



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 10/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-196/E-190071/2021 Appeal/19th Meeting, 2021
Appeal No. APPLSRC202113982

Annai Mathammal Sheela College of Education, Namakkal, 86/4, Erumapatty, Namakkal, Tamil Nadu – 637103	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. P. Manivannan, Administrative officer
Respondent by	Regional Director, SRC
Date of Hearing	16/08/2021
Date of Pronouncement	10/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Annai Mathammal Sheela College of Education, Namakkal, 86/4, Erumapatty, Namakkal, Tamil Nadu dated 16/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APSO3040/TN/B.Ed./2020/14188-4194 dated 21.01.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Management of the Institution had not submitted required documents in response to letter issued to the Institution on 03.08.2016. Another opportunity was given to the institution by serving a Final Show Cause Notice (FSCN) dated 21.11.2019. The institution did not submit its reply/representation in response to Final Show Cause Notice (FSCN)."

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II. SUBMISSIONS MADE BY APPELLANT:-

Sh. P. Manivannan, Administrative officer, Annai Mathammal Sheela College of Education, Namakkal, 86/4, Erumapatty, Namakkal, Tamil Nadu presented online the case of the appellant institution on 16/08/2021. In the appeal and during personal presentation it was submitted that "Institution has submitted the reply through courier within the time frame proof enclosed for perusal."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution had filed a Writ Petition (C) 4629/2021 and C.M. APPL142220/2021 in the High Court of Delhi and the Hon'ble High Court by its order dated 13/04/2021 had allowed the petitioner to participate in Counselling for the year 2020-21 academic session for its B.Ed. and M.Ed. courses. Hon'ble court has further directed that disposal of the appeal shall be in accordance with law.

2. Appeal Committee noted that impugned order of withdrawal dated 21/01/2020 for B.Ed. course is on the ground that appellant institution had failed to respond to the clarifications required by Show Cause Notice dated 03/08/2016 and 21/11/2019. Appellant in its appeal memoranda stated that "Institution has submitted the reply through courier within the time frame proof enclosed for perusal." Committee noted that no evidence is submitted by appellant with its appeal memoranda and even the date of reply sent has not been mentioned. Correspondingly no reply to Show Cause Notice is found available on the regulatory file.

3. Appeal Committee noted that appellant institution with its appeal memoranda has submitted copies of (i) Land documents which are not originally certified, (ii) Building Plan which is not legible and faculty list approved by affiliating University in the year 2016. Appeal Committee noted that approval of faculty for B.Ed. programme for the subsequent years has not been furnished by the appellant institution. However, the

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appellant institution had submitted to the Regional Committee the land and building documents on several occasions i.e. by its letter dated 28/07/2015 and 13/01/2021.

4. Appeal Committee decided that appellant institution is required to submit to SRC within 15 days of the issue of appeal order originally certified copy of land documents, legible building plan, Building Completion Certificate in prescribed performa, C.L.U., Non Encumbrance Certificate and list of faculty for both the courses i.e. B.Ed. & M.Ed. separately along with evidence of remittance of salary for at least 3 years. As the Hon'ble High Court of Delhi has already allowed the appellant institution to participate in the Counselling for the academic session 2020-21, Appeal Committee decided to remand back the case to SRC for revisiting the matter.

5. 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."

6. 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."

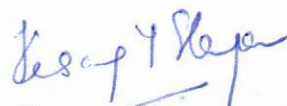
7. Appeal Committee decided to set aside the impugned order of withdrawal dated 21/01/2020 and remand back the case to SRC for revisiting the matter and issue of fresh appropriate order well in advance of the start of new academic session.



IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order of withdrawal dated 21/01/2020 and remand back the case of Annai Mathammal Sheela College of Education, Namakkal, 86/4, Erumapatty, Namakkal, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

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



(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary, Annai Mathammal Sheela College of Education, Namakkal, 86/4, Erumapatty, Namakkal, Tamil Nadu – 637103.
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 Tamil Nadu, Chennai.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 10/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-197/E-190071/2021 Appeal/19th Meeting, 2021
Appeal No. APPLSRC202113983

Annai Mathammal Sheela College of Education, Namakkal, 86/4, Erumapatty, Namakkal, Tamil Nadu – 637103	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. P. Manivannan, Administrative officer
Respondent by	Regional Director, SRC
Date of Hearing	16/08/2021
Date of Pronouncement	10/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Annai Mathammal Sheela College of Education, Namakkal, 86/4, Erumapatty, Namakkal, Tamil Nadu dated 16/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APSO8327/TN/M.Ed./2020/118856-8862 dated 24.09.2020 of the Southern Regional Committee, withdrawing recognition for conducting for M.Ed. Course on the grounds that “the BCC submitted by the institution is not in format as prescribed by NCTE. The institution has submitted photocopy of Building Plan which is not approved by the competent authority. The Survey No, Plot Area are not mentioned in the building plan. The size of the multipurpose hall is not adequate as per NCTE Regulations, 2014. The LUC submitted by the institution wherein the Land was converted from “Agricultural Land to Non-Agricultural Land”. The institution has not

