Gujarat.



**IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-10/E-286858/2023 Appeal/3rd Meeting, 2023  
APPLERC202314526**

Sharda Girdhari Keshri College Trust, 13, Mahesh Khunt, Gogari, Khagaria, Bihar-851213	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Mr. Radhe Girdhari, Representative</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023

## ORDER/आदेश

### **I. GROUND OF REFUSAL**

The appeal of **Sharda Girdhari Keshri College Trust, 13, Mahesh Khunt, Gogari, Khagaria, Bihar-851213** dated 12.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **ERC/216.7.49/APP2225/B.Ed./2016/47609** dated 29.06.2016 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “I. Show cause notice was on 07/06/2016 on the following grounds: -i. The building plan is not in the name of the institution. ii. The gift deed is in the name of Shri Radhe Prasad Keshri i.e., in the name of individual. iii. Land is not in the name of institution/society/trust. iv. The institution has applied single course which comes under the category of standalone institution. As per NCTE Regulation 2014 stand-alone institution is not considerable. II. In response to show cause notice, the institution submitted its reply dated 02/05/2016 on the basis of proceedings uploaded in the ERC website which is not satisfactory.”

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

**Mr. Radhe Girdhari, Representative of Sharda Girdhari Keshri College Trust, 13, Mahesh Khunt, Gogari, Khagaria, Bihar-851213** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that “There is not visit and we have regularly replying and visiting headquarters.”

### **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 Eastern Regional Committee for grant of recognition for seeking permission for running the B.Ed. Course on 14.05.2015. The recognition of the institution for B.Ed. programme was refused by the ERC vide order dated 29.06.2016.





The Appeal Committee noted that the application of the institution for B.Ed. programme was refused vide order dated 29.06.2016 and since then the institution has not been granted recognition. The Committee further noted that General Body of the NCTE in its 55<sup>th</sup> meeting held on 14.07.2022 *inter-alia* has taken a following policy decision that the applications pending before the Regional Committees of NCTE shall not be processed further: -

**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***

3 

*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 ERC dated 29.06.2016 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 55<sup>th</sup> 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 29.06.2016 of ERC is confirmed.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Sharda Girdhari Keshri College Trust, 13, Mahesh Khunt, Gogari, Khagaria, Bihar-851213
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 Bihar.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-11/E-286864/2023 Appeal/3rd Meeting, 2023  
APPLSRC202214507**

Cosmopolitan College of Education, 236/2, 271/2, Sengadu, Nehemaih Nagar, Sengadu Po, Sriperumbudur TK, Kancheepuram, Tamilnadu-602002 <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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Representative of Appellant	<b>Dr. N. Vijayakumar, Chairman</b>
Respondent by	<b>Regional Director, SRC</b>
Date of Hearing	27.02.2023
Date of Pronouncement	07.03.2023

## **ORDER/आदेश**

### **I. GROUNDS OF WITHDRAWAL**

The appeal of **Cosmopolitan College of Education, 236/2, 271/2, Sengadu, Nehemaih Nagar, Sengadu Po, Sriperumbudur TK, Kancheepuram, Tamilnadu-602002** dated 28.12.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/SRCAPP201630153/M.Ed./TN/2022/ (137479-137483)** dated 24.11.2022 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that "The institution failed to submit reply to the Final Show Cause Notice dated 08.10.2022."

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

**Dr. N. Vijayakumar, Chairman of Cosmopolitan College of Education, 236/2, 271/2, Sengadu, Nehemaih Nagar, Sengadu Po, Sriperumbudur TK, Kancheepuram, Tamilnadu-602002** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that "Quires are rectified."

### **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 of two years duration with an annual intake of 50 students vide order dated 23.08.2018. The recognition of the institution for M.Ed. programme was withdrawn by the SRC vide order dated 24.11.2022.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February, 2023 submitted that it's a composite institution conducting different programme of teacher education in one campus. The Committee noted the case of the institution for B.Ed. programme has been remanded back to the SRC to decide the case afresh.



The institution in Appeal Memorandum submitted copies of Staff list, Form A towards Endowment Fund & Reserve Fund, a copy of Building Plan, Land Use Certificate, BCC etc. The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 24.11.2022. 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 Southern 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: -

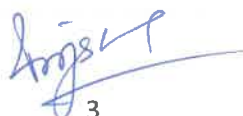
***“Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”***

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 24.11.2022 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।



Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. The Principal, Cosmopolitan College of Education, 236/2, 271/2, Sengadu, Nehemaih Nagar, Sengadu Po, Sriperumbudur TK, Kancheepuram, Tamilnadu-602002
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 / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-12/E-287177/2022 Appeal/3rd Meeting, 2023  
APPLSRC202314523**

Azad Womens Teachers Training Institute, 392/590/496, Shivamogga, MKK Road, Kote Post, Shimoga, Karnataka- 577202 <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Syed Liyakhath, Administrative Officer</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	<b>27.02.2023</b>
<b>Date of Pronouncement</b>	<b>07.03.2023</b>



## **ORDER/आदेश**

### **I. GROUNDS OF WITHDRAWAL**

The appeal of **Azad Womens Teachers Training Institute, 392/590/496, Shivamogga, MKK Road, Kote Post, Shimoga, Karnataka-577202** dated 10.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO1651/D.Ed./{KA}/2022/137298** dated 22.11.2022 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “(i). The institution failed to submit reply to the Final Show Cause Notice dated 12.09.2022. (ii). Further it is also observed that the institution has not filled Performance Appraisal Report (PAR).”

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

**Mr. Syed Liyakath, Administrative Officer of Azad Womens Teachers Training Institute, 392/590/496, Shivamogga, MKK Road, Kote Post, Shimoga, Karnataka-577202** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that “(i). There was no delay in submitting the information called by SRC vide letter dated 05.08.2022 & 12.09.2022. The reports and information submitted through courier and same received by SRC on 08.09.2022 & 29.11.2022. (ii). There was a delay issue in creating website. Website has created on 02.09.2022 as azadeducationsociety.org hence it was delay I submitting performance appraisal report (PAR).”

### **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 Elementary (D.Ed.) Course of two and half year's duration with an annual intake of 50 students vide order dated 30.12.2004. The recognition of the institution for D.El.Ed. programme was withdrawn by the SRC vide order dated 22.11.2022.

The Appeal Committee in its 3<sup>rd</sup> Meeting, 2023 held on 27.02.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of



grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution has not submitted latest staff list duly approved by the affiliating body. Further, the institution has failed to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed. etc. and experience of teaching staff.
- (ii) The proof regarding disbursement of salary of the teaching and non-teaching staff, whether it is being paid through cheque/online payment has also not been submitted.
- (iii) The institution has not submitted Form 'A' issued by the concerned Bank. The institution has submitted copies of FDRs of Rs. 5 lakh + 3 lakhs, which is not sufficient to run D.El.Ed. programme as per NCTE Regulation, 2014.
- (iv) Building Plan submitted by the institution wherein the name of approving authority is in regional language.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 22.11.2022 issued by SRC is confirmed.

#### 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 that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 22.11.2022 issued by SRC is confirmed.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Azad Womens Teachers Training Institute, 392/590/496, Shivamogga, MKK Road, Kote Post, Shimoga, Karnataka-577202
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-19/E-287895/2023 Appeal/3rd Meeting, 2023**  
**APPLERC202314527**

District Institute of Education and Training, Chiechama, Chiephobozou Post Office, Kohima, Nagaland-707001 <b>APPELLANT</b>	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Ms. Athe Agnes Krocha, Lecturer</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	<b>27.02.2023</b>
<b>Date of Pronouncement</b>	<b>07.03.2023</b>

## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of District Institute of Education and Training, Chiechama, Chiephobozou Post Office, Kohima, Nagaland-707001 dated 13.01.2023 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No. F.No.ER-316.11/NA-E/E-3/97/U.G.T.T/NL/2022/67156 dated 05.01.2023 of the Eastern Regional Committee, withdrawing recognition for conducting U.G.T.T. Course on the grounds that: "The institution has not submitted the reply of First Show Cause Notice dated 04.08.2022 and Final Show Cause Notice dated 28.10.2022 issued to it for non-submission of Performance Appraisal Report (PAR) for the academic session 2020-21. Hence, Committee decided that the recognition for U.G.T.T. programme be withdrawn under Section 17(1) of the NCTE Act, 1993 with effect from the end of the academic session next following the date of communication of withdrawn order."

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

Ms. Athe Agnes Krocha, Lecturer of District Institute of Education and Training, Chiechama, Chiephobozou Post Office, Kohima, Nagaland-707001 appeared online to present the case of the appellant institution on 27.02.2023. In the appeal Memoranda it is submitted that "Due to delayed in correspondence diet chiechama could not respond in time, however the institute shall honour and respect the NCTE in all spheres and always abide by the directive issued by the council."

### **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 U.G.T.T. Course with an annual intake of 50 students vide order dated 08.08.1997 for continue and another recognition order was issued vide order dated 05.09.2001 for conducting Under Graduate Teacher Training (UGTT) Course of one year duration with an annual intake of 50 students from the academic session 2001-



2002. The recognition of the institution for U.G.T.T. programme was withdrawn by the ERC vide order dated 05.01.2023.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February 2023 and in the Appeal Memoranda the institution submitted that it has uploaded all the essential documents on the website of the institution which required verification. The Committee noted that while withdrawing the recognition, the Regional Committee has also taken one ground regarding non-submission of PAR.

The Appeal Committee noted that the institution was still found deficient in terms of submission of PAR for the session 2020-21. However, in light of the Court order dated 31.01.2023 passed in LPA 190/2021 & LPA 520/2022 by the Hon'ble High court of Delhi, the Appeal Committee decided to remand back the matter with specific direction to ERC to decide the matter with respect to the outcome of LPA 190/2021 & LPA 520/2022. The relevant extract of the order dated 31.01.2023 is being reproduced hereunder:

**“Learned ASG has fairly stated before this Court that there will be no precipitative action against the Appellant Institutions till the next date of hearing.  
Accordingly, list these Applications on the aforesaid date i.e. 01.03.2023”**

The Committee has been informed that the said matter was finally heard by Hon'ble High Court & matter is now fixed for final judgement.

As such the Committee decided to remand back the matter to Regional Committee to take further necessary action. It is directed to the Regional Committee to pass appropriate order subject to outcome of writ petition.

In view of above, the Appeal submitted by the institution is allowed and matter is being remand back to ERC to decide the matter afresh.



The Appeal Committee noted that in case matter is being remanded back to Regional Committee, then the Legal issue will be involved, which are as under:

The Appeal Committee noted that the order dated 08.04.2021 passed in W.P.(C). No. 4382/2021, the Hon'ble High Court of Delhi has directed as under: -

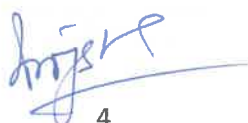
***“Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”***

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 05.01.2023 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter subject to outcome of the order of the Hon'ble High Court in LPA 190/2021 & LPA 520/2022

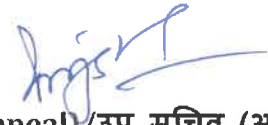
Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the 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. It is being reiterated that the ERC shall take an appropriate decision with respect to the outcome of the LPA 190/2021 & LPA 520/2022



**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 that the matter is being remanded back to the ERC in light of the aforesaid order dated 31.01.2023 and the ERC is directed to carefully decide the matter with respect to the outcome of the LPA 190/2021 & LPA 520/2022.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, District Institute of Education and Training, Chiechama, Chiephobozou Post Office, Kohima, Nagaland-707001**
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 Nagaland.**





**IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-275/E-285042/2022 Appeal/3rd Meeting, 2023**  
**APPLERC202214500**

Nandalal Ghosh B.T. College,1255, Panpur, Panpur Padmaluvpur Road, Narayanpur, Taluka, North 24- Pargana, West Bengal-743126 <b>APPELLANT</b>	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Representative of the institution</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023

## ORDER/आदेश

### **I. GROUNDS OF WITHDRAWAL**

The appeal of **Nandalal Ghosh B.T. College,1255, Panpur, Panpur Padmaluvpur Road, Narayanpur, Taluka, North 24-Pargana, West Bengal-743126** dated 16.12.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-289.18/(APE00643)/B.Ed./2021/63676** dated 25.02.2021 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(a) Recognition to B.Ed. course withdrawn from the academic session 2020-2021 vide order dated 20.08.2019. (b) As directed by Appellate Authority vide order dated 05.12.2019, ERC considered the matter and accordingly 1<sup>st</sup> show cause notice issued on 02.03.2020 followed by final show cause notice dated 15.09.2020 on the following grounds: - (i). There is a mismatch of floor-wise and total built up area mentioned in the Building Plan (BP) and Building Completion Certificate (BCC). (ii). Certified copy of the fire safety certificate duly signed by the Govt. competent authority to be submitted. (iii). Requisite information of the institutional website has not been uploaded as per Clause 7(14)(i) of NCTE Regulations,2014. (iv). No reply received from the institution till date. (v). Recognition of the institution for B.Ed. course already withdrawn vide order dated 20.08.2019 stands valid.”

