



F.No.89-479/E-144613/2019 Appeal/4th Mtg.-2020/1st February, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 11/03/2020

ORDER

WHEREAS the appeal of Shri Ram Singh Premalata Kanya Mahavidhyalaya, Kaser Kalan, Ratanpur, Dibai, Bulandshahar, Uttar Pradesh dated 04/12/2019 is against the Order No. NRC/NCTE/NRCAPP-10771/308th Meeting/2019/206267 dated 09.10.2019 of the Northern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "as per letter No. 1188/68-4-2018 dt. 24.08.2018 received from Additional Chief Secretary Govt. of U.P., the State Govt. requested NCTE not grant recognition for D.El.Ed. course & DPSE course from session 2018-19 for a period of 5 years. Built-up area is less for the existing B.Ed. and proposed additional intake in D.El.Ed. course. Hence, the Committee decided that the application is rejected, and recognition is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

AND WHEREAS Sh. Ravendra Singh, Secretary and Sh. Ram Singh, President, Shri Ram Singh Premalata Kanya Mahavidhyalaya, Kaser Kalan, Ratanpur, Dibai, Bulandshahar, Uttar Pradesh presented the case of the appellant institution on 01/02/2020. In the appeal and during personal presentation it was submitted that the institution has submitted the NOC for proposed additional intake in D.El.Ed. course; NRC-NCTE issued letter for V.T., NRC-NCTE and also issued Recognition letter of proposed additional intake 50(1unit) in D.El.Ed. course, Approval letter of 16 teachers for 2 units was issued by Secretary Exam Regulatory Authority U.P. Govt. Allahabad for proposed additional intake in D.El.Ed. Course. Affiliation letter of D.El.Ed. Course for proposed additional intake 50 (1 unit) was issued by Govt. of Uttar Pradesh and Secretary Exam Regulatory Authority U.P. Allahabad. Total built-up area for B.Ed. and D.El.Ed. Course is 4137.89 sq. mt. the building has multi stories so the total built-up area is greater than land area, that is the land area is 3000 sq. mt. and built up area is 4137.89 sq. mt. Approved building plan and building completion certificate were issued

by competent authority i.e. Gram Pachayat, Ratanpur. All parameters are complete according to NCTE Rules and Regulation. The UP Govt. request to NCTE to not grant recognition for D.El.Ed. Course is from session 2018-19 for a period of five years, but the proposed additional intake in D.El.Ed. Course (NRCAPP-10771) has already been recognized by NCTE in session 2016-17 (letter no. 146821-7694, dated 02/05/2016) and Govt. of Uttar Pradesh issued a letter of affiliation to proposed additional intake in D.El.Ed. Course (NRCAPP-10771) in 2016 (letter no. 2078/15.11.2016) and Govt of UP issued D.El.Ed. candidates for our institution in session 2017-18, 2018-19 & 2019-20. Built-up area is already sufficient that is 4137.89 sq. mt. for existing B.Ed. and proposed additional intake in D.El.Ed. Course.

AND WHEREAS the Committee noted that as claimed by the appellant, the NRC issued an order of recognition for one unit of D.El.Ed. (50) intake on 02/05/2016. Since the appellant, as per their online application dt. 27/05/2015, requested for increase in intake in D.El.Ed. course, indicating therein that one unit of D.El.Ed. has been recognised by NRC in their order dt. 03/01/2013, the recognition issued on 02/05/2016 is for the additional intake.

AND WHEREAS the Committee noted from the file of the NRC that after grant of recognition on 02/05/2016, the NRC in their 253rd meeting held from 30th May to 3rd June, 2016, decided that the agenda item in respect of the appellant be read as deleted. No reasons for this decision are found in the file. Thereafter the NRC issued a Show Cause Notice to the appellant on 03/12/2018 on land related grounds and the appellant replied on 26/12/2018. The NRC issued another show cause notice on 27/02/2019, pointing out certain land/building related deficiencies, and stating that the application of the appellant cannot be processed further in view of a ban imposed by the Government of Uttar Pradesh. The appellant, in their reply dt. 28/03/2019, besides giving explanation for the deficiencies, pointed out that the NRC had already granted recognition for a unit of D.El.Ed. course on 02/05/2016.

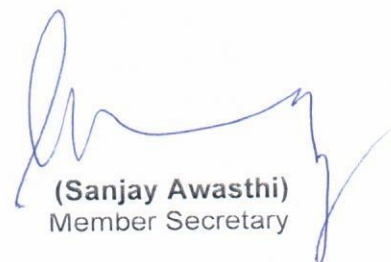
AND WHEREAS the Committee noted that the NRC after issue of the recognition order on 02/05/2016, only issued certain show cause notices to the appellant and did

not issue any order or corrigendum adversely affecting the status of the recognition order dt. 02/05/2016 pursuant to the decision taken in their 253rd meeting. Therefore, there cannot be an order refusing recognition as such at a later stage.

AND WHEREAS in the above circumstances, the Committee concluded that the matter deserved to be remanded to the NRC with a direction to revisit the matter and after taking into consideration all the submissions of the appellant and facts of the case take further action and issue appropriate orders as per the NCTE Regulations, 2014. The appellant is directed to forward to the NRC, all the documents submitted in appeal, within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand the case to the NRC with a direction to revisit the matter and after taking into consideration all the submissions of the appellant and facts of the case take further action and issue appropriate orders as per the NCTE Regulations, 2014. The appellant is directed to forward to the NRC, all the documents submitted in appeal, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Shri Ram Singh Premalata Kanya Mahavidhyalaya, Kaser Kalan, Ratanpur, Dibai, Bulandshahar, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shri Ram Singh Premalata Kanya Mahavidhyalaya, 507, Kaser Kalan, Ratanpur, Dibai, Bulandshahar – 203389, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.



F.No.89-480/E-144613/2019 Appeal/4th Mtg.-2020/1st February, 2020
NATIONAL COUNCIL FOR TEACHER EDUCATION
 G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 11/03/2020

ORDER

WHEREAS the appeal of Aligarh College of Education, Chharat Sudhyal, Anoop Shahar Road, Kole, Uttar Pradesh dated 24/04/2019 (hard copy received on 10/12/2019) is against the Order No. NCTE/NRC/NRCAPP201616314/Master of Education [M.Ed.]/SCN/UP/2017-2018/{{LSG_SI_No}}; dated 02/08/2016 (correct date being 13/12/2017) of the Northern Regional Committee, refusing recognition for conducting for M.Ed. Course on the grounds that "SCN was issued on 13.09.2017 for non-compliance of LOI. The institution has not yet submitted the reply of the SCN. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

AND WHEREAS Sh. Faiz Ahmad, Administrative Officer and Sh. Ahmad Shameel, Administrator, Aligarh College of Education, Chharat Sudhyal, Anoop Shahar Road, Kole, Uttar Pradesh presented the case of the appellant institution on 01/02/2020. In the appeal and during personal presentation it was submitted that the petitioner was in USA and could not come because of his important engagement moreover, he was not aware about the SCN. The appellant, in their letter dt. 31/01/2020 stated that they submitted a writ to the Allahabad High Court and they issued an order in their favour for granting further time and later they submitted online appeal. The appellant did not enclose a copy of the order of the Hon'ble High Court.