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submitted Form A towards creating Endowment and Reserve fund as per NCTE Regulations, 2014. The institution has submitted approval letter duly approved by the Registrar, TNTEU wherein the faculty namely A. Balakumar, Mrs. P. Kalaibhavani, V. Manikandan, Mrs. C. Manimekala, Mrs. M. Veeramani, Mrs. G. Kamala are not having NET/SET as per NCTE Regulations Notification dt 09.07.2017."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. P. Manivannan, Administrative officer, Annai Mathammal Sheela College of Education, Namakkal, 86/4, Erumapatty, Namakkal, Tamil Nadu presented online the case of the appellant institution on 16/08/2021. In the appeal and during personal presentation it was submitted that "reply for the show cause notice for B.Ed. and M.Ed. has been sent through courier within stipulated time."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and documents submitted by appellant institution and noted that recognition for conducting M.Ed. programme has been withdrawn by issue of impugned order dated 24/09/2020 and the main reason there for is that recognition for B.Ed. programme was withdrawn earlier on 21/01/2020. Appeal Committee noted that infrastructural requirements for conducting B.Ed. & M.Ed. programmes is to be assessed by SRC in a composite manner.

2. Appeal Committee further noted that basic intake in M.Ed. programme is 50 seats and faculty i.e. Two Professors, two Associate Professors, and six Assistant Professors are required as per NCTE Regulation, 2014. Appellant with its appeal memoranda has submitted a list of faculty approved by Tamil Nadu Teacher Education University on 24/01/2018 wherein names of one Professors, one Associate Professor and six Assistant Professors are mentioned. Apart from this there are some other deficiencies which are common in both the B.Ed. and M.Ed. courses. The faculty for M.Ed. programme is deficient in number. Moreover, faculty at Serial Number 3 to 7 are not qualified as per NCTE Regulation, 2014 (Appendix – 5 para 6.2 B).

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3. Appeal Committee noted that appellant institution has been allowed to participate in Counselling for the year 2020-21 by the Hon'ble High Court of Delhi by its order dated 13/04/2021 in W.P. (C) 4629/2021 and C.M. Appl 14220/2021. As the appellant institution is found deficient on account of faculty, Appeal Committee decided to confirm the impugned order of withdrawal to be made effective from academic session 2021-22.

IV. DECISION:-

NOW THEREFORE, after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary, Annai Mathammal Sheela College of Education, Namakkal, 86/4, Erumapatty, Namakkal, Tamil Nadu – 637103.
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 Tamil Nadu, Chennai.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 10/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-200/E-191096/2021 Appeal/19th Meeting, 2021
Appeal No. APPL13237

Mandsaur Institute of Education, Mandsaur, Madhya Pradesh – 458002	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>
Representative of Appellant	Dr. Aradhana Sethi, Principal Sh. Ashish Parikh, Registrar	
Respondent by	Regional Director, WRC	
Date of Hearing	16/08/2021	
Date of Pronouncement	10/09/2021	

ORDER

The appeal of Mandsaur Institute of Education, Mandsaur, Madhya Pradesh dated 25/04/2019 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APWO5933/223658/305th/2019/203026 to 203033 dated 25.04.2019 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Institution has not submitted letter of approval of faculty of affiliating body along with detailed staff profile approved by competent authority of the University is required to be submitted as per NCTE amendment Regulations 09/06/2017. The institution has not submitted land use certificate issued by the competent authority. The institution has not submitted building plan approved by the competent authority mentioning name of institution, name of course, khasra No./Plot number, total land area, total built up area and earmarked area for each course being run in the same premises. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the

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NCTE Act, 1993 for B.Ed. programme with effect from the end of the academic session next following the date of communication of the said order.”

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Aradhana Sethi, Principal and Sh. Ashish Parikh, Registrar, Mandsaur Institute of Education, Mandsaur, Madhya Pradesh presented online the case of the appellant institution on 16/08/2021. In the appeal and during personal presentation it was submitted that “the size limit provided for the explanation is not sufficient. Since we have made our explanation in annexures and would like to request you to please go through the file attached below.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned order of withdrawal was issued on 25/04/2019 allowing the appellant to submit appeal within a period of 60 days. Appellant it seems had preferred online appeal on 05/06/2019 hard copy of which was despatched on 07/06/2019. Appellant has submitted copy of the track report which indicates date of receipt of the consignment as 14/06/2019. Therefore, there appears to be no delay except that appellant never pursued the appeal matter.

