



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 - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-211/E-264376/2022 Appeal/6th Meeting, 2023

APPLERC202114151

BKJK School of Education, 3254, 3255, Palashipara, Nadia, West Bengal-741155	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Amrik Chattopadhyay, Secretary
Respondent by	Regional Director, ERC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **BKJK School of Education, 3254, 3255, Palashipara, Nadia, West Bengal-741155** dated 02.10.2021 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No. **F.NO.ER-284.22/ERCAPP1332/B.Ed./2020/63074** dated 29.09.2020 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “Original latest faculty list duly approved by the concerned affiliating body to be submitted. Certified copy of registered land document to be submitted. Original FDRs of Rs. 5 lakh and Rs. 7 lakh to be submitted as per NCTE Regulation, 2014. Certified copy of Fire Safety Certified duly signed by the Govt. competent Authority to be submitted. Requisite information of the institutional website has not updated as per clause 7(14)(i) of the NCTE Regulation, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Amrik Chattopadhyay, Secretary of BKJK School of Education, 3254, 3255, Palashipara, Nadia, West Bengal-741155 appeared online to present the case of the appellant institution on 05.06.2023. In the appeal Memoranda it is submitted that “Copy Attachment”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 5th June, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 03.03.2014 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 26.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. The Appeal



Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 29.09.2020 for B.Ed. programme.

The instant matter was placed in 7th Meeting, 2022 of Appellate Committee held on 07.10.2022 & 08.10.2022. The Appellate Committee vide order dated 19.10.2022 rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder: -

“Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 03.03.2014 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 26.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 29.09.2020 for B.Ed. programme.

The Committee noted that petitioner institution has filed a Writ Petition (C) No. 13341/2022 titled BKJK School of Education v/s National Council of Teacher Education in the Hon’ble High Court of Delhi at New Delhi against the impugned Withdrawal Order No. F.No.ER-284.22/ERCAPP1332/B.Ed./2020/63074 dated 29/09/2020 issued by ERC. And Hon’ble Court vide order dated 14.09.2022 directed as under:

“....3. In the opinion of the Court, without going into merits of the case, present petition can be disposed of by directing Appellate Authority to forthwith decide Petitioner-Institute’s appeal. Mr. Rahul Madan, counsel for Respondents, on instructions, states that Petitioner-Institute’s appeal would be taken up for disposal by Appellate Authority, positively in its forthcoming meeting.

4. Taking said statement on record and binding Respondents to the same, instant petition is disposed with a direction to Appellate Authority to dispose of Petitioner-Institute’s appeal, in accordance with law, within a period of ten days from today.

5. It is clarified that the Court has not expressed any opinion on merits of the case and rights and contentions of the parties are left open....”

The Committee noted that the appellant institution vide letter dated 30.07.2022 alongwith Memoranda has submitted the following documents with a request to consider it as a compliance of deficiencies pointed out in impugned Withdrawal Order dated 29.09.2020: -

- (i) A list of Faculty Members, signed by the Registrar of Affiliating Body on dated 26.02.2020.**
- (ii) A copy of Land documents submitted by the institution in regional language.**
- (iii) A copy of Form ‘A’ alongwith FDRs receipt is enclosed.**



- (iv) A copy of Fire Safety Certificate approved by Competent Authority on dated 05.06.2022.
- (v) A copy of Website Homepage.

The Committee noted that there is 10 months delay in the filing of appeal as the withdrawal order was passed by the ERC on 29.9.2020 and time was given to file Appeal, if any, within 60 days from the date of order. The Institution was supposed to file Appeal by or before 28.11.2020. Admittedly the institution has filed present Appeal on 02.10.2021 and no justification was given by the institution regarding delay.

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.

In view of the above position, the Committee is not satisfied that the appellant had sufficient cause for not preferring the appeal within the prescribed period. The Committee decided not to condone the delay and hence the appeal is not admitted.

After perusal of the Memoranda of appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee, therefore, concluded not to condone the delay and hence the appeal is not admitted.

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 appeal deserves to be rejected and therefore, the impugned withdrawal order issued by ERC is confirmed."

The appellant institution moved a writ petition before the Hon'ble High Court of Delhi at New Delhi Bench bearing W.P. No. 17730/2022 & CM APPL 56676/2022 titled B.K.J.K. School of Education V/s National Council for Teacher Education & Anr, the Hon'ble Court vide its order dated 12.05.2023 issued following direction upon the Appellate Authority: -

"...6. In view of the aforesaid, under the facts of the present case, this court finds it necessary to set aside the impugned order whereby by the appeal of the petitioner-institution has been rejected only on the ground of delay in filing the appeal application, with further direction to the appellate committee to decide the



appeal on merits. Consequently, the impugned order is set aside and the appeal before the appellate committee is restored. Let the same be decided within four weeks from the date of receipt of the copy of this order.

7. The petition stands disposed of alongwith pending application in the aforesaid terms."

Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 5th June, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of faculty list (1+15) members approved by the Registrar, Satavahana University, Telangana as per provision of NCTE Regulations, 2014 alongwith a copy of Bank statement showing the salary disbursement to the faculty.
- (ii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.
- (iii) A copy of Fire Safety certificate
- (iv) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 29.09.2020. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Eastern Regional Committee and decision taken accordingly. The Committee also directed the ERC to verify the list of faculties, affiliation from the affiliating body and pass appropriate order.

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 29.09.2020 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

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



IV. DECISION: -

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

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, BKJK School of Education, 3254, 3255, Palashipara, Nadia, West Bengal-741155**
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 - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-109/E-251034/2022 Appeal/6th Meeting, 2023

APPLSRC202214342

Aadya Shri Nijalingeshwar Shikshan Samsthes Bharatratna Dr. S Radhakrishnan B.Ed. Mahavidyalaya Sanke, 3892/B Sankeshwar, Gadhinglaj Road, Hukkeri, Belgaum, Karnataka-591313	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Alok Kumar Dwivedi and Paras Chubby, Consultant
Respondent by	Regional Director, SRC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Aadya Shri Nijalingeshwar Shikshan Samsthes Bharatratna Dr. S Radhakrishnan B.Ed. Mahavidyalaya Sanke, 3892/B Sankeshwar, Gadhinglaj Road, Hukkeri, Belgaum, Karnataka-591313** dated 11.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APS03259/B.Ed./{KA}/2022/130243** dated 10.02.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has submitted a faculty list comprising 8 faculty but the same is not approved by the affiliating body, further the strength of faculty is not enough even for 1 unit of B.Ed. course as per appendix 4 of NCTE regulations, 2014. The institution did not submit a "Form A" issued by the respective bank manager and re-validation of FDRS of Rs 5 & 7 lakhs. The institution submitted documents regarding LUC, NEC etc. which are in regional language. The institute has not submitted English notarized version of LUC/NEC etc. The building plan submitted by the institution is neither approved nor legible. The institution did not submit an attested/notarized copy of building completion certificate issued by the competent authority."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Alok Kumar Dwivedi and Paras Chubby, Consultant of Aadya Shri Nijalingeshwar Shikshan Samsthes Bharatratna Dr. S Radhakrishnan B.Ed. Mahavidyalaya Sanke, 3892/B Sankeshwar, Gadhinglaj Road, Hukkeri, Belgaum, Karnataka-591313 appeared online to present the case of the appellant institution on 05.06.2023. In the appeal memoranda it is submitted that "Due to clerical mistake institution did not submit approved faculty list and the institution has approved faculty list. Approved by the affiliation body as per the norms. The approved letter no: RCU/Belagavi/CDC/2021-22/247. At the time of submission instead of submitting "Form A" we submitted only FD certificates with letter issued by the bank the bank manager refused give "from a" so we did not submit "form A". Now we are submitting Form 'A'. At the time of submission, we did not have English version copies, so we submitted



regional language documents. But now we have English version notarized documents regarding to LUC, NEC. Accordingly submitting it. The building plan submitted by the institution was also approved but it was in regional language. Now we are submitting approved and legible plan of building. The institution at the time of submission submitted notarized completion certificate issued by the competent authority but it was in regional language. Now we are submitting notarized copy of building completion certificate issued by the competent authority.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 5th June, 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 seats on 21.12.2005, further a letter was issued to the institution on 09.12.2009 regarding Change of Name from “Adya Shri. Nijalingeshwar Shikshana Mahavidyalaya to Aadya Shri. Nijalingeshwar Shikshan Samsthe’s Bharat Ratna Dr. S. Radhakrishnan B.Ed. Mahavidyalaya.” and after promulgation of NCTE Regulations, 2014 giving thereby affidavit dated 20.01.2015 for its adherence, a revised provisional recognition order of two years duration with an annual intake of 50 students (one unit) was issued on 16.05.2015 with certain conditions to comply within stipulated time period. The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 08.03.2019 and 25.09.2020, respectively to submit its written representations for rectifying the pointed out short comings in the given time period. The Appeal Committee noted that SRC vide order dated 22.06.2015 had reduced intake of the appellant institution from 100 students (two units) to 50 students (one unit). The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 10.02.2022.

The instant matter was placed in 5th Meeting, 2022 of Appellate Committee held on 11.06.2022. The Appellate Committee vide order dated 12.07.2022 rejected the



appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder: -

“Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 21.12.2005 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 50 students (one unit) was issued on 16.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 08.03.2019 and 25.09.2020, respectively to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that SRC vide order dated 22.06.2015 had reduced intake of the appellant institution from 100 students (two units) to 50 students (one unit).

The Appeal Committee noted that the date of appointment of the faculty in the submitted prescribed format is not mentioned. Some faculty members shown as new appointment. It may not be ascertained whether they possess the required qualifications as per amended Regulations notified in May, 2017. The submitted building plan is not legible. The building completion certificate is not in prescribed format which contains details of the institution, survey no., total land and built-up area etc.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Committee observes that the appellant is still deficient on the above grounds. Hence, it is concluded that the SRC was justified in withdrawing recognition and therefore the instant appeal deserved to be rejected and the impugned withdrawal order 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 recognition and therefore the instant appeal deserved to be rejected and the impugned withdrawal order is confirmed.”