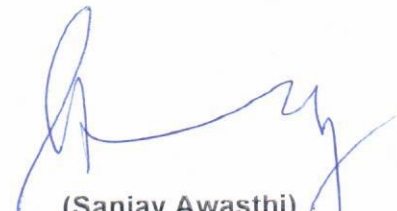
AND WHEREAS the Committee noted that the submission of the appeal has been delayed by one years nine months and twenty five days beyond the prescribed period of sixty days.

AND WHEREAS the Committee noted that according to the provisions of Section 18 (1) of the NCTE Act, 1993, any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed. According to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under the above mentioned Sections of the Act may prefer an appeal to the Council within sixty days of issue of such orders. According to the provisions of Section 18 (2) of the NCTE Act, no appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor; provided such an appeal may be admitted after the expiry of the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period.

AND WHEREAS the Committee noted that the appellant, in the online appeal, stated that the appeal could not be filed within 60 days since the petitioner was out of the Country. In their letter dt. 31/01/2020, the appellant stated that he was out of India from 19/11/2017 to 10/04/2018.

AND WHEREAS the Committee is not satisfied that he had sufficient cause for not filing the appeal within the prescribed period. Even after his return in April, 2018, the appellant did not file an appeal for more than one year. In these circumstances, the Committee decided not to condone the delay and hence the appeal is not admitted.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to condone the delay. Hence the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. **The Secretary/Appellant, Aligarh College of Education, Chharat Sudhyal, Anoopshahar Road, Kote – 202122, Uttar Pradesh.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.



F.No.89-482/E-144935/2019 Appeal/4th Mtg.-2020/1st February, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 11/03/2020

ORDER

WHEREAS the appeal of Lakshmibai National Institute of Physical Education, Shakti Nagar, Gwalior, Madhya Pradesh dated 02/12/2019 is against the Order No. WRC/APW01160/224091/311th{M.P.}/2019/206520 dated 09.10.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.P.Ed. Integrated Course on the grounds that "the SCN dated 01.02.2017 was issued to the institution on following grounds: The original staff profile (1 Principal/HOD+15 faculties) from the session 2016-2017 duly approved by the affiliating body. Originally notarized (Not xerox) CLU, NEC, Building Plan and Building Completion Certificate. The summary of the case reveals that the institution has not submitted reply of the Show Cause Notice. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for B.P.Ed. Innovative 4 years programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS Sh. Amit Yadav, Deputy Registrar, Lakshmibai National Institute of Physical Education, Shakti Nagar, Gwalior, Madhya Pradesh presented the case of the appellant institution on 01/02/2020. In the appeal and during personal presentation it was submitted that the show cause notice F.No. WRC/APW01160/224091 WRCAPP-1467/255th{M.P.}/179520 dated 01/02/2017 has been issued with reference to 2 years B.P.Ed. course but the withdrawal order that was issued vide letter No. F.No. WRC/APW01160/224091/311th{M.P.}/2019/206520 dated 09/10/2019 has been issued to withdraw the recognition of B.P.Ed. innovative 4 years programme. Our appeal is against this withdrawal order which should not have been issued for the 4 years B.P.Ed. innovative course as our institute has fulfilled all the desired requirements for the said course within the prescribed time limit. The Institute filled the online mandatory affidavit on 27/04/2017 which was submitted successfully on the website of NCTE and the name

of the Institute was also reflected in the list of TEIs who had filled the mandatory affidavit and replied to the show cause notice. The hard copy of the said documents were also sent to NCTE, Bahadur Shah Zafar Marg, New Delhi vide Institute letter number Acad./NCTE/19/2011/6/195 dated 27.04.2017, Further, against the Show Cause Notice No. WRC/224491/APP1467/281/(M.P.)/2017/191789 dated 06.10.2017 the Institute had already submitted the hard copy of mandatory affidavit vide Institute letter no. Acad./NCTE/19/2011/1932 dated 13.10.2017. Thus, the action should have been taken against 2 years B.P.Ed. course instead of B.P.Ed. 4 years innovative program. On the basis of above explanation, it clearly reveals that the decision taken by WRC in its 311th meeting held from September 25-27, 2019 against the B.P.Ed. 4 years (innovative) programme is arbitrary. Hence, the same shall be dropped with immediate effect.

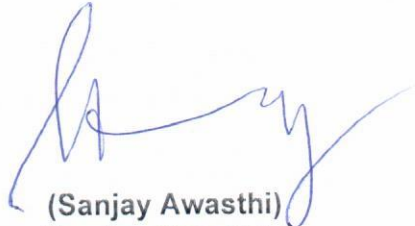
AND WHEREAS the Committee noted from the file of the WRC, that as submitted by the appellant, the Show Cause Notice No. WRC/APW01160/224091 dt. 01/02/2017 was issued in respect of B.P.Ed. course of two years duration whereas the withdrawal order with the same file number has been issued in respect of B.P.Ed. Integrated course of four year duration. As regards, the B.P.Ed. Integrated course, the appellant has submitted that they have furnished necessary documents with reference to the Show Cause Notice dt. 06/10/2017 with their letter dt. 13/10/2017. This letter is available in the file. The Committee also noticed that after the issue of withdrawal order dt. 09/10/2019 (in respect of the four-year course), the appellant sent a letter dt. 12/10/2019 to the WRC requesting them to review the decision taken by them in their meeting held on 25 – 27 September, 2019 to withdraw recognition.

AND WHEREAS in view of the above position, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to revisit the matter and after considering the submissions of the appellant and facts of the case take further action in accordance with the NCTE Regulations, 2014 and issue appropriate orders.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee

concluded to remand the case to the WRC with a direction to revisit the matter and after considering the submissions of the appellant and facts of the case take further action in accordance with the NCTE Regulations, 2014 and issue appropriate orders.