2. Appeal Committee noted that impugned order of withdrawal dated 25/04/2019 is on the ground that appellant had not submitted (a) approved list of faculty, (b) Land Use Certificate, (c) approved Building Plan, with property details. Committee further noted that appellant with its appeal memoranda has submitted list of faculty approved by Mandsaur University on 14/03/2018.

3. Appeal Committee noted that appellant with its appeal memoranda and submissions made during appeal hearing has submitted documents i.e. land use certificate, building plan and list of faculty etc. Appeal Committee decided that appellant institution is required to submit to WRC copies of all these documents to WRC within 15 days of the issue of appeal order.

4. 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:-

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“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.”

5. 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.”

6. Appeal Committee decided to set aside the impugned order of withdrawal dated 25/04/2019 and remand back the case to WRC for revisiting the matter.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order of withdrawal dated 25/04/2019 and remand back the case of Mandsaur Institute of Education, Mandsaur, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
 Member Secretary

Copy to: -

1. The Head & Dean, Mandsaur Institute of Education, Mandsaur, Madhya Pradesh – 458002.
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, Bhopal.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 10/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-208/E-192041/2021 Appeal/19th Meeting, 2021
Appeal No. APPLWRC202114077

Shreenath Teachers Training College, Garh, Kumji Ka Parda, Garh, Banswara, Rajasthan – 327022 (APPELLANT)	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. (RESPONDENT)
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Representative of Appellant	Sh. Lokesh Garg, Representative
Respondent by	Regional Director, WRC
Date of Hearing	16/08/2021
Date of Pronouncement	10/09/2021

ORDER

I. GROUND OFS OF REFUSED

The appeal of Shreenath Teachers Training College, Garh, Kumji Ka Parda, Garh, Banswara, Rajasthan dated 14/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NCTE/NRC/NRCAPP201615089/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-2018/{LSG_SI_No}} dated 27.04.2017 of the Western Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that “reply of SCN dated 07.03.2017 has not been received within stipulated time. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.”

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Lokesh Garg, Representative, Shreenath Teachers Training College, Garh, Kumji Ka Parda, Garh, Banswara, Rajasthan presented online the case of the appellant

Res. J. B. Garg

institution on 16/08/2021. In the appeal and during personal presentation it was submitted that "Institution has filed a S.B. Civil Writ Petition No. 17739/2018 in Hon'ble High Court of Delhi, New Delhi. Hon'ble High Court Delhi has passed an order on 20.04.2021 and directed to petitioner to file an appeal u/s 18 of NCTE Act. 1993 and appellate authority is directed to decide the same expeditiously. This institution has submitted online application for grant of recognition of B.A. B.Ed./B.Sc. B.Ed. course on 23.05.2016 and the hard copy of application was submitted to NRC, NCTE on 26.05.2016. NRC, NCTE issued a Show Cause Notice vide letter No. F. NO. NCTE/NRC/NRCAPP201615089/B.A.B.Ed./B.Sc.B.Ed.-4YearIntegrated/SCN/RJ/20172018/1 dated 07.03.2017, by esolutionmail@ncte-india.org dated 04.04.2017. This institution has submitted a reply letter to NRC, NCTE on 26.04.2017 along with required documents. That NRC, NCTE has not considered the reply of SCN submitted by this institution and reject the application of this institution vide F.No. NCTE/ NRC/ NRCAPP201615089/ B.A.B.Ed./B.Sc.B.Ed.-4 Year Integrated /SCN/ 10/20172018/1 dated 07.032017 by esolutionmail@ncte-india.org dated 27.04.2017. The action of NRC, NCTE is totally wrong, unlawful, illegal and unconstitutional basis. The rejection order is against the principles of natural justice. This institution has already reply and not received any Show Cause Notice. Copy of Society Registration and bye Laws was submitted to NRC, NCTE along with reply of Show Cause Notice. Copy of N.O.C. issued by College Education Deptt. Govt. of Rajasthan & affiliation order issued by Mohan Lal Sukhadia University, in the name of Shree Nath College was submitted to NRC, NCTE along with application form. Inadvertently at the time of filing the application, additional unit was mentioned in place of basic unit. Appellant herein seeks indulgence of the Hon'ble appellate committee to kindly allow the application of the appellant to be read as applied for two basic unit of 50 students each for 4 year B.A. B.Ed./B.Sc. B.Ed. course. Total land 5124 sq.mt in which this college is running was Village Kumji Ka Parda Patwar Mandal Chopasag Tahsil Ghari Dist. Basnawara Land of Khata No. 113 Survey No. 200/2158/1 and Survey No. 200/2158/2 i.e. 092 Hecter at Village Kumji Ka Parda Patwar Mandal Chopasag Tahsil Ghari Dist. Basnawara in the name of Shree Nath Shikshan Sansthan office of Sub Division, Garhi issued land use certificate for educational purpose, certified conversion order and certified copy of registered land documents was submitted