The Appellant Institution moved a writ petition before the Hon'ble High Court of Delhi at New Delhi Bench bearing W.P.(C) No. 17623/2022 & CM APPL 56362/2022 & 831/2023 titled Aadya Shri Nijalingeshwar Shikshan Samsthes Bharat Ratna Dr S Radhakrishnan B.Ed. College V/s National Council for Teacher Education & Anr, the



Hon'ble Court vide its order dated 21.03.2023 issued following direction upon the Appellate Authority: -

***"...6. In view of the aforesaid, this court declines to entertain the instant petition.
7. However, the liberty is granted to the petitioner to approach the Appellate Committee in terms of Section 18 of the NCTE Act, 1993.
8. It is directed that the appeal of the petitioner shall not be dismissed on the ground of delay and the same will be considered on merits after providing an opportunity of hearing to the petitioner and shall dispose it of expeditiously.
9. This court has not expressed any opinion on the merits of the case.
10. All rights and contentions of the parties are left open.
11. The petition is disposed of accordingly."***

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 5th June, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy faculty list (1+8) members approved by the Registrar of affiliating Body as per provision of NCTE Regulations, 2014

The Appeal Committee noted that as per RPRO dt. 16.05.2015, the recognition was granted for one basic unit only to the institution. The Appeal Committee further noted the withdrawal order dt. 10.02.2022 and letter dated 23.11.2022 issued by the SRC, NCTE. The Committee noted that as per the letter dated 23.11.2022, the SRC had considered the representation dated 19.10.2022 in compliance of order dated 07.09.2022 passed by Hon'ble High Court of Karnataka and SRC found there are some more deficiencies in the faculty list, mentioned at Sl. No. 3,4,5,6 & 7 are not qualified in terms of NCTE Regulation, 2014 and order dated 23.11.2022 issued by SRC whereby the withdrawal order was confirmed.

The Appeal Committee noted that the appellant institution has submitted approved list of (1+8) faculty as per provisions of the NCTE Regulations, 2014. The Committee further noted that as per provision of 5.1 of Appendix 4 of the NCTE Regulations, 2014, the number of faculty shall be 8 for one basic unit.



The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 10.02.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern Regional Committee and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 10.02.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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



receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

IV. DECISION: -

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Aadya Shri Nijalingeshwar Shikshan Samsthes Bharatratna Dr. S Radhakrishnan B.Ed. Mahavidyalaya Sanke, 3892/B Sankeshwar, Gadhinglaj Road, Hukkeri, Belgaum, Karnataka-591313**
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 - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-100E-304642/2023 Appeal/6th Meeting, 2023
APPLWRC202314613**

Shri Ram College of Education, 24, Rajnandgaon, GE Road, Rajnandgaon, Chhattisgarh-491441	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Representative of the institution
Respondent by	Regional Director, WRC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Shri Ram College of Education, 24, Rajnandgaon, GE Road, Rajnandgaon, Chhattisgarh-491441** dated 25.05.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. WRC/APWO01471/723052/C.G./304th/2019/202780 to 202785** dated 12.04.2019 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted any proof of additional built-up area. (ii). The institution has not submitted any proof of additional infrastructure. (iii). The institution has not submitted a letter granting approval for the selection or appointment of faculty issued by the affiliating body as per NCTE Regulations, 2014. (iv). The institution has not submitted NEC issued by the competent Authority. (v). The institution has not submitted land use certificate issued by the competent Authority.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of Shri Ram College of Education, 24, Rajnandgaon, GE Road, Rajnandgaon, Chhattisgarh-491441 appeared online to present the case of the appellant institution on 05.06.2023. In the appeal memoranda it is submitted that: “Memorandum of Appeal Committee before National Council for Teacher Education u/s 18 of the NCTE act 1993 from, Shri Ram College of Education Digvijay Stadium Parisar, GE Road, Rajnandangaon, Chattisgarh-491441. Appellant and in the matter of: - appeal U/s 18 of NCTE act, 1993 seeking quashing of decision taken by WRC in its 304th meeting held on 2nd to 4th April, 2019 to withdraw the recognition of appellant institution with direction to WRC for restoration of the recognition of appellant institution. To the Hon'ble Appeal Committee of NCTE at New Delhi the humble petition of the appellant above named 1. That WRC in its 304th meeting held on 2nd to 4th April, 2019 has arbitrary withdrawn recognition of the appellant institution for conducting the B.Ed. course on the basis of alleged deficiencies. A copy of the Minutes of the 304th Meeting of WRC held on 2nd to 4th April, 2019, is enclosed as Enclosure. 2. That in order to appreciate various contentions and averment being raised hereinafter, it is necessary to state the following few relevant facts in brief. 3. That WRC vide its order dated


2

27.06.2005 granted initial recognition to the appellant institution for running the B.Ed. course with 2 units. A copy of recognition order dated 27.06.2005 is enclosure 2. 4. That subsequently, after new NCTE regulations, 2014 WRC issued revised recognition order dated 31.05.2015 for 2 units of B.Ed. course from academic session 2016-17. A copy of revised recognition order dated 31.05.2015 is enclosed as enclosure 3. 5. That, accordingly, the appellant institution vide its letter dated 28.10.2015, submitted its compliance in term of conditions contained in revised recognition order. A copy of letter dated 20.10.2015 of the appellant is enclosed as Enclosure 4. 6. That thereafter, WRC issued the show cause notice dated 08.12.2017, pointing out the deficiency regarding staff profile, land documents, FDRs etc. a copy of show cause notice dated 08.12.2017 is enclosed as enclosure 5. 7. That accordingly, appellant vide letter dated 19.02.2018 submitted its compliance to show cause notice dated 08.12.2017 along with all the requisite documents, including BCC. A true copy of the letter dated 19.02.2018 of appellant institution is enclosed as enclosure 6. 8. That thereafter, the appellant institution vide letter dated 08.09.2018 submitted its application seeking shifting of premises. A true copy of the letter dated 08.09.2018 of the appellant institution is enclosed as enclosure 7. 9. That however WRC in its 304th meeting held on 2nd to 4th April, 2019, withdrew the recognition of the appellant institution, observing as under: "(i). The institution has not submitted any proof of additional built-up area. (ii). The institution has not submitted any proof of additional infrastructure. (iii). The institution has not submitted a letter granting approval for the selection or appointment of faculty, issued by the affiliating body as per NCTE Regulations, 2014. (iv). The institution has not submitted NEC issued by the competent authority. (v). The institution has not submitted land use certificate issued by the competent authority." 10. That the WRC withdrew the recognition of the appellant institution without considering the application of the petitioner institution for shifting of premises, and also without following the provision of issuing two show cause notices as per the NCTE SOP 2019. A copy of NCTE SOP 2019 is enclosed as Enclosure 8. 11. That thereafter, the appellant institution vide its letter dated 15.04.2019 informed the WRC that all documents were submitted to WRC on 28.10.2017. A copy of letter dated 15.04.2019 is enclosed as Enclosure 9. 12. That so far as 1st & 2nd deficiency pertaining to proof of additional built-up area and additional infrastructure is concerned, it is submitted that appellant institution vide its reply dated 19.02.2018 submitted to WRC, had also submitted the BCC wherein the adequate built-up area is mentioned. Further, the appellant institution had also submitted its application on 08.09.2018 for shifting of premises, however, WRC did not take any action therein. It is submitted that the new premises of the appellant institution has adequate built-up



area and also the infrastructural /instructional facilities. A true copy of the BCC dated nil is enclosed as Enclosure 10. 13. That so far as the 3rd deficiency pertaining to non-submission of letter granting approval for appointment of faculty is concerned, it is submitted that the appellant institution had submitted the duly approved faculty list to WRC with faculty approval letter dated 14.10.2005, 12.05.2008, 05.01.2016 & 31.05.2017 (Principal). A copy of letters dated 14.10.2005, 12.05.2008, 05.01.2016 & 31.05.2017, are enclosed as Enclosure 11. 14. That so far as the 4th deficiency pertaining to non-submission of NEC is concerned, it is submitted that the appellant vides its reply had also submitted the NEC dated 11.04.2011 issued by the Office of Deputy Registrar, Rajnandgaon, Chhattisgarh. A copy of non-encumbrance certificate dated 11.04.2011 issued by Office of deputy Registrar, Rajnandgaon, Chhattisgarh is enclosed as Enclosure 12. 15. That so far as the 5th deficiency pertaining to change of Land Use Certificate is concerned, it is submitted that the appellant vides its reply had also submitted the same to the WRC. It is submitted that the classification of the Land Use Certificate dated 31.03.2012 was issued by the office of Assistant Director City & Village, Rajnandgaon, Chhattisgarh wherein it was clarified in the CLU that the land of petitioner institution is out of the classification of land use. A copy of CLUs dated 31.03.2012 are enclosed as Enclosure 13. 16. That in this circumstance, the appellant institution filed Writ Petition No. 4859/2019 before the Hon. Delhi High Court against the decision of withdrawal, as taken by the WRC in its 304th Meeting held on 2nd to 4th April, 2019 w. r. t. appellant institution 17. That the Hon. High Court vide its order dated 06.05.2019 granted stay on the decision taken by WRC in its 304th Meeting held on 2nd to 4th April, 2019, which remained in force vide subsequent orders passed by the High Court, from time to time. A copy of order dated 06.05.2019 of the High Court is enclosed is Enclosure 14. 18. That subsequently, the aforesaid Writ Petition of the appellant institution was listed before the Hon. High Court on 27.04.2023, when this Hon'ble Court passed the following order in the matter: "6. The petitioner is directed to approach the Appellate Committee in terms of Section 18 of the NCTE, 1993 within a period of 30 days from today. 7. It is also directed that the Appellate Committee shall decide the appeal strictly on merits without dismissing the same on the ground of delay. 8. The interim order dated 06.05.2019 passed by this court order shall remain in force. 9. With the aforesaid directions, the petition stands disposed of. 10. All rights and contentions of the parties are left open." A copy of order dated 27.04.2023 of the High Court is enclosed is Enclosure 15 19. That in view of the aforesaid order dated 27.04.2023, the aforesaid interim order dated 06.05.2019 passed by Hon. Court, shall remain in force, which means that stay on the decision taken by WRC in its 304th meeting held on 2nd to 4th April, 2019, shall operate



continuously. Further, the High Court has also directed the appellant institution to prefer the appeal before the appeal committee. 20. That accordingly, the appellant institution has preferred its online appeal being ID No.4150 dated 25.05.2023 under Section 18 of NCTE Act, 1993. As per procedure, the Appellant institution is submitted herewith the hardcopy of online appeal. A copy of the online appeal of the appellant institution is enclosed as Enclosure 16. 21. That it is submitted that in order to pacify the appeal committee, the appellant institution is also enclosing with its appeal, the documents which were asked by the WRC and submitted by the appellant institution. 22. That it is submitted that thus, the decision taken by the WRC in its 304th meeting held on 2nd to 4th April, 2019 to withdraw the recognition of appellant institution, is not maintainable and thus, the appeal committee is requested to relevant the decision taken by WRC with further direction to WRC to restore the recognition of appellant institution thereby granting an opportunity to appellant institution to submit documents desired by the WRC. Prayer it is, therefore, most respectfully prayed that NCTE may graciously be pleased to: - (i) allow the instant appeal of the Appellant and restored the recognition of the appellant institution thereby granting an opportunity to the appellant institution to submit the documents desired by the WRC filed by Shri Ram College of Education Place: Rajnandgaon dated: 25.05.2023.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 5th June, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 13.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 13.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units of 50 students each) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 12.04.2019.

