



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 - 10/10/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-202/E-263042/2022 Appeal/11th Meeting, 2023
APPLSRC202214429**

Sri Venkateswara College of Education, 357, Thagguvaripalli, Gajulapalli Road, Bangarupalem, Chittoor, Andhra Pradesh-517416	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. V.S. Hari, Admin Officer
Respondent by	Regional Director, SRC
Date of Hearing	27.09.2023
Date of Pronouncement	10.10.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Sri Venkateswara College of Education, 357, Thagguvaripalli, Gajulapalli Road, Bangarupalem, Chittoor, Andhra Pradesh-517416** dated 25.07.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO8946/B.Ed./AP/2022/132373** dated 04.06.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution failed in submission of reply of Final Show Cause Notice dated 03.08.2021."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. V.S. Hari, Admin Officer of Sri Venkateswara College of Education, 357, Thagguvaripalli, Gajulapalli Road, Bangarupalem, Chittoor, Andhra Pradesh-517416 appeared online to present the case of the appellant institution on 27.09.2023. In the appeal report, it is submitted that "We have already sent the reply through soft copy in your mail address dated on 23/08/2021 and hard copy also sent through speed post in your office address dated on 23/08/2021. Hence, we request you Sir/Madam to kindly accept our appeal request."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.

The 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 11.08.2008. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 17.06.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt.



03.07.2015 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 04.06.2022.

The instant matter was placed in 9th Meeting, 2022 of Appellate Committee held on 19.11.2022. The Appellate Committee vide order dated 30.11.2022 rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder: -

“The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 19th November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of the staff list not approved by the affiliating body.
- (ii) A copy of Land Use Certificate.
- (iii) A copy of Building Plan.
- (iv) A copy of Site Plan.
- (v) A copy of Building Completion Certificate.
- (vi) A copy of Form ‘A’
- (vii) A copy of Affidavit on Rs. 100 stamp paper.

The Appeal Committee noted that the institution has not submitted the staff list duly approved by the affiliating body. 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 04.06.2022 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 04.06.2022 issued by SRC is confirmed.”

Further, the appellant institution moved a writ petition before the Hon’ble High Court of Delhi at New Delhi bearing W.P.(C) No. 8208/2023 titled Shri Venkateshwara College of Education V/s National Council for Teacher Education & Anr, the Hon’ble Court vide its order dated 20.09.2023 issued following direction upon the Appellate Authority: -

“....9. Learned counsel appearing on behalf of the respondent-NCTE submits that the appellate committee had inadvertently considered the list of 16 faculty member which was sent via email on 20.11.2022 after the hearing was completed. She,



therefore, submits that the said list was not considered as there was no signature of the competent authority, approving the said list.

10. Accordingly to learned counsel appearing for the petitioner-institution, even if the list sent via email was to be ignored on account of being not approved by the competent authority, the appellate committee ought to have considered the list of faculty dated 26.06.2021 already filed along with the memo of appeal.

11. I have considered the submissions made by learned counsel for the parties and perused the record.

12. In memo of appeal, the petitioner-institution had undeniable enclosed the list of faculty dated 25.06.2021. Upon perusal of the discussion by the appellate committee, it is explicit to note that there was no consideration of the said aspect.

13. In view of the aforesaid, this court finds it appropriate to remit the matter back to the appellate committee for its fresh consideration, after taking into consideration the list of faculty enclosed by the petitioner-institution in memo of appeal dated 26.06.2021.

14. The appellate committee is directed to consider and pass appropriate order within a period of 15 days from the date of receipt of the copy of the order passed today.

15. The appellate committee if needs any clarification, the same can be called from the petitioner-institution. The petitioner-institution is directed to cooperate with the hearing and to furnish all relevant information, if called for by the appellate committee.

16. Accordingly, the instant writ petitioner stands disposed of."

The instant matter was again placed in 11th Meeting, 2023 held on 27.09.2023. The Appeal Committee noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of faculty list (1+15) members dated 22.10.2021 approved by the Registrar, Yogi Vemana University, Kadapa as per provisions of NCTE Regulation, 2014.
- (ii) A copy of land documents alongwith Land Use Certificate, Building Plan, Site Plan, Building Completion Certificate.
- (iii) A copy of Statement of Encumbrance on Property issued by Registration and Stamps Department, Govt. of Andhra Pradesh.
- (iv) A copy of Affidavit regarding total land area, built-up area etc.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 04.06.2022 and keeping in view, the Hon'ble High Court of Delhi Judgment dated 23.02.2017 passed in W.P(C). no. 3231/2016 titled "Rambha College of Education V/s NCTE" wherein the Hon'ble Court

has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 04.06.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be examined and verified by the **Southern Regional Committee, NCTE** as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 04.06.2022 is set-aside as 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 verify

the submitted documents filed by the Appellant institution with Appeal from the records available with SRC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the SRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, 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 verify the submitted documents filed by the Appellant institution with Appeal from the records available with SRC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the SRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time 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, Sri Venkateswara College of Education, 357, Thagguvaripalli, Gajulapalli Road, Bangarupalem, Chittoor, Andhra Pradesh-517416
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



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Date /दिनांक - 10/10/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-147/E-314931/2023 Appeal/11th Meeting, 2023
APPLERC202314659

Magadh Teachers Training B.Ed. College, 1023, 899, 202, Dani Bigha, Old G.T. Road, Aurangabad, Bihar-824101	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Pankaj Kumar, Technical Staff
Respondent by	Regional Director, ERC
Date of Hearing	27.09.2023
Date of Pronouncement	10.10.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Magadh Teachers Training B.Ed. College, 1023, 899, 202, Dani Bigha, Old G.T. Road, Aurangabad, Bihar-824101** dated 24.08.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No.ER-331.27/NCTE/ERCAPP201645040/ID.No.7809/B.Ed. Addi. Intake/BR/2023/68500** dated 09.08.2023 of the Eastern Regional Committee, withdrawing recognition for running B.Ed. (Addl. Intake) programme on the grounds that “(i). In reference to the Final Show Cause Notice dated 09.04.2022, the institution has not submitted the faculty list after the date of issue of Final Show Cause Notice dated 09.04.2022. (ii). The faculty list submitted by the institution is only for session 2019-20 which does not have the date of approval by the Registrar of the University concerned. (iii). The institution has not uploaded faculty list on its website and the additional information as per Clause 7(14), 8(6), 10(3) of the NCTE Regulation 2014 and Clause 2 (C) of the NCTE Regulations dated 28.04.2017.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Pankaj Kumar, Technical Staff of Magadh Teachers Training B.Ed. College, 1023, 899, 202, Dani Bigha, Old G.T. Road, Aurangabad, Bihar-824101 appeared online to present the case of the appellant institution on 27.09.2023. In the appeal report, it is submitted that “(i). The institution has duly replied to the Show Cause Notice dated 09.04.2022 vide reply letter dated 05.05.2022 and alongwith said reply the institution has enclosed faculty list as per NCTE Performa, Affidavit of each faculty members with documents and affidavit of secretary. The reply dated 05.05.2022 was sent to ERC, NCTE through speed post on Dwarka address and through Email on ERC email id. (ii). It is humbly submitted with great respect that approved faculty list has been approved in the session 2019-2020 but it is not only for 2019-2020. The faculty list has been approved for all the continuing session. Approved faculty list bears the signature of the Registrar on its appropriate place also. The date mentioned at appropriate place as 10.09.2019 and also the expert of the university has countersigned and put the date as 10.09.2029. (iii). The institution has duly uploaded the faculty list on its website and screenshot it attached with appeal memorandum and additional information has also been uploaded on the institution website.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 20.11.2009. Thereafter, 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) and another vide order dt. 03.03.2018 for additional intake of 100 (Existing 100 + Addi. 100 = 200) thus making the total intake of 200 (Four Basic Units of 50 students each). The recognition of the institution for B.Ed. (Addl. Intake) programme was withdrawn by the ERC vide order dated 09.08.2023.

The Appeal Committee noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of list of faculties for B.Ed. (Additional Intake) dated 10.09.2019 approved by the Registrar, Magadh University, Bodhgaya as per provisions of NCTE Regulations, 2014.
- (ii) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Appeal Committee in the light of the submission made by the appellant Institution during on-line hearing held on 27.09.2023 observed that the Appellant Institution in its appeal report stated that: -

“The faculty list has been approved for all the continuing session. Approved faculty list bears the signature of the Registrar on its appropriate place also.”

The Appeal Committee is of the view that the Appellant institution shall provide letter from the concerned affiliating University that the faculty list is approved for the continuing session.



The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 09.08.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 09.08.2023. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be examined and verified by the **Eastern Regional Committee, NCTE** as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time 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 09.08.2023 is set-aside as 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 verify the submitted documents filed by the Appellant institution with Appeal from the records available with ERC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, 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 verify the submitted documents filed by the Appellant institution with Appeal from the records available with ERC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time 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, Magadh Teachers Training B.Ed. College, 1023, 899, 202, Dani Bigha, Old G.T. Road, Aurangabad, Bihar-824101**
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)

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

Date /दिनांक - 10/10/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-151/E-314989/2023 Appeal/11th Meeting, 2023
APPLNRC202314654**

Samta Post Graduate College, 53, 105, 106, Sadat Ghazipur, Sadat, Jakhaniyan, Ghazipur, Uttar Pradesh-275204	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Arun Kumar Yadav, Clerk
Respondent by	Regional Director, NRC
Date of Hearing	27.09.2023
Date of Pronouncement	10.10.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Samta Post Graduate College, 53, 105, 106, Sadat Ghazipur, Sadat, Jakhaniyan, Ghazipur, Uttar Pradesh-275204** dated 03.08.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NRC/NCTE/UP-852-B.P.Ed./403rd (Online Mode) Meeting/2023/222586** dated 25.07.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.P.Ed. Course on the grounds that “(i). The institution has submitted a representation dated 07.07.2023 without any documentary evidence. (ii). The institution failed to prove that the institution had complied the conditions prescribed under Regulations, 2014 by submitted an affidavit within the prescribed time limit as a willingness in the year 2015.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Arun Kumar Yadav, Clerk of Samta Post Graduate College, 53, 105, 106, Sadat Ghazipur, Sadat, Jakhaniyan, Ghazipur, Uttar Pradesh-275204 appeared online to present the case of the appellant institution on 27.09.2023. In the appeal report, it is submitted that “Regarding the change in the standards of B.P.Ed. course conducted in Samta P.G. College, the college has given affidavit in the NCTE office, please take appropriate action in this context, you are requested to please continue the recognition of the course, we assure you that we will follow the rules of NCTE on time. We will be forever grateful to you.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.