NOW THEREFORE, the Council hereby remands back the case of Lakshmibai National Institute of Physical Education, Shakti Nagar, Gwalior, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Registrar, Lakshmibai National Institute of Physical Education, Bhawan No. 01, Mela Road, Shikti Nagar, Gwalior – 474002, Madhya Pradesh.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-483/E-144939/2019 Appeal/4th Mtg.-2020/1st February, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 11/03/2020

ORDER

WHEREAS the appeal of Swami Vivekanand STC College, Danta, Kelwara, Shahbad, Baran, Rajasthan dated 02/12/2019 is against the Order No. NRC/NCTE/NRCAPP-14888/257th (Part-3) Meeting/2016/159321 dated 29.09.2016 of the Northern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "the institution was given show cause notice vide letter dt. 07.12.2015 with direction to submit the reply within 30 days. The institution did not submit any reply to show cause notice within stipulated time."

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 17512/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 21/10/2019, allowed the Writ Petition to be withdrawn with liberty to the petitioner to file an appeal before the NCTE with directions to decide the appeal on merits ignoring the limitation period.

AND WHEREAS the Committee noted that the appellant after issue of the refusal order dt. 29/09/2016 by the NRC, filed a S.B.Civil Writ Petition No. 4182/2019 before the Hon'ble High Court of Rajasthan, Jaipur. The Hon'ble High Court, in their order dt. 26/02/2019, closed the Writ proceedings with a direction to the petitioner to address a comprehensive representation to the respondents. The appellant thereafter sent a letter dt. 28/02/2019 to the NRC enclosing copy of a letter dt. 15/06/2016 from the Director of Primary Education, Government of Rajasthan to the Regional Director, NRC and requesting grant of recognition for D.El.Ed. course for the academic session 2019-20 and subsequent sessions. In the copy of the letter dt. 15/06/2016, which does not bear any signature, it is mentioned that the Government of Rajasthan has given NOC for institutions in certain districts of the State, including the district in which the appellant's

institution is located, for running D.El.Ed. course. The NRC, reconsidered the matter and decided that their earlier refusal stands and issued an order dt. 31/05/2019.

AND WHEREAS the Committee noted that the appellant after issue of refusal order dt. 29/09/2016, instead of filing a statutory appeal to the Council filed a Writ Petition before the High Court as mentioned in para 3 above. Even after issue of the order dt. 31/05/2019 by the NRC confirming their earlier order dt. 29/09/2016, and stating that the institution, if not satisfied by their order, may prefer an appeal to the Council within 60 days of the order, the appellant again filed another Writ Petition before the Hon'ble High Court and obtained an order for filing an appeal. The appellant thereafter filed the present appeal.

AND WHEREAS Sh. Abhishek Singh Sodhi, Secretary, Swami Vivekanand STC College, Danta, Kelwara, Shahbad, Baran, Rajasthan presented the case of the appellant institution on 01/02/2020. In the appeal and during personal presentation it was submitted that the NCTE vide public notice dated 27.02.2015 invited applications to run teacher training programmes for the academic session 2016/17 and the last date fixed for submission of application was earmarked as 31.05.2015. Following the conditions framed by the NCTE, the State Government issued a letter dated 15.04.2015, but during traverse of time, the NCTE has extended the last date i.e., 31.05.2015 by one month i.e., 30.06.2015 on the request of State Government / university, for submission of online application and for submission of hard copies the date was earmarked as 15.07.2015, but it is essential to mention here that the respondent no. 3 State Govt. has not extended the last date even though the NCTE has extended the last date. The Appellant society has applied for D.El.Ed. before NRC NCTE and university for seeking NOC of the affiliating body in the name of Swami Vivekanand STC College, Kelwara, Baran. The Appellant has submitted an online application for grant of recognition of D.El.Ed. course on 30.06.2015 along with the requisite fee of Rs.1,50,000/-. On account of submission of online application form, the NRC, NCTE generated an application ID to the Appellant which is NRCAPP-14888. The hard copy of the application along with other relevant documents were dispatched to the NRC, NCTE office (Jaipur) on

13.07.2015. The copy of the Despatch receipt of the Post office is enclosed herewith for your reference. The application was rejected vide order dtd. 29.09.2016 on the ground that the institution was given show cause notice vide letter dtd. 07.12.2015 with direction to submit the reply within 30 days. "The institution did not submit any reply of show cause notice within stipulated time". Further it was mentioned above that show cause notice was issued to submit NOC of the affiliating body with the hard copy of application. We hereby enclosing a letter from the State Government dtd. 15.04.2015 whereby it is clearly stated that NOC is given to all the colleges/society from the District Bhilwara, Sawai Madhopur, Dausa, Jaisalmer, Pali, Sirohi, Baran, Jhalawar, Banswara, Chittorgarh, Dungarpur and Pratapgarh. The decision was taken for all the colleges and nowhere it is written that the NOC will be granted to only those colleges from the respected districts who apply for NOC. Hence rejection for not receiving NOC is injustice and unfair. The representative from the institution has visited NRC, NCTE on regular basis for consideration of their application as the same was rejected on a ground which is not justified. And lastly being aggrieved with the decision and getting no satisfactory reply from the NRC office, Institution decided to challenge the decision before the Hon'ble Rajasthan High Court at Jaipur Bench. We may also like to mention that we have received NOC from the State Government in the year 2019. The copy of the same is enclosed herewith for your reference please. Hence it is requested to kindly consider the application as it has been taken into consideration for other colleges similar to our college. And moreover, our District is also lacking Teacher education colleges and it will be a great help to the students of Baran if our college is given recognition for D.El.Ed. course.

AND WHEREAS the Committee noted that the ground of refusal as per the NRC's order dtd. 29/09/2016 is that the institution did not submit a reply to the Show Cause Notice dt. 07/12/2015 within 30 days from the date of issue of the notice. The file of the NRC indicates that no reply was ever sent by the appellant. The appellant has never challenged this ground. Hence, the ground of refusal is valid and justified.

AND WHEREAS further the Committee noted that in the Show Cause Notice dt. 07/12/2015 issued to the appellant, failure to submit a No Objection Certificate issued by the concerned affiliating body along with the hard copy of the application as per sub-section 3 of Section 5 of the NCTE Regulation, 2014 was pointed out. The appellant, with their letter dt. 28/02/2019 sent to NRC in pursuance of the Hon'ble High Court's order dt. 26/02/2019 in Writ Petition No. 4182/2019, enclosed a copy of the Letter dt. 15/06/2016 from the State Government of Rajasthan. The appellant, with the present appeal forwarded a copy of the letter dt. 15/04/2015 from the State Government of Rajasthan claiming it to be a NOC. Both these letters are not communications from the affiliating body for the appellant which is the Directorate of Primary Education. As per the NCTE Regulations, NOC should be from the concerned affiliating body.