The appellant institution moved a writ petition before the Hon'ble High Court of Delhi at New Delhi Bench bearing W.P.(C) No. 4859/2019 and CM APPL. 21590/2019



titled Shri Ram College of Education V/s National Council for Teacher Education & Anr, the Hon'ble Court vide its order dated 27.04.2023 issued following direction upon the Appellate Authority: -

***"...6. The petition is directed to approach the Appellate Committee in terms of Section 18 of the NCTE, 1993 within a period of 30 days from today.
7. It is also directed that the Appellate Committee shall decide the appeal strictly on merits without dismissing the same on the ground of delay.
8. The interim order dated 06.05.2019 passed by this court shall remain in force.
9. With the aforesaid direction, the petition stands disposed of.
10. All rights and contentions of the parties are left open."***

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 5th June, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) The institution has submitted proof of infrastructure by way of submission of Building Completion Certificate, a copy of land use certificate, NEC, building plan etc.
- (ii) A copy of letters issued by the affiliating University approving the faculty of the institution.
- (iii) A copy of FDRs towards Endowment Fund & Reserve Fund.

The Appeal Committee noted that the institution has submitted application for shifting of premises. However, the inspection of the institution for shifting of premises was not held. The appellant institution alongwith the Appeal Memoranda has submitted proof of infrastructure by way of submission of Building Completion Certificate, a copy of land use certificate, NEC, building plan etc. The Committee noted that the documents submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified by the Western Regional Committee. As such the Committee is of the view matter be remanded back to WRC to decide the matter afresh by conducting the inspection of the institution for shifting of its premises so as to ascertain the infrastructural and instructional facilities available in the institution or not and also to verify the list of faculty, affiliation from the affiliating body and pass appropriate order.



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 12.04.2019 is set-aside and the Appellate Committee has decided to remand back the case to WRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The WRC is at a liberty to verify the submitted documents from the concerned issuing authority. The Committee also directed the WRC to conduct inspection of the institution for shifting of its premises so as to ascertain the infrastructural and instructional facilities available in the institution or not and also to verify the list of faculty, affiliation from the affiliating body and pass appropriate order.



IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to WRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The WRC is at a liberty to verify the submitted documents from the concerned issuing authority. The Committee also directed the WRC to conduct inspection of the institution for shifting of its premises so as to ascertain the infrastructural and instructional facilities available in the institution or not and also to verify the list of faculty, affiliation from the affiliating body and pass appropriate order.

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, Shri Ram College of Education, 24, Rajnandgaon, GE Road, Rajnandgaon, Chhattisgarh-491441**
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 - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-86/E-302349/2023 Appeal/6th Meeting, 2023
APPLSRC202314597**

Jyothi College of Education, 1182, Tadur, Tangallapally, Karimnagar, Telangana-505405	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Srinivas Diddi, Secretary
Respondent by	Regional Director, SRC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Jyothi College of Education, 1182, Tadur, Tangallapally, Karimnagar, Telangana-505405** dated 01.05.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO0280/B.Ed./TS/2023/141290** dated 21.02.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has submitted faculty approval letter dated 01.02.2022. The institution did not submit Staff list duly approved by the Registrar of the affiliating body as per the prescribed Format of NCTE. Further the institution has failed to submit copies of certificates of academic & professional educational qualifications viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience certificate of Principal etc. (ii). The institution did not 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). At the time of recognition of the institution has submitted Survey No. 78/B, 78A, 79 deed dated 21.05.2001. Now submitted sale deed dated 16.09.2014 submitted for Survey No. 1182. (iv). The institution has submitted photocopy of FDRs. The institution has not submitted Form ‘A’ issued by the respective Bank Manager towards creation of FDR of Rs. 7 lakh and 5 lakhs, totaling Rs. 12 lakhs towards Endowment Fund & Reserve Fund into joint account for a duration of 5 years along with a copy of the FDRs.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Srinivas Diddi, Secretary of Jyothi College of Education, 1182, Tadur, Tangallapally, Karimnagar, Telangana-505405 appeared online to present the case of the appellant institution on 05.06.2023. In the appeal memoranda it is submitted that: “(i). I am herewith submitting the approved staff list (1+15) duly approved by the Registrar of the Satavahana University affiliating body as per the prescribed format of NCTE along with copies of certificates of the Academic and Professional Educational qualifications viz B.Ed., M.Ed., NET., Ph.D. etc. and experience certificates of principal



etc. (ii). We are paying salaries to teaching staff through our college bank account, bank statement of our college here with enclosing. (iii). Our college got recognition in the year 2003 at old address with 78/b, 78a, 79 further we approached SRC NCTE for shifting of college premises and obtain shifting permission officially from SRC NCTE with Sy. No. 1182 Thadoor Village (Shifted from old premises to new premises with the permission of NCTE) evidence here with enclosed. (iv). Now I am here with submitting the Form 'A' form the Bank Manager along with the copies of joint FDRs (In the name of Secretary of our society and RD, SRC, NCTE) of Rs. 7 lakhs and 5 lakhs towards Endowment and Reserve Fund."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 5th June, 2023. 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 03.03.2003. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 13.03.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 12.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 students (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 21.02.2023.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 5th June, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of faculty list (1+15) member approved by the Registrar, Satavahana University, Telangana as per provisions of NCTE Regulation, 2014 along with copies of certificates of the Academic and Professional Educational



qualifications viz B.Ed., M.Ed., NET., Ph.D. etc. and experience certificates of principal etc. alongwith a copy of statement of salary disbursement to the faculty.

- (ii) A copy of shifting order of premises of the institution dated 25.05.2016.
- (iii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 21.02.2023. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern Regional Committee and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 21.02.2023 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.



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

IV. DECISION: -

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

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Jyothi College of Education, 1182, Tadur, Tangallapally, Karimnagar, Telangana-505405**
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 परिषद (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-87/E-303138/2023 Appeal/6th Meeting, 2023
APPLSRC202314602**

Mahatma Gandhi University College of Teacher Education, Block II, 254/4, Kanjirapally, Petta Jn., Kottayam, Kerala-686507	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Representative of the institution
Respondent by	Regional Director, SRC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Mahatma Gandhi University College of Teacher Education, Block II, 254/4, Kanjirapally, Petta Jn., Kottayam, Kerala-686507** dated 12.05.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO3518/B.Ed./423rd MTG/KL/2023/141973** dated 01.05.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted latest list of faculties in the prescribed format for B.Ed. programme duly approved by the Registrar of the affiliating Body as per NCTE Regulations, 2014. (ii). The Committee noted that the institution has changed the management of the Mahatma Gandhi University College of Teacher Education to Centre for Professional and Advanced Studies and in view of the letter dated 08.12.2016 and 23.12.2016 issued by NCTE, Hqr., the change of management/society/trust is not permissible.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of Mahatma Gandhi University College of Teacher Education, Block II, 254/4, Kanjirapally, Petta Jn., Kottayam, Kerala-686507 appeared online to present the case of the appellant institution on 05.06.2023. In the appeal memoranda it is submitted that: “(i). College of Teacher Education, Kanjirapally Appeal 1, Dr. Rajeena A D/o M K Ahammed and Principal of the College of Teacher Education, Kanjirapally aged about 49 years, resident of Idayirickapuzha (P.O), Kangazha in connection with the withdrawal order F.SRC/NCTE/APSO3518/B.Ed./423/MTG/KL/2023/141993 dated 01/05/2023 college of Teacher Education Kanjirapally do hereby solemnly affirm, state and declare as under: - The reason state for the proposed withdrawal is that 1. The institution has not submitted the latest list of faculties in the prescribed format approved by the Registrar of Mahatma Gandhi University. The staff profile approved by Registrar M G University already submitted in 03/04/2022 along with PAR. Now the latest faculty list approved by Registrar M G



University is attached herewith. 2. There is a change in the name of the institution with is made without prior permission of the NCTE so also that there is a change in the management of the Mahatma Gandhi University College of Teacher education to Centre for Professional and Advanced Studies in view of letter dated 08/12/2016 and 23/12/2016 issued by NCTE, Hqr., the change of management/society/trust is not permissible I may say that Mahatma Gandhi University was directly managing the Self-financing Teacher Education Centre at Kanjirapally. The Self-financing Institutions (SFIs) directly run by the Mahatma Gandhi University was transferred to a government owned and controlled society by name Centre for Professional and Advanced Studies (CPAS), a society established under the Travancore Cochin Literary Scientific and Charitable Societies Act, 1955 as per G.O(MS) No.101/2017/H. Edn. dated 06.04.2017. It is on adoption of the resolution by the mahatma Gandhi University which was approved by the Government of Kerala that the society was formed. On formation of the society the Self-Financing Institution managed by the Mahatma Gandhi University was entrusted with the society for its running. The educational institution on self-financing streams managed by the Mahatma Gandhi University was entrusted to the CPAS. The teachers working in the Self-Financing Institution of Mahatma Gandhi University was transferred to the colleges entrusted with CPAS so also the entire infrastructural facility including land and buildings. The issue was considered by the Division Bench of the Honorable High Court and in relation to the teachers the Division Bench in WA No. 2394 of 2018 and connected cases declared that "We would not interface with Ext.P23 (W.A. No. 156/2019) since we do not find any infirmity in the constitution of the Society which was for the purpose of better administration and management of the SFI's. the administration and management of the SFI's. the formation of the Society and the transfer of FDRs by the University, are decision which do not fall for interference by way of judicial review, and we decline such prayer. The formation of the Society and the transfer of the SFI's cannot affect the service of the appellants who are declared to be permanent employees of the University by the Supreme Court and this Court. They are to be either deployed to the Society or employed in the University or retrenched in accordance with law. The appellants, who are now engaged by the CPAS, will be deemed to be deployed by the