Resg. Dept.

to NRC, NCTE along with reply of Show Cause Notice by this institution. Approved building map was submitted to NRC, NCTE along with reply of SCN. Mohan Lal Sukhadia University, Udaipur, has issued N.O.C. for proposed B.A. B.Ed./B.Sc. B.Ed. 4 Years. course in the name of Shree Nath Teachers Training College, which was submitted to NRC, NCTE along with online application form. Non-Encumbrance Certificate was submitted to NRC, NCTE along with reply of SCN. As per clause 2(b) of NCTE Regulations 2014, "composite institution" means a duly recognized higher education institution offering undergraduate or postgraduate programmes of study in the field of liberal arts or humanities or social sciences or sciences or commerce or mathematics, as the case may be, at the time of applying for recognition of teacher education programmes, or an institution offering multiple teacher education programmes. Thus, college offering U.G. programme is eligible for grant of recognition for B.A. B.Ed./B.Sc. B.Ed. 4 Years course. That looking to the above fact, it is very clear that college running degree course is eligible for grant of recognition of B.A. B.Ed./B.Sc. B.Ed. 4Yers course. It is prayed that the rejection order be set side and directions be issued to WRC, NCTE for further processing of application of this institution for grant of recognition for B.A. B.Ed./B.Sc. B.Ed. 4 Years."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant had filed a W.P. (C) 4897/2021 and W.P. (C) 4898/2021 in the High Court of Delhi at New Delhi. The Hon'ble High Court by its order dated 20/04/2021 dismissed the petition as withdrawn. Hon'ble Court further did not make any observation on any issue which may arise before Appellate Committee.

2. Appeal Committee noted that the submission of the appeal has been delayed by three years and ten months beyond the prescribed period of sixty days. Appeal Committee noted that according to the provisions of Section 18 (1) of the NCTE Act, 1993, any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed.

Defy

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

3. Appeal Committee noted that appellant has stated the reason for delay 'Demise of Society Secretary due to Covid Pandemic'. The delay, in preferring appeal, starting from April, 2017 cannot be attributed to Covid death. Covid pandemic in India started in first quarter of 2020 only. The reason given by appellant for delay of more than 3 years is not acceptable. Appeal Committee decided not to accept the appeal on grounds of delay.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during online presentation of the appeal, Appeal Committee concluded not to accept the appeal on grounds of delay and hence the appeal is not admitted.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The President, Shreenath Teachers Training College, Garh, Kumji Ka Parda, Garh, Banswara, Rajasthan – 327022.
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, Jaipur.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 10/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-125/E-182120/2021 Appeal/19th Meeting, 2021
Appeal No. APPLWRC202113984

B.R. T.T. College, Siryani, 924, Shajahanpur Road, Neemrana, Alwar, Rajasthan – 301708	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. Sushant Sharma, President
Respondent by	Regional Director, WRC
Date of Hearing	16/08/2021
Date of Pronouncement	10/09/2021

ORDER

I. GROUND OFS OF REFUSED

The appeal of B.R. T.T. College, Siryani, 924, Shajahanpur Road, Neemrana, Alwar, Rajasthan dated 16/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NCTE/NRC/NRCAPP201616532/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-2018/2; dated 17.04.2017 of the Western Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. Course “The appeal of B.R. T.T. College, Siryani, Shajahanpur Road, Neemrana, Alwar, Rajasthan dated 16/03/2021 filed under Section 18 of NCTE Act, 1993 against the Order No. NCTE/NRC/NRCAPP201616532/B.A. B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-2018/2; dated 17.04.2017 of the Western Regional Committee, refusing recognition for

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conducting for B.A. B.Ed./B.Sc. B.Ed. Course was not admitted on grounds of delay by an order dated 30/06/2021 issued by Appellate Authority.

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Sushant Sharma, President, B.R. T.T. College, Siryani, 924, Shajahanpur Road, Neemrana, Alwar, Rajasthan presented online the case of the appellant institution on 16/08/2021. In the appeal and during personal presentation it was submitted that "Appellant did not receive the Show Cause Notice dated 12.02.2017 and grounds taken in the rejection order is self-contradictory. Because appellant has not received any Show Cause Notice dated 12.02.2017 till date. The appellant has also not even received aforementioned rejection order dated 17.04.2017. The impugned Rejection Order No. NCTE/NRC/ NRCAPP201616532/ B.A.B.Ed./ B.Sc. B.Ed.-4 Year Integrated/ RJ/2017-2018/2 dated 17.04.2017 passed by the respondent is based on wrong analysis and incorrect consideration of the prevailing law enforced and wrong examination of the documents. The Appellant got to know about the email rejection order recently when the Applicant enquired from the office of the NCTE about the status of the application. As Appellant came to know that many Application from the State of Rajasthan have been summarily rejected. Because Appellant has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and respondent is illegally blocking it from running the course which clearly unwarranted and unlawful. Because under Regulations, 2014 the "Council" has "powers to relax" any condition/regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies norms and standards under Regulations, 2014."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant not satisfied with the Appellate order dated 30/06/2021 filed a Writ Petition (C) 6481/2021 in the Hon'ble High Court of Delhi and the Hon'ble High Court in its order dated 14/07/2021 made certain observations the effective part of which is reproduced below:-