AND WHEREAS the appellant, with their letter dt. 07/03/2019 addressed to the NRC and also with their appeal forwarded a copy of the order dt. 06/03/2019 issued by the Director, Primary Education, Rajasthan, Bikaner granting NOC for D.El.Ed. course to a number of institutions in the State including the appellant institution for the academic year 2019-20.

AND WHEREAS the Committee, after considering all aspects of the matter, concluded that the appeal deserved to be rejected for the following reasons:-

- (i) The appellant did not second any reply to the Show Cause Notice dt. 07/12/2015.
- (ii) The appellant applied on 30/06/2015 for the D.El.Ed. course of the academic year 2016-17 for which applications were invited. The appellant, did not submit a NOC from the concerned affiliating body i.e. Directorate of Primary Education, Rajasthan, Bikaner along with the hard copy of their application.
- (iii) The NOC granted by the Directorate of Primary Education on 06/03/2019 is for the academic session 2019-20 and which has to be enclosed to

applications invited for that session. NCTE has not invited any applications for D.El.Ed. course in the academic session 2019-20.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Committee concluded that the NRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the NRC is confirmed.

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Swami Vivekanand STC College, Danta, 381/350, Kelwara, Khandela Road, Shahbad, Baran – 325224, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-485/E-144994/2019 Appeal/4th Mtg.-2020/1st February, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 11/03/2020

ORDER

WHEREAS the appeal of Tagore BSTC College, Nimbi Jodha Road, Ladnun, Nagaur, Rajasthan dated 03/12/2019 is against the Order No. F-32-2/2004/F&A/NCTE/5707 dated 25/05/2015 of the NCTE, New Delhi forwarding Cheque No. 016241 dt. 11/05/2015 for Rs. 50,000/- towards refund of processing fee against application I.D. NRCAPP 5391.

AND WHEREAS the Committee noted that the application of the appellant dt. 28/12/2012 seeking recognition of D.El.Ed. course from the session 2013-14 was returned by the NRC to the applicant with their letter no. New APPL/RF/Raj/NRCAPP-5391/2013-14/62599-600 dt. 15/10/2013 on the ground that the Additional Director (Education), Primary Education, Bikaner, Rajasthan informed them about their decision not to allow running of pre-primary (Nursery) programme in the State. A copy of that letter was endorsed to the NCTE (HQ), New Delhi with a request to refund the processing fee deposited to the institution.

AND WHEREAS the Committee noted that according to the provisions of Section 18 (1) of the NCTE Act, 1993, any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed. According to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under the above mentioned Sections of the Act may prefer an appeal to the Council within sixty days of issue of such orders. According to the provisions of Section 18 (2) of the NCTE Act, no appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor; provided such an appeal may be admitted after the expiry of the period prescribed therefor, if the

appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period.

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 18516/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 07/11/2019, allowed the Writ Petition to be withdrawn with liberty to the petitioner to file an appeal before the NCTE. The Hon'ble High Court also observed that in the event of appeal being filed by the petitioner, the NCTE is directed to decide the appeal within a period of two months.

AND WHEREAS Sh. Vishvajeet Singh, Representative, Tagore BSTC College, Nimbi Jodha Road, Ladnun, Nagaur, Rajasthan presented the case of the appellant institution on 01/02/2020. In the appeal and during personal presentation it was submitted that NCTE, New Delhi had issued a public notice on 27.11.2012 through which applications for grant of recognition for various Teacher Education course had been invited from all stake holders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. Copy of public notice is annexed. That this institution has applied online for grant of recognition of D.El.Ed. course (02 units) to NCTE from 2013-14 on 28.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 31.12.2012. That instead of processing the application of this institution for granting recognition for D.El.Ed. course (02 units), NRC, NCTE had returned the application of this institution for grant of recognition of D.El.Ed. course (02 units) on 25.05.2015 on arbitrary, unjustified, illegal and unconstitutional basis. Copy of returning letter is annexed. The Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." Copy of Appeal Order is annexed. NRC, NCTE had conducted inspection of Royal Shikshak Prashikshan Center, Chomu, Jaipur (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 05.06.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this

institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 05.06.2018 is annexed. NRC, NCTE had conducted inspection of Tak Shiksha Niketan Girls BSTC College, Lohagal, Ajmer (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 05.06.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 05.06.2018 is annexed. NRC, NCTE had conducted inspection of SRN School of Education, Neem ka thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 24.07.2018 is annexed. NRC, NCTE had conducted inspection of Swami Vivekanand T. T. College, Gothara, Bassi (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 24.07.2018 is annexed. NRC, NCTE had conducted inspection of Annpurana BSTC School, Neem ka thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of appeal order dated 24.07.2018 is annexed. In the Appeal matter of Sardar Bhagat Singh Shikshan Sansthan, Khara Chak, Pilibangan, Goluwala, Rajasthan, Appellate Authority, NCTE had decided by its order dated 24.09.2018 that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and the Appellate orders issued in similar cases. Copy of Appeal Order dated 24.09.2018 is annexed. It is pertinent to mention here that

Deptt. of Elementary Education (Ayojana) Deptt., Govt. of Rajasthan had sent a letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020. Copy of letter is annexed. The Director Elementary Education Rajasthan, Bikaner has issued N.O.C. for D.El.Ed. course to many institutions in compliance to Hon'ble Court orders and deficiency pointed out by NRC, NCTE. Copy of the N.O.C. issued by Director Elementary Education Rajasthan, Bikaner are annexed. Hon'ble Supreme Court of India, New Delhi has given order on 29.07.2019 in Civil Appeal No. 5923-5924 of 2019 arising out of SLP (c) No. 1390-1391 of 2019 (Saraswati Deep College of Education Versus National Council for Teacher Education ANR.) by which the order of High Court of Delhi has been set aside and directed to NCTE to dispose the application on merits. Copy of order of Hon'ble Supreme Court is annexed. Hon'ble High Court of Delhi has given order on 18.10.2019 while disposing various Civil Writ Petitions that the applications will be considered by the NCTE on their own their merit as expeditiously as possible, though not later than twelve (12) weeks from the date of receipt of a copy of the order. Copy of order of Hon'ble High Court, New Delhi is annexed. So, it is prayed that the rejection order issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course (02 units).

AND WHEREAS the relevant regulatory file of the NRC is not available. The Committee noted that the submission of the appeal has been delayed by five years, eleven months and 26 days (Calculated from the date of return of the application i.e. 15/10/2013. The Committee noted that the submission of the appeal has been delayed by almost nine years beyond the period of sixty days prescribed under the Appeal Rules. The Committee noted that according to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under Section 14, Section 15 or Section 17 of the NCTE Act, 1993 may prefer an appeal to the Council within sixty days of issue of such orders. According to the Proviso to Rule 10, an appeal may be admitted after the expiry of the said period of sixty days, if the appellant satisfies the Council that he

had sufficient cause for not preferring the appeal within the period of limitation of sixty days.