University on identical terms and conditions they had with the University. Their pay and allowances will stand protected. The liability to the same shall be either on the Society or the University, as decided by the State which decision is final as per the MoA and shall be binding on both." The law is declared by the Hon'ble Court that the Self-Financing Institutions presently administered by CPAs is in continuation of and as a successor to the Mahatma Gandhi University. The teachers are fully qualified and selected in accordance with law and continuing in terms of the directions issued by the Division Bench of Hon'ble High Court of Kerala. In relation to the land, it is submitted that the land and buildings in which erstwhile self-financing colleges directly managed by the MG University is transferred to the CPAs and that the management of the building is vested with CPAs. Further the owner of the land is the Government of Kerala and both Mahatma Gandhi University and CPAs are established by the government itself. The society is a society registered as a Government Society. Hence the defects noted in the show cause notices are not legally sustainable. The non-furnishing of the information of change of name is only an omission on our part which may be condoned. Further the change of name by no way affects the management of the institution. The institution is not one established on formation of the society but continued to be managed by its which was originally established by the Mahatma Gandhi University. In view of the above I may say that there is no violation of any of the condition of NCTE Regulations and irregularity noticed if any which are purely technical be waived or condoned and that the proposed action on your part to withdraw recognition be dropped. I do hereby swear that my declarations are true and correct and that it conceals nothing and that no part of this is false. Name: Dr. Rejeena A Principal, Ph. 9496555501 College of Teacher Education Kanjirapally Petta H S Campus Petta Jn., Kanjirapally P O Kanjirapally-686507 Kottayam Dt., Kerala State. (ii). College of Teacher Education Kanjirapally Appeal 1, Dr. Rajeena A D/o M K Ahammed and Principal of the College of Teacher Education Kanjirapally aged about 49 years, resident of Idayirickapuzha (P.O), Kangazha in connection with the withdrawal order F.SRC/NCTE/APS03518/B.Ed./423 mtg/KL/2023/141993 dated. 01/05/2023 College of Teacher Education Kanjirapally do hereby solemnly affirm, state and declare as under: The reason stated for the proposed withdrawal is that 1. The



4

institution has not submitted the latest list of faculties in the prescribed format approved by the Registrar of Mahatma Gandhi University. The staff profile approved by Registrar M G University already submitted in 03/04/2022 along with PAR. Now the latest faculty list approved by Registrar M G University is attached herewith. 2. There is a change in the name of the institution which is made without prior permission of the NCTE so also that there is a change in the management of the Mahatma Gandhi University College of Teacher Education to Centre for Professional and Advanced Studies in view of letter dated 08/12/2016 and 23/12/2016 issued by NCTE, Hqr., the change of management/society/trust is not permissible I may say that Mahatma Gandhi University was directly managing the Self-Financing Teacher Education Centre at Kanjirapally. The Self-Financing Institutions (SFIs) directly run by the Mahatma Gandhi University was transferred to a government owned and controlled society by name Centre for Professional and Advanced Studies (CAPS), a society established under the Travancore Cochin Literary Scientific and Charitable Societies Act, 1955 as per G.O(MS) No.101/2017/H. Edn dated 06.04.2017. It is on adoption of the resolution by the Mahatma Gandhi University which was approved by the Government of Kerala that the society was formed. On formation of the society the Self-financing Institution managed by the Mahatma Gandhi University was entrusted with the society for its running. The educational institution on self-financing streams managed by the Mahatma Gandhi University was entrusted to the CAPS. The teachers working in the Self-Financing Institution of the Mahatma Gandhi University was transferred to the colleges entrusted with CPAs so also the entire infrastructural facility including land and building. The issue was considered by the Division Bench of the Honorable High Court and in relation to the teachers the Division bench in WA No. 2394 of 2018 and connected cases declared that "We would not interfere with Ext.P23 (W.A. No. 156/2019) since we do not find any infirmity in the constitution of the Society which was for the purpose of better administration and management of the SFI's. The formation of the Society and the transfer of SFIs by the University, are decisions which do not fall for interference by way of judicial review, and we decline such prayers. The formation of the Society and the transfer of the SFI's cannot affect the service of the appellants who are declared to be permanent employees of the University by the



Supreme Court and this Court. They are to be either deployed to the Society or employed in the University or retrenched in accordance with law. The appellants, who are now engaged by the CPAS, will be deemed to be deployed by the University on identical terms and conditions they had with the University. Their pay and allowances will stand protected. The liability to the same shall be either on the Society or the University, as decided by the State which decision is final as per the MoA and shall be binding on both." The law is declared by the Hon'ble Court that the Self-Financing Institutions presently administered by CPAS is in continuation of and as a successor to the Mahatma Gandhi University. The teacher's arte fully qualified and selected in accordance with law and continuing in terms of the directions issued by the Division Bench of Hon'ble High Court of Kerala. In relation to the land, it is submitted that the land and budlings in which erstwhile self-financing colleges directly managed by the MG University is transferred to the CAPS and that the management of the building is vested with CPAS. Further the owner of the land is the Government of Kerala and both Mahatma Gandhi University and CPAS are established by the Government itself. The society is a society. Hence the defects noted in the show cause notice are not legally sustainable. The non-furnishing of the information of change of name is only an omission on our part which may be condoned. Further the change of name by no way affects the management of the institution. The institution is not one established on formation of the society but continued to be managed by it which was originally established by the Mahatma Gandhi University. In view of the above I may say that there is no violation of any of the condition of NCTE Regulations and irregularity noticed if any which are purely technical be waived or condoned and that the proposed action on your part to withdraw recognition be dropped. I do hereby swear that my declarations are true and correct and that it conceals nothing and that no part of this is false. Name: Dr. Rejeena A Principal, Ph. 9496555501 College of Teacher Education Kanjirapally Petta H S Campus Petta Jn., Kanjirapally P O Kanjirapally-686507 Kottayam Dt. Kerala State."



III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 5th June, 2023. 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 01.11.2007. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 students (two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 01.05.2023.

The Appeal Committee in its 6th Meeting, 2023 held on 05.06.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order. The appellant institution informed to the Appeal Committee that before 2017, Mahatma Gandhi University was managing the self-financing teachers training institution, and the status of teacher straining institution are that of self-financing colleges. It has also been informed by the appellant institution that Government decided to establish a Society for the co-ordination, better management and administration of all the self-financing institutions run by Mahatma Gandhi University. As a result, Government of Kerala took a policy decision to constitute a charitable society by name Centre for Professional & Advanced Studies (CPAS) and to handover the Self-Financing Institution run by the Mahatma Gandhi University to the newly formed society. This Society is controlled by Government of Kerala.

The Appeal Committee perused the relevant records and the documents submitted by appellee institution. Appeal Committee noted that the appellant institution has changed the management of the Mahatma Gandhi University College of



Teacher Education to Centre for Professional and Advanced Studies. Appeal Committee noted that applicant institution did not seek prior approval of SRC, 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 SRC, 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.

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 01.05.2023 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 01.05.2023 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, Mahatma Gandhi University College of Teacher Education, Block II, 254/4, Kanjirapally, Petta Jn., Kottayam, Kerala-686507**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Kerala



IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-88/E-303146/2023 Appeal/6th Meeting, 2023
APPLSRC202314603**

Mahatma Gandhi University College of Teacher Education, 317/4, 317/5-1, Paippad, Pallickachirakavala, Changana Cherry, Kottayam, Kerala-686537	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. Rajasree S., Principal
Respondent by	Regional Director, SRC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Mahatma Gandhi University College of Teacher Education, 317/4, 317/5-1, Paippad, Pallickachirakavala, Changana Cherry, Kottayam, Kerala-686537** dated 12.05.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO2516/B.Ed./423rd MTG/KL/2023/141983** dated 01.05.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted latest list of faculty in the prescribed format for B.Ed. programme duly approved by the Registrar of the affiliating body as per NCTE Regulations, 2014. (ii). The Committee noted that the institution has changed the management of the Mahatma Gandhi University College of Teacher Education to Centre for Professional and Advanced Studies and in view of the letter dated 08.12.2016 and 23.12.2016 issued by NCTE, Hqr., the change of management/society/trust is not permissible.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Rajasree S., Principal of Mahatma Gandhi University College of Teacher Education, 317/4, 317/5-1, Paippad, Pallickachirakavala, Changana Cherry, Kottayam, Kerala-686537 appeared online to present the case of the appellant institution on 05.06.2023. In the appeal memoranda it is submitted that: “(i). The institution has latest list of faculty in the prescribed format for B.Ed. programme approved by the Registrar of the affiliating Body as per NCTE Regulations, 2014. (ii). I may say that Mahatma Gandhi University was directly managing the College of Teacher Education at Paippad. The Self-Financing Institutions (SFIs) directly run by the Mahatma Gandhi university was transferred to a Government owned and controlled society by name Centre for Professional and Advanced Studies (CPAS), a society established under the Travancore Cochin Literary Scientific and Charitable Societies Act, 1955 in 2017 as per G.O. (MS) No. 101/2017/H.Edn dated 06.04.2017. It is on adoption of the resolution by the Mahatma Gandhi University which was



approved by the Government of Kerala that the society was formed. On formation of the society the Self-Financing Institutions managed by the Mahatma Gandhi University was entrusted with the society for its running. The educational institution on self-financing streams managed by the Mahatma Gandhi University was entrusted to the CAPS. The teachers working in the Self-Financing Institutions of the Mahatma Gandhi University was transferred to the colleges entrusted with CAPS so also the entire infrastructural facility including land and buildings. The issue was considered by the Division Bench of the Honorable High Court and in relation to the teachers the Division Bench in WA No. 2394 of 2018 and connected cases declared that "We would not interfere with Ext.P23 (W.A. No.156/2019) since we do not find any infirmity in the constitution of the Society which was for the purpose of better administration and management of the SFIs by the University, are decisions which do not fall for interference by way of judicial review and we decline such prayers. The formation of the Society and the transfer of the SFIs cannot affect the service of the appellants who are declared to be permanent employees of the University by the Supreme Court and this Court. They are to be either deployed to the Society or employed in the University or retrenched in accordance with law. The appellants, who are now engaged by the CAPS, will be deemed to be deployed by the University on identical terms and conditions they had with the University. Their pay and allowances will stand protected. The liability to the same shall be either on the Society or the University, as decided by the State which decision is final as per the MoA and shall be binding on both." The law is declared by the Honorable Court that the Self-Financing Institutions presently administered by CPAS is in continuation of and as a successor to the Mahatma Gandhi University. The teachers are fully qualified and selected in accordance with law and continuing in terms of the directions issued by the Division Bench of Hon'ble High Court of Kerala. In relation to the land, it is submitted that the land and buildings in which erstwhile self-financing colleges directly managed by the Mahatma Gandhi University is transferred to the CPAS and that the management of the building is vested with CPAS. Further the owner of the land is the Government of Kerala and both Mahatma Gandhi University and CPAS are established by the Government itself. The society is a society registered as a Government Society. Hence the defects noted in



the withdrawal notice is not legally sustainable. I invite your kind attention that Centre for Professional and Advanced Studies have already informed and submitted the details regarding the change of management with hard copies of all orders by registered post immediately after the transfer of management to Centre of Professional and Advanced Studies in 2017 itself to NCTE. Again, the same details were submitted to NCTE in the year 2018 also. The non-furnishing of the information is only an omission on our part which may be condoned. Further the change of name by no way affects the management of the institution. The institutions are not one established on formation of the society but continued to be managed by it which was originally established by the Mahatma Gandhi University. I also invite your kind attention that other two institutions under CPAS, College of Teacher Education Elanthoor and College of Teacher Education Vaikkom in given continuation or der on 07/01/2021 and 29/01/2021, which were also along with this institution in view of the above I may say that there is no violation of any of the condition of NCTE regulations and irregularity notices if any which are purely technical by waived or condoned and that the proposed action on your part to withdraw recognition be dropped."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 5th June, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course of One year duration with an annual intake of 210 students vide order dated 28.07.2005. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 17.06.2015 for its willingness of annual intake of 50 in B.Ed. course and adherence of provisions of new Regulation. Thereafter, a revised provisional recognition order was issued to the institution on dt. 09.07.2015 for conducting B.Ed. course of two years duration with an annual intake of 50 students (One basic unit) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 01.05.2023.