Reserve file

"The petitioner, which is located in the State of Rajasthan, submitted an application with the NRC on 30/06/2016b for recognition of its B.A. B.Ed./B.Sc. B.Ed. course. The petitioner claims to have visited the office of the NRC on several occasions thereafter but was not able to elicit any response as to the petitioner's application. After jurisdiction over institution in the State of Rajasthan shifted from the NRC to the Western Regional Committee ["WRC"] in January, 2020, the petitioner came to know that its application had been rejected by the NRC on 17/04/2017. The petitioner states that the aforesaid order dated 17/04/2017 was never received by it. It has also contended that the Show Cause Notice dated 12/02/2017, referred to in the impugned order of the NRC, was not served upon the petitioner. In these circumstances, the petitioner filed W.P. (C) 5905/2020 before this Court, which was disposed of by an order dated 18/01/2021. The petitioner was permitted to withdraw the writ petition with liberty to approach the Appellate Committee under Section 18 of the NCTE Act, 1993. It was further observed as follows:-

"4. The petitioner will also be at liberty to apply before the Appellate Committee for condonation of delay, in terms of the proviso to Section 18 (2) of the Act. The Committee will consider the matter, both on grounds of delay and on the contentions raised in the appeal in accordance with law. This Court has not expressed any opinion with regard to these issues."

Pursuant to the order of this Court, the petitioner filed an appeal before the Appellate Committee on 16/03/2021. The appeal has been rejected on the ground of delay by way of the impugned order dated 30/06/2021. I have heard Mr. Sanjay Sharawat, learned counsel for the petitioner and Mr. Shivam Singh, learned counsel for the respondents. The impugned order dated 30/06/2021 records that the appeal has been filed with a delay of approximately three years and ten months beyond the prescribed period of

Bej Singh

60 days, laid down in Section 18 of the Act. The Appellate Committee has rejected the petitioner's contention on delay with the following observations:-

"3. The Committee noted that the appellant, in the appeal, has not given any reason, whatsoever, for not preferring the appeal within the prescribed period. Perusal of regulatory file does not reveal any correspondence addressed by appellant to the Regional Committee to know the status of its case after receiving the online rejection order. In these circumstances, the Committee decided not to admit the appeal on grounds of delay of three years and ten months."

The observation of the Appellate Committee is that the appellant/petitioner had not given any reason for not preferring the appeal within the prescribed period. However, a perusal of the appeal dated 16/03/2021 filed by the petitioner, shows that the appellant claimed to have received the order of the NRC dated 17/04/2017 'recently' and also that the show cause notice dated 12/02/2017 had not been served upon it. Consequently, the observations of the Appellate Committee that the appellant had not given any reason for not preferring the appeal within the prescribed period is erroneous. The reasons given may or may not satisfy the Appellate Committee as to the justification offered by the petitioner, but they certainly cannot be thus brushed aside by the Appellate Committee. The lease that is expected is that the reasons would be considered and accepted or rejected with some expression of reasoning. Further, whether the petitioner's appeal was delayed, and if so by what period, would depend upon when the order of the NRC was served upon it. The Appellate Committee has not gone into this aspect at all. This information should be available with the NCTE itself. The question of the appeal being delayed by three years and ten months, as observed by the Appellate Committee, is based on the presumption that the order was served when passed. The petitioner has denied this and the Appellate Committee is therefore required that come to a finding on this

berg 18/04/21

aspect, rather than proceeding on a presumption. It may also be observed that, while considering applications for condonation of delay, it is not sufficient for the Appellate Committee to rely upon the absence of correspondence addressed by the appellant with regard to the status of its case. Such a factual observation may corroborate other evidence that the order was in fact served but cannot stand alone to establish that the appeal is delayed. A person who makes an application to a statutory body cannot be deprived of a right of appeal against an order of rejection on the basis that her appeal is delayed, unless the order was duly communicated to her. To say that she should have checked the status of her application regularly and obtained the order when passed is, in my view, insufficient. The manner in which the petitioner, application for condonation of delay has been dealt with is therefore unsatisfactory and the Appellate Committee is required to reconsider it. Mr. Singh's contention that the petitioner's application for condonation of delay is itself cryptic, inasmuch as no date has been mentioned as to when the impugned order of the NRC was served upon it, is no doubt correct. However, that it is a matter which the Appellate Committee is required to go into and return a finding based on the material before it. For the reasons aforesaid, the impugned order of the Appellate Committee dated 30/06/2021 is set aside and the matter is remanded to it for a fresh decision in terms of the order of this Court dated 18/01/2021 and this order. The Appellate Committee is directed to dispose of the appeal as expeditiously as possible, and preferably within a period of six weeks from today."