AND WHEREAS the Committee noted that the impugned letter of the NRC dt. 15/10/2013 returning the application of the appellant for D.E.C.Ed. course (and not D.El.Ed. course) was issued in the year 2013 and it is not an order issued under any one of the sections of the NCTE, Act, 1993 mentioned in para 5 above. Notwithstanding this position, the appellant, while inordinately delayed making the appeal, has not given any reason, whatsoever, for the inordinate delay. On the other hand, the appellant, in the online appeal, just mentioned 'NA' against the column 'Reason for Delay.'

AND WHEREAS the Committee, in view of the position stated in the previous paras, decided not to admit the appeal.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to admit the appeal. Hence the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. The Chairman, Tagore BSTC College, 2387/650, Nimbi Jodha, Nimbi Jodha Road, Ladnun, Nagaur – 341316, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-486/E-144992/2019 Appeal/4th Mtg.-2020/1st February, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 11/03/2020

ORDER

WHEREAS the appeal of DOC Amar Singh BSTC College, Gudha Gorji Jhunjhunu Road, Udaipurwati, Jhunjhunu, Rajasthan dated 03/12/2019 is against the Letter No. New Appl./RF/Raj./NRCAPP-5164/2013-14/47263 dated 07.06.2013 of the Northern Regional Committee, returning their application for conducting D.El.Ed. course on the following grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of

Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 18497/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 07/11/2019, allowed the Writ Petition to be withdrawn with liberty to the petitioner to file an appeal before the NCTE. The Hon'ble High Court also observed that in the event of appeal being filed by the petitioner, the NCTE is directed to decide the appeal within a period of two months.

AND WHEREAS Sh. Vishvajeet Singh, Representative, DOC Amar Singh BSTC College, Gudha Gorji Jhunjhunu Road, Udaipurwati, Jhunjhunu, Rajasthan presented the case of the appellant institution on 01/02/2020. In the appeal and during personal presentation it was submitted that NCTE, New Delhi had issued a public notice on 27.11.2012 through which applications for grant of recognition for various Teacher Education course had been invited from all stake holders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. Copy of public notice is annexed. This institution has applied online for grant of recognition of D.El.Ed. course (02 units) to NCTE from 2013-14 on 28.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 31.12.2012. Copy of receipt letter and online application is annexed. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (02 units), NRC, NCTE had returned the application of this institution for grant of recognition of D.El.Ed. course (02 units) on 07.06.2013 on arbitrary, unjustified, illegal and unconstitutional basis. Copy of returning letter is annexed. The Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." Copy of Appeal Order is annexed. NRC, NCTE had conducted inspection of Royal Shikshak Prashikshan Center, Chomu, Jaipur (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had

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the Appellate orders issued in similar cases. Copy of Appeal Order dated 24.09.2018 is annexed. It is pertinent to mention here that Deptt. of Elementary Education (Ayojana) Deptt., Govt. of Rajasthan had sent a letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020. Copy of letter is annexed. The Director Elementary Education Rajasthan, Bikaner has issued N.O.C. for D.El.Ed. course to many institutions in compliance to Hon'ble court orders and deficiency pointed out by NRC, NCTE. Copy of the N.O.C. issued by Director Elementary Education Rajasthan, Bikaner is annexed. Hon'ble Supreme Court of India, New Delhi has given order on 29.07.2019 in Civil Appeal No. 5923-5924 of 2019 arising out of SLP (c) No. 1390-1391 of 2019 (Saraswati Deep College of Education Versus National Council for Teacher Education ANR.) by which the order of High Court of Delhi has been set aside and directed to NCTE to disposed the application on merits. Copy of order of Hon'ble Supreme Court is annexed. Hon'ble High Court of Delhi has given order on 18.10.2019 while disposing various Civil Writ Petitions that the applications will be consider by the NCTE on their own their merit as expeditiously as possible, though not later than twelve (12) weeks from the date of receipt of a copy of the order. Copy of order of Hon'ble High Court, New Delhi is annexed. So, it is prayed that the rejection order issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course (02 units).

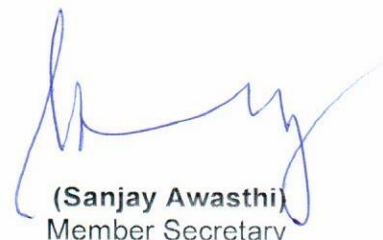
AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in

the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. The Committee also noted that in view of the NRC returning the application in original to the appellant, with a request to the NCTE to refund the processing fee also, virtually no application exists as of now. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, DOC Amar Singh BSTC College, 1355/642, Gudha Gorji Jhunjhunu Road, Udaipurwati, Jhunjhunu – 333022, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-487/E-144993/2019 Appeal/4th Mtg.-2020/1st February, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 11/03/2020

ORDER

WHEREAS the appeal of Tagore BSTC College, Gudha Gorji, Udaipurwati, Jhunjhunu, Rajasthan dated 03/12/2019 is against the Letter No. New Appl./RF/Raj./NRCAPP-3743/2013-14/49946 dated 19.06.2013 of the Northern Regional Committee, returning their application for conducting D.El.Ed. course on the following grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of

Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."

AND WHEREAS the petitioner filed a S.B. Civil Writ Petition No. 18472/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 07/11/2019 allowed the Writ Petition to be withdrawn with liberty to the petitioner to file an appeal before the NCTE. The Hon'ble High Court also observed that in the event of appeal being filed by the petitioner, the NCTE is directed to decide the appeal within a period of two months.