4

The Appeal Committee in its 6th Meeting, 2023 held on 05.06.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order. The appellant institution informed to the Appeal Committee that before 2017, Mahatma Gandhi University was managing the self-financing teachers training institution, and the status of teacher straining institution are that of self-financing colleges. It has also been informed by the appellant institution that Government decided to establish a Society for the co-ordination, better management and administration of all the self-financing institutions run by Mahatma Gandhi University. As a result, Government of Kerala took a policy decision to constitute a charitable society by name Centre for Professional & Advanced Studies (CPAS) and to handover the Self-Financing Institution run by the Mahatma Gandhi University to the newly formed society. This Society is controlled by Government of Kerala.

The Appeal Committee perused the relevant records and the documents submitted by appellate institution. Appeal Committee noted that the appellant institution has changed the management of the Mahatma Gandhi University College of Teacher Education to Centre for Professional and Advanced Studies. Appeal Committee noted that applicant institution did not seek prior approval of SRC, 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 SRC, 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.

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 01.05.2023 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 01.05.2023 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, Mahatma Gandhi University College of Teacher Education, 317/4, 317/5-1, Paippad, Pallickachirakavala, Changana Cherry, Kottayam, Kerala-686537**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Kerala.



IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-89/E-303634/2023 Appeal/6th Meeting, 2023

APPLSRC202314601

Rayalaseema College of Physical Education, 245,246,242,249 of Kothapalli Panchayat and 111, Rayavaram, Lingapuram, Mydukur Road, Khadarabad, Proddatur, Cuddapah, Andhra Pradesh-516362	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. S. Ravi Sankar, Principal
Respondent by	Regional Director, SRC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Rayalaseema College of Physical Education, 245,246,242,249 of Kothapalli Panchayat and 111, Rayavaram, Lingapuram, Mydukur Road, Khadarabad, Proddatur, Cuddapah, Andhra Pradesh-516362** dated 14.05.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO0557 /M.P.Ed./AP/2023/(141476-141480)** dated 21.03.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The Committee agreed to close down the instituting as requested by the Institution vide letter dated 16.02.2023 by withdrawing the recognition granted to Rayalaseema College of Physical Education, Rayavaram, Mydukur Road, Proddatur-516362, Kadapa District, Andhra Pradesh for conducting M.P.Ed. Programme under clause 17(1) of NCTE Act, 1993 from the academic session 2022-2023. (ii). However, the FDRs towards Reserve Fund and Endowment Fund/ No Objection Certificate (NOC) for encashment of FDRs will be issued by the Regional Director as per the general resolution taken by the SRC.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. S. Ravi Sankar, Principal of Rayalaseema College of Physical Education, 245,246,242,249 of Kothapalli Panchayat and 111, Rayavaram, Lingapuram, Mydukur Road, Khadarabad, Proddatur, Cuddapah, Andhra Pradesh-516362 appeared online to present the case of the appellant institution on 05.06.2023. In the appeal memoranda it is submitted that: “We, Rayalaseema College of Physical Education, Proddatur submit the following for your kind perusal. The Proddatur development trust established Rayalaseema College of Physical Education in the year 1984 to impart Physical Education to the poor, socially and economically backward students in Rayalaseema area in the state of Andhra Pradesh. This is the oldest and first college of Physical Education established in erstwhile state of A.P. and also this is the only Government Aided College in Physical Education. SRC, NCTE



issued us a show cause notice on 23.01.2023. The correspondent of the college gave a reply to the show cause notice dated 16.02.2023. Unfortunately, the contents of the letter are misconstrued by SRC, NCTE and assumed that the management is intended to windup the M.P.Ed. course in the college. But it is not so. Our correspondent's intention is to inform the reason for non-offering the M.P.Ed. course due to lack of admissions but not seeking the withdrawal of recognition to M.P.Ed. course. So, whatever the reply given by the Correspondent is purely a reply to the show cause notice issued by the SRC, NCTE. It should not be treated a proposal for closure of M.P.Ed. course or for withdrawal of recognition. We clearly once again stress that M.P.Ed. course in our college is alive and we have no intention to close it. Further it is submitted that this is a Government Aided College and running for a long time with State Government funds and also UGC funding. So, the management of the college has no intention at any time to windup the M.P.Ed. course in the college. As per the NCTE norms the management has been maintaining FDRs towards Endowment fund and Reserve Fund, staff and other infrastructural facilities to run the M.P.Ed. course along with other courses viz., B.P.Ed. and D.P.Ed. The show cause notice issued by SRC, NCTE and the letter of reply to show cause notice by the correspondent was not placed before the management committee and it was not discussed. It is a small communication gap. The management committee is not aware of the letter written by the correspondent. Meanwhile, the management of the college vide its letter 29/04/2023 submitted all the details including staff list, land, buildings, FDRs etc., and other facilities s per NCTE Norms together with affidavits instructed by the NCTE in its show cause notice 23/01/2023. After submission of the above details to the SRC, it has come to our notice that the SRC, NCTE in its meeting dt. 02/03/2021 taken a decision withdrawing recognition of M.P.Ed. course in our college. But we have not received any order from the SRC, NCTE till today. However, after verifying the minutes of the meeting of the SRC in its website, we came to know the decision of the SRC regarding withdrawal of recognition. Keeping in view of the above we are hereby submitting this appeal to the Appeal Committee without waiting for receipt of the orders from the SRC, NCTE to save the limitation period for appeal. In this connection we bring to your notice that even though we have had not admission for the last 4

years, we have been maintaining necessary infrastructural and instructional facilities as per NCTE Norms to run M.P.Ed. course along with B.P.Ed. and D.P.Ed. courses. Regarding submission of PAR, we are under the impression that we need not submit PAR keeping in view of the fact we have no admission in the academic year 2020-21. Hence, we request you to pardon us for our ignorance. We here by assure that this kind of mistake will not be repeated in future. In the absence of specific request together with resolution of the management i.e., Proddatur development trust the SRC, NCTE has taken its decision by withdrawing the recognition without giving a final notice to the management is against the principles of natural justice. In view of the above I request the Appeal Committee of the NCTE to allow our appeal against the orders of the SRC, NCTE dated 21.03.2023 taking into consideration of above grounds. Further we submit request the appeal committee to set aside the orders of the SRC, NCTE dated 21.03.2023 and issue necessary orders for continuation of M.P.Ed. programme in Rayalaseema College of Physical Education, Proddatur with 1 Basic unit. Note: The details of the Infrastructural and institutional facilities, FDRs, staff and relevant documents etc. have been sending by post to the Appeal Committee for kind perusal and necessary action.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 5th June, 2023. Appeal Committee noted that the appellant institution was granted recognition for M.P.Ed. Course of One year duration with an annual intake of 30 students vide order dated 18.08.2003 & 25.08.2003. The recognition of the institution for M.P.Ed. programme was withdrawn by the SRC vide order dated 21.03.2023.

The Appeal Committee noted that the documents submitted alongwith its appeal memoranda and submission made during online appeal hearing on 5th June, 2023. The Appeal Committee noted that the SRC close down the institution on the basis of request by the institution vide letter dated 16.2.2023. The appellant



institution during appeal hearing submitted that its intention to write such a letter was informing about non-offering the M.P.Ed. course due to lack of admission but not seeking the withdrawal of recognition to M.P.Ed. course. The Appeal Committee noted the even before the withdrawal of recognition, no Show Cause Notice was issued to the institution on the ground of closure of the institution which is mandatory under the provision of NCTE Act, 1993.

Therefore, the Committee decided to remand back the matter to SRC to decide a fresh and if need, the institution may be inspected to ascertain infrastructural and instructional facilities available in the institution or not and take appropriate decision in accordance with NCTE Act, Rules & Regulations amended from time to time by the NCTE.

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 21.03.2023 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.



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

IV. DECISION: -

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

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

- 1. The Principal, Rayalaseema College of Physical Education, 245,246,242,249 of Kothapalli Panchayat and 111, Rayavaram, Lingapuram, Mydukur Road, Khadarabad, Proddatur, Cuddapah, Andhra Pradesh-516362**
- 2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
- 4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh.**



IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-92/E-303930/2023 Appeal/6th Meeting, 2023
APPLSRC202314587**

Central Sanskrit University, Guruvayoor Campus, 20/2,6/2-20,09/02,20/1,9/1-2, Adat, Puranattukara, Thrissur, Kerala-680551	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Representative of the institution
Respondent by	Regional Director, SRC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

ORDER/आदेश

I. GROUND OF ORDER

The appeal of **Central Sanskrit University, Guruvayoor Campus, 20/2,6/2-20,09/02,20/1,9/1-2, Adat, Puranattukara, Thrissur, Kerala-680551** dated 14.04.2023 filed under Section 18 of NCTE Act, 1993 is against decision of SRC taken vide its **Minutes of 422nd SRC Meeting** held on 2nd & 3rd March, 2023 of the Southern Regional Committee, for conducting ITEP Course on the grounds that "Valid NAAC Certificate not submitted. Hence rejected and LOI issued is withdrawn."

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of **Central Sanskrit University, Guruvayoor Campus, 20/2,6/2-20,09/02,20/1,9/1-2, Adat, Puranattukara, Thrissur, Kerala-680551** appeared online to present the case of the appellant institution on 05.06.2023. In the appeal memoranda it is submitted that: "This is for your kind notice that Central Sanskrit University had submitted SSR to NAAC on 20th November, 2022 and was waiting for NAAC inspection. Since there was a delay from the side of NAAC, we could not submit the accreditation certificate. Further it is to inform you that the NAAC visit is scheduled from 24/04/2023 to 27/04/2023. Accordingly, we will be able to submit it before the hearing."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 5th June, 2023. The recognition of the institution for ITEP programme was refused as per decision of SRC taken vide its **Minutes of 422nd Meeting of the SRC** held on 2nd & 3rd March, 2023 on the grounds that "Valid NAAC Certificate not submitted. Hence rejected and LOI issued is withdrawn."



The Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 5th June, 2023 submitted a copy of Grade Sheet issued by NAAC having **A++** Grade as claiming to have rectified the shortcomings pointed out in the impugned refusal order.

The Appeal Committee noted that the institution has applied for ITEP Programme for the academic year 2023-24 in terms of Public Notice dt. 01.05.2022. The Committee further noted that the General Body (GB) of the NCTE in its 56th Meeting, the following decision has been taken for inviting applications for the 2nd Pilot Phase of ITEP for the academic session 2024-25: -

- i. **The Council approved the proposal and granted permission for inviting online applications for 2nd Pilot Phase of ITEP for the academic session 2024-25 from the institutions. As per Regulation 2021, the ITEP shall be implemented in a phase-wise manner starting from piloting in multidisciplinary HEIs/TEIs and thereby country wise expansion as per NEP 2020-time frame. Therefore, the institutions fulfilling the eligibility criteria, mentioned above, would be eligible to apply for the 2nd Pilot phase of ITEP for the academic session 2024-25.**
- ii. **The Eligibility Criteria for Selection and the Shortlisting Criteria for Processing of Applications, as proposed, was also approved.**
- iii. **The Council further decided that the online portal for inviting applications for the 2nd Pilot Phase of ITEP for the academic session 2024-25 be opened accordingly.**

Noting the submission and verbal arguments advanced during the hearing, the Appeal Committee observed that the institution has submitted the copy of NAAC Grade Sheet with appeal memorandum. Hence, the Appeal Committee decided to remand back the case to SRC, NCTE with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action keeping in view of decision of 56th GB Meeting and as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.



IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC, NCTE with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action keeping in view of decision of 56th GB Meeting and as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Central Sanskrit University, Guruvayoor Campus, 20/2,6/2-20,09/02,20/1,9/1-2, Adat, Puranattukara, Thrissur, Kerala-680551
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Kerala.



IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-97/E-304448/2023 Appeal/6th Meeting, 2023
APPLERC202314558**

Central Sanskrit University, Shree Sadashiva Campus, 19,20, Puri, Chandan Hazuri Road, Puri, Odisha-752001	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Representative of the institution
Respondent by	Regional Director, ERC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

ORDER/आदेश

I. GROUND OF REFUSAL

The appeal of **Central Sanskrit University, Shree Sadashiva Campus, 19,20, Puri, Chandan Hazuri Road, Puri, Odisha-752001** dated 09.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/ERC/2324202205261175/ODISHA/2022/REJC/176** dated 18.11.2022 of the Eastern Regional Committee, refusing recognition for conducting ITEP Course on the grounds that “(i). Accreditation from NAAC of the institution has already been expired on 04.07.2017 and the institution itself admitted that IIQA is likely to be submitted to NAAC. As such, the institution is neither having a minimum accreditation of NAAC “B” nor having certificate of Institutes of Eminence/Institutions of National Importance; which was the basic criteria to apply for ITEP. The institution has not submitted the reply of the Show Cause Notice, as such, the institution does not fulfil the basic criteria to apply for ITEP. (ii). The institution has not uploaded the certified registered land documents issued by the Registering Authority or civil authority concerned indicating the title of land in the name of the applicant institution or sponsoring society/trust. The institution has uploaded an affidavit dated 29.09.2022 in this regard. (iii). The online Mutation Certificate of Land dated 18.12.2019 uploaded by the institution does not indicate the title of land in the name of the applicant institution or sponsoring society/trust. (iv). The institution has not uploaded the Land Use Certificate issued by the Competent Authority to use the land for educational purpose. Rather it uploaded the land documents dated 20.02.2001 approved by the Collector of State Odisha. The land is in the name of the Rashtriya Sanskrit Sansthan, Janakpuri, New Delhi which is neither the sponsoring Society/Trust nor the applicant institution. (v). The institution has not uploaded the Non-Encumbrance Certificate issued by the Competent Authority indicating that the land is free from all encumbrances. Rather it uploaded the land documents dated 20.02.2001 approved by the Collector of State Odisha. The land is in the name of the Rashtriya Sanskrit Sansthan, Janakpuri, New Delhi which is neither the sponsoring Society/Trust nor the applicant institution. (vi). The institution has not uploaded the copy of approved building plan rather it uploaded a copy of Permission of construction of building. The



institution has not uploaded the approved building plan signed by the Competent Govt. Authority indicating the name of the programme, name of the institution, Khasra No./Plot No., total land area, total built-up area and the measurements of the multi-purpose hall as well as the other infrastructural facilities such as classrooms etc. (vii). The institution has not uploaded the Fire Safety Certificate. (viii). The institution has not uploaded the Building Completion Certificate approved by the Competent Govt. Authority.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of Central Sanskrit University, Shree Sadashiva Campus, 19,20, Puri, Chandan Hazuri Road, Puri, Odisha-752001 appeared online to present the case of the appellant institution on 05.06.2023. In the appeal memoranda it is submitted that: “Due to Covid-19 pandemic our NAAC Accreditation was not completed in time. Because of non-completion of NAAC Accreditation our application for ITEP was rejected. However, our CSU is likely to go for NAAC Accreditation within a week or two. In this regard SSR for Accreditation has been submitted already and the DVV process is also completed. Even the per team visit for accreditation is expected shortly. Therefore, our application may kindly be considered for further approval for ITEP.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 5th June, 2023. Appeal Committee noted that the appellant institution had submitted an application to the Eastern Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 30.05.2022. The recognition of the institution for ITEP programme was refused by the ERC vide order dated 18.11.2022.

The Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 5th June, 2023 submitted a copy of Grade Sheet issued by NAAC having **A++** Grade alongwith other land &



building documents as claiming to have rectified the shortcomings pointed out in the impugned refusal order.

The Appeal Committee noted that the institution has applied for ITEP Programme for the academic year 2023-24 in terms of Public Notice dt. 01.05.2022. The Committee further noted that the General Body (GB) of the NCTE in its 56th Meeting, the following decision has been taken for inviting applications for the 2nd Pilot Phase of ITEP for the academic session 2024-25: -

- i. **The Council approved the proposal and granted permission for inviting online applications for 2nd Pilot Phase of ITEP for the academic session 2024-25 from the institutions. As per Regulation 2021, the ITEP shall be implemented in a phase-wise manner starting from piloting in multidisciplinary HEIs/TEIs and thereby country wise expansion as per NEP 2020-time frame. Therefore, the institutions fulfilling the eligibility criteria, mentioned above, would be eligible to apply for the 2nd Pilot phase of ITEP for the academic session 2024-25.**
- ii. **The Eligibility Criteria for Selection and the Shortlisting Criteria for Processing of Applications, as proposed, was also approved.**
- iii. **The Council further decided that the online portal for inviting applications for the 2nd Pilot Phase of ITEP for the academic session 2024-25 be opened accordingly.**

Noting the submission and verbal arguments advanced during the hearing, and considering the documents submitted by the institution in appeal, the Appeal Committee decided to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action keeping in view of decision of 56th GB Meeting and as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action keeping in



view of decision of 56th GB Meeting and as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Central Sanskrit University, Shree Sadashiva Campus, 19,20, Puri, Chandan Hazuri Road, Puri, Odisha-752001**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Odisha.



IN THE NCTE APPELLATE AUTHORITY /एनसीटीई 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 - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-99/E-304491/2023 Appeal/6th Meeting, 2023

APPLSRC202314607

Mahatma Gandhi University College of Teacher Education, Vaikom Road, 280, Sy. No. 1441/3,2 1442/1 1443/3,2 Nadama, Tripunithura, Kanayannoor, Ernakulam, Kerala-682301	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. Manoj A.V., Principal
Respondent by	Regional Director, SRC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Mahatma Gandhi University College of Teacher Education, Vaikom Road, 280, Sy. No. 1441/3,2 1442/1 1443/3,2 Nadama, Tripunithura, Kanayannoor, Ernakulam, Kerala-682301** dated 20.05.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APS03234/B.Ed./KL/2023/141447** dated 21.03.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has submitted a Building Plan in which Multi-Purpose Hall Area is not mentioned. (ii). The institution has submitted a BCC in which total built-up area is mentioned as 645.41 sqm not sufficient as per NCTE Norms. The same built-up area is not matched with the area mentioned in Building Plan. (iii). Lecturers namely “Fashina N.A” was appointed after notification (dt. 09.06.2017) of NCTE (Amendment) Regulations, 2014 for not possessing NET/Ph.D. qualification. (iv). The institution did not submitted proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. The institution is required to submit an Affidavit on Rs.100/- Non-Judicial Stamp paper clearly mentioned the name and account number of each of the faculty appointed for B.Ed. programme and also stating therein that the faculty are being paid salary through cheque/RTGS/NEFT. The affidavit should be supported with documents like photocopy of passbook of each of faculty showing the disbursement of salary through bank account to individual faculty members (at-least for 3 months). (v). The Committee noted that the institution has changed the management of the Mahatma Gandhi University College of Teacher Education to Centre for Professional and Advanced Studies and in view of the letter dated 08.12.2016 and 23.12.2016 issued by NCTE, Hqr., the change of management/society/trust/ is no permissible.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Manoj A.V., Principal of Mahatma Gandhi University College of Teacher Education, Vaikom Road, 280, Sy. No. 1441/3,2 1442/1 1443/3,2 Nadama,



Tripunithura, Kanayannoor, Ernakulam, Kerala-682301 appeared online to present the case of the appellant institution on 05.06.2023. In the appeal memoranda it is submitted that: “(i). The NCTE Committee noted that area of Multipurpose Hall is not mentioned in the Building Plan submitted two building plans were already submitted to NCTE in response to show cause notice F.SRO/NCTE/APSO/3234/B.Ed./KL /2021/29640 dated 31/12/2021 i.e., existing building plan and the building plan for the new (college) building (work in progress). In the existing building plan multipurpose Hall is mentioned as general hall (1270X660). That general hall is being used as the multi-purpose hall. (ii). The NCTE Committee further noted that the total built up area mentioned in BCC (645.41 sqm) is not sufficient as per NCTE Norms and it is not matched with the area mentioned in Building Plan. 2.1. Details of building (built up area) now available with the institution (In sq.mt)- 1661.58 1. Building handed over from Govt. HSS Tripunithura vide G.O (Ordinary) No. 4147/06 Gen. Edn. Thiruvananthapuram dated 25.09.2006 (in the thirty cents of Land)- 645.41 sq. m (6947.13 sq. ft.) 2. New five storied Commercial Building leased for College of Teacher Education, Tripunithura (11 month rent agreement, extendable up to two years)-1016.17 sq. m. (10938 sq. ft.) 3. Total built-up area 1661.58 sq. m (17885.13 sq. ft.) The built-up area available at the time of recognition was 645.41-meter square only. This is the school building acquired by G.O (Ordinary) No. 4147/06 Gen. Edn. Thiruvananthapuram dated 25.09.2006. The college also received thirty cents of land along with this building. In 01.11.2007, Govt. Boys High School gives 182.26 square meter school hall to utilize for the B.Ed. It is further informing that, a five storied commercial building of 1016.17 sq.t. has been also taken on lease for the functioning of College of Teacher Education, Tripunithura. Thirty-five cents more land was allotted to B.Ed. College (thirty three years of lease) for the construction of a new building as per the G.O. (Rt)No517/08/H.Edn dated Thiruvananthapuram 26.03.2008. CPAS had decided to construct a new building for College of Teacher Education, Tripunithura. The construction work is on-going. However, due to the COVID-19 pandemic the construction work came to standstill. But the work up to main slab level has been completed and the pillar work of second and third floor was going on. It is assured that the new building under construction will be completed within one year. Considering