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

The representative of **Nandalal Ghosh B.T. College,1255, Panpur, Panpur Padmaluvpur Road, Narayanpur, Taluka, North 24-Pargana, West Bengal-743126** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that “(i). Mismatch between BP and BCC of floor-wise & total built up area has already been corrected by the competent authority & the document is in hand now. (ii). Fire Safety Certificate has already been obtained from the competent authority of the Govt. of West Bengal & in hand now. (iii). Requisite information of the Institutional Website has already been Updated. (iv). Reply of the final Show Cause Notice dated.15.09.2020 could not be submitted as required documents could not be obtained & were not in hand due to Covid-19 pandemic lock down and dysfunctional governing body of the college. (v). Appeal to ERC for the extension of date was not considered. (vi). Direction of the Hon’ble High Court, Calcutta to exhaust the alternative statutory remedy under the discretion of the NCTE, the appellate authority vide its order dated.21.11.2022 (WPA 22633 OF 2022).”



### 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 03.05.2007. A revised provisional recognition order was issued to the institution on dt. 30.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 25.02.2021.

The appellant institution moved a writ petition before the Hon'ble High Court at Calcutta bearing W.P.A. no. 22633/2022 titled Nandalal Ghosh B.T. College & Anr V/s The State of West Bengal & Ors and Hon'ble Court vide its order dated 21.11.2022 issued following direction upon the Appellate Authority: -

**“After considering the submissions made on behalf of the parties and upon perusal of materials on record it appears that, under Rule 10 of the National Council for Teacher Education Rules, 1997 a Statutory Appeal Forum is available. In terms of the said Rule, the necessary appeal was to be files within sixty days. However, provision has also been made upon showing sufficient cause, such period may be extended at the discretion of the appellate authority in exercise of its discretion and jurisdiction.**

**After considering the rival contentions and the materials on record, it appears to this Court that, to adjudicate upon the said impugned order dated February 25, 2021, Annexure P-13 to the writ petition several fact-finding enquiries need to be made. Such is definitely not the job of the writ Court when there is a Statutory Appellate Forum is available. The petitioner must exhaust the statutory remedy first in accordance with law.**

**With the above observation, this writ petition being WPA 22633 of 2022 stands dismissed particularly on the ground of availability of alternative remedy and not on merit.**

**It is made clear that, this Court has not gone into the merits of the claim of the petitioners in any manner.**

**There shall, however, be no order as to costs.”**

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February, 2023



submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of Building Plan approved by Executive Engineer, North 24 Parganas Division, Social Sector, P.W. dated. 22/06/2022.
- (ii) A copy of Building Completion Certificate approved by Executive Engineer, North24 Pargana Division dated 22/06/2022.
- (iii) A Certified copy of the fire safety certificate.
- (iv) A copy of screenshot of website showing uploading the requisite documents on the website of the Institution.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 25.02.2021. 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 Eastern 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 25.02.2021 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Nandalal Ghosh B.T. College, 1255, Panpur, Panpur Padmaluvpur Road, Narayanpur, Taluka, North 24-Pargana, West Bengal-743126
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-276/E-285157/2022 Appeal/3rd Meeting, 2023**  
**APPLERC202214502**

Sushant Teachers Training College, 272, Nunfara, Bandra, Muzzafarpur, Bihar – 843115	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Mr. Sandeep Chatterjee, Member College Managing Committee</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Sushant Teachers Training College, 272, Nunfara, Bandra, Muzzafarpur, Bihar – 843115** dated 10/12/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-313.57/ERCAPP2620/B.Ed./BR/2022/66961** dated 24.11.2022 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). As per the provisions contained in the Section 12 (j) & (k) of the NCTE Act, 1993, the institution was asked to fill up the Performance Appraisal Report (PAR) for the academic session 2020-21, however, the institution has not filled up the same. (ii). Therefore, as per decision taken by the ERC in its 306<sup>th</sup> meeting held on 12<sup>th</sup> to 13<sup>th</sup> July, 2022, Show Cause Notice under Section 17(1) of NCTE Act, 1993 was issued to the institution for not filing PAR on the ground that the institution has breached the condition of recognition as per the provision of clause 8(12) of NCTE Regulations, 2014 and also Clause 7(14) of NCTE, Regulations, 2014 which is related to uploading information on the website, if the web site of the institution is not working. (iii). Further, as per decision taken by ERC in its 311<sup>th</sup> meeting held on 11<sup>th</sup> October, 2022, Final Show Cause Notice was issued to the institution for not submitting the reply of the Show Cause Notice issued to it. (iv). The Committee further noted that the institution has not submitted the reply of Final Show Cause Notice.”

### II. SUBMISSIONS MADE BY APPELLANT: -

**Mr. Sandeep Chatterjee, Member College Managing Committee of Sushant Teachers Training College, 272, Nunfara, Bandra, Muzzafarpur, Bihar – 843115** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that “We would like to inform the Hon’ble Appeal Committee about our un-ability / missing the opportunity of filing the Performance Appraisal Report (PAR) online. The same is explained in our reply (Letter dated 18/11/2022) to show cause notice issued to us. We admit that due to technical/other various reasons our institution failed to file the PAR submission. Further we assure the Hon’ble Committee that these types of error will not be repeated in future, and we will





follow all the requisite official order issued by the Hon'ble National Council for Teacher's Education."

### 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 of two-year duration with an annual intake of 50 students vide order dated 29.07.2016. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 24.11.2022.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February 2023 and in the Appeal Memoranda the institution submitted that it has uploaded all the essential documents on the website of the institution which required verification. The Committee noted that while withdrawing the recognition, the Regional Committee has also taken one ground regarding non-submission of PAR.

The Appeal Committee noted that the institution was still found deficient in terms of submission of PAR for the session 2020-21. However, in light of the Court order dated 31.01.2023 passed in LPA 190/2021 & LPA 520/2022 by the Hon'ble High court of Delhi, the Appeal Committee decided to remand back the matter with specific direction to ERC to decide the matter with respect to the outcome of LPA 190/2021 & LPA 520/2022. The relevant extract of the order dated 31.01.2023 is being reproduced hereunder:

**"Learned ASG has fairly stated before this Court that there will be no precipitative action against the Appellant Institutions till the next date of hearing.  
Accordingly, list these Applications on the aforesaid date i.e. 01.03.2023"**

The Committee has been informed that the said matter was finally heard by Hon'ble High Court & matter is now fixed for final judgement.



As such the Committee decided to remand back the matter to Regional Committee to take further necessary action. It is directed to the Regional Committee to pass appropriate order subject to outcome of writ petition.

In view of above, the Appeal submitted by the institution is allowed and matter is being remand back to ERC to decide the matter afresh.

**The Appeal Committee noted that in case matter is being remanded back to Regional Committee, then the Legal issue will be involved, which are as under:**

The Appeal Committee noted that the order dated 08.04.2021 passed in W.P.(C). No. 4382/2021, the Hon'ble High Court of Delhi has directed as under: -

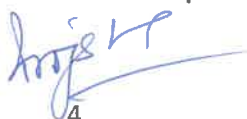
***“Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”***

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 24.11.2022 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter subject to outcome of the order of the Hon'ble High Court in LPA 190/2021 & LPA 520/2022**

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



4

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. **It is being reiterated that the ERC shall take an appropriate decision with respect to the outcome of the LPA 190/2021 & LPA 520/2022**

**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 that the matter is being remanded back to the ERC in light of the aforesaid order dated 31.01.2023 and the ERC is directed to carefully decide the matter with respect to the outcome of the LPA 190/2021 & LPA 520/2022.**

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Sushant Teachers Training College, 272, Nunfara, Bandra, Muzzafarpur, Bihar – 843115**
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 Bihar.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

**राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)**

**जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075**

**Date /दिनांक - 07/03/2023**

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-277/E-285160/2022 Appeal/3rd Meeting, 2023**

**APPLERC202214503**

Sushant Teachers Training College, 272, Nunfara, Bandra, Muzzafarpur, Bihar – 843115	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Mr. Sandeep Chatterjee, Member College Managing Committee</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	<b>27.02.2023</b>
<b>Date of Pronouncement</b>	<b>07.03.2023</b>

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Sushant Teachers Training College, 272, Nunfara, Bandra, Muzzafarpur, Bihar – 843115** dated 10/12/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-313.56/ERCAPP2618/D.El.Ed./BR/2022/ 66899** dated 24.11.2022 of the Eastern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “(i). As per the provisions contained in the Section 12 (j) & (k) of the NCTE Act, 1993, the institution was asked to fill up the Performance Appraisal Report (PAR) for the academic session 2022-21, however, the institution has not filled up the same. (ii). Therefore, as per decision taken by the ERC in its 306<sup>th</sup> meeting held on 12<sup>th</sup> to 13<sup>th</sup> July, 2022, Show Cause Notice under Section 17(1) of NCTE Act, 1993 was issued to the institution for not filing PAR on the ground that the institution has breached the condition of recognition as per the provision of clause 8(12) of NCTE Regulations, 2014 and also Clause 7(14) of NCTE, Regulations, 2014 which is related to uploading information on the website, if the web site of the institution is not working. (iii). Further, as per decision taken by ERC in its 311<sup>th</sup> meeting held on 11<sup>th</sup> October, 2022, Final Show Cause Notice was issued to the institution for not submitting the reply of the Show Cause Notice issued to it. (iv). The Committee further noted that the institution has not submitted the reply of Final Show Cause Notice.”

### II. SUBMISSIONS MADE BY APPELLANT: -

**Mr. Sandeep Chatterjee, Member College Managing Committee of Sushant Teachers Training College, 272, Nunfara, Bandra, Muzzafarpur, Bihar – 843115** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that “ We would like to inform the Hon’ble Appeal Committee about our un-ability / missing the opportunity of filing the Performance Appraisal Report (PAR) online. The same is explained in our reply (Letter dated 18/11/2022) to show cause notice issued to us. We admit that due to technical/other various reasons our institution failed to file the PAR submission. Further we assure the Hon’ble Committee that these types of error will not be repeated in future, and we will



follow all the requisite official order issued by the Hon'ble National Council for Teacher's Education."

### 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 D.El.Ed. Course of two-year duration with an annual intake of 50 students vide order dated 29.07.2016. The recognition of the institution for D.El.Ed. programme was withdrawn by the ERC vide order dated 24.11.2022.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February 2023 and in the Appeal Memoranda the institution submitted that it has uploaded all the essential documents on the website of the institution which required verification. The Committee noted that while withdrawing the recognition, the Regional Committee has also taken one ground regarding non-submission of PAR.

The Appeal Committee noted that the institution was still found deficient in terms of submission of PAR for the session 2020-21. However, in light of the Court order dated 31.01.2023 passed in LPA 190/2021 & LPA 520/2022 by the Hon'ble High court of Delhi, the Appeal Committee decided to remand back the matter with specific direction to ERC to decide the matter with respect to the outcome of LPA 190/2021 & LPA 520/2022. The relevant extract of the order dated 31.01.2023 is being reproduced hereunder:

**"Learned ASG has fairly stated before this Court that there will be no precipitative action against the Appellant Institutions till the next date of hearing.  
Accordingly, list these Applications on the aforesaid date i.e. 01.03.2023"**

The Committee has been informed that the said matter was finally heard by Hon'ble High Court & matter is now fixed for final judgement.



As such the Committee decided to remand back the matter to Regional Committee to take further necessary action. It is directed to the Regional Committee to pass appropriate order subject to outcome of writ petition.

In view of above, the Appeal submitted by the institution is allowed and matter is being remand back to ERC to decide the matter afresh.

**The Appeal Committee noted that in case matter is being remanded back to Regional Committee, then the Legal issue will be involved, which are as under:**

The Appeal Committee noted that the order dated 08.04.2021 passed in W.P.(C). No. 4382/2021, the Hon'ble High Court of Delhi has directed as under: -

***“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 24.11.2022 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter subject to outcome of the order of the Hon'ble High Court in LPA 190/2021 & LPA 520/2022**

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. It is being reiterated that the ERC shall take an appropriate decision with respect to the outcome of the LPA 190/2021 & LPA 520/2022

**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 that the matter is being remanded back to the ERC in light of the aforesaid order dated 31.01.2023 and the ERC is directed to carefully decide the matter with respect to the outcome of the LPA 190/2021 & LPA 520/2022.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।



Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. The Principal, Sushant Teachers Training College, 272, Nunfara, Bandra, Muzzafarpur, Bihar – 843115
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 Bihar.



**IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
File No. 89-197/E-262751/2022 Appeal/3rd Meeting, 2023

**APPLSRC202114028**

Sree Raghavendra Vidyalayam, 25,26,27,28,29,42,43,44, Armoor, Near Darga, Nizamabad, Telangana-503224. <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. G. Sreekanth, Secretary and Correspondent</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	<b>27.02.2023</b>
<b>Date of Pronouncement</b>	<b>07.03.2023</b>

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Sree Raghavendra Vidyalayam, 25,26,27,28,29,42,43,44, Armoor, Near Darga, Nizamabad, Telangana-503224** dated 05.05.2021 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No. **F.SRO/NCTE/SRCAPP2883/B.Ed./{T.S}/2020/124192-4199** dated 08.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that: “ The matter was further considered by SRC in its 394<sup>th</sup> meeting held on January 27-28, 2021, and the Committee decided as follows: - “The original files of the institution along with other related documents, NCTE Act, 1993, Regulations, Guideliness issued by NCTE from time to time and documents furnished by the institution were carefully considered by the SRC and the following observations were made: - (i). The Committee observed that the institution has not replied to the letter issued on 27.11.2018. In addition to the above, the Committee perused the letter received from the Registrar, Telangana University regarding not extending the affiliation to some colleges/institutions for the academic year 2020-2021 on the ground of non-fulfilment of NCTE norms and Regulations. The Sree Raghavendra Vidyalayam, Plot/Khasra No. 500,506,507,508, Plot No. 25,26,27,28,29,42,43,44, near Darga, Perkit Village, Armoor Post, Taluk & city, Nizamabad District – 503224, Telangana is one among the colleges which were not affiliated for the academic year 2020-21 by the Telangana University. In view of the non – submission of reply to the letter dt. 27.11.2018 and also the letter received from the Registrar, Telangana University, the Committee decided to withdraw the recognition grated to Sree Raghavendra Vidyalayam, Plot/Khasra No. 500,506,507,508, Plot No. 25,26,27,28,29,42,43,44, near Darga, Perkit Village, Armoor Post, Taluk & city, Nizamabad District -503224, Telangana for conducting B.Ed. course w.e.f. the 2020-2021 academic session under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above.