The Appeal Committee noted that the appellant institution was granted recognition for B.P.Ed. Course with an annual intake of 50 students vide order dated 02.05.2009. As



per records no RPRO (Revised Provisional Recognition Order) for B.P.Ed. (Two years duration) was issued to the institution. The recognition of the institution for B.P.Ed. programme was withdrawn by the NRC vide order dated 25.07.2023.

The Appeal Committee in its 11th Meeting, 2023 held on 27.09.2023 considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The Appeal Committee has observed that the institution was recognised in 2009 vide order dated 02.05.2009 with annual intake of 50 students for the B.P.Ed. programme. After promulgation of NCTE Regulation 2014, the institution failed to submit the compliance Affidavit, hence the revised recognition order was not issued to the institution. As per record submitted in appeal report, no Affidavit as such has been annexed or any proof have been submitted showing that the appellant institution had submitted an Affidavit which was to be submitted immediately after promulgation of the NCTE Regulations, 2014. The Appellant Institution is now submitting a copy of Affidavit dated 01.07.2023 at this stage which cannot be considered.
- (ii) Moreover, as per the records available, the NRC issued Show Cause Notice under Section 17 to the institution for making compliance of Regulation, 2014, it was noted that the institution failed to reply the said Show Cause Notice even more, the Committee issued final show cause notice and the same was not replied by the institution as well. The institution failed to submit substantial proof for submission of any reply to SCN/FSCN.
- (iii) The staff list submitted by the institution is also not as per NCTE norms for B.P.Ed. programme.

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 NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 25.07.2023 issued by NRC is confirmed.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 25.07.2023 issued by NRC 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, Samta Post Graduate College, 53, 105, 106, Sadat Ghazipur, Sadat, Jakhaniyan, Ghazipur, Uttar Pradesh-275204**
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.



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

Date /दिनांक - 10/10/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-152/E-315209/2023 Appeal/11th Meeting, 2023
APPLNRC202314661**

Kirti College of Education, Anayat, Anayat Gohana, Sonapat, Haryana-131301 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. RESPONDENT
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Representative of Appellant	Mr. Rajnish Kumar, President of Society
Respondent by	Regional Director, NRC
Date of Hearing	27.09.2023
Date of Pronouncement	10.10.2023

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ORDER/आदेश

I. GROUND OF ORDER

The appeal of Kirti College of Education, Anayat, Anayat Gohana, Sonapat, Haryana-131301 dated 29.08.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F. No. NRC/NCTE/HR-854/408th Meeting (Sl. No. 14)/2023/223248 dated 30.08.2023 of the Northern Regional Committee, refusing shifting of premises for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted NOC from State Govt. for shifting of premises. (ii). The institution has not submitted any proof/evidence to prove that it is the composite institution as clause 2(b) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Rajnish Kumar, President of Society of Kirti College of Education, Anayat, Anayat Gohana, Sonapat, Haryana-131301 appeared online to present the case of the appellant institution on 27.09.2023. In the appeal report, it is submitted that “We have the state Govt. University NOC for shifting premises. We are running B.A. (Shastri) from MDU, Rohtak as proof for composite institution.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 08.11.2007 and revised order as per NCTE Regulation 2014 was issued to the institution for B.Ed. course of two years duration with an annual intake of two units vide order dated 06.06.2015. The institution was refused shifting of premises by the NRC vide order dated 30.08.2023.



The Appeal Committee in its 11th meeting held on 27.09.2023 gone through the submission made before the Appellate Authority during the hearing. The institution claimed before the Appeal Committee that it has the NOC from the State Govt. University, and it is running B.A. (Shastri) from MDU, Rohtak as a proof for composite institution. The Appeal Committee noted following provisions of prevalent NCTE Regulation with respect to grant of permission for the change of premises in light of the provisions contained in the NCTE Regulations, 2014.

Clause 8(1) of the NCTE Regulations, 2014

“.. the existing teacher education institution shall continue to function as stand-alone institutions and gradually move towards becoming composite institutions.”

Clause 8(9) of the NCTE Regulations, 2014

“..In case of change of premises, prior approval of the Regional Committee concerned shall be necessary, which may be accorded after due inspection of the institution at the new site. Application for change of premises, in the specified format alongwith the processing fee and other relevant documents shall be submitted by the institution online to the Regional Office for prior approval of change of premises. The change may be permitted to a site which, if applied initially, would have qualified for establishment of an institution a per specified norms of Council. The change shall be displayed on website thereafter.”

The Appeal Committee noted that the recognition to the institution was granted in the year 2007. The Appeal Committee further noted that Hon'ble High Court of Delhi in W.P.(C) No. 8894/2021 titled as GPS Institute of Education V/s NCTE has set aside withdrawal order, which was passed on the ground of composite institution to decide a fresh.

In light of the above observation, the Appeal Committee is of view that, NRC, NCTE shall decide the application of the institution in light of Regulation 8(1) & 8(9) of the NCTE, 2014 Regulation.



Therefore, in view of the above the Committee decided to remand back the matter to the Northern Regional Committee to examine and verify the documents regarding deficient ground in the light of Regulation 8(1) & 8(9) of NCTE Regulation, 2014 and accordingly take appropriate decision in the matter.

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.”

In view of the afore-mentioned extracts of the court order, the Appellate Committee decided to remand back the matter to the Northern Regional Committee to examine/verify the documents submitted by the appellant institution in the light of NCTE Regulation, 2014 and to decide the shifting application submitted by the appellant.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to the NRC, NCTE with the direction to examine/verify the documents submitted by the appellant institution to the Appeal Committee in light of NCTE Rules & Regulation, 2014 and accordingly take appropriate decision in the matter. 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 and after receipt of the same the NRC to take further necessary action regarding the application submitted by the institution for shifting of the premises as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the matter to the Northern Regional Committee to examine/verify the documents submitted by the appellant institution to the Appeal Committee in light of NCTE Rules & Regulation, 2014 and accordingly take appropriate decision in the matter. The Appellant Institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action regarding the application submitted by the institution for shifting of the premises as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time 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, Kirti College of Education, Anayat, Anayat Gohana, Sonapat, Haryana-131301**
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 Haryana.



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 - 10/10/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-153/E-315360/2023 Appeal/11th Meeting, 2023
APPLNRC202314665**

V.K. Jain Institute of Education, 352, 1/2, Gorha, SH33, Kasganj, Kanshi Ram Nagar, Uttar Pradesh-207123	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Viny Kumar Jain, Secretary
Respondent by	Regional Director, NRC
Date of Hearing	27.09.2023
Date of Pronouncement	10.10.2023

ORDER/आदेश

I. GROUND OFS WITHDRAWAL

The appeal of V.K. Jain Institute of Education, 352, 1/2, Gorha, SH33, Kasganj, Kanshi Ram Nagar, Uttar Pradesh-207123 dated 02.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F. No./NRC/NCTE/NRCAPP-3719-D.El.Ed./406th(Part-1) (Online Mode) Meeting/2023/222930 dated 14.08.2023 of the Northern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “(i). The institution has submitted representation dated 17.07.2023 requesting to surrender the recognition for D.El.Ed. course. (ii). The representation of the institution dated 17.07.2023 was considered by NRC and the committee decided to close/withdraw the recognition of D.El.Ed. course run by the institution. Therefore, the institution and all the concerned by informed accordingly.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Viny Kumar Jain, Secretary of V.K. Jain Institute of Education, 352, 1/2, Gorha, SH33, Kasganj, Kanshi Ram Nagar, Uttar Pradesh-207123 appeared online to present the case of the appellant institution on 27.09.2023. In the appeal report, it is submitted that “(i). Regarding withdrawal of recognition of D.El.Ed. on the basis of Fabricated and False letters written by terminated Accountant. Respected Sir, With reference to your letter dated 22.08.2023 F. No./NRC/NCTE / NRCAPP-3719-D.El.Ed. / 406th (Part-1) (Online Mode) Meeting / 2023 / 222930 dated 14.08.2023, it is to clarify that for the recognition closure/surrender of the D.El.Ed. course conducted by the institute recognized by NCTE or any other department is required to be done by the college management which has not been done by us. No letter (dated 17.07.2023) has been given by the management on the basis of which the recognition of D.El.Ed. operated in the institute has been withdrawn. Sir, this is to inform you in this regard that an Accountant working in the institute earlier was terminated from the institute on June 26, 2023 due to undesirable activities and a complaint has been filled on 03.07.2023 at Police Station (Kotwali) Kasganj against him for the reason that he N.C.T.E. has been misled by writing



a fabricated and false letter and on the basis of this untrue letter, you have withdrawal/closure of the recognition of D.El.Ed. In this regard a letter stating detailed information of evidence and affidavit of Institute Secretary mentioning the management has not applied for closure has been sent to you on date 18.08.2023. Therefore, it is my humble request to sir to reconsider your decision taken in the meeting number 406th Part-1 Virtual Mode Meeting Minutes dated 1st to 3rd August, 2023 regarding Withdrawal of the recognition of D.El.Ed. Operated in the institute and request you to kindly keep the recognition of the institute intact. We have submitted PAR online application and submitted the fees time to time as per the NCTE orders. The college management again assures you that the institute has been abiding all the guidelines and standards and will continue to abide in the future as well. (ii). We humbly request you to kindly consider our appeal and cancel your withdrawal order from academic session 2024-25 and continue recognition and admission status from the academic session 2023 and also kindly inform and direct the state for the same. (iii). The management has appealed under Section-17 as Section-18 is not mentioned while submitting online appeal application on NCTE appeal portal. It is to inform again that the appeal application is submitted against withdrawal/close letter vide order no F. No./NRC/NCTE / NRCAPP-3719-D.El.Ed. / 406th (Part-1) (Online Mode) Meeting / 2023 / 222930 dated 14.08.2023.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.

The Appeal Committee noted that the appellant institution was granted recognition for D.El.Ed. Course with an annual intake of 50 students vide order dated 23.04.2015. The recognition of the institution for D.El.Ed. programme was withdrawn by the NRC vide order dated 14.08.2023 on the round that the institution submitted representation dated 17.07.2023 requesting to surrender the recognition for D.El.Ed. course.