 3

this, I am hereby humbly requesting you to return the recognition which has now been withdrawn and give us permission to continue. (iii). The NCTE-Committee also noted that Lecturer in Sanskrit language education namely Fashina N.A. not possessing NET/Ph.D. Qualification. What I am declaring before you are, Fashina N.A., resigned in August and went to research and not in service now. As the course is ongoing, Smt. Geetha K. was posted for that vacancy. But on 26.04.2023 (1096/2021/CPASHO) Centre for Professional and Advanced Studies invited application for the vacancy of Assistant Professor in Sanskrit and appointed Dr. Deepa K. who had applied for the said post. Dr. Deepa K. is qualified as per NCTE norms. (iv). The NCTE Committee again noted that the institution did not submitted proof of disbursement of salary through bank account and to submit an affidavit mentioning the name and account number of faculties. I am hereby submitting proof of disbursement of salary through bank account and an affidavit mentioning the name and account number of faculties. (v). There has been no change in the management of this institution but continuity of management. The Revenue department under the Government of Kerala has handed over 2630.41 cents of land required for this institution to the University. But since 2017, this institution has continued to function as "Centre for Professional and Advanced Studies" under Higher Education Department, Government of Kerala. So, there is not transfer of management here, instead there is continuity. Now it continues as an institution established by Government of Kerala."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 5th June, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 30.04.2009. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 08.06.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 29.06.2015 for conducting B.Ed. course of two years duration with an annual intake of 50 (One basic



unit). The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 21.03.2023.

The Appeal Committee in its 6th Meeting, 2023 held on 05.06.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order. The appellant institution informed to the Appeal Committee that before 2017, Mahatma Gandhi University was managing the self-financing teachers training institution, and the status of teacher straining institution are that of self-financing colleges. It has also been informed by the appellant institution that Government decided to establish a Society for the co-ordination, better management and administration of all the self-financing institutions run by Mahatma Gandhi University. As a result, Government of Kerala took a policy decision to constitute a charitable society by name Centre for Professional & Advanced Studies (CPAS) and to handover the Self-Financing Institution run by the Mahatma Gandhi University to the newly formed society. This Society is controlled by Government of Kerala.

The Appeal Committee perused the relevant records and the documents submitted by appellate institution. Appeal Committee noted that the appellant institution has changed the management of the Mahatma Gandhi University College of Teacher Education to Centre for Professional and Advanced Studies. Appeal Committee noted that applicant institution did not seek prior approval of SRC, 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 SRC, 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.



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 21.03.2023 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 21.03.2023 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, Mahatma Gandhi University College of Teacher Education, Vaikom Road, 280, Sy. No. 1441/3,2 1442/1 1443/3,2 Nadama, Tripunithura, Kanayannoor, Ernakulam, Kerala-682301**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Kerala.**



IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-101/E-304641/2023 Appeal/6th Meeting, 2023
APPLWRC202314554**

Central Sanskrit University, Bhopal Campus, 291/76, 292/76, 320/44, 45, 75/2, Bag Sevaniya, Sanskrit Marg Bag Sevaniya, Laharpur, Huzur, Bhopal, Madhya Pradesh-462043	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Prof. Shrigovinda Pandey, Professor and Head
Respondent by	Regional Director, WRC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

ORDER/आदेश

I. GROUND OF REFUSAL

The appeal of **Central Sanskrit University, Bhopal Campus, 291/76, 292/76, 320/44, 45, 75/2, Bag Sevaniya, Sanskrit Marg Bag Sevaniya, Laharpur, Huzur, Bhopal, Madhya Pradesh-462043** dated 05.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/WRC/2324202205251160/ Madhya Pradesh/2022/REJC/161** dated 28.11.2022 of the Western Regional Committee, refusing recognition for conducting ITEP Course on the grounds that “(i). NAAC Certificate/ Institute of National Importance and Institute of Eminence not submitted at the time of making online application. (ii). The university does not fulfil the basic criteria and not eligible to apply for ITEP.”

II. SUBMISSIONS MADE BY APPELLANT: -

Prof. Shrigovinda Pandey, Professor and Head of Central Sanskrit University, Bhopal Campus, 291/76, 292/76, 320/44, 45, 75/2, Bag Sevaniya, Sanskrit Marg Bag Sevaniya, Laharpur, Huzur, Bhopal, Madhya Pradesh-462043 appeared online to present the case of the appellant institution on 05.06.2023. In the appeal memoranda it is submitted that: “Due to COVID-19 pandemic our NAAC accreditation was not completed in time. Because of non-completion of NAAC Accreditation our application for ITEP was rejected. However, our CSU is likely to go for NAAC Accreditation within a week or two. In this regard SSR for Accreditation has been submitted already and the DVV process is also completed. Even the PEER Team visit for accreditation is expected shortly. Therefore, our application may kindly be considered for further approval for ITEP.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 5th June, 2023. Appeal



Committee noted that the appellant institution had submitted an application to the Western Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 31.05.2022. The recognition of the institution for ITEP programme was refused by the WRC vide order dated 28.11.2022.

The Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 5th June, 2023 submitted a copy of Grade Sheet issued by NAAC having **A++** Grade as claiming to have rectified the shortcomings pointed out in the impugned refusal order.

The Appeal Committee noted that the institution has applied for ITEP Programme for the academic year 2023-24 in terms of Public Notice dt. 01.05.2022. The Committee further noted that the General Body (GB) of the NCTE in its 56th Meeting, the following decision has been taken for inviting applications for the 2nd Pilot Phase of ITEP for the academic session 2024-25: -

- i. **The Council approved the proposal and granted permission for inviting online applications for 2nd Pilot Phase of ITEP for the academic session 2024-25 from the institutions. As per Regulation 2021, the ITEP shall be implemented in a phase-wise manner starting from piloting in multidisciplinary HEIs/TEIs and thereby country wise expansion as per NEP 2020-time frame. Therefore, the institutions fulfilling the eligibility criteria, mentioned above, would be eligible to apply for the 2nd Pilot phase of ITEP for the academic session 2024-25.**
- ii. **The Eligibility Criteria for Selection and the Shortlisting Criteria for Processing of Applications, as proposed, was also approved.**
- iii. **The Council further decided that the online portal for inviting applications for the 2nd Pilot Phase of ITEP for the academic session 2024-25 be opened accordingly.**

Noting the submission and verbal arguments advanced during the hearing, and considering the documents submitted by the institution in appeal, the Appeal Committee decided to remand back the case to WRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action keeping in view of decision of 56th GB Meeting and as per the NCTE Regulation, 2021, guidelines and amendments issued



from time to time. The Appellant is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to WRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action keeping in view of decision of 56th GB Meeting and as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The WRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Central Sanskrit University, Bhopal Campus, 291/76, 292/76, 320/44, 45, 75/2, Bag Sevaniya, Sanskrit Marg Bag Sevaniya, Laharpur, Huzur, Bhopal, Madhya Pradesh-462043**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh.



IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-58/E-292817/2023 Appeal/6th Meeting, 2023
APPLNRC202314562**

Shyam Bihari Singh Shikshan Sansthan, 339 old and gata no 604 ka, Singwan Purushottam Patti, Chachikpur to Basohari Road, Balapaikauli, Bhiti, Ambedkar Nagar, Uttar Pradesh-224141	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	No one presented
Respondent by	Regional Director, NRC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

ORDER/आदेश

I. GROUND OF REFUSAL

The appeal of **Shyam Bihari Singh Shikshan Sansthan, 339 old and gata no 604 ka, Singwan Purushottam Patti, Chachikpur to Basohari Road, Balapaikauli, Bhati, Ambedkar Nagar, Uttar Pradesh-224141** dated 13.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **File No. NRC/NCTE/NRCAPP-14593 /253rd (Part-1) Meeting/2016/150374-77** dated 10.06.2016 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "Non-submission of NOC from the affiliating body as required under clause 5(3) of the NCTE Regulations, 2014."

II. SUBMISSIONS MADE BY APPELLANT: -

No one from Shyam Bihari Singh Shikshan Sansthan, 339 old and gata no 604 ka, Singwan Purushottam Patti, Chachikpur to Basohari Road, Balapaikauli, Bhati, Ambedkar Nagar, Uttar Pradesh-224141 appeared online to present the case of the appellant institution on 05.06.2023. In the appeal memoranda it is submitted that: "(i). That by means of the present appeal preferred under Section 18 of the NCTE Act 1993, the order dated 10.06.2016 passed by the Regional Director, Northern Regional Committee, National Council for Teacher Education is being challenged whereby the application of the Appellant Institution for grant of recognition of B.Ed. course has been rejected. (ii). That the present Appeal is being filed within the limitation period as prescribed under the Act, as the impugned order dated 10.07.2016 has been served upon the Appellant Institution vide letter dated 17.01.2023, which is in response to the RTI Application of the institution, seeking status of the application preferred by it for grant of recognition of B.Ed. course. (iii). That Shyam Bihari Singh Shikshan Sansthan, Plot No.339, Street/Road, Chachikpur, Village Singhwan, Plost Balapaikoli, Tehsil Bheeti, District Ambedkarnagar has submitted as application i.e., NRCAPP-14593 on 29.06.2015 to the Northern Regional Committee of NCTE for grant recognition for seeking permission to run B.Ed. course. (iv). That after submission of the aforesaid application, the Appellant received a show