AND WHEREAS Sh. Vishvajeet Singh, Secretary, Tagore BSTC College, Gudha Gorji, Udaipurwati, Jhunjhunu, Rajasthan presented the case of the appellant institution on 01/02/2020. In the appeal and during personal presentation it was submitted that NCTE, New Delhi had issued a public notice on 27.11.2012 through which applications for grant of recognition for various Teacher Education course had been invited from all stake holders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. Copy of public notice is annexed. This institution has applied online for grant of recognition of D.El.Ed. course (02 units) to NCTE from 2013-14 on 28.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 31.12.2012. Copy of receipt letter and online application is annexed. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (02 units), NRC, NCTE had returned the application of this institution for grant of recognition of D.El.Ed. course (02 units) on 25.05.2015 on arbitrary, unjustified, illegal and unconstitutional basis. Copy of returning letter is annexed. The Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." Copy of Appeal Order is annexed. NRC, NCTE had conducted inspection of Royal Shikshak Prashikshan Center, Chomu, Jaipur (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 05.06.2018 that the rejection

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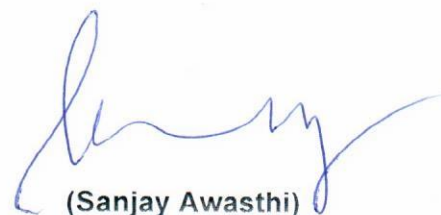
AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in

the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. The Committee also noted that in view of the NRC returning the application in original to the appellant, with a request to the NCTE to refund the processing fee also, virtually no application exists as of now. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Tagore BSTC College, 642/2, Gudha Gorji, Jhunjhunu Road, Udaipurwati, Jhunjhunu – 333022, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-488/E-145155/2019 Appeal/4th Mtg.-2020/1st February, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 11/03/2020

ORDER

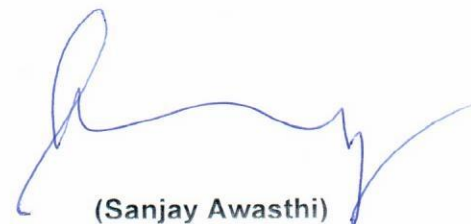
WHEREAS the appeal of Smt. J.N. Patel B.Ed. College, (Sarvajanik Vikas Mandal), Salawada, Lunawada, Panchmahal (Godhra), Gujarat dated 15/07/2019 (hard copy received on 11/12/2019) is against the Order No. WRC/APW03296/323359/B.Ed./308th/GUJ/2019/204411 dated 03.07.2019 of the Western Regional Committee, confirming their earlier order dt. 02/11/2017 withdrawing recognition for conducting for B.Ed. Course on the grounds that "the Show Cause Notice was issued to the institution on 22.06.2018. The institution has submitted reply of Show Cause Notice and the WRC observed that: The staff list submitted by the institution is not as per NCTE Regulations 2014 & amendment Regulations 2017."

AND WHEREAS Sh. N.M. Patel, President and Sh. K.T. Johnson, Member, Smt. J.N. Patel B.Ed. College, (Sarvajanik Vikas Mandal), Salawada, Lunawada, Panchmahal (Godhra), Gujarat presented the case of the appellant institution on 01/02/2020. In the appeal and during personal presentation and in a letter dt. 01/02/2020 it was submitted that action was initiated by WRC as per NCTE Regulations 2014. Their appeal was heard as per the NCTE Regulations 2014 and the order was passed to comply with the NCTE Regulations 2014. In all the above circumstances, there was no mention of NCTE Amendment 2017 as the basis of the current action of WRC. It is to be noted that even during any of the above stages NCTE amendment 2017 was not mentioned. The letter of WRC under para 8 discusses the compliance 2014 only and not 2017. There was no mention of compliance with NCTE Amendment Regulations of 2017. After the receipt of withdrawal letter, the institution has updated the staff profile as per the 2014 Regulations, and amended Regulations, 2017. The appellant, with their letter dt. 01/02/2020, submitted the updated staff profile.

AND WHEREAS the Committee, considering the submissions of the appellant and the staff list now submitted concluded that the matter deserved to be remanded to the WRC with a direction to consider the staff list to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC, the updated staff list submitted in appeal, with original thereof, within 15 days of receipt of orders on the appeal.

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

NOW THEREFORE, the Council hereby remands back the case of Smt. J.N. Patel B.Ed. College, (Sarvajanik Vikas Mandal), Salawada, Lunawada, Panchmahal (Godhra), Gujarat to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The President, Smt. J.N. Patel B.Ed. College, (Sarvajanik Vikas Mandal), 39/2, Salawada, Lunawada, Panchmahal (Godhra), Gujarat - 388270.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.



F.No.89-489/E-145177/2019 Appeal/4th Mtg.-2020/1st February, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 11/03/2020

ORDER

WHEREAS the appeal of Saraswati BSTC College, Baragaon, Udaipurwati, Jhunjhunu, Rajasthan dated 07/12/2019 is against the Letter No. New Appl./RF/Raj./NRCAPP-9209/2013-14/48215 dated 11.06.2013 of the Northern Regional Committee, returning their application for conducting D.El.Ed. course on the following grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted

and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 18601/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 08/11/2019, allowed the Writ Petition to be withdrawn with liberty to the petitioner to file an appeal before the NCTE. The Hon'ble High Court also observed that in the event of appeal being filed by the petitioner, the NCTE is directed to decide the appeal within a period of two months.

AND WHEREAS Sh. Man Singh, Secretary, Saraswati BSTC College, Baragaon, Udaipurwati, Jhunjhunu, Rajasthan presented the case of the appellant institution on 01/02/2020. In the appeal and during personal presentation it was submitted that NCTE, New Delhi had issued a public notice on 27.11.2012 through which applications for grant of recognition for various Teacher Education course had been invited from all stakeholders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. Copy of public notice is annexed. This institution has applied online for grant of recognition of D.El.Ed. course (02 units) to NCTE from 2013-14 on 31.12.2012. The hard copy was submitted in the office of NRC, NCTE, Jaipur on 04.01.2013. Copy of receipt letter and online application is annexed. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (02 units), NRC, NCTE had returned the application of this institution for grant of recognition of D.El.Ed. course (02 units) on 11.06.2013 on arbitrary, unjustified, illegal and unconstitutional basis. Copy of returning letter is annexed. The Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." Copy of Appeal Order is annexed. NRC, NCTE had conducted inspection of Royal Shikshak Prashikshan Center, Chomu, Jaipur (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 05.06.2018 that the rejection ground of non-submission of application online is not applicable to this institution

because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 05.06.2018 is annexed. NRC, NCTE had conducted inspection of Tak Shiksha Niketan Girls BSTC College, Lohagal, Ajmer (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 05.06.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 05.06.2018 is annexed. NRC, NCTE had conducted inspection of SRN School of Education, Neem ka thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 24.07.2018 is annexed. NRC, NCTE had conducted inspection of Swami Vivekanand T. T. College, Gothara, Bassi (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of Appeal Order dated 24.07.2018 is annexed. NRC, NCTE had conducted inspection of Annpurana BSTC School, Neem ka thana, Sikar (Raj) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 24.07.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Copy of appeal order dated 24.07.2018 is annexed. In the Appeal matter of Sardar Bhagat Singh Shikshan Sansthan, Khara Chak, Pilibangan, Goluwala, Rajasthan, Appellate Authority, NCTE had decided by its order dated 24.09.2018 that the matter deserver to be remanded to the N.R.C. with a direction to take further action as per the NCTE Regulations, 2014 and the Appellate orders issued in similar eases. Copy of Appeal Order dated 24.09.2018 is annexed. It is pertinent to mention here that