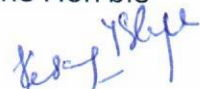
4. Appeal Committee noted that Hon'ble Court has relied on the statement of Petitioner that he/she did not receive the Show Cause Notice (SCN) and the impugned refusal order and hence it could not have made a timely appeal. Appeal Committee had considered all the facts available on regulatory file before arriving at a decision as was conveyed in Appellate order dated 30/06/2021. Appeal Committee noted that appellant institution is recognised to conduct B.Ed. programme since 2015. As such appellant could not have stated that it was not conversant with the provisions of NCTE

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Act and Regulations. Appellant in its online application dated 30/06/2016 for 4 year integrated programme B.A. B.Ed./B.Sc. B.Ed. had given its Email Id. Address i.e. brtt1993@gmail.com. The impugned refusal order was an electronic online communication sent to appellant at an email address given by him. Moreover, proceedings of the Regional Committee i.e. Minutes of 267th Meeting of NRC held from 5 to 7th April, 2017 (Part – 2) were available on the official website of the Regional Committee. Similarly the decision of Regional Committee to issue Show Cause Notice and grounds on which Show Cause Notice is being issued was available on the official website as Minutes of 263rd Meeting of NRC held from 6th to 11th February, 2017. Appellant already conducting a teacher education programme cannot simply say that it was unaware of the communications to which it never responded. Appellant with its appeal memoranda has submitted copies of Building Completion Certificate dated 22/10/2020, Land Use Certificate dated 08/10/2018, Non Encumbrance Certificate dated 23/05/2018. All these documents are seen issued by concerned authorities after the date of impugned refusal order.

5. While considering the condonation of delay in preferring appeal, Appeal Committee noted that in the Building Completion Certificate (B.C.C.) dated 22/10/2020 submitted by appellant the built up area is only 3000 sq. feet which is inadequate as per NCTE Regulation for conducting even one programme. Other documents are also seen issued much after the date of application. Appellant with its application had submitted a Building Completion Certificate which donot mention the built up area and details such as number and address of property. A certificate dated 06/06/2016 issued by Tehsildar Neemrana and enclosed with the application mentions the total built up area as 774 sq. meters which if taken into consideration is totally inadequate as per NCTE Regulation, 2014.

6. It was not the intention of Appellate Authority to go into the merits of case before condoning the delay but with all these reasons put together Committee does find that the reasons given by appellant are trustworthy. With due respect and apology to the Hon'ble



Court, Appeal Committee once again rejects the appeal on grounds of inordinate delay of more than 3 years.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during online presentation of the appeal, Appeal Committee concluded once again rejects the appeal on grounds of inordinate delay of more than 3 years and hence the appeal is not admitted.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

- 1. The President, B.R. T.T. College, Siryani, 924, Shajahanpur Road, Neemrana, Alwar, Rajasthan – 301708.**
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, Jaipur.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 10/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-99/E-158037/2020 Appeal/19th Meeting, 2021
Appeal No. APPLWRC202013611

Shree Swaminarayan B.Ed. College, 414 Paiki, Shree Swaminarayan Gurukul, Gadhada Road, Gotad, Bhavnagar – 364710, Gujarat	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. Mukesh Bhai Kanetiya, Trustee
Respondent by	Regional Director, WRC
Date of Hearing	16/08/2021
Date of Pronouncement	10/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Shree Swaminarayan B.Ed. College, 414 Paiki, Shree Swaminarayan Gurukul, Gadhada Road, Gotad, Bhavnagar, Gujarat dated 06/03/2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW02583/323299/313th /B.Ed./Guj./2020/208341 to 208347 dated 04.03.2020 of the Western Regional Committee, withdrawing recognition conducting for B.Ed. Course on the grounds that “the appeal of Shree Swaminarayan B.Ed. College, Shree Swaminarayan Gurukul, Gotad, Bhavnagar, Gujarat dated 06/03/2020 is against the Order No. WRC/APW02583/323299/313th /B.Ed./Guj./2020/208341 to 208347 dated 04.03.2020 of the Western Regional Committee, withdrawing recognition for conducting