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

**Mr. G. Sreekanth, Secretary and Correspondent of Sree Raghavendra Vidyalayam, 25,26,27,28,29,42,43,44, Armoor, Near Darga, Nizamabad, Telangana-503224** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal Memoranda it is submitted that “We were not received any communication dated 27.11.2018 from the office of the regional director, SRC, NCTE, New Delhi kindly provide us an opportunity to give the written representation for the previous communication dated 27.11.2018. hence herewith I am requesting you to issue the same letter or communication which was issued on 27.11.2018 by the office of the regional director, NCTE, New Delhi.”


## **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 02.05.2016. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 08.03.2021.

The Appeal Committee in its 1<sup>st</sup> meeting held on 30.01.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order. The Appeal Committee noted that the SRC has received one letter dated 12.01.2021 from Telangana University inter alia stating therein the following: -

**“This is to bring to your kind notice that the following colleges did not fulfilled the requirement of having own building to run B.Ed. college as per NCTE norms as on today also.**

**Principals/ Correspondents of the below mentioned colleges have appealed that due to Covid-19 pandemic situation they were unable to have their own building and they have given an undertaking stating that building construction could not be started due to corona in case of Katipally Ravinder Reddy College of Education, Nizamabad and Priyadarshini College of Education, Armoor, Nizamabad district and Sri Sai College of Education, Nizamabad could not get the permission form NCTE for shifting into new college which was earlier an Engineering college and Karshak B.Ed. College, Kamareddy District could not produce concerned**



documents related to the land on which its own building has been constructed.

In 2018-19 and 2019-20 also these B.Ed. colleges have given undertaking stating that they will fulfil their deficiency at the earliest in that particular academic year otherwise their affiliation will be automatically cancelled.

But as per NCTE norms for affiliation they should have their own building with concerned required documents.

As such, we have requested to the Secretary, TSCHE to withdraw/not to consider (not recommended to extend Provisional affiliation for the academic year 2020-21) the names of the following B.Ed. colleges for admission in the academic year 2020-21 under the jurisdiction of Telangana University, until they get RPRO from NCTE.

List of B.Ed. colleges for which provisional affiliation for the academic year 2020-21 has not been extended.

1. Karshak B.Ed. College, Kamareddy, Dist.
2. Katipally Ravinder Reddy College of Education, Nizamabad.
3. Priyadarshini College of Education, Armoor, Nizamabad.
4. Sri Sai College of Education, Nizamabad.
5. Sree Raghavendra Vidyalayam, Armoor, Nizamabad."

The Appeal Committee noted that the institution during online appeal submitted that the institution is continuing affiliating from the Telangana University and submitted order dated 28.09.2021.

The Appeal Committee further noted that on the one hand the Telangana University has written one letter dated 12.01.2021 to the SRC stating that the affiliation of the institution has not been extended for the academic year 2020-21 and on the other hand the institution has submitted order dated 28.09.2021 regarding extension of affiliation granted by the University.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February, 2023 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 19.5.2022 issued by Telangana University approving the faculty of the institution.
- (ii) A copy of Affidavit showing that the salary disbursement to the faculty.
- (iii) A copy of request for the renewal of affiliation of college for the academic year 2020-21 and 2021-22.

Also, during the presentation, the institution showed the copy of the request letter submitted to the Telangana University on 03.03.2020 along with duly filled prescribed format and fee for an amount of Rs. 20,000/- as an annual inspection fee for the academic year 2020-21 with challan number 1524 dated 24.02.2020. In response, the institution received a letter Lr.No.138/B.Ed./Ext.Affil./DAA/2020-2021 dated 26.03.2021 from the Telangana University for grant of extension of provisional affiliation for the academic year 2020-21. Thereafter, the institution submitted another request letter to the Telangana University along with all relevant documents and inspection fee for an amount of Rs.20,000/- on 15.07.2021 for the academic year 2021-22. Telangana University vide letter No. Lr.No.460/B.Ed./Ext.Affil./DAA/2021-2022 dated 28.09.2021 granted the extension of provisional Affiliation for the academic year 2021-22.

Thereafter, the institution submitted another request letter to the Telangana University along with all relevant documents and inspection fee for an amount of Rs. 40,000/- on 20.06.2022. The physical inspection by the University was conducted on 28.10.2022. It is submitted by the institution that University will extend the provisional affiliation for the academic year 2022-23 subject to the institution of recognition from NCTE.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 08.03.2021. 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 Southern 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 08.03.2021 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।



Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. The Principal, Sree Raghavendra Vidyalayam, 25,26,27,28,29,42,43,44, Armoor, Near Darga, Nizamabad, Telangana-503224
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 / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**89-152/E-114691/2019 Appeal/3rd Meeting, 2023**  
**APPL13165**

Yuva Vyavsaik Shikshan Mahavidhyalaya, 350/7 PH 77, Guna, Bypass Road, Madhya Pradesh-473001. <b>APPELLANT</b>	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Dr. Manisha Pandey, Principal</b>
<b>Respondent by</b>	<b>Regional Director, WRC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Yuva Vyavsaik Shikshan Mahavidhyalaya, 350/7 PH 77, Guna, Bypass Road, Madhya Pradesh-473001** dated 18.04.2019 filed under Section 17 of NCTE Act, 1993 against the Order No. **No.WRC/223015/303<sup>rd</sup>/2019/201762** dated 07.03.2019 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that: - "The SCN was issued to the institution on 26.07.2016 & 15.02.2017. the institution has submitted reply of SCN on 08.03.2017. The institution has not submitted letter granting approval for the appointment of faculty by the Competent Authority/Affiliating Body. The institution has submitted BCC but not in prescribed format and not issued by approving authority. The institution has not submitted building plan approved by competent authority mentioning name of institution, name of course, khasra No./Plot No., total land area, total built-up area and earmarked area for each course being run in the same premises. The institution has not submitted original/notarized land use certificate issued by competent authority. The institution has not submitted original NEC issued by the competent authority. The institution has not submitted original FDRs towards reserve and endowment fund. Hence, the Committee decided to withdraw the recognition for B.Ed. programme from the academic session 2019-2020, under Section 17(1) of the NCTE Act, 1993."

### II. SUBMISSIONS MADE BY APPELLANT: -

**Dr. Manisha Pandey, Principal of Yuva Vyavsaik Shikshan Mahavidhyalaya, 350/7 PH 77, Guna, Bypass Road, Madhya Pradesh-473001** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal Memoranda it is submitted that: - "(i). The institution was submitted the approval staff list as per NCTE norms by Jiwaji University, Gwalior, there letter clearly shown that institute was have a adequate staff as per NCTE norms the copy of letter is enclosed. (ii). The institution was submitted the building completion certificate BCC in NCTE prescribed format by competent authority copy of BCC enclosed. (iii). The institute was submitted copy of approved building plan by competent authority, copy of approved building plan enclosed (iv). The institute was submitted copy of notarized land use certificate, copy of land use enclosed. (v). The institution was submitted



the Non-Encumbrance Certificate NEC issued by competent authority, copy of NEC enclosed. (vi). The institute was already submitted original FDR towards reserve and endowment fund, copy of FDR enclosed. (vii). As per above subject mentioned our society Yuva Vyavsaik Shikshan Sansthan Ashok Nagar was established since 1995 and running the Yuva Vyavasayik Mahavidyalaya B.Ed. programme from 24.09.2009 with intake capacity of 100 students wide NCTE college code number 223016. Whereas the institute was running from since 1995 with excellent infrastructure and teaching facilities in this context the institutes always follow the NCTE norms guideline and its amendment time to time. The above shortcoming was shown by the NCTE SCN letter, further as per the NCTE guideline under section 18 of the NCTE Act, 1993 the institute want to request an appeal against NCTE withdrawal order as per ground mention below point wise. Above shortcoming had already been submitted compliance by the institute since 15.03.2018. Hence, the above facts have justified the shortcoming and proof that the institute has adequate infrastructure and facility as per NCTE norms. Therefore, the society solemnly requesting you to kindly continue the approval of the institute. As per above subject mentioned our society Yuva Vyavsaik Shikshan Sansthan Ashok Nagar was established since 1995 and running the Yuva Vyavasayik Mahavidyalaya B.Ed. programme from 24.9.2009 with intake capacity of 100 students wide NCTE college code number 223015. Whereas the institute was running from since 1995 with excellent infrastructure and teaching facilities in this context the instates always follow the NCTE norms guideline and its amendment time to time. The above shortcoming was shown by the NCTE SCN letter, further as per the NCTE guideline under section 18 of the NCTE act, 1993 the institute want to request an appeal against NCTE withdrawal order as per ground mention above shortcoming had already been submitted compliance by the institute since 15.03.2018. hence, the above facts have justified the shortcoming and proof that the institute has adequate infrastructure and facility as per NCTE norms. Therefore, the society solemnly requesting you to kindly continue the approval of the institute.”

### 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 seats vide order dated 24.09.2009. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 07.03.2019. The institution preferred Appeal against the withdrawal order and the Appellate Authority vide order dated 11.06.2019 confirm the impugned order of withdrawal dated 07.03.2019.

The Appeal committee noted that the appellant institution was aggrieved by the appeal order dated 11.06.2019 and the appellant institution had moved to the Hon'ble Delhi High Court by the way of W.P.(C) No. 7238/2019 titled Yuva Vyavsaik Shikshan Mahavidyala V/s National Council for Teacher Education & Anr, the Hon'ble Court vide order dated 28.10.2022 issued following directions: -

***"...6. Accordingly, the present petition is disposed of with following directions: (i) The order of Appellate Authority dated 11th June, 2019 is set-aside and the appeal is restored. Petitioner-Institute shall within a period of two weeks from today file an affidavit enclosing therewith copy of the communication received from the affiliating university granting approval of the faculty, referred above. Additionally, the Petitioner shall also furnish latest approved faculty list from the affiliating university. (ii) The Appellate Committee shall thereafter expeditiously, not later than three months from today, decide the appeal. (iii) The affiliating university shall also file an affidavit and confirm its stand on the communication relied upon by the Petitioner [Annexure P-12] They shall also issue latest approved faculty list, as-and-when requested by the Petitioner-Institute, within a period of four weeks from the receipt of such request. (iv) Considering the fact that Petitioner-Institute, by virtue of the said interim order, has admitted students by participating in counselling for academic year 2022-23, it is directed that the interim order of this Court dated 09th July, 2019 keeping withdrawal order dated 07th March, 2019 issued by Western Regional Committee of NCTE in abeyance, shall continue to operate till the date of adjudication of the appeal. (v) If the Appellate Authority deems it necessary, they shall be free to conduct a fresh inspection of Petitioner-Institute. (vi) Petitioner-Institute shall forthwith furnish the requisite information as-and-when sought by any of the Respondents..."***

In compliance of Court order dated 28.10.2022 passed by Hon'ble Delhi High Court in W.P.(C) No. 7238/2019 titled Yuva Vyavsaik Shikshan Mahavidyala V/s National Council for Teacher Education & Anr, the instant matter was placed before the Appeal Committee in its 11<sup>th</sup> Meeting, 2022 for B.Ed. course.

The matter was placed in Committee noted that the institution has not submitted documents despite specific direction given by the Hon'ble High Court and decided to defer the matter with the direction to institution to submit all the documents as per direction of the Hon'ble High Court of Delhi.

The Appeal Committee in its 3<sup>rd</sup> Meeting, 2023 held on 27.02.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of



grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution has not submitted latest staff list duly approved by the affiliating body. Further, the institution has failed to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of teaching staff.
- (ii) The proof regarding disbursement of salary of the teaching and non-teaching staff, whether it is being paid through cheque/online payment has also not been submitted.
- (iii) The institution has not submitted certified/notarised copies of the actual land documents, BCC, Building Plan etc., hence the same is not acceptable since all these documents are photocopy and merely photocopy cannot be relied.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 07.03.2019 issued by WRC is confirmed.

#### 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 that the WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 07.03.2019 issued by WRC is confirmed.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Yuva Vyavsaik Shikshan Mahavidhyalaya, 350/7 PH 77, Guna, Bypass Road, Madhya Pradesh-473001
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 /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-193/E-117945/2019 Appeal/3rd Meeting, 2023  
APPL13189**

Nutan Vidyalaya Society's College of Education, N.V. Complex, Brahmapur, Gulbarga, Karnataka- 585103 <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Bharat Kumar, Senior Lecturer</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023



## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Nutan Vidyalaya Society's College of Education, N.V. Complex, Brahmapur, Gulbarga, Karnataka– 585103** dated 01.05.2019 filed under Section 18 of NCTE Act, 1993 is against the Order No. **SRO/NCTE/APSO2124/B.Ed./KA/2019-101948** dated 06.03.2019 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “A Show Cause Notice dt. 05.01.2018 was issued to the institution on the following grounds: - (i). This is a RPRO case for B.Ed. (2 units) and D.El.Ed. (1 unit). (ii). Title is in order; land area is adequate. (iii). LUC is in order. (iv). EC is not approved. Also, latest EC is required. (v). BP is approved. But it is not legible. It does not show essential details. (vi). BCC is approved. But it is only a photocopy. Original required. LUC shows that only 9840 sq. ft. out of 15026 sq. ft. of area in first floor is used for B.Ed. This is inadequate for B.Ed. (2 units). (vii). It is also noteworthy that the same first floor is also used for D.El.Ed. besides for a High School and a Degree College. (viii). FDRs are required in original, in joint account, with a 5-year validity @ Rs. 7 + 5 Lakhs per programme. (ix). Faculty list is approved. But it is only a photocopy; Original is required. Also, it is not fully in format. (x). The institution did not submit any reply till date.”