The Appellate Institution during the online hearing of the 11th Appeal Committee meeting held on 27.09.2023, contended that management of institution has never issued any letter to the Northern Regional Committee for the closure of the programme (D.El.Ed.) and the management of the institution has taken serious steps regarding the same. i.e., a police complaint has been lodged by the said institution against the wrongdoer. It is also submitted by the institution, that a complaint has been lodged against the culprit and investigation is going on by the Investigation Officer (IO)

The Appeal Committee noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted (i) a copy of letter dated 17.08.2023 regarding non-surrender of recognition of the D.El.Ed. course by the Management. (a) copy of Affidavit dated 28.08.2023 regarding Police complaint.

The Appeal Committee also noted following provisions of prevalent NCTE Regulation with respect to closure of the institution in light of the provisions contained in the NCTE Regulations, 2014.

Clause 7(19) of the NCTE Regulations, 2014

“(19) The Regional Committee shall process the application for closure in the manner prescribed for the processing of applications for new programmes or additional programmes or additional intake.”

The Committee also noted that the NCTE has issued guidelines dated 24th December, 2014 for processing of pending application seeking closure of programmes/institution in which Para 8 states as under: -

“In respect of application pending seeking closure of programmes/institution, the concerned institution will be required to enclosure its request letter with resolution of the society/trust, a NOC from affiliating body and an affidavit by the institution stating that they have cleared the dues of all the employees, and they have made provisions for the existing students to complete the course.”



As per aforesaid Regulation/guidelines, the application of closure of the institution has to be examined/processed in the manner prescribed. Keeping in view of above facts the Appeal Committee decided to remand back the matter to NRC to decide a fresh.

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 14.08.2023 is set-aside as 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 verify the submitted documents filed by the Appellant institution with Appeal from the records available with NRC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary



action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, 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 verify the submitted documents filed by the Appellant institution with Appeal from the records available with NRC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time 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, V.K. Jain Institute of Education, 352, 1/2, Gorha, SH33, Kasganj, Kanshi Ram Nagar, Uttar Pradesh-207123
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 / 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 - 10/10/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

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

File No. 89-161/E-317017/2023 Appeal/11th Meeting, 2023
APPLERC202314676

Dakshin Dinajpur B.Ed. College, 75, 78, Shihur, Tapan, South Dinajpur, West Bengal-733127	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Akbar Rahaman Sarkar, HOD
Respondent by	Regional Director, ERC
Date of Hearing	27.09.2023
Date of Pronouncement	10.10.2023

Signature

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Dakshin Dinajpur B.Ed. College, 75, 78, Shihur, Tapan, South Dinajpur, West Bengal-733127** dated 15.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-332.28/NCTE/ERCAPP3524/B.Ed./WB/2023/68758** dated 18.09.2023 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted the reply of Final Show Cause Notice dated 09.04.2022 issued to it."

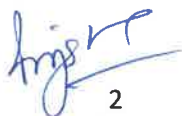
II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Akbar Rahaman Sarkar, HOD of Dakshin Dinajpur B.Ed. College, 75, 78, Shihur, Tapan, South Dinajpur, West Bengal-733127 appeared online to present the case of the appellant institution on 27.09.2023. In the appeal report, it is submitted that "We had taken the necessary steps and prayed so many times to University (WBUTTEPA) for conducting interview process via letter bearing ref. no. 204/DDDC/2020 dated 08.10.2020 and 168/DDDC/2020 dated 04.11.2020. But that was the time of Covid disaster, and due to Covid protocol the university could not take necessary steps. We also informed the matter to the Regional Office (ERC) then. At last, on 01.09.2021 (Wednesday) the university arranged the interview programme. We perform there and get the register duly signed ERC copy. Finally, the entire documents regarding show cause notice immediately send to the Regional Office through courier service."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 50 students vide order dated 03.03.2018. The



recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 18.09.2023.

The Appeal Committee noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of faculty list (1+11) members dated 25.10.2021 approved by the Registrar, the West Bengal University of Teachers' Training Education, Planning and Administration as per provisions of NCTE Regulation, 2014.
- (ii) A copy of Affidavit on Rs. 100/- non-judicial stamp paper alongwith testimonials, service certificate etc.

The institution during the appeal hearing submitted that faculty list was not finalized and approved due to Covid 19 prevailing in 2020. As soon as the faculty list was approved, the same was submitted to ERC, NCTE. The Appeal Committee keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 18.09.2023. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be examined and verified by the **Eastern Regional Committee, NCTE** as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time 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 18.09.2023 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 verify the submitted documents filed by the Appellant institution with Appeal from the records available with ERC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.



IV. DECISION: -

After perusal of the Appeal Report, 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 verify the submitted documents filed by the Appellant institution with Appeal from the records available with ERC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time 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, Dakshin Dinajpur B.Ed. College, 75, 78, Shihur, Tapan, South Dinajpur, West Bengal-733127
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 / 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 - 10/10/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

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

**File No. 89-162/E-317086/2023 Appeal/11th Meeting, 2023
APPLWRC202314677**

Maharaja Agrasen International College, 74 to 126, Raipur, Samta Colony, Jai Stambh, Dharsiwa, Raipur, Chhattisgarh-492001	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. M.S. Mishra, Principal
Respondent by	Regional Director, WRC
Date of Hearing	27.09.2023
Date of Pronouncement	10.10.2023

ORDER/आदेश

I. GROUND OF ORDER

The appeal of **Maharaja Agrasen International College, 74 to 126, Raipur, Samta Colony, Jai Stambh, Dharsiwa, Raipur, Chhattisgarh-492001** dated 15.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Letter No. **F.No.WRC/NCTE/APW07045/723142/B.Ed./392nd Meeting/C.G./2023/224036** dated 30.08.2023 of the Western Regional Committee, withdrawing the recognition stands for conducting B.Ed. Course on the grounds that "The WRC observed that the institution has submitted its reply on 17.07.2023 against the show cause notice dated 04.03.2020 which is after three years which cannot be accepted. Hence, WRC decided that the decision taken by WRC in its 285th meeting for withdrawing the recognition stands."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. M.S. Mishra, Principal of Maharaja Agrasen International College, 74 to 126, Raipur, Samta Colony, Jai Stambh, Dharsiwa, Raipur, Chhattisgarh-492001 appeared online to present the case of the appellant institution on 27.09.2023. In the appeal report, it is submitted that "The Show Cause Notice dated 04.03.2020, our institution has submitted the reply with required documents on 10.03.2022. The gap between cause because of the lock down due to covid-19 pandemic. The institution did not receive any response from WRC against the letter dated 10.03.2022. Again, institution has submitted the reply along with required documents on 22.06.2023."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students. Thereafter, 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. Further, the recognition was withdrawn by the WRC vide order dated 11.01.2018. Thereafter, the institution filed an Appeal against the said withdrawal order and the same was confirmed by the Appeal Committee. The appellant institution filed a Writ Petition in the Hon'ble High Court of Delhi having W.P.(C). No. 76402/2019 and the Hon'ble High Court vide its order dated 18.09.2019 directed to decide the representation of the petitioner's institution, after considering the same the WRC decided to issue Show Cause Notice dated 04.03.2020. The WRC in its 392nd Meeting observed that institution has submitted its reply on 17.07.2023 against the Show Cause Notice dated 04.03.2020 which is after three years and the same was not accepted by the WRC. The WRC vide letter dated 30.08.2023 issued the order for withdrawing the recognition stands for conducting B.Ed. Course as per decision taken by WRC in its 285th meeting.

The Appellant institution during the 11th Appeal Committee meeting held on 27.09.2023 submitted that it has submitted reply on 10.03.2022 and 21.06.2023. The institution also submitted that due to some unavoidable circumstances such as lock-down due to Covid-19 pandemic and some internal changes at the level of college management, it could not submit required documents. The Appellant institution brought to the notice of the Appeal Committee; the judgement passed by the Hon'ble Supreme Court regarding the relaxation given during the Covid Pandemic

The Appeal Committee noted that the reply has been received by WRC, NCTE before the withdrawal order passed on 30.08.2023. The plea taken by the WRC that the institution has submitted its reply on 17.07.2023 against the Show Cause Notice dated 04.03.2020 after three years cannot be sole ground of withdrawing order of the recognition stands. The Appeal Committee noted that the WRC ought to have considered the documents while taking the decision.



The Appeal Committee noting the submission made by the decided that the reply submitted by the institution vide letter dated 17.07.2023 against the show cause notice dated 04.03.2020 require to be examined and verified by the **Western Regional Committee, NCTE** as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time, 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 letter dated 30.08.2023 is set-aside as 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 verify the submitted documents filed by the Appellant institution with Appeal from the records available with WRC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the


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receipt of order of the Appeal and after receipt of the same the WRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, 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 verify the submitted documents filed by the Appellant institution with Appeal from the records available with WRC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time 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, Maharaja Agrasen International College, 74 to 126, Raipur, Samta Colony, Jai Stambh, Dharsiwa, Raipur, Chhattisgarh-492001**
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 Chhattisgarh.**



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 - 10/10/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-123/E-311375/2023 Appeal/11th Meeting, 2023
APPLSRC202314635

Government District Institute of Education and Training (DIET), 323, Neredmet, Vinayak Nagar Old Neredmet, Malkajgiri, Hyderabad, Telangana-500056	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. Syed Ashfaque, Principal
Respondent by	Regional Director, SRC
Date of Hearing	27.09.2023
Date of Pronouncement	10.10.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Government District Institute of Education and Training (DIET), 323, Neredmet, Vinayak Nagar Old Neredmet, Malkajgiri, Hyderabad, Telangana-500056** dated 19.07.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO0843-D.El.Ed./426th Mtg./{TS}/2023 & F.SRC/NCTE/APSO3268-D.El.Ed.AI/{TS}/2023/142746** dated 13.07.2023 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “The institution failed to submit reply to the Final Show Cause Notice (FSCN) dated 30.05.2023.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Syed Ashfaul, Principal of Government District Institute of Education and Training (DIET), 323, Neredmet, Vinayak Nagar Old Neredmet, Malkajgiri, Hyderabad, Telangana-500056 appeared online to present the case of the appellant institution on 27.09.2023. In the appeal report, it is submitted that “I am submitting following few lines for your kind consideration. It is submitted that as a result of internal shifting and receiving of Final show Cause letter due to postal delay and unavoidable circumstances not submitted. The Final Show Cause Notice reply in time, but I have submitted the reply of Final Show Cause Notice through speed post vide no. EN438910700IN dated 23.06.2023 instead of 12.06.2023. In this regard I request you sir to kindly consider my explanation on humanitarian grounds for the benefit of student's future.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.