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for B.Ed. Course on the grounds that "Principal I/c (Shri Meghani Ashvinbhai Ramesh Bhai) is not having eight years experience of teaching in Secondary Teaching Education institution. The subject of Ph.D. is not mentioned. He does not have adequate percentage of marks in PG as per NCTE Norms. The faculty at Sl. No.2 (Ms. Sheetalben Jagdishchandra Soni), Sl.No. 3 Mr. Paraleeya Bharat Bhai Dhudabhai does not have adequate percentage of marks in PG as per NCTE, Norms. Staff for performing Arts, Fine Arts and Health and Physical Education are not appointed. In view of above, the Committee decided that the withdrawal order 02.11.2017 issued by WRO stands."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Mukesh Bhai Kanetiya, Trustee, Shree Swaminarayan B.Ed. College, 414 Paiki, Shree Swaminarayan Gurukul, Gadhada Road, Gotad, Bhavnagar, Gujarat presented online the case of the appellant institution on 16/08/2021. In the appeal and during personal presentation it was submitted that "Sh. Mukeshbhai, Trusty, Shree Swaminarayan B.Ed. College, Shree Swaminarayan Gurukul, Gotad, Bhavnagar, Gujarat presented the case of the appellant institution on 29/07/2020. In the appeal and during personal presentation it was submitted that "recognition order dated 31.03.2007 was issued to the Appellant Institution. WRC vide its order dated 02.11.2017 withdrew the recognition of the Appellant Institution under Section 17 of the NCTE Act without following the due procedure. Appellant Institution filed a statutory appeal dated 28.03.2018 before the NCTE explaining the entire case against the withdrawal. As per the provision Appellant submitted all document along with relevant annexures before the NCTE. NCTE Appeal Committee vide its order dated 12.09.2018 remanded the application of the Appellant Institution to WRC for taking necessary action expeditiously. It is submitted that appeal committee allowed the appeal observing as under: "And whereas *appellant institution during the course of appeal proceedings has been asked to submit adequate evidence to prove that it has now obtained the required documents including approval of affiliating body for the appointment of required number of faculty for conducting the programme. The list containing the name of principal and faculty as approved by affiliating body submitted by the appellant prima-facie appears to be in accordance with the norms*

Kesav G. Bha

and standards for the course. Appellant institution is required to submit complete list along with all supporting documents submitted by them in appeal to the regional committee within 15 days of the issue of appeal order. Appeal committee decided to remand back the case to W.R.C. for revisiting the matter after the appellant institution submits required documents and taking further action expeditiously". It is submitted that the Appellant Institution vide its letter dated 19.09.2018 submitted necessary documents to the Regional Director WRC. WRC, NCTE issued a Show Cause Notice dated 19.11.2018. Appellant Institution vide its letter dated 14.12.2018 submitted the list of (7+1) lecturer approved by the university. It is submitted that the Appellant Institution vide its letter dated 08.05.2019 requested WRC to issue the restoration order. Appellant Institution vide its letter dated 11.07.2019 again requested the WRC to issue a restoration / continuation letter. Since WRC was not taking up the case of the institution therefore, the institution filed W.P. (C) No. 1008/2020 before the High Court of Delhi. High Court of Delhi vide its Final Order dated 27.01.2020 directed to adjudicate on the Show Cause. NCTE Head Quarter on 07.05.2019 directed the regional committees for following the Standard Operating Procedures (SOPs) for processing of the applications wherein it has been categorically provided that 2nd show cause notice should be issued before proceeding for the withdrawal of the recognition of the recognized institution whereas in the instant case the NRC has failed to adhere with the SOPs. That it is submitted that the WRC in its 313th meeting without issuing any show cause notice decided to withdraw the recognition of the institution without issuing any final show cause notice. Institution has again approached the University for the fresh approval of the faculties for removing the deficiencies as pointed out by the WRC in the decision of the withdrawal. WRC ought to have given an opportunity or the clarification to the institution as the faculties were approved by the university as per the norms. Appeal Committee of the NCTE had successfully allowed the earlier appeal of the Appellant Institution seeing the same faculty list and rejected the withdrawal order of the WRC observing that Appellant Institution has successfully established that there is no deficiency. Appellant Institution as per the observation of the Appeal Committee had already submitted the documents before WRC. Appellant Institution in response to the show cause notice had already submitted reply along with the documentary proofs however till date the WRC has not issued any