### II. SUBMISSIONS MADE BY APPELLANT: -

**Mr. Bharat Kumar, Senior Lecturer of Nutan Vidyalaya Society's College of Education, N.V. Complex, Brahmapur, Gulbarga, Karnataka– 585103** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: “Enclosed.”

### 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 Secondary (B.Ed.) Course with an annual intake of 100 students vide order dated 02.12.2004 with a condition to shift to its own premises/building within



three years from the date of recognition. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 02.02.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 16.05.2015 for conducting B.Ed. course with an annual intake of 100 (two basic units of 50 each). The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 06.03.2019. A corrigendum dated 31.07.2015 was issued to the institution for one unit.

The instant matter was placed in 17<sup>th</sup> Meeting, 2019 of Appellate Committee held on 12.06.2019. The Appellate Committee vide order dated 05.07.2019 rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder: -

*“The appellant, in their letter dt. 15.05.2019, forwarding the hard copy of the online appeal, has stated that at no point of time, their institution has been served with any show cause notice nor their institution given any reply to the same. The appellant further stated that all requirements as per the norms have been fulfilled and complied by their institution and if there is any shortcoming it will be immediately looked into and attended to the appellant, to their appeal, enclosed (i) a copy of the Non-Encumbrance Certificate dt. 13.03.2019 issued by Sub-Registrar, Kalaburagi (in Kannada with English translation); (iii) a copy of the building completion certificate issued by Manager Palika Kalaburagi; (iv) a letter dt. 29.04.2019 about use of the building for B.Ed. course; (v) copies of two FDRs with copies of letters from Syndicate Bank; (vi) copies of a letter dt. 25.05.2016 from the Registrar, Gulbarga University approving the faculty; (vii) a copy of staff profile, also countersigned by the Registrar, Gulbarga University; and (viii) a copy of the first-floor plan.*

*AND WHEREAS the Committee noted that the withdrawal of recognition was on the ground that no reply has been received to the Show Cause Notice dt. 05.01.2018 which is correct as per the records. In these circumstances, the Committee concluded that SRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of the SRC confirmed.*

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

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



The appellant institution moved a writ petition before the Hon'ble High Court of Karnataka, Kalaburagi Bench bearing W.P.No. 203505/2019 titled Nutan Vidyalaya Society's College of Education V/s National Council for Teacher Education & Anr, the Hon'ble Court vide its order dated 03.09.2022 issued following direction upon the Appellate Authority: -

*"...7. It is not dispute that the petitioner is an Educational Institution running B.Ed. College. The respondent No. 3 by order dated 06.03.2019 (Annexure-D) has withdrawn the recognition granted to the petitioner-Institution on the ground that there are deficiencies in infrastructure of the petitioner-Institution. In spite of issuing the notice, the petitioner-Institution has not produced the documents which are required by the respondent No.3 being aggrieved by the same, the petitioner has filed an appeal before the respondent No.2, appellate authority. As contended by the learned counsel for the petitioner that he has produced all the relevant documents which are required by the respondent No.3, as per the show cause notice dated 05.01.2018. The appellate authority in its order dated 05.07.2019 has noted that the petitioner has furnished the documents only on the ground that the documents have not been produced before the original authority i.e., respondent No.3. Therefore, the appellate authority has rejected the appeal vide Annexure-J. The impugned order Annexure-J is passed without application of mind. Respondent No.2-Appellate authority has not given any proper reason for rejection of the appeal. Hence, it is made out that the impugned order Annexure-J is passed without application of mind. Under these circumstances, I am of the opinion that the impugned order Annexure-J required to be quashed and the matter is required to be remitted back to the appellate authority for fresh consideration. The appellate authority is directed to pass appropriate orders after considering the documents produced by the petitioner-Institution, in accordance with law.*

*8. In view of the above, writ petition is allowed in part. The impugned order dated 05.07.2019 Annexure-J passed by the respondent No.2 is quashed. The matter is remitted back to the respondent No.2 for fresh consideration with a direction to reconsider the appeal in accordance with law, after giving an opportunity to the petitioner-Institution with six months from the date of receipt of copy of this order.*

*Sir Sudarshan M., learned counsel is permitted to file vakalath for respondent Nos.5 and 6 within two weeks from today."*

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February, 2023 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) member approved by the Registrar, Gulbarga University, Karnataka as per provision of NCTE Regulation, 2014.
- (ii) A copy of Land Use Certificate dated 01.03.2019



- (iii) A copy of approved building plan, BCC and Non-Encumbrance Certificate approved by Government of Karnataka.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 06.03.2019. 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 Southern 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 06.03.2019 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. The Principal, Nutan Vidyalaya Society's College of Education, N.V. Complex, Brahmapur, Gulbarga, Karnataka- 585103
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi - 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka.



IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

G-7, Sector-10, Dwarka, New Delhi-110075

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-115/E-250445/2022 Appeal/3rd Meeting, 2023  
APPLERC202214352

Er Upendra Sharma Teachers Training College, Plot No. 119,120, Village Telhara Khurd, Street Telhara, Post Office Telhara Kala, Champaran East, Bihar-845304 <b>APPELLANT</b>	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Vikash Maharshi, Representative</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023



## **ORDER/आदेश**

### **I. GROUNDS OF WITHDRAWAL**

The appeal of Er Upendra Sharma Teachers Training College, Plot No. 119,120, Village Telhara Khurd, Street Telhara, Post Office Telhara Kala, Champaran East, Bihar-845304 dated 15.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No.ER-302.34/ERCAPP2534/B.Ed./BR/2022/65121 dated 03.03.2022 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "As per observations made by the visiting team while conducting inspection of the institution at its site on 27.02.2022 under section 13 observed that there was no college name on the building however the name mentioned the building was Lov Kush International School" college management reported that the building of the college was forcibly taken/occupied by the disputed party and matter is under Hon'ble Patna High Court. Though they visited the site but were not able to inspect the entire building as required under section 13 of NCTE act 1993 due to the dispute."

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

Mr. Vikash Maharshi, Representative of Er Upendra Sharma Teachers Training College, Plot No. 119,120, Village Telhara Khurd, Street Telhara, Post Office Telhara Kala, Champaran East, Bihar-845304 appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that "The detailed explanation is attached on separate sheet annexed with this appeal."

### **III. OUTCOME OF THE CASE**

The Appeal Committee noted that the instant matter was placed before the Appeal Committee in its 11<sup>th</sup> Meeting, 2022 held on 29.12.2022 wherein the Appeal Committee decided the following: -

"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 03.03.2018 for two-year duration. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 03.03.2022.





The Appeal Committee noted that Er Upendra Sharma Teachers' Training College, Plot No 119, 120, Telhra Khurd, Village- Telhara Khurd, Post- Telhara Kalan, Tahseel- Dhaka, District- Purba Champaran, Bihar - 84S304 has been granted recognition by ERC-NCTE Vide their Order dated 03.03.2018 for B.Ed. course of two years duration with an intake of 50 seats and for D.El.Ed. course of two years duration with an intake of 100 seats. The Trust has in its possession all the ORIGINAL documents such as Trust Deed and its Byelaws. proof of submission of application to the ERC-NCTE, details of payment of fees Registered Sale Deed, Land Mutation Certificate in the name Trust Land conversion certificate, Approved building Plan, Building Completion Certificate, Fixed Deposit Receipts, Recognition Orders issued by ERC-NCTE for B.Ed. and D.El.Ed. courses.

The Appeal Committee noted that a complaint letter dated 18.07.2021 from Mr. Nishesh Wasav of District Purba Champaran, Bihar was received forwarded by NCTE HQrs. Complaint Section, accordingly, para-wise reply was sought from the institution vide ERC letter F.No.NCTE-C/PG011/90/2021-Complaint Section-HQ/64445 dated 08.09.2021 followed by reminder vide letter of even number/64773 dated 06.12.2021.

The Appeal Committee noted that the reminder letter dated 06.12.2021 along with copy of complaint was returned undelivered received in ERC NCTE, Dwarka New Delhi on 13.01.2022 with postal remark in Hindi "school par gaye ish naam ka aadmi mulakat nehin hua ishliye waapish kiya 18.12.2021".

The Appeal Committee noted that the ERC in its 301st (Emergent) Meeting held on 21st January, 2022 considered the original file of the institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, complaint against the institution, letters dated 18.01.2022 and 20.01.2022 from Mr. Sunil Kumar Singh, Advocate, Patna High Court attaching a copy of Inquiry report in C.W.J.C. No.20393/ 2021 in the case of Vidya Devi Vs. The State of Bihar and others, were carefully considered by ERC and the Committee made following observations:

- i. A complaint (Email dated 18.07.2021) received from Mr. Nishesh Wasav of Dist. Purba Champaran, Bihar.
- ii. Para-wise comments were sought from the institution on the complaint vide ERC letter dated 08.09.2021 followed by reminder dated 06.12.2021.
- iii. No comments received from the institution till date and the ERC's reminder letter dated 06.12.2021 returned undelivered.
- iv. Letters dated 18.01.2022 and 20.01.2022 received from Mr. Sunil Kumar Singh, Advocate, Patna High Court along with a copy of Inquiry report of Hon'ble Court in C.W.J.C. No.20393/ 2021 in the case of Vidya Devi Vs. The State of Bihar and others, which is against the existence of the institution.

Hence, the Committee decided that the matter be referred to NCTE Hqrs. (Inspection Division) for inspection U/s 13 of NCTE Act, 1993. Accordingly, ERC letter issued vide F.No.ER-301.7/NCTE/ERCAPP2534/BR/2022/64967 dated 31.01.2022 to the Deputy Secretary (Inspection), NCTE, Dwarka, New Delhi.

The Appeal Committee noted that inspection of the institution under Section 13 of NCTE Act, 1993 was conducted on 27.02.2022 by visiting team constituted by NCTE HQrs. New Delhi and a copy of report of the visiting team forwarded by NCTE HQrs. received in ERC NCTE on 28.02.2022.



The Appeal Committee noted that the ERC in its 302<sup>nd</sup> (Virtual) Meeting held on 28<sup>th</sup> February & 1<sup>st</sup> March, 2022 carefully considered the original file of the institution alongwith other related documents, NCTE Act, 1993, report of visiting team u/s 13 of NCTE Act, 1993 conducted with the direction received time to time by Hon'ble High Court of Judicature at Patna, Regulations and Guidelines issued by NCTE from time to time and the Committee made following observations:

1. Formal Recognition Order under Clause 7(16) issued dated 03.03.2018 for B.Ed. course with intake of 50 from the academic session 2018-2019.
2. ERC in its 272<sup>nd</sup> meeting 30-31 May & 1<sup>st</sup> June, 2019 considered the complaint matter and issued show cause notice dated 18.06.2019 under section 17(1) to the institution giving 21 days time for compliance of following and to display the same on their official website:
  - i. A complaint from the Governor's Secretariat, Bihar, Raj Bhawan, Patna-22 vide letter Ref.No.BSU/34/ 2018/ 794/GS(I) dated 06.03.2019 against 16 recognised B.Ed. Teacher Education Institutions in the State of Bihar affiliated to different Universities received through NCTE HQrs. vide letter No.NCTE- Reg.1011/11/2019-US(Regulation)-HQ/78664 dated 16.05.2019 for necessary action as per NCTE Act/Regulations for placing the matter before the ERC. As these institutions have failed to upload photographs of faculty and students by means of which created suspicion about their conduct and quality of teachers.
3. ERC in its 274<sup>th</sup> meeting held on 15-16 July, 2019 issued final show cause notice dated 22.08.2019 under section 17(1) on the grounds that faculty not submitted as per NCTE Regulations, 2014 and subsequent Gazette Notification dated 09.06.2017 followed by corrigendum dated 03.09.2019.
4. ERC in its 284<sup>th</sup> meeting held on 17-18 September, 2020 issued third show cause notice dated 28.09.2020 under section 17(1) giving 60 days time for compliance of following:
  - i. The list of teaching faculty approved by the affiliating body/university at the time of granting recognition by ERC after the issuance of LOI u/c 7(13) of Regulation-2014.
  - ii. Latest teaching faculty list approved by the affiliating body/University duly signed by the competent authority along with affidavit, testimonials, service certificate, marks card etc.
5. No reply of Show Cause Notice u/s 17 dated 28.09.2020 received from the institution.
6. A complaint vide Email dated 18.07.2021 from Mr. Nishesh Wasav of Dist. Purba Champaran, Bihar received through Complaint Division, NCTE HQrs. New Delhi and accordingly alleging that the institution is running in only two rooms and questioning about the grant of recognition and affiliation. Para-wise comments sought from the institution vide letter no.64455 dated 08.09.2021 followed by reminder vide no.64773 dated 06.12.2021. No reply received from the institution.
7. The reminder letter dated 06.12.2021 along with copy of complaint was returned undelivered received in ERC NCTE, Dwarka New Delhi on 13.01.2022 with postal remark in Hindi "school par gaye ish naam ka aadmi mulakat nehin hua ishliye waapish kiya 18.12.2021."