Appeal Committee noted that the appellant institution was conducting for Elementary course with duration of two years vide order dated 09.02.1998 and Elementary course of one year duration with an additional intake of 20 for Telugu Pandit, thus making the annual intake of 100 for Telugu Pandit course and 50 for Urdu Pandit course vide order dated 07.09.2004. The recognition of the institution for D.El.Ed. programme was withdrawn by the SRC vide order dated 13.07.2023.

The instant matter was taken up by the Appellate Committee in the 9th Meeting, 2023 held on 28.08.2023 whereby the Appeal Committee decided to grant 2nd Opportunity to the institution. The operative part of the decision is as under: -

“The Appeal Committee noted the documents submitted alongwith its appeal report and submission made during online appeal hearing on 28th August, 2023. The Appeal Committee observed that the appellant institution has not submitted any requisite documents with appeal report, particularly where ground of Non-submission of Final Show Cause. Hence the Appeal Committee decided that the appellant institution is required to submit the following documents so that the decision of the Appeal Committee become authenticated: -

- (i) The institution is required to submit latest consolidated Staff list duly approved by the Director, SCERT as per the prescribed Format. (In case the institution is running more than one teacher education programme, it is required to submit staff list duly approved by the Affiliating Body for each of the recognized teacher education programme being run by the institution.
- (ii) The institution is required to clarify about the status of land & building of the institution as per provisions of the NCTE Regulations.

In view of above, the Committee decided to grant another (Second) opportunity to the appellant institution with the direction to submit the aforesaid documents on or before next date of the Appeal Committee Meeting.

IV. DECISION: -

Appeal Committee as per extant appeal rules decided to grant another (Second) opportunity to the appellant institution to present its case before the Appellate Authority in its next meeting with all the required documents as sought for in the aforesaid decision.”

The Appeal Committee in its 11th Meeting, 2023 held on 27.09.2023 again heard and considered the documents submitted by the institution alongwith Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -



- (i) The faculty list provided with Appeal Report do not show fulfilment of required criteria regarding appointment of faculty as laid down by NCTE under provisions of the NCTE Regulation, 2014. The institution has submitted a staff list wherein it has been shown that only 4 faculty has been working on regular basis and remaining are the guest faculty. The institution also failed to submit the faculty list in the prescribed format of NCTE

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 13.07.2023 issued by SRC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, 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 order dated 13.07.2023 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, Government District Institute of Education and Training (DIET), 323, Neredmet, Vinayak Nagar Old Neredmet, Malkajgiri, Hyderabad, Telangana-500056
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 - 10/10/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-121/E-311084/2023 Appeal/11th Meeting, 2023
APPLNRC202314631**

Habibi Institute of Higher Education, 1112, Gurer, Dingerpur, Bilari, Moradabad, Uttar Pradesh-244301	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mohd. Zeeshan, Manager
Respondent by	Regional Director, NRC
Date of Hearing	27.09.2023
Date of Pronouncement	10.10.2023

ORDER/आदेश

I. GROUND OF ORDER

The appeal of **Habibi Institute of Higher Education, 1112, Gurer, Dingerpur, Bilari, Moradabad, Uttar Pradesh-244301** dated 27.06.2023 filed under Section 18 of NCTE Act, 1993 is against the letter No. **F. No. NRC/NCTE/NRCAPP13709/397th Meeting/B.Ed./2023/221448** dated 03.05.2023 of the Northern Regional Committee, confirming its earlier decision to give one unit for B.Ed. Course on the grounds that “(i). At the time of initial recognition for B.Ed. course, the VT Members have mentioned the total built up area as 3000 sq. m. as a composite institution and 1500 sq. m. has been earmarked for this course. (ii). The institution itself has submitted the Essential data sheet, duly signed by Manager of the institution, wherein they have mentioned the built-up area as 3000 sq. m. as a composite institution and 1500 sq. m. has been earmarked for this course. (iii). As per NCTE Regulations 2014 the built-up area of 1500 sq. m. which is sufficient only for one unit.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mohd. Zeeshan, Manager of Habibi Institute of Higher Education, 1112, Gurer, Dingerpur, Bilari, Moradabad, Uttar Pradesh-244301 appeared online to present the case of the appellant institution on 27.09.2023. In the appeal report, it is submitted that “(i). The total built up area was 3564 sq. m. as mentioned in the building plan submitted by the institution. At the time of application, I submitted building plan for 3564 sq. m. and BCC of 3000 sq. m. which was not of the current time of inspection later on revised BCC was issued which is having the built-up area of 3564 sq. m. (ii). The total built up area was 3564 sq. m. as mentioned in the building plan submitted by the institution. At the time of application, I submitted building plan of 3564 sq. m. and BCC 3000 sq. m. which was not of the current time of inspection later on revised BCC was issued which is having the built-up area of 3564 sq. m. (iii). The total built up area was 3564 sq. m. as mentioned in the building plan submitted by the institution which fulfils the criteria of having intake of two units in either course. Also, the NCTE never stated the reason why exactly the intake was reduced to one unit against the application of two units



by the institute. A mere show cause notice should have resolved this if issued, as it was issued by NCTE regarding shortage of titles available in the library to the institution, The institution was not given any opportunity to clarify the deficiencies as pointed out by NCTE. The institute is trying hard to be heard and claim its stake of two units of intake from past 7 year. Thus, I request the appeal committee to consider the above facts and grant the institution an intake of two units in at least one course.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 50 students vide order dated 02.05.2016. The institution has filed W.P.(C) 407/2019 in the High Court of Delhi against recognition order dated 02.05.2016. The Hon'ble High Court of Delhi directed the NRC to consider the representation made by the institution. The matter was again considered by the NRC in its 397th meeting held on 18th & 19th April, 2023, and the NRC confirms its earlier decision to give one unit for B.Ed. course.

The instant matter was taken up by the Appellate Committee in the 9th Meeting, 2023 held on 28.08.2023 whereby the Appeal Committee of the Council concluded that the Appeal is kept pending till the clarification report is submitted by Northern Regional Committee (NRC) on the grounds mentioned in the said order.

The Appeal Committee again in its 11th Meeting, 2023 held on 27.09.2023 considered the clarification report submitted by the NRC alongwith Appeal Report and the submissions made by the appellant institution during the online hearing, the Appeal Committee observed that as per VT Report submitted by the NRC before the Appeal Committee, the appellant institution was having 3000 sq. mt. built up area. It is further noted by the Appeal Committee that the said institution is running one unit of B.Ed.


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course and one unit of D.El.Ed. course. Hence, the said built up area is sufficient to run one unit each of the B.Ed. and D.El.Ed. programme. However, the built-up area as reported by the Visiting Team was not adequate to run additional unit of the B.Ed. course. The Appeal Committee concluded that allotting one unit of B.Ed. course by the NRC is justified to run the course as per provisions of the NCTE Regulations, 2014.

Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the NRC was justified in the granting one unit for B.Ed. programme and decided that the instant appeal deserves to be rejected and therefore, the impugned letter dated 03.05.2023 confirming the earlier decision to give one unit for B.Ed. course issued by NRC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the NRC was justified in granting one unit and decided that the instant appeal deserves to be rejected and therefore, the impugned letter dated 03.05.2023 confirming the earlier decision to give one unit for B.Ed. course issued by NRC 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, Habibi Institute of Higher Education, 1112, Gurer, Dingerpur, Bilari, Moradabad, Uttar Pradesh-244301**
- 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 - 10/10/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-144/E-314289/2023 Appeal/11th Meeting, 2023
APPLNRC202314657**

Doon Valley College of Education, 54/13(5-16), 18(8-0), 19(8-0), 22(8-0), 23(8-0), 56/1, V.P.O Chirao, Assandh Road, Chirao (Karnal), Karnal, Haryana-132036	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Ashish Gupta, Manager
Respondent by	Regional Director, NRC
Date of Hearing	27.09.2023
Date of Pronouncement	10.10.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of Doon Valley College of Education, 54/13(5-16), 18(8-0),19(8-0),22(8-0),23(8-0), 56/1, V.P.O Chirao, Assandh Road, Chirao (Karnal), Karnal, Haryana-132036 dated 16.08.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F. No. NRC/NCTE/HR-296/B.Ed./401st Meeting (Sl.16)/2023/222666 dated 26.07.2023 of the Northern Regional Committee, recognition for conducting B.Ed. Course on the grounds that “(i). The institution namely, Doon Valley College of Education, Village-Charao, Karnal (Haryana)-132001 running under the trust namely Doon Valley Trust was granted recognition by NRC vide order no. NRC/NCTE/F3/HR-296/6250 dated 29.06.2006 for conducting B.Ed. course with an annual intake of 100 students. (ii). That as per the affidavit on Rs.100/- stamp paper dated 09.05.2022 submitted by Shri Mohit Kumar, Director, Doon Valley Trust, since 2009 the Doon Valley Trust is not running the said colleges and not even admitting students as well as dealing with said college in any way. It further stated that since 2009 Naraini Educational and Charitable Society, Karnal, Haryana is running the B.Ed. college in the name and style of “Doon Valley College of Education, Chirao, Karnal. (iii). The replies to the SCN issued to the Doon Valley College of Education and Doon Valley Trust was submitted by Naraini Education and Charitable Trust which is permissible as initially the recognition was granted to Doon Valley College of Education running under the Doon Valley Trust. Hence, the replies submitted by the Naraini Educational and Charitable Trust are not acceptable as per NCTE Regulations. (iv). The submission of reply by Naraini Education and Charitable Trust clearly implies that the trust of the institution has been changed, which is not permissible as per NCTE Regulations.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Ashish Gupta, Manager of Doon Valley College of Education, 54/13(5-16), 18(8-0),19(8-0),22(8-0),23(8-0), 56/1, V.P.O Chirao, Assandh Road, Chirao (Karnal), Karnal, Haryana-132036 appeared online to present the case of the appellant institution on 27.09.2023. In the appeal report, it is submitted that “The reply to Show Cause Notice as