Deptt. of Elementary Education (Ayojana) Deptt., Govt. of Rajasthan had sent a letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020. Copy of letter is annexed. That Director Elementary Education Rajasthan, Bikaner has issued N.O.C. for D.El.Ed. course to many institutions in compliance to Hon'ble Court orders and deficiency pointed out by NRC, NCTE. Copy of the N.O.C. issued by Director Elementary Education Rajasthan, Bikaner is annexed. Hon'ble Supreme Court of India, New Delhi has given order on 29.07.2019 in Civil Appeal No. 5923-5924 of 2019 arising out of SLP (c) No. 1390-1391 of 2019 (Saraswati Deep College of Education Versus National Council for Teacher Education ANR.) by which the order of High Court of Delhi has been set aside and directed to NCTE to disposed the application on merits. Copy of order of Hon'ble Supreme Court is annexed. Hon'ble High Court of Delhi has given order on 18.10.2019 while disposing various Civil Writ Petitions that the applications will be consider by the NCTE on their own their merit as expeditiously as possible, though not later than twelve (12) weeks from the date of receipt of a copy of the order. Copy of order of Hon'ble High Court, New Delhi is annexed. So, it is prayed that the rejection order issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for D.El.Ed. course (02 units).

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective

institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. The Committee also noted that in view of the NRC returning the application in original to the appellant, with a request to the NCTE to refund the processing fee also, virtually no application exists as of now. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

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



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Saraswati BSTC College, 762-771, Baragaon, Bus Stand Road, Udaipurwati, Jhunjhunu – 333021, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-490/E-145179/2019 Appeal/4th Mtg.-2020/1st February, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 11/03/2020

ORDER

WHEREAS the appeal of Zeal Education Society's Dnyanganga College of Education, Sinhagad Road, Hawali, Pune, Maharashtra dated 05/12/2019 is against the Order No. WRC/APW01375/123223/311th/2019/206666 dated 10.10.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the Show Cause Notice was issued to the institution vide letter dated 31.03.2017. The summary of the case submitted reveals that the institution has not submitted reply of the Show Cause Notice. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for B.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS Dr. Milind Suryawanshi, Principal and Sh. Mahadik Sanjay, Assistant Professor, Zeal Education Society's Dnyanganga College of Education, Sinhagad Road, Hawali, Pune, Maharashtra presented the case of the appellant institution on 01/02/2020. In the appeal and during personal presentation it was submitted that till date, the said show cause notice is not received by college. All the required documents were ready as per revised recognition order. The documents are now enclosed with this appeal.

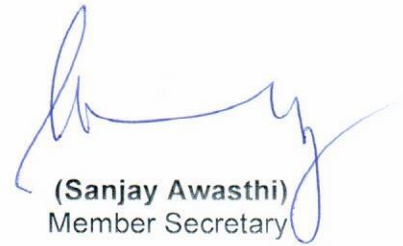
AND WHEREAS the appellant, in the course of presentation, with their letter dt. 01/02/2020 enclosed the staff list approved by the university of Pune. The appellant enclosed other land related documents with the appeal.

AND WHEREAS in view of the above position, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to consider the approved staff profile and other documents to be submitted to them by the appellant, and take

further action as per the NCTE Regulation, 2014. The appellant is directed to forward to the WRC the documents submitted in appeal, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal. The appellant should correct the name of the Regional Committee mentioned at the top of the staff list.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the WRC with a direction to consider the approved staff profile and other documents to be submitted to them by the appellant, and take further action as per the NCTE Regulation, 2014. The appellant is directed to forward to the WRC the documents submitted in appeal, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal. The appellant should correct the name of the Regional Committee mentioned at the top of the staff list.

NOW THEREFORE, the Council hereby remands back the case of Zeal Education Society's Dnyanganga College of Education, Sinhagad Road, Hawali, Pune, Maharashtra to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Principal, Zeal Education Society's Dnyanganga College of Education, S.No. 25/3/3, Hingane Khurd, Sinhagad Road, Hawali, Pune – 411051, Maharashtra.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra, Mumbai.



F.No.89-699/E-92421/2018 Appeal/4th Mtg.-2020/1st February, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 11/03/2020

ORDER

WHEREAS the appeal of Shree Maharaja Vinayak College, Paldi Meena, Sanganeer, Jaipur, Rajasthan dated 12/10/2018 is against the Order No. NRC/NCTE/NRCAPP-11365/270th (Part-2) Meeting/2017/177555 dated 30.06.2017 of the Northern Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "the applicant institution has not submitted the reply of the SCN within the stipulated time." The Show Cause Notice referred to in this refusal order is dated 17/08/2016.

AND WHEREAS the appellant filed a S.B Civil Writ Petition No. 21301/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 18/09/2018, closed the writ proceedings with liberty reserved to the petitioner to avail of remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner; the Appellate Authority would deal with the same expeditiously as possible, in accordance with law.

AND WHEREAS Dr. Ravi Shanker Meena, Secretary, Shree Maharaja Vinayak College, Paldi Meena, Sanganeer, Jaipur, Rajasthan presented the case of the appellant institution on 01/02/2020. In the appeal and during personal presentation it was submitted that "after considering the Inspection Report. NRC, NCTE had issued a Show Cause Notice dated 17.08.2016 mentioning certain deficiencies. The Secretary, Nathu Lal Meena was hospitalized from 10.08.2016 to 20.09.2016 and he had to be kept on complete bed rest during this period. Copy of Medical Certificate is annexed. The NRC, NCTE has rejected the application of this institution vide letter no. NRC/NCTE/NRCAPP-11365/270th (Pan-2) Meeting/2017/177555 dated 30.06.2017. Copy of rejection order is annexed. Copy of registered land documents has been