8. Two letters dated 18.01.2022 and 20.01.2022 addressed to Regional Director, ERC has been received in ERC NCTE on 20.01.2022 from Mr. Sunil Kumar Singh, Advocate, Patna High Court attaching a copy of Inquiry report in C.W.J.C. No.20393/2021 in the case of Vidya Devi Vs. The State of Bihar and others wherein prayed by the petitioner for cancellation of recognition/affiliation of the institution viz. Er. Upendra Sharma Teacher Training College, Village-Telhara, PO.-Kola Dhaka, East Champaran.

9. The matter was considered by ERC in its 301st Emergent ERC meeting held on 21.01.2022 and the Committee made following observations:

- i. A complaint (Email dated 18.07.2021) received from Mr. Nishesh Wasav of Dist. Purba Champaran, Bihar.
- ii. Para-wise comments were sought from the institution on the complaint vide ERC letter dated 08.09.2021 followed by reminder dated 06.12.2021.
- iii. No comments received from the institution till date and the ERC's reminder letter dated 06.12.2021 returned undelivered.
- iv. Letters dated 18.01.2022 and 20.01.2022 received from Mr. Sunil Kumar Singh, Advocate, Patna High Court in C.W.J.C. No.20393/2021 titled Vidya Devi Vs. The State of Bihar and others, which is against the existence of the institution.

The Committee decided that the matter be referred to NCTE Hqrs. (Inspection Division) for inspection U/s 13 of NCTE Act, 1993. Accordingly, letter vide no.64967 dated 31.01.2022 issued to Deputy Secretary (Inspection), NCTE HQrs. New Delhi.

The Appeal Committee noted that the Hon'ble High Court of Patna directed vide Orders dated 07.01.2022, 18.01.2022, 21.01.2022 and 03.02.2022 and 18.02.2022 in C.W.J.C. No.20393/2021, and hearings made through virtual mode time to time directed for constituting visiting team and conduct inspection at the site of institution and place the matter before the Eastern Regional Committee and action taken thereupon by the highest authority be placed on record. No further opportunity shall be afforded for such purpose. The matter be listed on 04.03.2022. The Appeal Committee noted that as per observations made by the Visiting Team while conducting inspection of the institution at its site on 27.02.2022 under section 13 observed that there was no college name on the building however the name mentioned the building was 'Lov-kush International School'. College management reported is that the building of college was forcibly taken/occupied by the disputed party and matter is under Hon'ble Patna High Court. Though they visited the site but were not able to inspect the entire building as required under section 13 of NCTE Act 1993 due to the dispute.

In view of the above, the Committee decided as under: -

Recognition granted to B.Ed. course is withdrawn under Section 17(1) of NCTE Act, 1993 from the next academic session 2022-2023. On withdrawal of recognition, the affiliation, if any granted under Clause 8(10) of NCTE Regulations, 2014 by the concerned affiliating body from the next academic session stands withdrawn. Hence, the institution is not entitled to apply for counselling from the next academic session i.e. 2022-2023 and the institution is also not permitted to take any fresh admission of students from the academic session 2022-2023."

The recognition of Er Upendra Sharma Teachers Training College, Plot no. 119, 120, Street No. Telhara, Vill- TelharaKhurd, Po- Telhara Kala, Tehsil/Taluka- Dhaka, Town/City- Dhaka, Dist.- PurbaChamparan, Bihar-845304 for B.Ed. Course has



been withdrawn in terms of Section 17(1) of NCTE Act, 1993 with effect from the next academic session 2022-2023 and withdrawal order was issued on 03.03.2022.

The Appeal Committee noted that the institution had filed a Writ Petition No. 6276/2022 before the Hon'ble High Court of Delhi against the Withdrawal Order dated 03.03.2022 passed by ERC. The Hon'ble High Court passed an Order dated 20.04.2022 with the direction that the Withdrawal Order dated 03/03/2022 will come into force only from the academic session 2023-2024. The respondents will accordingly issue a clarification on its web portal and also inform the affiliating University and other relevant authorities that the impugned Withdrawal Order will not come in the way of the petitioner in admitting the students for the academic session 2022-2023.

In the light of above directions passed by the Hon'ble High Court, the case was considered by ERC-NCTE and the Committee decided that the withdrawal order dated 03/03/2022 will come into force only from the academic session 2023-2024 and will not come in the way of the petitioner in admitting the students for the academic session 2022-2023. Clarification for the same be uploaded on NCTE/ERC web portal and the affiliating university and other relevant authorities be also informed accordingly. As per decision of ERC-NCTE letter was communicated to the concerned authority on 25.07.2022.

The Appeal Committee in its 11<sup>th</sup> Meeting held on 29.12.2022 noted that the appellant orally submitted that the affiliating university namely BRA University Muzaffarpur has conducted its inspection and thereafter having satisfied with their Affiliation Norms granted affiliation to the B.Ed. course. The all 50 seats have been filled in one go and classes of the first batch of students have been started from 09.01.2021.

The Appeal Committee was also noted that the appellant reported about smooth functioning of classes was going on in the meantime Covid-19 affected the entire country. The local administration of State Govt of Bihar has imposed Lockdown on 24.03.2021. This situation continued till 12.05.2021. Thereafter when appellant planned to resume classes, on reaching in the premises they found main gate is opened and lock is broken, the instructional material and books from library are missing. When they enquired then they came to know that some Anti-Social Elements have captured building and infrastructure meant for their college. They have immediately approached the local administration to seek help and get justice. In the meantime, they have lodged an FIR against the Anti-Social Elements by name as they have been identified as (i) Jitendra Sharma (ii) Pankaj Sharma (iii) Kumar Lov (iv) Kumar Kush (v) Rahul Kumar and (vi) Nishesh Vashav.

The Appeal Committee was also informed that they could not get appropriate help in the given time frame from local authorities, therefore, they have filed a Writ Petition in the High Court of Bihar at Patna vide WP No.476 of 2022. The Hon'ble High Court vide its Order dated 14.10.2022 ordered to (i) the Director General of Police, Bihar (ii) Inspector General of Police, Bihar (iii) D.I.G Behtiah, Champaran (iv) The Superintendent of Police, East Champaran, Bihar (v) S.H.O. Kundwa Chainpur, East Champaran, Bihar to take necessary action to get rid of from the Anti -Social Elements favouring Er Upendra Sharma College of Teacher Education. The Operative part of the Court order is as follows:

*".....(VI) This Court has already reproduced the extracts from judgement of the Hon'ble Supreme Court in the case of Sakiri Vasu (supra). In the light of the said judgement, this Court directs that in all these cases the learned Magistrate(s) in whose court the case*





*is pending, shall, without seeking any application from the informant monitor the investigation. They are fully competent to take a view as to whether a proper investigation is taking place or not. Learned Magistrates are expected to exercise their powers under Section 156(3) Cr.P.C. to ensure that investigation of the case pending before the learned Magistrate is duly investigated. If it is found that the Investigating Officer is not proceeding with the investigation expeditiously and is keeping the same pending without rhyme or reason and in the opinion of the learned Magistrate it is found to be a case of inaction on the part of the Investigating Officer, the learned Magistrate would be well within his powers to direct the Senior Superintendent of Police/Superintendent of Police to charge the Investigating Officer, to supervise the case himself by Senior Superintendent of Police/superintendent of Police and to take appropriate measures in accordance with law. While exercising his power under Section 156(3) Cr.P.C., the learned Magistrate shall definitely monitor the investigation, though he cannot investigate the case himself and will not act as supervisory authority but is certainly within his domain to ensure that the investigation is done properly and for this purpose without interfering with the power of the Investigating Officer or the Supervising Authority to conduct an investigation, the learned Magistrate may issue appropriate directions which in his opinion is required for conduct of proper investigation. What would be the nature of such direction(s) in a given case cannot be put in a straight jacket formula and it is for the learned Magistrate to look into this aspect of the matter on case to case basis. An application filed by an aggrieved person with prior service of copy upon the learned Public Prosecutor/A.P.P. seeking directions for proper investigation must be heard expeditiously and the same be disposed of within a period of 30 days from the date on which such application is moved before the learned Magistrate on the first date. If the learned Magistrate fails to exercise this power under Section 156(3) Cr.P.C. either on his own or on filing of the application by the aggrieved person, an appropriate application may be brought before this Court for an order/direction and monitoring as the case may be.*

*(VII) If any of the directions issued by the learned Magistrate in accordance with the order of the Court as stated above to the Senior Superintendent of Police /Superintendent of Police / Investigating Officer , unless otherwise interfered with by the concerned authorities , it will be taken as contempt court of law, if not given effect to by the concerned authorities, it will be taken to be case of contempt of this Court and the learned Magistrate may inform this court as regards wilful disobedience or disregard shown to the order/ orders , direction/directions issued by him in terms of this judgement. In such circumstance an aggrieved person may also file an application seeking initiation of contempt.*

*(VIII) All the stakeholders in the present Writ applications shall act accordingly. A copy of this Order be sent to the Director General of Police, Bihar to enable him to issue necessary instructions at the earliest....”*

The Appeal Committee in its 11<sup>th</sup> meeting held on 29.12.2022 perused the order dated 14.10.2022 passed by Hon'ble High Court of Bihar & decided to hold the proceedings. The Committee directed the institution to submit status of the possession of premises within 15 days from receipt of this order.”

The Appeal Committee in its 3<sup>rd</sup> Meeting, 2023 held on 27.02.2023 heard the matter again and noted that the institution has submitted one certificate dated 09.02.2023 showing the possession of land in the name of Ramashish Singh and Vishwanath Sharma Education Trust.



The Appeal Committee in the light of the submission made by the appellant Institution during on-line hearing held on 27.2.2023, the Appeal Committee pass the following orders: -

- (i) Inspection under Section 13 of the NCTE Act, 1993 shall be conducted by the Eastern Regional Committee (ERC), NCTE as per laid down procedure to verify the status of possession of land & building viz-a-viz infrastructure and instructional facilities available with the institution.

The Appeal Committee further directed the Eastern Regional Committee (ERC), NCTE that on being receipt of the report of the Visiting Team, the same shall be examined by the ERC, and furnish a report as to whether the institution is fulfilling the norms and standards as per provisions of the NCTE Regulations or not, to enable the Appeal Committee to take appropriate decision in the matter.

The Appeal Committee decided to keep the matter pending until the report is submitted by the Eastern Regional Committee (ERC) as it is necessary to ascertain as to whether the institution is in actual physical possession of premises or not. Thus, it may not be advisable to remand back the case for the reasons that it will have an adverse effect on the quality of education and fate of students.

**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 that the Appeal is kept pending till the report is submitted by Eastern Regional Committee (ERC), NCTE in terms of direction given herein above.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. **The Principal, Er Upendra Sharma Teachers Training College, Plot No. 119,120, Village Telhara Khurd, Street Telhara, Post Office Telhara Kala, Champaran East, Bihar-845304**
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 Bihar.





**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-105/E-250445/2022 Appeal/3rd Meeting, 2023  
APPLERC202214338**

Er Upendra Sharma Teachers Training College, Plot No. 119,120, Village Tilahara Khurd, Street Tilahara, Post Office Tilahata Kala, Champaran East, Bihar-845304 <b>APPELLANT</b>	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Vikash Maharshi, Representative</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	<b>27.02.2023</b>
<b>Date of Pronouncement</b>	<b>07.03.2023</b>

## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of Er Upendra Sharma Teachers Training College, Plot No. 119,120, Village Tilahara Khurd, Street Tilahara, Post Office Tilahata Kala, Champaran East, Bihar-845304 dated 07.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No.ER-302.35/ERCAPP2555/D.El.Ed./BR/2022/65114 dated 03.03.2022 of the Eastern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that "As per observations made by the visiting team while conducting inspection of the institution at its site on 27.02.2022 under section 13 observed that there was no college name on the building however the name mentioned on the building was Lov Kush International School" college management reported that the building of the college was forcibly taken/occupied by the disputed party and matter is under Hon'ble Patna High Court. Though they visited the site but were not able to inspect the entire building as required under section 13 of NCTE act 1993 due to the dispute."

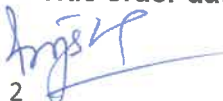
### **II. SUBMISSIONS MADE BY APPELLANT: -**

Mr. Vikash Maharshi, Representative of Er Upendra Sharma Teachers Training College, Plot No. 119,120, Village Tilahara Khurd, Street Tilahara, Post Office Tilahata Kala, Champaran East, Bihar-845304 appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that "Detailed explanation is attached on separate sheet attached with this appeal."

### **III. OUTCOME OF THE CASE**

The Appeal Committee noted that the instant matter was placed before the Appeal Committee in its 11<sup>th</sup> Meeting, 2022 held on 29.12.2022 wherein the Appeal Committee decided the following: -

"Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for D.El.Ed. Course vide order dated 03.03.2018 for two-year 100 (two basic unit) duration. The recognition of the institution for D.El.Ed. programme was withdrawn by the ERC vide order dated 03.03.2022.