well as to Final Show Cause Notice has been filed by the Appellants, however while passing the impugned withdrawal order, the record submitted by the appellant not even considered by the NRC. 3. That the Management of college was transferred by way of registered gift deed dated 01.09.2008, which was made in pursuance to the resolution passed by the Doon Valley Trust on 08.08.2008, wherein amongst other things it was also resolved to transfer assets, property all and any rights with regard to land, CLU, name of the institutions, application for establishment of any institution on the said land situated in the village Chirao to Naraini Educational & Charitable Society. However detailed position has explained in the memorandum of appeal alongwith complete record. That the Doon Valley College of Education, Chirao, Karnal, applied before the NCTE for Change in Management/Society Name on 08.08.2009 as per the NCTE Notification Dated 27.11.2007 under Clause 8 (11). The Clause 8(11) is reproduced herein below: - "11. In case of change of premises, prior approval of the Regional Committee concerned shall be necessary, which could be accorded after due inspection of the institution at the new site which, if applied initially, could have qualified for establishment of an institute as per prescribed norms of NCTE. The change shall be displayed on website thereafter. The application for change of premises shall be accompanied by a demand draft of Rs. 40,000 of a Nationalized Bank drawn in favor of the Member Secretary, NCTE and payable at the city where the Regional Committee is located. Similar procedure would be applicable in case of change of management/society/trust etc., excluding change of Management Committee as per registered by laws of the management/society/trust." In response to the request of the Doon Valley College of Education, Chirao, Karnal, the 150th meeting of NRC was held on 09.10.2009 to 11.10.2009 regarding Change of Management name of the Society, the case of the Appellant College i.e., Doon Valley College of Education, Chirao, Karnal, duly considered by the committee members at Sr. No. 150 of the agenda. The Committee after gone through the original file of the college held that:- " The original file of the institute along with all other related documents, Act of NCTE, 1993, Regulation and Guidelines of NCTE published from time to time were considered by the committee and the committee decides to process the application and conduct inspection" The Inspection Committee of the NCTE Inspected the Doon Valley College of Education, Chirao, Karnal, on 01.03.2012 and submitted the inspection report to the NCTE. It is important to mention here that the inspection committee found during its inspection that Doon Valley College of Education Chirao is run by Naraini Educational and Charitable Society. A perusal of the inspection report of the committee makes everything abundantly clear that the college is being run and managed by the Naraini Educational and Charitable Society and not by Doon Valley Trust. The application had been submitted under the old Regulations i.e., 2007 rules, by the Doon Valley College of Education


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Chirao and thereafter, the case of the Appellant College was considered under the old Regulations i.e., 2007. Therefore, the order dated 26.07.2023 passed by the Northern Regional Committee under the 2014 Regulations vide which recognition granted to the Appellant College is withdrawn is not applicable. In view of the old case the order dated 26.07.2023 may kindly be set aside and till the final decision of the Appellate Authority the order dated 26.07.2023 may kindly be kept in abeyance and the applicant college as well as the present society may kindly be granting personal hearing, so that the complete record be produce and explained the each and every expect to the authorities. ii. It is not out of place to mention here that even the NCTE and the University are well aware of the fact that the college in question i.e. Doon Valley College of Education Chirao to Sector 17, near fire brigade station, Karnal is being run, managed, owned and controlled by Naraini Educational and Charitable Society, which is apparent from the communication made between Naraini Educational and Charitable Society and NCTE and Kurukshetra University and the report of inspection made by NCTE and Kurukshetra University are annexed with the reply. It is further important to mention here that after the change of Management, Doon Valley College of Education Chirao to Sector 17, near fire brigade station, Karnal was inspected by the NCTE on 01.03.2012 and as per the inspection report its reveal that the Doon Valley College of Education is being run, managed, owned and controlled by Naraini Educational and Charitable Society, only. The member of the Inspection Committee specifically written that the chairman of the Naraini Educational and Charitable Society, was Sh. Ram Gopal therefore at this stage after more than 15 years all the allegation raised in the complaints are baseless and the withdrawal order dated 26.07.2023 is too harass because till date, the application filed regarding change of management has not been decided. Therefore, the order dated 26.07.2023 may kindly be kept in abeyance and the applicant college as well as the present society may kindly be granting personal hearing, so that the complete record be produce and explained the each and every expect to the authorities. iii. That during the pendency of the above mentioned CWP No. 35151 of 2021 the show cause notice dated 21.03.2023 was issued against the Applicant College as well as against the Doon Valley Trust by the NRC to submit some documents. However, these documents have not been supplied by the Doon Valley Trust till date. The Show Cause notice dated 21.03.2023 had replied by the Applicant College on 03.04.2023, thereafter considering the earlier reply dated 03.04.2023 by the NRC final Show cause notice had been issued to the Doon Valley College of Education Chirao to Sector 17, near fire brigade station, Karnal as well as Doon Valley Trust. The final Show Cause notice dated 22.05.2023 was also replied by the Doon Valley College of Education, Chirao, Karnal, (Haryana) 132001 and by the Naraini Educational & Charitable Society. Therefore, the withdrawal order dated 26.07.2023 is



too harass because till date, the application filed by the applicant college, regarding change of management has not been decided. Therefore, the order dated 26.07.2023 may kindly be kept in abeyance and the applicant college as well as the present society i.e., Naraini Educational & Charitable Society may kindly be granting personal hearing, so that the complete record be produce and explained the each and every expect to the authorities. iv. That the Doon Valley College of Education, Chirao, Karnal, (Haryana) 132001 running under the Naraini Educational & Charitable Society since 2008 to till date the affiliation as well as the approval granted by the NCTE is under the management of Naraini Educational & Charitable Society and the Doon Valley Trust has no connection with the Doon Valley College of Education, Chirao, Karnal. The Management of college was transferred by way of registered gift deed dated 01.09.2008, which was made in pursuance to the resolution passed by the Doon Valley Trust on 08.08.2008, wherein amongst other things it was also resolved to transfer assets, property all and any rights with regard to land, CLU, name of the institutions, application for establishment of any institution on the said land situated in the village Chirao to Naraini Educational & Charitable Society. v. That the Doon Valley College of Education, Chirao, Karnal, (Haryana) 132001 is running under the Naraini Educational & Charitable Society since 2008 to till date the affiliation as well as the approval granted by the NCTE is under the management of Naraini Educational & Charitable Society and the Doon Valley Trust has no connection with the Doon Valley College of Education, Chirao, Karnal. Therefore, the registered deed of trust along with names of the trustee of the Doon Valley Trust is not applicable because Doon Valley College of Education, Chirao, Karnal, (Haryana) 132001 is running under the Naraini Educational & Charitable Society since 2008 to till date. A copy of latest Approval granted by the NCTE dated 02.07.2015 is annexed herewith as Annexure A/26. vi. That the Doon Valley Trust has not concerned with the Doon Valley College of Education, Chirao, Karnal, (Haryana) 132001. The Doon Valley Trust has been permitted to run the different college on different place. The motive of the Doon Valley Trust. Is just to grab our college, Doon Valley Trust filed the baseless complaints and other litigations. Therefore, it is requested that the NCTE may constitute inspection committees to inspect both these colleges and till that time the order dated 26.07.2023 may kindly be kept in abeyance for the session 2023-2014. vii. That the Doon Valley College of Education, Chirao, Karnal, (Haryana) 132001, approved by the NCTE and after the approval of the NCTE, the Doon Valley College of Education, Chirao, Karnal, (Haryana) 132001, affiliated with the Kurukshetra University, Kurukshetra. The Doon Valley College of Education, Chirao, Karnal, (Haryana) 132001 is running under the Naraini Educational & Charitable Society since 2008 to till date. It is further important to mention here that the college was inspected by the NCTE on 01.03.2012 by the NCTE and thereafter as well as University so



many times. A perusal of the inspection report of the committee makes everything abundantly clear that the Doon Valley College of Education, Chirao, Karnal, (Haryana) 132001 is being run and managed by the Naraini Educational and Charitable Society and not by Doon Valley Trust. It is worth mentioning that during the inspection the inspecting committee had noticed two deficiencies in the college and thereafter the inspection report placed in 200th meeting held on 20.06.2012, the report of the Inspection Committee was duly considered by the members of the meeting but due to some deficiencies the NCTE vide its letter no. ENRC/NCTE/HR-296/200th Meeting/2012/25417 dated 09.07.2012 issued show cause notice to the Naraini Educational and Charitable Society, Karnal to remove the aforesaid deficiencies as per its decision in 200th NRC meeting. Therefore, the withdrawal order dated 26.07.2023 may kindly be kept in abeyance and the applicant college as well as the present society i.e., Naraini Educational & Charitable Society may kindly be grant personal hearing, so that the complete record be produce and explained the each and every expect to the authorities. viii. That the Doon Valley College of Education, Chirao, Karnal, (Haryana) 132001, is running under the Naraini Educational & Charitable Society since 2008 to till date and the Naraini Educational & Charitable Society has already been registered as per the 2012 act. ix. That Doon Valley College of Education, Chirao, Karnal, (Haryana) 132001, the Management of college was transferred by way of registered gift deed dated 01.09.2008, which was made in pursuance to the resolution passed by the Doon Valley Trust on 08.08.2008, wherein amongst other things it was also resolved to transfer assets, property all and any rights with regard to land, CLU, name of the institutions, application for establishment of any institution on the said land situated in the village Chirao to Naraini Educational & Charitable Society. In pursuance to the resolution dated 08.08.2008, a registered gift deed dated 01.09.2008 was executed by the Doon Valley Trust in favor of Naraini Educational & Charitable Society vide which all the rights regarding the land on which the college in question is situated, was transferred to the Naraini Educational & Charitable Society. Thereafter the Doon Valley College of Education, Chirao, Karnal, applied before the NCTE for Change in Management/Society Name on 02.05.2009, 26.07.2009, 08.08.2009, 31.08.2009, and 08.09.2009 and in response to the request of the Doon Valley College of Education, Chirao, Karnal, the name of the Society had been changed by the NCTE vide letter dated 16.09.2009. However, the Doon Valley Trust with an intention to grab the college, which was given to the Naraini Educational & Charitable Society by way of family settlement by executing a registered gift deed. The Doon Valley Trust and in order to grab the B.Ed. college i.e., the college in question, which the nearest competitor Doon Valley Institute of Education managed and run by Doon Valley Trust, had involved the Naraini Educational & Charitable Society in numerous of frivolous litigations claiming himself to be the