Deep Singh

restoration order or updated the name of the Appellant Institution in the list of the recognized institution. It is submitted that now the new academic session is going to start and Appellant Institution will be a irreparable loss if the restoration order is not issued by the WRC. It is submitted that WRC, NCTE after scrutiny of application submitted by the Institution, the documents attached therewith, the affidavit submitted and the report received from VT and videography and certificate received from the university and after being satisfied that the Appellant Institution fulfills the requirement under NCTE Act and Regulation such as instructional facilities, financial resources, etc. for running the programme granted its recognition. It is relevant to state that now the WRC cannot review its decision without any specific deficiencies verified by the inspection team of the WRC, NCTE under the provisions of NCTE Act, 1993."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution had filed a W.P. (C) 7662/2020 with C.M. APPL 25353/2020 in the High Court of Delhi and the Hon'ble High Court has issued order dated 15/04/2021. Effective part of the Court order is as follows:-

"It is evident from the order of the Appellate Committee that it has proceeded on the basis that there is a doubt as to whether the petitioner's faculty, as originally approved, continues to be associated with the petitioner's institution, in view of the fact that the withdrawal order had originally been passed on 02/11/2017. According to Mr. Manish, the said faculty is indeed available with the petitioner – institution even today, and the petitioner has filed affidavits in support of this contention (Annexure P – 20 to the Writ Petition). It is also clear that the Appellate Committee has in fact not gone into the contentions of the petitioner with regard to the deficiencies pointed out by the WRC.

In the facts and circumstances aforesaid, I am of the view that the appropriate course is to set aside the order of the Appellate Committee dated 15.09.2020, and remand the matter to it for a fresh decision. The petitioner will place the documents which it seeks to rely upon before the Appellate Committee within two weeks from today. The Appellate Committee will then consider the matter afresh in accordance with law and dispose of the petitioner's appeal within eight

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weeks from today. The Appellate Committee will also bear in mind the judgements and orders of this Court, including inter alia the order dated 03.12.2020 in W.P. (C) 9744/2020 [Asha Devi Mahavidyalaya & Anr. Vs. National Council for Teacher Education & Anr.], which require it to consider subsequent developments during the pendency of the appeal."

2. Appeal Committee noted that withdrawal order issued on 02/11/2017 was on the ground that Principal and three faculty were not qualified. Appellant institution preferred appeal dated 28/03/2018 against the withdrawal order and Appellate Authority by its order dated 12/09/2018 remanded back the case to WRC for revisiting the matter after the appellant submits to Regional Committee complete list of faculty appointed in accordance with the Norms and Standards for the course. Appeal Committee noted that as appellant institution was not able to satisfactorily comply with the requirements and furnish compliance of adherence of NCTE Regulation, WRC issued withdrawal order dated 04/03/2020 on the same grounds which were reflected in the withdrawal order dated 02/11/2017.
3. Appeal Committee noted that appellant with its appeal memoranda has submitted copies of letters dated 24/07/2020, 20/08/2018 and 12/12/2018 issued by affiliating University in vernacular language. The appellant has not furnished Hindi/English translation of these letters but it prima-facie appears that by the above letters University has conveyed approval for Principal and 5 faculty by its letter dated 24/07/2020, 2 faculty by letter dated 20/08/2018 and 3 faculty by letter dated 12/12/2018. Appellant is required to submit notarised English translation of the communications referred to above. In addition appellant is required to submit to WRC a consolidated list of faculty in prescribed performs containing the names of Principal and other faculty duly signed by Registrar of the affiliating University.
4. Clause 10 (2) of the NCTE Regulation, 2014 further provide that academic and other staff of the institution shall be paid salary by account payee cheque or as per advice into the bank account of employee. Appellant institution is therefore, further required to

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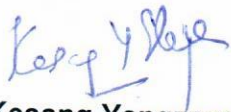
supplement its claim of having appointed faculty by submitting the bank statement for the preceding 2 quarters in respect of salary paid to Principal and remaining faculty.

5. Appeal Committee decided that WRC is required to revisit the matter after the appellant institution submits within 15 days (i) English translated copies of faculty approvals, (ii) consolidated list of faculty approved by affiliating University and (iii) bank statement as evidence of having paid salary to the approved and appointed faculty. Further the restoration of recognition if deemed fit, should be corresponding to the number of faculty appointed subject to minimum of one basic unit as per NCTE Regulation. As regards status of the impugned withdrawal order dated 04/03/2020, set aside by the Hon'ble High Court by its order dated 15/04/2021 the appellant institution may be allowed to participate in the Counselling process only when it satisfies the Regional Committee of having appointed requisite number of faculty as per NCTE Regulation.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to remand back the case of Shree Swaminarayan B.Ed. College, 414 Paiki, Shree Swaminarayan Gurukul, Gadhada Road, Gotad, Bhavnagar, Gujarat to the WRC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The President, Shree Swaminarayan B.Ed. College, 414 Paiki, Shree Swaminarayan Gurukul, Gadhada Road, Gotad, Bhavnagar – 364710, Gujarat.
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, Gandhinagar.