  
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The Appeal Committee noted that Er Upendra Sharma Teachers' Training College, Plot No 119, 120, Telhra Khurd, Village- Telhara Khurd, Post- Telhara Kalan, Tahseel- Dhaka, District- Purba Champaran, Bihar - 84S304 has been granted recognition by ERC-NCTE Vide their Order dated 03.03.2018 for B.Ed. course of two years duration with an intake of 50 seats and for D.El.Ed. course of two years duration with an intake of 100 seats. The Trust has in its possession all the ORIGINAL documents such as Trust Deed and its Byelaws. proof of submission of application to the ERC-NCTE, details of payment of fees Registered Sale Deed, Land Mutation Certificate in the name Trust Land conversion certificate, Approved building Plan, Building Completion Certificate, Fixed Deposit Receipts, Recognition Orders issued by ERC-NCTE for B.Ed. and D.El.Ed. courses.

The Appeal Committee noted that a complaint letter dated 18.07.2021 from Mr. Nishesh Wasav of District Purba Champaran, Bihar was received forwarded by NCTE HQrs. Complaint Section, accordingly, para-wise reply was sought from the institution vide ERC letter F.No.NCTE-C/PG011/90/2021-Complaint Section-HQ/64445 dated 08.09.2021 followed by reminder vide letter of even number/64773 dated 06.12.2021.

The Appeal Committee noted that the reminder letter dated 06.12.2021 along with copy of complaint was returned undelivered received in ERC NCTE, Dwarka New Delhi on 13.01.2022 with postal remark in Hindi "school par gaye ish naam ka aadmi mulakat nehin hua ishliye waapish kiya 18.12.2021".

The Appeal Committee noted that the ERC in its 301<sup>st</sup> (Emergent) Meeting held on 21<sup>st</sup> January, 2022 considered the original file of the institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, complaint against the institution, letters dated 18.01.2022 and 20.01.2022 from Mr. Sunil Kumar Singh, Advocate, Patna High Court attaching a copy of Inquiry report in C.W.J.C. No.20393/ 2021 in the case of Vidya Devi Vs. The State of Bihar and others, were carefully considered by ERC and the Committee made following observations:

- i. A complaint (Email dated 18.07.2021) received from Mr. Nishesh Wasav of Dist. Purba Champaran, Bihar.
- ii. Para-wise comments were sought from the institution on the complaint vide ERC letter dated 08.09.2021 followed by reminder dated 06.12.2021.
- iii. No comments received from the institution till date and the ERC's reminder letter dated 06.12.2021 returned undelivered.
- iv. Letters dated 18.01.2022 and 20.01.2022 received from Mr. Sunil Kumar Singh, Advocate, Patna High Court along with a copy of Inquiry report of Hon'ble Court in C.W.J.C. No.20393/ 2021 in the case of Vidya Devi Vs. The State of Bihar and others, which is against the existence of the institution.

Hence, the Committee decided that the matter be referred to NCTE Hqrs. (Inspection Division) for inspection U/s 13 of NCTE Act, 1993. Accordingly, ERC letter issued vide F.No.ER-301.7/NCTE/ERCAPP2534/BR/2022/64967 dated 31.01.2022 to the Deputy Secretary (Inspection), NCTE, Dwarka, New Delhi.

The Appeal Committee noted that inspection of the institution under Section 13 of NCTE Act, 1993 was conducted on 27.02.2022 by visiting team constituted by NCTE



HQrs. New Delhi and a copy of report of the visiting team forwarded by NCTE HQrs. received in ERC NCTE on 28.02.2022.

The Appeal Committee noted that the ERC in its 302<sup>nd</sup> (Virtual) Meeting held on 28<sup>th</sup> February & 1<sup>st</sup> March, 2022 carefully considered the original file of the institution alongwith other related documents, NCTE Act, 1993, report of visiting team u/s 13 of NCTE Act, 1993 conducted with the direction received time to time by Hon'ble High Court of Judicature at Patna, Regulations and Guidelines issued by NCTE from time to time and the Committee made following observations:

1. Formal Recognition Order under Clause 7(16) issued dated 03.03.2018 for B.Ed. course with intake of 50 from the academic session 2018-2019.
2. ERC in its 272<sup>nd</sup> meeting 30-31 May & 1<sup>st</sup> June, 2019 considered the complaint matter and issued show cause notice dated 18.06.2019 under section 17(1) to the institution giving 21 days' time for compliance of following and to display the same on their official website:
  - i. A complaint from the Governor's Secretariat, Bihar, Raj Bhawan, Patna-22 vide letter Ref.No.BSU/34/ 2018/ 794/GS(I) dated 06.03.2019 against 16 recognised B.Ed. Teacher Education Institutions in the State of Bihar affiliated to different Universities received through NCTE HQrs. vide letter No.NCTE- Reg.1011/11/2019-US(Regulation)-HQ/78664 dated 16.05.2019 for necessary action as per NCTE Act/Regulations for placing the matter before the ERC. As these institutions have failed to upload photographs of faculty and students by means of which created suspicion about their conduct and quality of teachers.
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4. ERC in its 284<sup>th</sup> meeting held on 17-18 September, 2020 issued third show cause notice dated 28.09.2020 under section 17(1) giving 60 days' time for compliance of following:
  - i. The list of teaching faculty approved by the affiliating body/university at the time of granting recognition by ERC after the issuance of LOI u/c 7(13) of Regulation-2014.
  - ii. Latest teaching faculty list approved by the affiliating body/University duly signed by the competent authority along with affidavit, testimonials, service certificate, marks card etc.
5. No reply of Show Cause Notice u/s 17 dated 28.09.2020 received from the institution.
6. A complaint vide Email dated 18.07.2021 from Mr. Nishesh Wasav of Dist. Purba Champaran, Bihar received through Complaint Division, NCTE HQrs. New Delhi and accordingly alleging that the institution is running in only two rooms and questioning about the grant of recognition and affiliation. Para-wise comments sought from the institution vide letter no.64455 dated 08.09.2021 followed by reminder vide no.64773 dated 06.12.2021. No reply received from the institution.
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remark in Hindi “school par gaye ish naam ka aadmi mulakat nehin hua ishliye waapish kiya 18.12.2021.”

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The Committee decided that the matter be referred to NCTE Hqrs. (Inspection Division) for inspection U/s 13 of NCTE Act, 1993. Accordingly, letter vide no.64967 dated 31.01.2022 issued to Deputy Secretary (Inspection), NCTE Hqrs. New Delhi.

10. The Hon'ble High Court of Patna directed vide Orders dated 07.01.2022, 18.01.2022, 21.01.2022 and 03.02.2022 and 18.02.2022 in C.W.J.C. No.20393/2021, and hearings made through virtual mode time to time directed for constituting visiting team and conduct inspection at the site of institution and place the matter before the Eastern Regional Committee and action taken thereupon by the highest authority be placed on record. No further opportunity shall be afforded for such purpose. The matter be listed on 04.03.2022.

11. As per observations made by the visiting team while conducting inspection of the institution at its site on 27.02.2022 under section 13 observed that there was no college name on the building however the name mentioned the building was 'Lov-kush International School'. College management reported is that the building of college was forcibly taken/occupied by the disputed party and matter is under Hon'ble Patna High Court. Though they visited the site but were not able to inspect the entire building as required under section 13 of NCTE Act 1993 due to the dispute.

In view of the above, the Committee decided as under:

Recognition granted to D.El.Ed. course is withdrawn under Section 17(1) of NCTE Act, 1993 from the next academic session 2022-2023. On withdrawal of recognition, the affiliation, if any granted under Clause 8(10) of NCTE Regulations, 2014 by the concerned affiliating body from the next academic session stands withdrawn. Hence, the institution is not entitled to apply for counselling from the



next academic session i.e., 2022-2023 and the institution is also not permitted to take any fresh admission of students from the academic session 2022-2023.”

The recognition granted to Er Upendra Sharma Teachers Training College, Plot no. 119, 120, Street No. Telhara, Vill- TelharaKhurd, Po- Telhara Kala, Tehsil/Taluka- Dhaka, Town/City- Dhaka, Dist.- PurbaChamparan, Bihar-845304 for D.El.Ed. Course is hereby withdrawn in terms of Section 17(1) of NCTE Act, 1993 with effect from the next academic session 2022-2023 and withdrawal order was issued on 03.03.2022.

The Appeal Committee noted that the institution had filed a Writ Petition No. 6283/2022 before the Hon'ble High Court of Delhi against the withdrawal order dated 03.03.2022 passed by ERC. The Hon'ble High Court passed order dated 20.04.2022 with the direction that the withdrawal order dated 03/03/2022 will come into force only from the academic session 2023-2024. The respondents will accordingly issue a clarification for the same on its web portal and also inform the affiliating University and other relevant authorities that the impugned withdrawal order will not come in the way of the petitioner in admitting the students for the academic session 2022-2023.

In the light of above directions passed by the Hon'ble High Court, the case was considered by ERC-NCTE, and the Committee decided that the withdrawal order dated 03/03/2022 will come into force only from the academic session 2023-2024 and will not come in the way of the petitioner in admitting the students for the academic session 2022-2023. Clarification for the same be uploaded on NCTE/ERC web portal and the affiliating University and other relevant authorities be also informed accordingly. As per decision of ERC-NCTE letter was issued to the concerned authority on 25.07.2022.

The Appeal Committee noted that the appellant in 11<sup>th</sup> Appeal Committee Meeting held on 29.12.2022 orally submitted that the affiliating University namely BRA University Muzaffarpur has conducted its inspection and thereafter having satisfied with their Affiliation Norms granted affiliation to the B.Ed. course. The all 50 seats have been filled in one go and classes of the first batch of students have been started from 09.01.2021.

The Appeal Committee was also noted that the appellant reported about smooth functioning of classes was going on in the meantime Covid-19 affected the entire country. The local administration of State Govt of Bihar has imposed Lockdown on 24.03.2021. This situation continued till 12.05.2021. Thereafter when appellant planned to resume classes, on reaching in the premises they found main gate is opened and lock is broken, the instructional material and books from library are missing. When they enquired then they came to know that some Anti-Social Elements have captured building and infrastructure meant for their college. They have immediately approached the local administration to seek help and get justice. In the meantime, they have lodged an FIR against the Anti-Social Elements by name as they have been identified as (i) Jitendra Sharma (ii) Pankaj Sharma (iii) Kumar Lov (iv) Kumar Kush (v) Rahul Kumar and (vi) Nishesh Vashav.

The Appeal Committee was also informed that they could not get appropriate help in the given time frame from local authorities, therefore, they have filed a Writ Petition in the High Court of Bihar at Patna vide WP No.476 of 2022. The Hon'ble High Court vide its Order dated 14.10.2022 ordered to (i) the Director General of Police, Bihar (ii) Inspector General of Police, Bihar (iii) D.I.G Behtiah, Champaran

(iv) The Superintendent of Police, East Champaran, Bihar (v) S.H.O. Kundwa Chainpur, East Champaran, Bihar to take necessary action to get rid of from the Anti-Social Elements favouring Er Upendra Sharma College of Teacher Education. The Operative part of the Court order is as follows:

*“.....(VI) This Court has already reproduced the extracts from judgement of the Hon'ble Supreme Court in the case of Sakiri Vasu (supra). In the light of the said judgement, this Court directs that in all these cases the learned Magistrate(s) in whose court the case is pending, shall, without seeking any application from the informant monitor the investigation. They are fully competent to take a view as to whether a proper investigation is taking place or not. Learned Magistrates are expected to exercise their powers under Section 156(3) Cr.P.C. to ensure that investigation of the case pending before the learned Magistrate is duly investigated. If it is found that the Investigating Officer is not proceeding with the investigation expeditiously and is keeping the same pending without rhyme or reason and in the opinion of the learned Magistrate it is found to be a case of inaction on the part of the Investigating Officer, the learned Magistrate would be well within his powers to direct the Senior Superintendent of Police/Superintendent of Police to charge the Investigating Officer, to supervise the case himself by Senior Superintendent of Police/superintendent of Police and to take appropriate measures in accordance with law. While exercising his power under Section 156(3) Cr.P.C., the learned Magistrate shall definitely monitor the investigation, though he cannot investigate the case himself and will not act as supervisory authority but is certainly with his domain to ensure that the investigation is done properly and for this purpose without interfering with the power of the Investigating Officer or the Supervising Authority to conduct an investigation, the learned Magistrate may issue appropriate directions which in his opinion is required for conduct of proper investigation. What would be the nature of such direction(s) in a given case cannot be put in a straight jacket formula and in is for the learned Magistrate to look into this aspect of the matter on case to case basis. An application filed by an aggrieved person with prior service of copy upon the learned Public Prosecutor/A.P.P. seeking directions for proper investigation must be heard expeditiously and the same be disposed of within a period of 30 days from the date on which such application is moved before the learned Magistrate on the first date. If the learned Magistrate fails to exercise this power under Section 156(3) Cr.P.C. either on his own or on filing of the application by the aggrieved person, an appropriate application may be brought before this Court for an order/direction and monitoring as the case may be.*

*(VII) If any of the directions issued by the learned Magistrate in accordance with the order of the Court as stated above to the Senior Superintendent of Police /Superintendent of Police / Investigating Officer , unless otherwise interfered with by the concerned authorities , it will be taken as contempt court of law, if not given effect to by the concerned authorities, it will be taken to be case of contempt of this Court and the learned Magistrate may inform this court as regards wilful disobedience or disregard shown to the order/ orders , direction/directions issued by him in terms of this judgement. In such circumstance an aggrieved person may also file an application seeking initiation of contempt.*

*(VIII) All the stakeholders in the present Writ applications shall act accordingly. A copy of this Order be sent to the Director General of Police, Bihar to enable him to issue necessary instructions at the earliest.”*

The Appeal Committee in its 11<sup>th</sup> meeting held on 29.12.2022 perused the order dated 14.10.2022 passed by Hon'ble High Court of Bihar & decided to hold the proceedings. The





Committee directed the institution to submit status of the possession of premises within 15 days from receipt of this order."