owner of the college in question. The brief background of the protracted litigation, which has been concealed by the Doon Valley Trust. After execution of the above gift deed, late Sh. Naresh Kumar, the then Chairman of Doon Valley Trust with ulterior motive and mollified intention submitted an application dated 15.06.2009 to the NCTE for merging of intake of 100 seats of Doon Valley College of Education, Chirao with the institute namely Doon Valley Institute of Education, Karnal having intake of 300 seats. The above application was duly considered by Northern Regional Committee of NCTE in its 145th meeting held on 26.07.2009, wherein the same was rejected. In the aforesaid application also, the fact of executing Gift Deed was intentionally concealed. Thereafter so many cases had been filed by the Doon Valley Trust against the Naraini Educational & Charitable Society as well as against the Doon Valley College of Education, Chirao, however till date the Doon Valley Trust has not been succeed in his motives. However, in his legal notice the Doon Valley Truést concealed the so many important facts that can be verified from the Doon Valley Truést only if the separate notice be issued to the Doon Valley Truést only. Copies of request made by the Naraini Educational & Charitable Society and Doon Valley College of Education, Chirao, Karnal, applied before the NCTE for Change in Management/Society Name on 02.05.2009, 26.07.2009, 08.08.2009, 31.08.2009, and 08.09.2009 are annexed herewith as Annexure A-27. x. That Doon Valley College of Education, Chirao, Karnal, (Haryana) 132001 is running under the Naraini Educational & Charitable Society since 2008 to till date and the website has also been maintained by the Doon Valley College of Education, Chirao, Karnal, (Haryana) 132001, the link of the website is reproduce herein below that can be checked by the authority after click:- www.doonvalleycollege.in Copies of some of the screenshots of the college website are also annexed herewith as Annexure A/28. xi. That the person who is authorized to file the writ petitions as well as other communications with authorities i.e., Sh. Mohit Aggarwal has concealed so many relevant facts from the Hon'ble High Courts as well as from all the authorities. He had already filed Criminal Complaint against the private persons regarding letter dated 16.09.2009 on the ground that the letter dated 16.09.2009 is a forged and fabricated document and his complaint had already been dismissed by the Ld. Trial Court vide order dated 26.11.2014. A copy of Judgment passed by the Ld. Trial Court is annexed herewith as Annexure A/29. Therefore, it is requested that, the Doon Valley College of Education is being run, managed, owned and controlled by Naraini Educational and Charitable, Society, from 2009, after the change of management vide order dated 16.09.2009 passed by the NCTE. There is no interference of the Doon Valley Trust. The allegation levelled by the Doon Valley Trust against the Naraini Educational and Charitable, Society, are without any documentary proof. The Doon Valley Trust has already availed all his remedies as per law and now after availing all the

remedies now he is approaching the NCTE for his wrong aim. It is further important to mentioned here that the Doon Valley Trust has no connection with the Doon Valley College of Education, Chirao, Karnal, (Haryana) 132001 therefore separate notice be issued to the Doon Valley Truést, so that the Doon Valley Truést explain the position, on what basis all the above mention litigation created by them without any documentary proof, and also requested that authority may appoint the inspection teams to inspect both the colleges so that position be cleared. It is, therefore, most respectfully prayed that in view of the submissions made herein above in brief facts and grounds of appeal, I humbly request your good self, kindly set aside the order dated 26.07.2023 and appropriate relief may kindly be granted to the appellant. It is further requested till the final decision on our Appeal, the withdrawal order dated 26.07.2023 may kindly be kept in abeyance and the appellant college may kindly be permitted to admit the students for the session 2023-24.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 29.06.2006. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 26.07.2023.

The instant matter was taken up by the Appellate Committee in the 9th Meeting, 2023 held on 28.08.2023 whereby the Appeal Committee of the Council concluded that the Appeal is kept pending till the report is submitted by Northern Regional Committee (NRC).

The Appeal Committee again in its 11th Meeting, 2023 held on 27th September 2023 noted that a clarification letter received from the NRC as per Appeal Committee letter dt. 18.09.2023 following are the observations made by the NRC: -

- (i) The institution namely, Doon Valley College of Education, Village- Chirao, Karnal, Haryana-132001 was granted recognition by NRC vide order no.



- NRC/NCTE/F3/HR-296/6250 dated 29.09.2006 for conducting B.Ed. course with an annual intake of 100 students.
- (ii) As per the VT. report dt. 16.09.2006 the inspection of the institution was conducted at Village-Chirao, Karnal, Haryana and the institution was running in a rented building.
 - (iii) As per the provisions of NCTE Regulations, the institution was to shift to its permanent premises within a period of three years i.e., till Sept. 2009.
 - (iv) The institution applied for shifting which was rejected by NRC in 362nd Meeting held on 03rd February, 2022.
 - (v) **From the PAR submitted by the institution, the following is observed: -**
 - a. The institution is still running the college in Chirao, Karnal i.e., in a Rented premises whereas it was to shift to its new premises within a period of three years i.e., till September 2009.
 - b. The management society which has submitted PAR is Narayani Educational and Charitable Society whereas as per NCTE records, the society which is running the institution is Doon Valley Trust.

The Appeal Committee in its 11th meeting held on 27.09.2023 perused the relevant records and the documents submitted by appellate institution. Appeal Committee noted that the appellant institution has changed the management of Doon Valley Trust to Naraini Educational & Charitable Society. Appeal Committee noted that applicant institution did not seek prior approval of NRC, NCTE which has finally resulted in conducting of B.Ed. programme by an institution managed by a Society/Trust which was never an applicant in this case. The Appeal Committee also observed that contrary to NCTE Act, Rules and Regulations framed thereunder the institution has suo moto without taking permission from the NRC, NCTE has changed its management, and as per the written policy issued by the NCTE Hqr. vide letter dated 08.12.2016 and 23.12.2016, the change of management/society/trust is not permissible.

Appeal Committee also observed that the institution has wrong fully submitted before the Appeal Committee that institution has shifted to its own premises wherein the report submitted by the NRC, NCTE stated that institution is still running from rented premises. Also, the application of the institution for shifting of premises was rejected by NRC in 362nd Meeting held on 03rd February, 2022. Hence, the institution also not fulfil criteria laid down under 2014 Regulation.



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 NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 26.07.2023 issued by NRC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 26.07.2023 issued by NRC 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, Doon Valley College of Education, 54/13(5-16), 18(8-0),19(8-0),22(8-0),23(8-0), 56/1, V.P.O Chirao, Assandh Road, Chirao (Karnal), Karnal, Haryana-132036**
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 Haryana.**



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 - 10/10/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-125/E-311597/2023 Appeal/11th Meeting, 2023
APPLWRC202314640

Tagore B.Ed. College, Goner, Sambhariya Road, Sanganer, Jaipur, Rajasthan-303905	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Anurag Jangid, Director
Respondent by	Regional Director, WRC
Date of Hearing	27.09.2023
Date of Pronouncement	10.10.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Tagore B.Ed. College, Goner, Sambhariya Road, Sanganer, Jaipur, Rajasthan-303905** dated 24.07.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/WRC/RJ-1246/387th/2023/223541 to 223547** dated 11.07.2023 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). Original approved faculty list reflecting signature of the approving authority in original therein is not submitted. (ii). Original affidavit not submitted. (iii). The first to fourth page of scanned copy of faculty list (received through email) seems to have been countersigned by Deputy Registrar (Aca), University of Rajasthan on 26.12.2020 wherein official stamp affixed is not legible. On fifth page of scanned copy of faculty list, signature of Registrar, University of Rajasthan reflected as 07.01.2021 showing modification of date. (iv). Written letter of approval letter issued by the affiliating university for selection/appointment of teaching staff as per staff list is not submitted. (v). Documents related to following of laid down procedure by the duly constituted selection committee as per recommendations of the affiliating body for appointment of teaching faculty is not attached. (vi). Educational and Professional qualification testimonials and experience certificate of Principal and that of faculties appointed after 09.06.2017 has not been submitted. (vii). The institutional website www.tagoreeducations.com is not functional. Therefore, it could not be verified whether the approved faculty list is uploaded on its official website. The institution has failed to maintain and updated its official website uploading all the requisite information/documents in light of Clause 7(14)(i), 8(14) and 10(3) of the NCTE Regulations, 2014 as amended from time to time.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Anurag Jangid, Director of Tagore B.Ed. College, Goner, Sambhariya Road, Sanganer, Jaipur, Rajasthan-303905 appeared online to present the case of the appellant institution on 27.09.2023. In the appeal report, it is submitted that “(i). It is most



respectfully submitted that the decision of Withdrawal of Recognition is based on wrong and incorrect facts i.e., the institution has time and again complied with all the norms and regulations of NCTE Act. It is pertinent to mention that the recognition of the institution was withdrawn vide order dt. 11.07.23 despite having submitted all the original documents on 27.04.23, as requisite under the final show cause notice. It is matter of record that the documents as mentioned in the Withdrawal order were never a part of Final Show Cause Notice as issued by the WRC. The institution herein once again submitting all the requisite documents for your kind perusal and necessary action. The original staff profile was duly submitted in hard form which has not been considered by the WRC. The proof of submission is enclosed herewith as well. Copy of Staff Profile is also enclosed herewith.

(ii). The institution duly submitted the original affidavit alongwith other documents on 27.04.23, however the same have not been considered whereas the copy of the same is submitted again for kind consideration. (iii). It is matter of record that the approval of the staff profile is done by the University and the internal mechanism adopted by the university being a State University cannot be questioned. The signatures or the procedure as followed ought to be clarified from the University itself, whereas the institution is not aware of any such procedure. It is submitted that the Staff list as submitted through email as well as hard form are same as received from the University. As regards the written letter of approval, the university does not give any such letter as a practice and the university may be directed or requested by NCTE for providing the same. Further the process and procedures adopted by the University in constituting the selection committee and documents thereof may be asked from the University, since they are the concerned authority for the same. (iv). The documents with respect to experience and qualifications of the staff were never asked by the WRC in its Final Show Cause. The institution is herewith submitting all the documents with regard to qualifications and experience of the staff. Copy enclosed. (v). The website of the institution is duly operational and is working since very inception. The screenshot of the website is enclosed herewith as a proof of its working. Copy enclosed. It is pertinent to mention that due to wrong and arbitrary decision of WRC, the institution which is running successfully since 2008. The institution urges for reversing/setting aside the Withdrawal Order as passed on the grounds mentioned above and requests to for an early action in this regard. The institution with folded hand and



utmost respect prays that the Withdrawal Order as passed by the WRC be set aside and quashed in the interest of justice as the WRC has failed to appreciate the correct facts and documents available on record. The institution has a good name in the vicinity and is imparting quality education since 2008. You are requested to kindly take a lenient view and restore the recognition granted to the institution with immediate effect.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 18.09.2008. The recognition of the institution was withdrawn by WRC vide order dated 04.04.2013, the institution filed an appeal against the withdrawal order dated 04.04.2013, the appellate authority remanded back the case vide its order dated 08.07.2014. Thereafter, a revised provisional recognition order was issued to the institution on dt. 21.07.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (Two basic unit).

The recognition of the institution was again withdrawn in 2018. The same was remanded back vide order dated 07.06.2018. The recognition of the institution for B.Ed. programme was again withdrawn by the WRC vide order dated 11.07.2023.