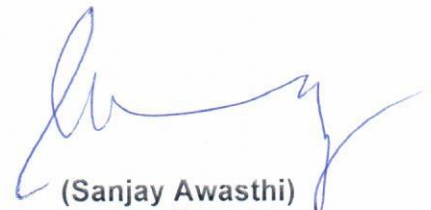
submitted to NRC, NCTE along with application. Copy of certified registered land documents and resolution of society for demarcation of the land for running of this college are annexed. The revenue (Group-6) Deptt. Govt. of Rajasthan had issued a Notification on 06.10.2016 regarding amendment of Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) Rules, 2007. In point No. 04 and Point No. 06 (2). it is clearly stated that no Change of Land Use is required for Educational Purpose if the institution is running in the land up to 4000.00 Sq. meter (1 Acre). Copy of notification dated 06.10.2016 is annexed. Non-Encumbrance Certificate issued by Tehsildar, Sanganer, Jaipur was submitted to NRC, NCTE along with hard copy of application. Copy of Non-Encumbrance Certificate issued by Tehsildar, Sanganer, Jaipur annexed. This institution had submitted Building Completion Certificate along with inspection report. Copy of Building Completion Certificate is annexed. In the Appeal matter of Sayala College, Sayala, Rajasthan, Appellate Authority, NCTE had decided by its order dated 24.09.2018 that the Committee concluded to set aside the impugned refusal order dated 27.04.2017 and remand back the case N.R.C. for considering the reply dated 19.04.2017 submitted by the appellant. Copy of Appeal Order dated 24.09.2018 is annexed. In the Appeal matter of Shree Ashapura College, Sadri, Desuri, Rajasthan, Appellate Authority, NCTE had decided by its order dated 24.09.2018 that the matter deserved to be remanded to the NRC with a direction to consider these documents to be submitted to the NRC with a direction to consider these documents to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. Copy of Appeal order dated 24.09.2018 in annexed. In the Appeal matter of Rajasthan T. T. College, Ganpati Nagar, andawa Road, Jhunjhunu, Rajasthan, Appellate Authority. NCTE had decided by its order dated 12.09.2018 that Appeal Committee concluded to set aside the impugned refusal order dated 27.04.2017 N.R.C. is required to consider the reply dated 30.05.2017 submitted by the appellant for taking decision fresh. Copy of appeal order dated 12.09.2018 is annexed. NRC has rejected the application of this institute for grant of recognition on illegal, unlawful, arbitrary, unjustified and unconstitutional grounds. It is prayed that the rejection order be set aside and directions issued to NRC to process their application for grant of recognition of B.A. B.Ed./B.Sc. B.Ed. course.

AND WHEREAS the Committee noted that the ground of refusal was non receipt of a reply to the show cause notice within the stipulated time. The Committee noted that the show cause notice dt. 17/08/2016 under reference was to be replied within 30 days of its issue. The appellant in their appeal, while admitting the receipt of the show cause notice, merely stated that their Secretary was hospitalised from 10/08/2016 to 20/09/2016, which was not a very long period. The Committee noted that the appellant has not claimed that they have ever sent any reply.

AND WHEREAS in the above circumstances, the Committee concluded that the NRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the NRC confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Committee concluded that the NRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the NRC is confirmed.

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shree Maharaja Vinayak College, Paldi Meena, Agra Road, Sanganeer, Jaipur – 302031, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-195/E-117991/2019 Appeal/4th Mtg.-2020/1st February, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 11/03/2020

ORDER

WHEREAS the appeal of Kanara Welfare Trust's B.Ed. College, Janatha Vidhyalaya Campus, Dandeli, Uttarkannada, Karnataka dated 13/05/2019 against the Order No. SRO/NCTE/APSO3710/B.Ed./KA/2019-101962 dated 06.03.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds (i) Latest EC is required; (ii) Building Plan is in photocopy not at all legible obtain the original; (iii) B.C.C. is not given; (iv) A total of 1 + 9 are required. They have 1 + 13 faculty (v) Posts of Assistant Professor in perspective Group are required to be filled. In the Pedagogy ground there is no Assistant Professor (Performing Arts) and Kannada. Assistant Professors (Fine Arts), Assistant Professor (Performing Arts) and Assistant Professor (Phy. Ed.) are required (vi) Reply has not been submitted by the institution till date, was rejected and the order of the SRC confirmed vide Appellate order No. 89-195/E-117991/2019 Appeal/17th Meeting – 2019/12th June, 2019 dt. 05/07/2019. This order was issued on the ground that the SRC issued a letter dt. 07/09/2018 to submit the documents mentioned therein within 21 days and the appellant did not submit any reply.

AND WHEREAS the appellant aggrieved by the order of the Council filed a Writ Petition No. 112306/2019 (EDN – REGP) before the Hon'ble High Court of Karnataka, Dharwad Bench. The Hon'ble High Court, in their order dt. 03/09/2019, set aside the appellate order with a direction to the Council to dispose of the appeal afresh within a period not later than 30 days from the date of receipt of certified copy of their order in accordance with law. *"The Hon'ble High Court in their order also observed that while passing order on appeal, respondent No. 2 has taken note of non – furnishing of the reply to the show cause notice issued. The said authority has failed to address rectification of the deficiencies as pointed out by the petitioner in the appeal and*

accordingly, the appellant authority appears to have disposed of the appeal within applying its mind as regards to the compliance with the various deficiencies stated to have been complied as on the date of the appeal itself."


AND WHEREAS Shri Nagesh M. Naik, Lecturer and Sh. D.P. Narayankar, Librarian, Kanara Welfare Trust's B.Ed. College, Janatha Vidhyalaya Campus, Dandeli, Uttarkannada, Karnataka presented the case of the appellant institution on 01/02/2020. The appellant, in the course of presentation, submitted, certain documents, viz. (i) a building completion certificate issued by Municipal Authorities showing a built up area of 8667 sq. ft. and another building completion certificate of an additional building showing a built up area of 816 sq. mts.; (ii) a building plan showing 805.20 sq. mts. and another additional building plan stated to have been submitted to State Government for approval; (iii) an affidavit explaining their inability to obtain a NEC from Government Authorities and (iv) a staff list of ten persons approved by the Registrar, Karnataka University, Dharwad have been certified that the staff is eligible as per the State Norms.

AND WHEREAS the Committee in compliance with the orders of the Hon'ble High Court, considered the documents submitted as above and concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents to be submitted to them by the appellant. Further action as per the NCTE Regulations, 2014 shall be taken after assessing the compatibility of state norms with that of NCTE norms regarding eligibility of faculty. The appellant is directed to forward to the SRC the documents submitted in appeal, within 15 days of issue of this appellate order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the SRC with a direction to consider the documents to be submitted to them by the appellant. Further action as per the NCTE Regulations, 2014 shall be taken after assessing the compatibility of state norms with that of NCTE norms regarding eligibility of faculty. The appellant is directed to forward

to the SRC the documents submitted in appeal, within 15 days of issue of this appellate order.

NOW THEREFORE, the Council hereby remands back the case of Kanara Welfare Trust's B.Ed. College, Janatha Vidhyalaya Campus, Dandeli, Uttarkannada, Karnataka to the SRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Principal, Kanara Welfare Trust's B.Ed. College, Janatha Vidhyalaya Campus, Dandeli – 581325, Uttarkannada, Karnataka.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.