The Appeal Committee in its 3<sup>rd</sup> Meeting, 2023 held on 27.02.2023 heard the matter again and noted that the institution has submitted one certificate dated 09.02.2023 showing the possession of land in the name of Ramashish Singh and Vishwanath Sharma Education Trust.

The Appeal Committee in the light of the submission made by the appellant Institution during on-line hearing held on 27.2.2023 the Appeal Committee pass the following orders: -

- (i) Inspection under Section 13 of the NCTE Act, 1993 shall be conducted by the Eastern Regional Committee (ERC), NCTE as per laid down procedure to verify the status of possession of land & building viz-a-viz infrastructure and instructional facilities available with the institution.

The Appeal Committee further directed the Eastern Regional Committee (ERC), NCTE that on being receipt of the report of the Visiting Team, the same shall be examined by the ERC, and furnish a report as to whether the institution is fulfilling the norms and standards as per provisions of the NCTE Regulations or not, to enable the Appeal Committee to take appropriate decision in the matter.

The Appeal Committee decided to keep the matter pending until the report is submitted by the Eastern Regional Committee (ERC) as it is necessary to ascertain as to whether the institution is in actual physical possession of premises or not. Thus, it may not be advisable to remand back the case for the reasons that it will have an adverse effect on the quality of education and fate of students.



**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 that the Appeal is kept pending till the report is submitted by Eastern Regional Committee (ERC), NCTE in terms of direction given herein above.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Er Upendra Sharma Teachers Training College, Plot No. 119,120, Village Tilahara Khurd, Street Tilahara, Post Office Tilahata Kala, Champaran East, Bihar-845304**
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 Bihar.



**IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-117/2016 Appeal/3rd Meeting, 2023**

Delhi Institute of Management and Technology, RDC-188, Rajnagar, Ghaziabad, Uttar Pradesh – 201002	<b><u>Vs</u></b>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Mr. Pawan Kumar, Managing Trustee</b>
<b>Respondent by</b>	<b>Regional Director, NRC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023

## **ORDER/आदेश**

### **I. GROUNDS OF WITHDRAWAL**

The appeal of **Delhi Institute of Management and Technology, RDC-188, Rajnagar, Ghaziabad, Uttar Pradesh – 201002** dated 07.02.2016 filed under Section 18 of NCTE Act, 1993 is against the Order No. **NRC/NCTE/UP-2817/247<sup>th</sup> Meeting/2015/132971** dated 05.01.2016 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution has submitted request letter dated 18/12/2015 to withdraw the recognition for B.Ed. course. The matter was considered in NRC in its 247<sup>th</sup> meeting and NRC decided that on the request of the institution the recognition of B.Ed. course be withdrawn under section 17 of NCTE Act, 1993.”

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

**Mr. Pawan Kumar, Managing Trustee of Delhi Institute of Management and Technology, RDC-188, Rajnagar, Ghaziabad, Uttar Pradesh – 201002** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: “Request for the withdrawal of the application is accepted.”

### **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 10.09.2008. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 05.01.2016.

The Appeal Committee noted that the institution had filed W.P. (C) 10155/2022 against the non-compliance on part of NRC to the appeal order dt. 02.06.2016 passed by Appellate Committee of NCTE and the Court vide order dt. 18.12.2022 passed the following direction:



***“...5. In view of the fore-noted facts, the present petition is allowed and disposed of with following directions:***

***a) NRC shall submit its final report as directed by Appellate Committee in afore-said order within a period of three months from today.***

***b) On receipt of said report, Appellate Committee shall decide the appeal as expeditiously as possible and, in any event, not exceeding two months from the date of receipt of said report from NRC...”***

The Appeal Committee noted that earlier vide order dt. 02.06.2016, the Appeal Committee had kept the appeal of the institution pending and directed NRC to give its final report with respect to management dispute between the trustees.

The Appeal Committee noted that as per the documents submitted the management dispute had arisen due erstwhile trustee had fraudulently submitted a letter requesting for closure of the institution based on which withdrawal order dt. 05.01.2016.

The Appeal Committee noted that NRC vide letter dt. 16.02.2023 gave its final report with regard to the authorised signatory of the Trust as per the registered supplementary trust deed dt. 21.03.2022 submitted by the institution.

The Appeal Committee noted that neither NRC nor the institution has submitted complete information/documentation regarding the deficiencies pointed out in the previous appeal order. It is pertinent to mention that the NRC has only mentioned about the supplementary trust deed being duly registered, which shows that the management dispute has been settled between the members, but there is no citation regarding the deficiencies pointed out in the appeal order 02.06.2016.

It is further imperative to state that the Hon'ble Delhi High Court has clearly directed the Appeal Committee to decide the appeal in light of the report submitted by the NRC.

However, it is noted that the said report is silent with respect to deficiencies pointed out in the previous order. The relevant extract is being reproduced hereunder:



**“The Appellate authority has directed NRC to submit its final report. The institution has submitted documents in reply to decision taken by NRC in its 371<sup>st</sup> meeting held on 11<sup>th</sup> to 12<sup>th</sup> July 2022.**

**The Committee considered the reply of the institution and noted that the institution has submitted a supplementary trust deed duly registered, which shows that the management dispute has been settled between the Members.**

**Accordingly, NRC decided that the Final Report on the authorized signatory of the trust, as per the Supplementary Trust Deed to sent to the Appeal Committee.”**

The Appeal Committee in the light of the submission made by the appellant Institution during on-line hearing held on 27.2.2023 viz-a-viz report submitted by the Northern Regional Committee (NRC), NCTE, the Appeal Committee pass the following orders: -

- (i) Inspection under Section 13 of the NCTE Act, 1993 shall be conducted by the Northern Regional Committee (NRC), NCTE as per laid down procedure to verify the infrastructure and instructional facilities available with the institution.

The Appeal Committee further directed the Northern Regional Committee (NRC), NCTE that on being receipt of the report of the Visiting Team, the same shall be examined by the NRC, and furnish a report as to whether the institution is fulfilling the norms and standards as per provisions of the NCTE Regulations or not, to enable the Appeal Committee to take appropriate decision in the matter.

The Appeal Committee decided to keep the matter pending until the report is submitted by the Northern Regional Committee (NRC) as the institution is non-functional since 2016 and it may not be advisable to remand back the case for the reasons that it will have an adverse effect on the quality of education and fate of students.



**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 that the Appeal is kept pending till the report is submitted by Northern Regional Committee (NRC), NCTE in terms of direction given herein above.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. The Principal, Delhi Institute of Management and Technology, RDC-188, Rajnagar, Ghaziabad, Uttar Pradesh – 201002
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 / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-46/E-292636/2023 Appeal/3rd Meeting, 2023**  
**APPLWRC202314547**

Tagore BSTC College, Surajgarh, 769, 771, Chirawa Road, Surajgarh, Jhunjhunu, Rajasthan-333029 <b>APPELLANT</b>	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. Sanjay Kumar, Society Member</b>
<b>Respondent by</b>	<b>Regional Director, WRC</b>
<b>Date of Hearing</b>	<b>27.02.2023</b>
<b>Date of Pronouncement</b>	<b>07.03.2023</b>

## ORDER/आदेश

### **I. GROUND OF REFUSAL**

The appeal of **Tagore BSTC College, Surajgarh, 769, 771, Chirawa Road, Surajgarh, Jhunjhunu, Rajasthan-333029** dated 27.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE/WRC/NRCAPP-5890/D.El.Ed./364<sup>th</sup>/RJ/2022/221295** dated 19.12.2022 of the Western Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that “(i). Show Cause Notice was issued to the institution vide letter dt. 08.04.2022. (ii). Institution has submitted reply on the basis of minutes uploaded on the website. (iii). Institution has not submitted the certified copy of registered sale deed dt. 25.11.2000 for land measuring 2000 Sq. Yards registered in the name of Tagore Children Academy Society, at Ward No. 03 Surajgarh, Rajasthan of khasra no.769. Certificate issued by Nagar Palika with regard to Kharsa No. 769 submitted is not certified by the competent authority (photocopy submitted). (iv). Correction deed submitted is not certified by the competent authority. (v). Correction deed/certificate submitted was registered on 06.09.2017 which was registered after the making of application with regard to the Change of Land registered in the name of the society.”

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

**Mr. Sanjay Kumar, Society Member of Tagore BSTC College, Surajgarh, 769, 771, Chirawa Road, Surajgarh, Jhunjhunu, Rajasthan-333029** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: “Seat enclosed.”

### **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 29.12.2012. The recognition of



the institution for D.El.Ed. programme was refused by the WRC vide order dated 19.12.2022.

The Appeal Committee noted that the application of the institution for D.El.Ed. programme was refused vide order dated 19.12.2022 and since then the institution has not been granted recognition. The Committee further noted that General Body of the NCTE in its 55<sup>th</sup> meeting held on 14.07.2022 *inter-alia* has taken a following policy decision that the applications pending before the Regional Committees of NCTE shall not be processed further: -

**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 19.12.2022 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 55<sup>th</sup> 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 19.12.2022 of WRC is confirmed.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Tagore BSTC College, Surajgarh, 769, 771, Chirawa Road, Surajgarh, Jhunjhunu, Rajasthan-333029
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 / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-48/E-292583/2023 Appeal/3rd Meeting, 2023**  
**APPLSRC202314556**

Mahatma Gandhi University College Education of Teacher Education, Nedumkandam, 4/1- 242/8, Parathodu, Nedumkandam, Udumbanchola, Idukki, Kerala-685553 <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Dr. Rajeevnath KR, Representative</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Mahatma Gandhi University College Education of Teacher Education, Nedumkandam, 4/1-242/8, Parathodu, Nedumkandam, Udumbanchola, Idukki, Kerala-685553** dated 09.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO3252/B.Ed./{KL}/2022/138090** dated 15.12.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). BCC submitted by the institution is in the name of Central for Professional and Advanced Studies and is not in the name of Mahatma Gandhi University College of Teacher Education. (ii). The Committee noted that the institution has changed the management of the Mahatma Gandhi University College of Teacher Education to Centre for Professional and Advanced Studies and in view of the letter dated 08.12.2016 and 23.12.2016 issued by NCTE, Hqr., the change of management/society/trust is not permissible.”

### II. SUBMISSIONS MADE BY APPELLANT: -

**Dr. Rajeevnath KR, Representative of Mahatma Gandhi University College of Teacher Education, 2/1, Kumily, 1 Mile, Amaravathy P.O, Peermadu, Idduki, Kerala-685509** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: ““Mahatma Gandhi University” is owned by the Government of Kerala. Also, “Centre for Professional and Advanced Studies” is owned by the Government of Kerala. There has been no change in the management of this institution but continuity of management. The Revenue Department under the Government of Kerala has handed over 3.5 acres of land required for this institution to the university. But since 2017, this institution has continued to function as, “Centre for Professional and Advanced Studies” under Higher Education Department, Government of Kerala. So, there is no transfer of management here, instead there is continuity. Now it continues an institution established by Government of Kerala.”



### 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 200 students vide order dated 01.11.2007. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 05.11.2014 for its willingness of annual intake of 50 for B.Ed. course and adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 30.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (Two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 15.12.2022.

The Appeal Committee in its 3<sup>rd</sup> Meeting, 2023 held on 27.02.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution failed to explain about the BCC submitted by the institution which is in the name of Central for Professional and Advanced Studies and is not in the name of Mahatma Gandhi University College of Teacher Education.

The Appeal Committee noted that the institution has changed the management of the Mahatma Gandhi University College of Teacher Education to Centre for Professional and Advanced Studies and in view of the letter dated 08.12.2016 and 23.12.2016 issued by NCTE, Hqr., the change of management/society/trust is not permissible.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 15.12.2022 issued by SRC is confirmed.





**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 that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 15.12.2022 issued by SRC is confirmed.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।



Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. The Principal, Mahatma Gandhi University College of Teacher Education, 2/1, Kumily, 1 Mile, Amaravathy P.O, Peermadu, Idduki, Kerala-685509
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Kerala.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-49/E-293029/2023 Appeal/3rd Meeting, 2023  
APPLSRC202314565**

Alexa College of Education, Physical Education, 558/1, Chavatapalem, Venkatachalam, Nellore, Andhra Pradesh-524320 <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. V. Ganesh Babu, Administrative Officer</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023

## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of **Alexa College of Education, Physical Education, 558/1, Chavatapalem, Venkatachalam, Nellore, Andhra Pradesh-524320** dated 21.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO8476/B.Ed./{AP}/2022/(141031-141035)** dated 10.02.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution failed to submit reply to the Final Show Cause Notice dated 03.02.2022. (ii). Further it is also observed that the institution has not filled Performance Appraisal Report (PAR).”

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

**Mr. V. Ganesh Babu, Administrative Officer of Alexa College of Education, Physical Education, 558/1, Chavatapalem, Venkatachalam, Nellore, Andhra Pradesh-524320** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: “(i). The institution reply submitted. copy enclosed. (ii). (PAR) not submitted.”

### **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 25.10.2007. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 21.01.2015 for its willingness of two units in B.Ed. course and adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 06.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (Two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 10.02.2023.