The Appeal Committee in its 9th meeting held on 28.08.2023 noted that the appellant institution preferred an appeal against the withdrawal order dated 11.07.2023 passed by the WRC. During the pendency of the Appeal, a complaint was received from Shri. Hanuman Sahai Sharma claiming to be Chairman of sponsoring body. The Appeal Committee concluded that the Appeal is kept pending till the clarification report is submitted by Western Regional Committee (WRC) on the grounds mentioned in the said order.



The instant matter again taken up by the Appellate Committee in the 11th Meeting, 2023 held on 27.09.2023 whereby the Appeal Committee noted that a clarification report from the WRC has been received.

Appeal Committee had taken into observation, the clarification report submitted by the WRC and noted that in the said matter, there is a management issue involved, which has to be sorted by the WRC in consultation with the Regulation Division of NCTE.

The Appeal Committee noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order dated 11.07.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment **dated 23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

- (i) A copy of faculty list (1+15) members approved by the Registrar, University of Rajasthan, Jaipur as per provisions of NCTE Regulation, 2014.
- (ii) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Appeal Committee further noted that as regard to the WRC objection that (i) the staff list is countersigned by Deputy Registrar (Aca) and signature of Registrar, University of Rajasthan reflected as 07.01.2021 showing modification of date (ii) letter of approval letter issued by the affiliating university for selection/appointment of teaching staff as per staff list is not submitted. The institution contended that it is matter of record that the approval of the staff profile is done by the University and the internal mechanism adopted by the university being a State University cannot be questioned. The signatures or the procedure as followed ought to be clarified from the University itself, whereas the institution is not aware of any such procedure. The Appellant institution further submitted that the Staff list as submitted through email as well as hard form are same as received from the University. The institution further clarified about written letter of approval, the



university does not give any such letter as a practice and the university may be directed or requested by NCTE for providing the same. Further the process and procedures adopted by the University in constituting the selection committee and documents thereof may be asked from the University, since they are the concerned authority for the same.

The Appeal Committee noted that the documents submitted by the institution with respect to points mentioned in the Withdrawal Order dated 11.07.2023 required to be verified by the WRC. The WRC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also to resolve ownership of management issue in consultation with the Regulation Division of NCTE as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time 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 11.07.2023 is set-aside as 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 verify

the faculty list submitted in appeal from the concerned Affiliating University and also to resolve ownership of management issue in consultation with the Regulation Division of NCTE. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, 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 verify the faculty list submitted in appeal from the concerned Affiliating University and also to resolve ownership of management issue in consultation with the Regulation Division of NCTE. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time 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, Tagore B.Ed. College, Goner, Sambhariya Road, Sanganer, Jaipur, Rajasthan-303905
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 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 - 10/10/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-117/2016 Appeal/11th Meeting, 2023

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

Representative of Appellant	Mr. Sanjay Jain, Director
Respondent by	Regional Director, NRC
Date of Hearing	27.09.2023
Date of Pronouncement	10.10.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Delhi Institute of Management and Technology, Rajnagar, Ghaziabad, Uttar Pradesh** dated 07.02.2016 filed under Section 18 of NCTE Act, 1993 is against the Order No. **NRC/NCTE/UP-2817/247th 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 247th 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. Sanjay Jain, Director of Delhi Institute of Management and Technology, Rajnagar, Ghaziabad, Uttar Pradesh appeared online to present the case of the appellant institution on 27.09.2023.

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.

The 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 in its 11th meeting held on 27.09.2023 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 further 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 as per the Hon’ble High Court direction it was imperative that Hon’ble Court clearly directed the Appeal Committee to decide the appeal in light of the report submitted by the NRC.

The NRC vide letter dated 16.02.2023 gave its report with regard to the authorized signatory of the Trust as per the registered supplementary trust deed dt. 21.03.2022 submitted by the institution. On perusal of the report submitted by the NRC, the Appeal Committee further noted that neither NRC nor the institution has submitted complete information/ documentation regarding the deficiencies pointed out in the previous appeal order. 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 dated 02.06.2016.

In view of the above, the Appeal Committee in its 3rd meeting held on 27.02.2023 had kept the matter pending until the Inspection Report is submitted by the 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.

The instant matter was again taken up by the Appellate Committee in the 11th Meeting, 2023 held on 27.09.2023 and noted that NRC submitted its report vide letter dated 15.09.2023 informing therein that the institution was virtually inspected on 20.07.2023 for B.Ed. course (2 units) and the NRC observed the following deficiency: -

- (i) The institution has not submitted faculty list approved by the affiliating body. As per undertaking dated 04.05.2023, the institution stated that the faculties have been identified and after restoration of recognition, joining of the faculties will take place.
- (ii) The institution has not a multi-disciplinary institution as per clause 2(b) of NCTE Regulations, 2014.
- (iii) No toilet facilities are available for the physically handicapped person.
- (iv) The terrace of the building is without parapet wall.

The Appeal Committee noted that the NRC after receipt of the VT Report has not processed the same as per provisions of the NCTE Act, Rules & Regulations. The Appeal Committee further noted that impugned withdrawal order was passed way back on dated 05.01.2016 and the same was kept pending till ownership dispute is settled legally amongst the trustees and NRC submits a final report on the status of authorized signatory and deficiencies admitted to be existing in the institution.

The Appeal Committee in view of the submission made by the appellant institution and other stakeholders, including NRC, the Committee decided to Remand Back the matter to NRC with a direction to take appropriate action under Section 17 of NCTE Act, 1993 on the deficiencies stipulated above as per V.T. Report and accordingly take appropriate decision in the said matter.

Further it is clarified that this order is subject to outcome of decision taken by the NRC after following due process as per provisions of the NCTE Act, Rules & Regulations. The NRC is directed to expedite the decision in the matter as soon as possible.



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.”

In view of the above-mentioned order, the Appellate Committee is of the view that the withdrawal order was passed way back of since then the matter is kept pending before the Appellate Committee. Therefore, in consideration of the same the Committee concluded to keep the impugned withdrawal in abeyance until and unless the NRC take an appropriate decision in the matter.

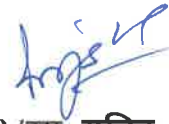
Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to the NRC, NCTE with the direction to examine and verify the deficiencies pointed out by the V.T. Members in the V.T. report and accordingly take appropriate decision in the matter. 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 to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The above order is subject to outcome of decision taken by the NRC after following due process as per provisions of the NCTE Act, Rules & Regulations. The NRC is directed to expedite the decision in the matter in terms of direction given herein above.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to the NRC, NCTE with the direction to examine and verify the deficiencies pointed out by the V.T. Members in the V.T. report and accordingly take appropriate decision in the matter. 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 to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The above order is subject to outcome of decision taken by the NRC after following due process as per provisions of the NCTE Act, Rules & Regulations. The NRC is directed to expedite the decision in the matter 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, Rajnagar, Ghaziabad, Uttar Pradesh
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 - 10/10/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-167/E-317455/2023 Appeal/11th Meeting, 2023
APPLERC202314693

Binita Mohanta College of Education, Plot No. 1895, 1896, 1897, Bhonpor, Boinchi Kalna, Pandua, Hooghly, West Bengal-712134	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Animesh Chandra, Secretary
Respondent by	Regional Director, ERC
Date of Hearing	27.09.2023
Date of Pronouncement	10.10.2023

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ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Binita Mohanta College of Education, Plot No. 1895, 1896, 1897, Bhonpor, Boinchi Kalna, Pandua, Hooghly, West Bengal-712134** dated 22.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-331.13/NCTE/B.Ed./ERCAPP193/WB/2023/68474** dated 09.08.2023 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “In response to the office letter dated 01.06.2023, the concerned issuing authority for the Fire Safety Certificate has informed that the documents have not been issued from their office. As such, the institution submitted fake documents in reply to Show Cause Notice dated 12.08.2022.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Animesh Chandra, Secretary of Binita Mohanta College of Education, Plot No. 1895, 1896, 1897, Bhonpor, Boinchi Kalna, Pandua, Hooghly, West Bengal-712134 appeared online to present the case of the appellant institution on 27.09.2023. In the appeal report, it is submitted that “(i). To operate the institute, we have all necessary fire apparatus. Due to our lack of expertise in this area, we previously delegated to a 3rd party vendor all work linked to the fire safety certificate. They provided the fire safety, which I submitted earlier. However, now that you have informed us that the fire safety certificate was not given by a specific fire safety agency, we try to contact the vendor, but the phone is off, and the listed address is unoccupied. They were not contacted by us. We just reapplied for a fire safety certificate and were successful. For your information, I am providing the latest fire safety. (ii). The most recent faculty list has been created and has been duly approved by the affiliated university. The most recent faculty list is enclosed for your reference. (iii). We provide all FDR information for your review. (iv). For your information, we are providing the Building Safety Certificate. (v). We submit Certificate of Land Use for your reference.”



III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 29.08.2012 followed by revised recognition for B.Ed. programme of two years duration with an intake of 100 students (Two basic units) vide order dated 28.05.2015. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 09.08.2023.