The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February 2023 and in the Appeal Memoranda the institution submitted that it has uploaded all the essential documents on the website of the institution which required verification. The Committee noted that while withdrawing the recognition, the Regional Committee has also taken one ground regarding non-submission of PAR. The institution also 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) member dated 12.08.2021 approved by the Registrar, Vikrama Simhapuri University, Nellore, Andhra Pradesh as per provision of NCTE Regulations, 2014.
- (ii) A copy of Statement of Encumbrance on Property, Registration and Stamps Department issued by Govt. of Karnataka.
- (iii) A copy of Land Use Certificate signed by Tahsildar on dated 16.0.2016.
- (iv) A copy of Building Completion Certificate approved by the Competent Authority.
- (v) A copy of Building Plan along with a copy of Site Plan.
- (vi) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.

The Appeal Committee noted that the institution was still found deficient in terms of submission of PAR for the session 2020-21. However, in light of the Court order dated 31.01.2023 passed in LPA 190/2021 & LPA 520/2022 by the Hon'ble High court of Delhi, the Appeal Committee decided to remand back the matter with specific direction to SRC to decide the matter with respect to the outcome of LPA 190/2021 & LPA 520/2022. The relevant extract of the order dated 31.01.2023 is being reproduced hereunder:

**"Learned ASG has fairly stated before this Court that there will be no precipitative action against the Appellant Institutions till the next date of hearing. Accordingly, list these Applications on the aforesaid date i.e. 01.03.2023"**

The Committee has been informed that the said matter was finally heard by Hon'ble High Court & matter is now fixed for final judgement.



As such the Committee decided to remand back the matter to Regional Committee to take further necessary action. It is directed to the Regional Committee to pass appropriate order subject to outcome of writ petition.

In view of above, the Appeal submitted by the institution is allowed and matter is being remand back to SRC to decide the matter afresh.

**The Appeal Committee noted that in case matter is being remanded back to Regional Committee, then the Legal issue will be involved, which are as under:**

The Appeal Committee noted that the order dated 08.04.2021 passed in W.P.(C). No. 4382/2021, the Hon'ble High Court of Delhi has directed as under: -

***“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 10.02.2023 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter subject to outcome of the order of the Hon'ble High Court in LPA 190/2021 & LPA 520/2022**

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. **It is being reiterated that the SRC shall take an appropriate decision with respect to the outcome of the LPA 190/2021 & LPA 520/2022**

**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 that the matter is being remanded back to the SRC in light of the aforesaid order dated 31.01.2023 and the SRC is directed to carefully decide the matter with respect to the outcome of the LPA 190/2021 & LPA 520/2022.**

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. The Principal, Alexa College of Education, Physical Education, 558/1, Chavatapalem, Venkatachalam, Nellore, Andhra Pradesh-524320
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-50/E-243032/2023 Appeal/3rd Meeting, 2023  
APPLSRC202314566**

Alexa College of Physical Education, 588/1, Chavatapalem Village, Venkatachalam, Nellore, Andhra Pradesh-524320 <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Mr. R. Krishnamurthy, Assistant Professor</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023



## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of **Alexa College of Physical Education, 588/1, Chavatapalem Village, Venkatachalam, Nellore, Andhra Pradesh-524320** dated 22.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/SRCAPP2564/B.P.Ed./{AP}/2022/(141026-141030)** dated 10.02.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.P.Ed. Course on the grounds that “(i). The institution failed to submit reply to the Final Show Cause Notice dated 03.02.2022. (ii). Further it is also observed that the institution has not filled Performance Appraisal Report (PAR).”

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

**Mr. R. Krishnamurthy, Assistant Professor of Alexa College of Physical Education, 588/1, Chavatapalem Village, Venkatachalam, Nellore, Andhra Pradesh-524320** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: “(i). The institution submitted notice reply. copy enclosed. (ii). PAR not submitted.”

### **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 of two years duration with an annual intake of one unit of 100 students vide order dated 07.06.2016. The recognition of the institution for B.P.Ed. programme was withdrawn by the SRC vide order dated 10.02.2023.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February 2023 and in the Appeal Memoranda the institution submitted that it has uploaded all the essential documents on the website of the institution which required verification. The Committee noted that while withdrawing the recognition, the Regional Committee has



also taken one ground regarding non-submission of PAR. The institution also 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) member dated 12.08.2021 approved by the Registrar, Vikrama Simhapuri University, Nellore, Andhra Pradesh as per provision of NCTE Regulations, 2014.
- (ii) A copy of Statement of Encumbrance on Property, Registration and Stamps Department issued by Govt. of Karnataka.
- (iii) A copy of Land Use Certificate signed by Tahsildar on dated 16.0.2016.
- (iv) A copy of Building Completion Certificate approved by the Competent Authority.
- (v) A copy of Building Plan along with a copy of Site Plan.
- (vi) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.

The Appeal Committee noted that the institution was still found deficient in terms of submission of PAR for the session 2020-21. However, in light of the Court order dated 31.01.2023 passed in LPA 190/2021 & LPA 520/2022 by the Hon'ble High court of Delhi, the Appeal Committee decided to remand back the matter with specific direction to SRC to decide the matter with respect to the outcome of LPA 190/2021 & LPA 520/2022. The relevant extract of the order dated 31.01.2023 is being reproduced hereunder:

**"Learned ASG has fairly stated before this Court that there will be no precipitative action against the Appellant Institutions till the next date of hearing. Accordingly, list these Applications on the aforesaid date i.e. 01.03.2023"**

The Committee has been informed that the said matter was finally heard by Hon'ble High Court & matter is now fixed for final judgement.

As such the Committee decided to remand back the matter to Regional Committee to take further necessary action. It is directed to the Regional Committee to pass appropriate order subject to outcome of writ petition.

In view of above, the Appeal submitted by the institution is allowed and matter is being remand back to SRC to decide the matter afresh.



The Appeal Committee noted that in case matter is being remanded back to Regional Committee, then the Legal issue will be involved, which are as under:

The Appeal Committee noted that the order dated 08.04.2021 passed in W.P.(C). No. 4382/2021, the Hon'ble High Court of Delhi has directed as under: -

***“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 10.02.2023 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter subject to outcome of the order of the Hon'ble High Court in LPA 190/2021 & LPA 520/2022

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. It is being reiterated that the SRC shall take an



appropriate decision with respect to the outcome of the LPA 190/2021 & LPA 520/2022

**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 that the matter is being remanded back to the SRC in light of the aforesaid order dated 31.01.2023 and the SRC is directed to carefully decide the matter with respect to the outcome of the LPA 190/2021 & LPA 520/2022.**

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Alexa College of Physical Education, 588/1, Chavatapalem Village, Venkatachalam, Nellore, Andhra Pradesh-524320**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh.**



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

**G-7, Sector-10, Dwarka, New Delhi-110075**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 07/03/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-88/E-178676/2021 Appeal/3rd Meeting, 2023  
APPLSRC202013873**

Sivaranga College of Education, 926, Koilkuntla, Nagula Katta Street, Kurnool, Andhra Pradesh-518134 <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Representative of the institution</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	27.02.2023
<b>Date of Pronouncement</b>	07.03.2023

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Sivaranga College of Education, 926, Koilkuntla, Nagula Katta Street, Kurnool, Andhra Pradesh-518134** dated 17.11.2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APSO9574/B.Ed./AP/2021** dated 23.09.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution only submitted a letter dt. 26.12.2019 stating that they are running the B.Ed. course with only one unit and following all norms and standards of NCTE Regulations. The Committee observed that the institution has written that they are submitting the required adherence of provisions of NCTE Regulations, 2014 such as land, building plan, NEC, BCC, approval of affiliating body regarding faculty. Further, the Committee felt the reluctance of institution in submission of documents desired under show cause notice.

### II. SUBMISSIONS MADE BY APPELLANT: -

The representative of **Sivaranga College of Education, 926, Koilkuntla, Nagula Katta Street, Kurnool, Andhra Pradesh-518134** appeared online to present the case of the appellant institution on 27.02.2023. In the appeal memoranda it is submitted that: "To Code No. APSO9574 The Regional Director, Southern Regional Committee, Bangalore. Sir, Sub:- Requisition to hold withdraw of recognition-Reg. Ref: Minutes of 390th meeting of the SRC held on 28th -29th October-2020. As per the above subject SRC, NCTE has taken decision to withdraw recognition for not submitting relevant documents as we mentioned in our letter dated on 26/12/2019. I humbly requesting sir we have submitted all the relevant documents as mentioned in the letter dated 26/12/2019 and now also we are submitting once again all the documents which are mentioned in our letter for your kind consideration and further needful action. Kindly consider the relevant enclosures which already submitted and please hold withdraw of recognition. We once again submitting the letter and all documents. Kindly consider and hold withdraws of recognition. In view of the above the NCTE, Southern Regional Committee may kindly consider the application for further action. Thanking you sir, Place: Yours truly, Date: (M. Siva Sankar Reddy) Enclosures:- 1. Recognition order issued by SRC, NCTE F.SRO/NCTE/APSO9574/ BED/AP 2015/77441 dated 31/10/2015. 2. Revalidated FDRs as per Regulations 2014. 3. Supporting documents for Additional built up area as per



Regulations 2014. 4. Supporting documents for Additional infrastructure as per Regulations 2014. 5. Supporting documents for Additional staff as per Regulations 2014. 6. land documents 7. Encumbrance Certificate 8. Land use certificate (LUC) 9. Building plan (BP) and letter submitted on 26/12/2019.”

### **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 18.07.2011. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 27.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 29.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units). A corrigendum was issued to the institution vide order dated 31.10.2015 for conducting B.Ed. course of two years duration with an annual intake of 50 students of one basic unit from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 23.09.2021.

The instant matter was placed in 12<sup>th</sup> Meeting, 2021 of Appellate Committee held on 28.05.2021. The Appellate Committee vide order dated 02.06.2021 rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder: -

**“Appeal Committee noted that appellant has preferred appeal against the Minutes of 390<sup>th</sup> Meeting of SRC held on 28<sup>th</sup> & 29<sup>th</sup> October, 2020. The order of withdrawal issued is not found available on the relevant regulatory file.**

**AND WHEREAS Appeal Committee noted that a Final Show Cause Notice (SCN) dated 10/12/2019 was issued to appellant institution. Appellant institution was required to submit following documents to SRC: -**

- (i) Certified copy of land documents.**
- (ii) Attested copy of Land Use Certificate issued by Competent Authority.**
- (iii) Non-Encumbrance Certificate.**
- (iv) Copy of approved building plan.**
- (v) Site Plan.**
- (vi) Building Completion Certificate.**
- (vii) Staff list approved by affiliating body.**





- (viii) FDRs.
- (ix) List of other courses & Affidavit etc.

AND WHEREAS Appeal Committee noted that appellant by its reply dated 26/12/2019 did not submit any of the required documents. During online presentation of appeal, appellant was asked to submit by mail copy of the bank statement to verify that the faculty included in list submitted by appellant with its appeal memoranda, actually exists. This was required because the list of faculty submitted by appellant did not bear any date or session for which it was approved and also that faculty is required to be paid salary as per U.G.C. normal or the norms laid down by the respective State Government.

AND WHEREAS appellant has failed to submit the required documents. Appeal Committee, therefore, decided that decision taken by SRC in its 390<sup>th</sup> Meeting shall be confirmed.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online appeal hearing, the Committee concluded that the SRC was justified in withdrawing recognition. The appeal deserved to be rejected and the order of the SRC is confirmed.

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

The appellant institution moved a writ petition before the Hon’ble High Court of Andhra Pradesh at Amaravati bearing W.P.No. 38117/2022 titled Sivaranga College of Education (B.Ed.) V/s National Council for Teacher Education & Anr, the Hon’ble Court vide its order dated 22.02.2023 issued following direction upon the Appellate Authority: -

*“...4. The fact various Courts have considered the pleas of various Writ Petitioners and had given directions to the Respondent Authorities to consider their cases afresh and also in view of the fact that the Writ Petitioner herein has also submitted the required documents after passing of the Final Order by the Primary Authority, which indicates that there was delay on the part of the Writ Petitioner in submitting all the required documents is taken into account by this Court. This Court also considered the fact that it is not the case of inability of the Writ Petitioner in submitting the required documents because it is evidenced that the Writ Petitioner submitted the documents before the Appellate Authority.*

*5. In these circumstances, this Court deems it appropriate to set aside the Impugned Order bearing F.SRO/NCTE/APS09574/B.Ed./AP/2021 dated 23.09.2021 (Ex.P.2) with a direction to the Appellate Authority to consider the documents furnished by the Writ Petitioner afresh, by conducting de novo proceeding, decide the case of the Writ Petitioner in accordance with law keeping in mind the Orders passed by various Courts, which are referred herein above. This Court is confident that the Appellate Authority will keep in mind the dated fixed for the admission of students while disposing of the Appeal. For this purpose, the Writ Petitioner is directed to present a fresh Appeal with all the documents, which the Writ Petitioner intends to rely upon before the Appellate Authority, expeditiously.*



**6. With the above direction, this Writ Petitioner is disposed of. There shall be no Order as to costs.**

**7. Interlocutory Applications, if any, stands disposed of in terms of this Order."**

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 27<sup>th</sup> February, 2023 submitted that the institution has been granted intake from two unit to one unit. The Hon'ble High Court of Andhra Pradesh give directions to NCTE and High Education of Andhra Pradesh to attend the B.Ed. counselling for the academic year 2022-23.

The institution in Appeal Memorandum submitted copies of Staff list, Form A towards Endowment Fund & Reserve Fund, a copy of Building Plan, Land Use Certificate, BCC etc. 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 Southern 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 23.09.2021 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

#### **Copy to :-**

1. **The Principal, Sivaranga College of Education, 926, Koilkuntla, Nagula Katta Street, Kurnool, Andhra Pradesh-518134**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh.**