The Appeal Committee noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) **A copy of Fire Safety Certificate issued under the West Bengal Fire Services Act, 1950 alongwith a copy of faculty list (1+15) members approved by the Registrar, Baba Saheb Ambedkar Education University, West Bengal as per provisions of NCTE Regulation, 2014 etc.**

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 09.08.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee further noted that the recognition of the institution was withdrawn by the ERC on the basis of submission of Fire Safety Certificate which was not issued by the Fire Department of the Government of West Bengal. The institution during the personal hearing stated that the institution entrusted the work of obtaining the Fire Safety Certificate to a 3rd Party vendor and the Certificate, which was submitted to ERC,


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was provided to the institution by the said 3rd party vendor. The appellant requested that the institution should not be punished for this bonafide mistake occurred due to 3rd party vendor. Since, the institution has now submitted the fresh Fire Safety Certificate, therefore, the Appeal Committee decided that the matter be remanded back to ERC to revisit the case and verify the facts/documents/statement given by the institution and take further appropriate decision accordingly.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 09.08.2023. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be examined and verified by the **Eastern Regional Committee, NCTE** as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time 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 09.08.2023 is set-aside as 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 verify the submitted documents filed by the Appellant institution with Appeal from the records available with ERC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, 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 verify the submitted documents filed by the Appellant institution with Appeal from the records available with ERC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time 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, Binita Mohanta College of Education, Plot No. 1895, 1896, 1897, Bhonpor, Boinchi Kalna, Pandua, Hooghly, West Bengal-712134**
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 - 10/10/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-169/E-317453/2023 Appeal/11th Meeting, 2023
APPLSRC202314684

Siddhartha College of Education, 1, HMT Layout, RT Nagar, Bangalore, Karnataka-560032	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi -110075.
APPELLANT		REPPONENT

Representative of Appellant	Mr. Raju Peer Sab, Administrator
Respondent by	Regional Director, SRC
Date of Hearing	27.09.2023
Date of Pronouncement	10.10.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Siddhartha College of Education, 1, HMT Layout, RT Nagar, Bangalore, Karnataka-560032** dated 19.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/APS02084/B.Ed./KA/2018-19/97420** dated 23.05.2018 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). Submission of an Affidavit expressing willingness to adhere to the 2014 Regulation is essential for old cases to be considered as RPRO cases. (ii). Failure to submit the Affidavit is therefore a grave deficiency. (iii). We cannot wait indefinitely for their reply to our SCN dt. 23.05.2015. (iv). Withdraw the recognition given by us to their B.Ed. (2 units). (v). Return the FDRs. (vi). Close the file. (vii). Inform the University.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Raju Peer Sab, Administrator of Siddhartha College of Education, 1, HMT Layout, RT Nagar, Bangalore, Karnataka-560032 appeared online to present the case of the appellant institution on 27.09.2023. In the appeal report, it is submitted that “Willingness affidavit is submitted. please consider single reason request and give an opportunity to our esteemed institute.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.

The Appeal Committee noted that the appellant institution was granted recognition for Secondary (B.Ed.) course of one year duration with an annual intake of 100 students vide order dated 31.11.2004. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 23.05.2018.

The Appeal Committee in its 11th Meeting, 2023 held on 27.09.2023 considered the documents submitted alongwith Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The Appeal Committee has observed that the institution was recognised in 2004 vide order dated 31.11.2004 with annual intake of 100 students for the B.Ed. programme. After promulgation of NCTE Regulation 2014, the institution failed to submit the compliance Affidavit, hence the revised recognition order was not issued to the institution. As per record submitted in appeal report, no Affidavit as such has been annexed or any proof have been submitted showing that the appellant institution had submitted an Affidavit which was to be submitted immediately after promulgation of the NCTE Regulations, 2014.
- (ii) Moreover, as per the records available, the SRC issued Show Cause Notice under Section 17 to the institution for making compliance of Regulation, 2014, it was noted that the institution failed to reply the said Show Cause Notice.
- (iii) In addition to the above, the Appeal Committee further noted that the appellant institution failed to provide reasonable justification regarding the delay of 5 years & 2 months in filling of instant appeal as such the delay cannot be condoned without any reasonable justification.

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 23.05.2018 issued by SRC is confirmed.



IV. DECISION: -

After perusal of the Appeal Report, 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 23.05.2018 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, Siddhartha College of Education, 1, HMT Layout, RT Nagar, Bangalore, Karnataka-560032**
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 - 10/10/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-170/E-317452/2023 Appeal/11th Meeting, 2023
APPLSRC202314691**

Puratchi Thalaivar, Dr. M.G.R College of Education, 31/2A2A, Keelanagachi, Kalkinatuvalasai, Uchipulli, Ramanathapuram, Tamilnadu-623534	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. C. Muthu, Principal
Respondent by	Regional Director, SRC
Date of Hearing	27.09.2023
Date of Pronouncement	10.10.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Puratchi Thalaivar, Dr. M.G.R College of Education, 31/2A2A, Keelanagachi, Kalkinattruvalasai, Uchipulli, Ramanathapuram, Tamilnadu-623534** dated 22.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO3583/B.Ed./TN/2023/142943** dated 31.07.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has submitted 9 members faculty list which is not sufficient to run 2 units of B.Ed. programmes as per NCTE Regulations for two basic units."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. C. Muthu, Principal of Puratchi Thalaivar, Dr. M.G.R College of Education, 31/2A2A, Keelanagachi, Kalkinattruvalasai, Uchipulli, Ramanathapuram, Tamilnadu-623534 appeared online to present the case of the appellant institution on 27.09.2023. In the appeal report, it is submitted that "Now, we are having 1 Principal and 15 faculty members. Copies of approved faculty list issued by the Registrar, Tamilnadu Teachers Education University, Chennai-97 is enclosed."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.

The Appeal Committee noted that the appellant institution was granted recognition for Secondary (B.Ed.) Course of one year duration with an annual intake of 100 students vide order dated 03.10.2006. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 20.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 01.05.2015 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 SRC vide order dated 31.07.2023.

The Appeal Committee in its 11th meeting held on 27.09.2023 noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of faculty list (1+15) members dated 19.09.2023 approved by the Registrar, Tamilnadu Teachers Education University, Chennai as per provisions of NCTE Regulations, 2014.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 31.07.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment **dated 23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 31.07.2023. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be examined and verified by the **Southern Regional Committee, NCTE** as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

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

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not



compelled to approach the Court in this manner."

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 31.07.2023 is set-aside as 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 verify the submitted documents filed by the Appellant institution with Appeal from the records available with SRC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the SRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.



IV. DECISION: -

After perusal of the Appeal Report, 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 verify the submitted documents filed by the Appellant institution with Appeal from the records available with SRC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the SRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time 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, Puratchi Thalaivar, Dr. M.G.R College of Education, 31/2A2A, Keelanagachi, Kalkinattruvalasai, Uchipulli, Ramanathapuram, Tamilnadu-623534
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 - 10/10/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-171/E-317457/2023 Appeal/11th Meeting, 2023
APPLSRC202314614**

Vinayaga Education College, P.B.1851, Karuppur, Vinayaga Nagar, Keelapuluvur Post, Ariyalur Taluk, Perambalur, Tamilnadu-621707 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. RESPONDENT
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Representative of Appellant	Mr. R. Satish, Administrative Officer
Respondent by	Regional Director, SRC
Date of Hearing	27.09.2023
Date of Pronouncement	10.10.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Vinayaga Education College, P.B.1851, Karuppur, Vinayaga Nagar, Keelapuluvur Post, Ariyalur Taluk, Perambalur, Tamilnadu-621707** dated 30.05.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APS07280/B.Ed./TN/2023/143464,143468** dated 03.10.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution did not explain about the change of nature of land from “Agricultural” to “Dry Land”. The institution also failed to substantiate its claim regarding change of nature of the land. (ii). The institution did not submit proof disbursement of salary of faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. (iii). The institution did not submit copies of certificates of academic & professional education qualifications viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience certificate of Principal.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. R. Satish, Administrative Officer of Vinayaga Education College, P.B.1851, Karuppur, Vinayaga Nagar, Keelapuluvur Post, Ariyalur Taluk, Perambalur, Tamilnadu-621707 appeared online to present the case of the appellant institution on 27.09.2023. In the appeal report, it is submitted that “(i). We have submitted certificate from Revenue Department. (ii). We have submitted proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. (iii). We have submitted copies of certificates of academic & professional educational qualifications viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience certificate of Principal.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.



The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course of one year duration with an annual intake of 100 students vide order dated 22.09.2008. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 23.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 30.04.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units of 50 students each) from the academic session 2015-16. Accordingly, as per decision of SRC in its 406th Meeting held on 19th January, 2022, a withdrawal order was issued to the institution on 04.02.2022. Further, the institution preferred an Appeal before the Appellate Authority of the NCTE. The Appellate Authority vide order dated 12.07.2022 decided that the instant appeal deserved to be rejected and the impugned withdrawal order is confirmed. Thereafter the institution filed W.P.(C) 12892/2022 & CM APPL 39163/2022 (stay) & 39164/2022. The Hon'ble High Court of Delhi, New Delhi passed an order dt. 06.09.2022 and set-aside the appellate order dated 12.07.2022. The institution again preferred an Appeal before the Appellate Authority of the NCTE, and the Appellate Authority vide order dated 16.11.2022 remand back the order appealed against. The institution did not submit any reply to the Appeal remand back case. The recognition of the institution for B.Ed. programme was again withdrawn by the SRC vide order dated 03.10.2023.

The Appeal Committee in its 11th meeting held on 27.09.2023 noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of list of faculty for B.Ed. programme dated 12.02.2022 approved by the Registrar, Tamilnadu Teachers Education University, Chennai as per provisions of NCTE Regulation, 2014 alongwith Affidavit containing details of approved & appointed faculty etc.
- (ii) A copy of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of certificate of the Principal.
- (iii) A copy of Land Use Certificate issued by Revenue Department.



The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 03.10.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled **"Rambha College of Education V/s NCTE"** wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 03.10.2023. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be examined and verified by the **Southern Regional Committee, NCTE** as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time 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 03.10.2023 is set-aside as 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 verify the submitted documents filed by the Appellant institution with Appeal from the records available with SRC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the SRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, 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 verify the submitted documents filed by the Appellant institution with Appeal from the records available with SRC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the SRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time 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, Vinayaga Education College, P.B.1851, Karuppur, Vinayaga Nagar, Keelapuluvur Post, Ariyalur Taluk, Perambalur, Tamilnadu-621707**
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.**



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APPELLANT		RESPONDENT

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III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 27th September, 2023.



The 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 16.07.2009. The enhancement of intake of 10 seats from existing 25 to 35 was permitted to the institution for M.Ed. course vide order dated 24.08.2010. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 23.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 22.05.2015 for conducting M.Ed. course of two years duration with an annual intake of 50 (One basic unit) from the academic session 2015-16. Accordingly, as per decision of SRC in its 406th Meeting held on 19th January, 2022, a withdrawal order was issued to the institution on 04.02.2022. Further, the institution preferred an Appeal before the Appellate Authority of the NCTE. The Appellate Authority vide order dated 12.07.2022 decided that the instant appeal deserved to be rejected and the impugned withdrawal order is confirmed. Thereafter the institution filed W.P.(C) 12892/2022 & CM APPL 39163/2022 (stay) & 39164/2022. The Hon'ble High Court of Delhi, New Delhi passed an order dt. 06.09.2022 and set-aside the appellate order dated 12.07.2022. The institution again preferred an Appeal before the Appellate Authority of the NCTE, and the Appellate Authority vide order dated 16.11.2022 remand back the order appealed against. The institution did not submit any reply to the Appeal remand back case. The recognition of the institution for M.Ed. programme was again withdrawn by the SRC vide order dated 03.10.2023.

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Deputy Secretary (Appeal)/उप सचिव (अपील)

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