 2

cause notice with respect to certain deficiencies, which were duly meted out by the Appellant and thereafter no opportunity of hearing or show cause notice was issued to the Appellant. (v). That after lapse of around three years, when no action was taken on the application of the Appellant, the status of such application was sought by the Appellant vide letter dated 07.02.2018. (vi). That thereafter another reminder was sent on 14.05.2018 and second reminder was sent on 14.03.2019 and thereafter third reminder was sent on 05.10.2019, however, no response was received from the office of the Northern Regional Committee. (vii). That again on 29.08.2022, 20.09.2022 and 12.10.2022 more reminders were sent to the Regional Director of the Northern Regional Committee with respect to grant of recognition of B.Ed. course to the Appellant, however, no response or reply was received from the office of the Northern Regional Committee. (viii). That feeling remediless in the aforesaid circumstances, the Appellant filed an application under RTI Act on 08.12.2022 seeking the status of application preferred by the Appellant for grant of recognition of B.Ed. course. (ix). That to the utter shock and dismay of the Appellant, the Northern Regional Committee, NCTE informed the Appellant vide letter dated 17.01.2023 that the application of the Appellant seeking grant of recognition for B.Ed. course has been rejected by the NCTE vide impugned order dated 10.06.2016. (x). That it is necessary to mention here that the impugned order dated 10.06.2016 has never been served upon the Appellant, therefore, the Appellant had no knowledge of the same to challenge it before this Appellate Authority. (xi). That the limitation period for filing appeal u/s 18 of the Act is counted from the date of knowledge of the order passed by the Regional Committee and, therefore, the instant appeal is within limitation period and therefore, deserves to be adjudicated on merits. (xii). That a perusal of the impugned order dated 10.06.2016 passed by the Regional Director of Northern Regional Committee, NCTE, shows that there is complete non-application of mind while rejecting the application of the Appellant, as the required NOC form the affiliating body was already submitted along with the application dated 29.06.2016. (xiii). That the impugned order dated 10.06.2016 has been passed in violation of principles of natural justice, as no opportunity of hearing was granted to the Appellant before rejection of the application. (xiv). That as such from the aforesaid facts and circumstances it is apparent that the



impugned order dated 10.06.2016 has been passed in utter violation of the provisions of NCTE Act and the Regulations made thereunder, therefore, the impugned rejection order dated 10.06.2016 deserves to be set aside with a direction to the Northern Regional Committee, NCTE to reconsider the application of the Appellant dated 29.06.2015 for grant of recognition of B.Ed. course to the Appellant Institution through Manager Shyam Bihari Singh Shikshan Sansthan, Plot No.339, Street/Road Chachikpur, Village Singhwan, Post Balapaikoli, Tehsil Bheeti, District Ambedkar Nagar.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record during the online hearing on 5th June, 2023. Appeal Committee noted that the appellant institution had submitted an application to the Northern Regional Committee for grant of recognition for seeking permission for running the B.Ed. Course on 29.06.2015. The recognition of the institution for B.Ed. programme was refused by the NRC vide order dated 10.06.2016.

Appeal Committee noted that the matter was taken up by the Appeal committee for hearing in its 4th Meeting, 2023 held on 29.03.2023 and further taken up in its 5th Meeting, 2023 held on 12.05.2023 but nobody has appeared to represent the institution. Further, the matter was again taken up in 6th Meeting, 2023 held on 05.06.2023, however, on the said date also nobody has appeared to represent the institution before the Appellate Committee. The Committee decided not to grant another date for hearing to the institution and decided to consider the documents and passed appropriate order on the basis of material available on record.

The Appeal Committee noted that the application of the institution for B.Ed. programme was refused vide order dated 10.06.2016 and since then the institution has not been granted recognition. The Committee further noted that General Body of the NCTE in its 55th meeting held on 14.07.2022 *inter-alia* has taken a following policy



decision that the applications pending before the Regional Committees of NCTE shall not be processed further: -

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

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

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

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

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



- II. *The applications pending before the Regional Committees of NCTE shall not be processed further. Hence, all such pending applications before RCs at any stage of processing be returned along with the processing fee to the concerned institution(s).*
- III. *In the cases where the applications are being processed/ reopened as per the directions of the Hon'ble Court (s), the concerned Regional Committee shall file a review/appeal before the Hon'ble Court(s) alongwith stay application against the order passed by the Hon'ble Court(s) for processing of application(s) in view of the decision of the Council has taken in II above.*

Noting the above decision of the General body of the NCTE, the Appeal Committee decided not to entertain the Appeal of the applicant institution and, therefore, the order of the NRC dated 10.06.2016 refusing recognition for B.Ed. programme of the institution is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing and in the light of decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022, the Appeal Committee of the Council concluded that the appeal of the institution cannot be entertained. Hence, the instant appeal deserves to be rejected and impugned refusal order dated 10.06.2016 of 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, Shyam Bihari Singh Shikshan Sansthan, 339 old and gata no 604 ka, Singwan Purushottam Patti, Chachikpur to Basohari Road, Balapaikauli, Bhati, Ambedkar Nagar, Uttar Pradesh-224141**
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 - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-120/E-181337/2021 Appeal/6th Meeting, 2023
APPLSRC202113945

Adhiyamaan College of Education, 511-2, 514-1, 514-2, 514-3A, Dr. M.G.R. Nagar Hosur, Dr. M.G.R. Nagar, Kumudepalli, Hosur, Krishnagiri, Tamilnadu-635109	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	No one presented
Respondent by	Regional Director, SRC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

Arjant

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Adhiyamaan College of Education, 511-2, 514-1, 514-2, 514-3A, Dr. M.G.R. Nagar Hosur, Dr. M.G.R. Nagar, Kumudepalli, Hosur, Krishnagiri, Tamilnadu-635109** dated 19.02.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. **SRC/NCTE/APSO4031/B.Ed./14237** dated 21.01.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The Management of the institution had not submitted required documents in response to Show Cause Notice (SCN) issued to the institution on 27.02.2019. Another opportunity was given to the institution by serving a Final Show Cause Notice (FSCN) dated 10.10.2019. The institution did not submit its reply/representation in response to Final Show Cause Notice (FSCN)."

II. SUBMISSIONS MADE BY APPELLANT: -

No one from Adhiyamaan College of Education, 511-2, 514-1, 514-2, 514-3A, Dr. M.G.R. Nagar Hosur, Dr. M.G.R. Nagar, Kumudepalli, Hosur, Krishnagiri, Tamilnadu-635109 appeared online to present the case of the appellant institution on 05.06.2023. In the appeal memoranda it is submitted that: "The institution submitted the following alongwith Appeal Memorandum dated 19/02/2021: - Latest all documents notary copy submitted."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under: -

On perusal of the documents, the Committee noted that the appellant earlier filed an appeal on 13/03/2020 against the order of the SRC dated 21/01/2020 withdrawing recognition for conducting B.Ed. course and the Council in their order no.



89-98/E-158038/2020 Appeal/15th Mtg. – 2020/29th July, 2020 dated 15/09/2020 disposed the appeal confirming the order appealed against.

The instant matter was placed in 17th Meeting, 2021 of Appellate Committee held on 23.07.2021. The Appellate Committee noted that there is no provision in the NCTE Act, 1993 or NCTE Rules, 1997 or NCTE Regulation for preferring an appeal again against the same order of the Regional Committee after an appeal has already been disposed of.

Further the appellant institution moved a writ petition before the Hon'ble High Court of Delhi bearing W.P. No. 29933/2022 and W.M.P.No.29331/2022 titled Adhiyamaan College of Education V/s National Council for Teacher Education & Anr, the Hon'ble Court vide its order dated 24.11.2022 issued following direction upon the Appellate Authority: -

".... That the impugned communication is hereby set aside. The matter is remitted back to the 1st respondent for reconsideration. While making this reconsideration, the 1st respondent shall issue a communication to the petitioner fixing the date of personal hearing and on the date of hearing the petitioner without fail should appeal before the 1st respondent with relevant documents. On production of such documents, after perusal of the same, the issue can be decided by the 1st respondent on merits and in accordance with law and order to that effect shall be passed within a period six weeks from the date of receipt of a copy of this order."

Appeal Committee noted that the matter was taken up by the Appeal Committee for hearing in its 3rd Meeting, 4th Meeting, 5th Meeting & 6th Meeting, 2023 held on 27.02.2023, 29.03.2023, 12.05.2023 & 05.06.2023 respectively. However, on the following dates nobody has appeared to represent the institution before the Appellate Committee. Hence, the Appeal Committee decided not to grant any further date to the said institution and to pass an appropriate order on the basis of material facts/documents available on record.

The Appeal Committee noted that appellant institution was conducting B.Ed. course with an intake 100 seats since 2005 and a conditional revised recognition order dated 30.04.2015 under NCTE Regulation, 2014 was issued. Appeal Committee further



noted that earlier the matter was heard by the Appeal Committee and vide order dated 15.09.2020 concluded and decided as under: -

".. Appeal Committee noted that after issue of revised recognition, the appellant institution was required to appoint additional faculty and enhance its built up area apart from complying with other conditions such as submitting land documents, Building Plan, Building Completion Certificate, C.L.U., N.E.C, and FDRs etc. SRC issued 2 show cause notice dated 27.02.2019 and 10.10.2019 to appellant institution which are treated as opportunities given to appellant institution to submit evidence of having rectified, the deficiencies, if any, and upgraded the faculty and infrastructure facilities. Appellant failed to submit any justification on the date of online appeal hearing i.e., 29.07.2020 with regard to its non-compliance of the terms and conditions of revised recognition order issued under NCTE Regulations, 2014. Appeal Committee, therefore, decided to confirm the impugned order of withdrawal dated 21.01.2020.

The Appeal Committee in compliance of the Hon'ble High Court of Delhi order dated 24.11.2022 allowed the institution to present its case before the Appeal Committee. However, in spite of sufficient opportunities given to the appellant institution for presenting its case before the Appeal Committee, the appellant institution not appeared before the Committee.

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 21.01.2020 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 21.01.2020 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, Adhiyamaan College of Education, 511-2, 514-1, 514-2, 514-3A, Dr. M.G.R. Nagar Hosur, Dr. M.G.R. Nagar, Kumudepalli, Hosur, Krishnagiri, Tamilnadu-635109**
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 - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-83/E-301860/2023 Appeal/6th Meeting, 2023

APPLSRC202314598

Gourishetty Venkataiah Memorial College of Education, 1339 & 1340, Karimnagar, Vavilalapally, Karimnagar, Telangana-505001 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. RESPONDENT
--	------------------	---

Representative of Appellant	Mr. G. Surendar, Correspondent
Respondent by	Regional Director, SRC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Gourishetty Venkataiah Memorial College of Education, 1339 & 1340, Karimnagar, Vavilalapally, Karimnagar, Telangana-505001** dated 02.05.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO0385/B.Ed./TS/2022/(134526-134530)** dated 05.09.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has submitted copy of letter of the affiliating body and the detailed format of faculty is not signed by the affiliating University and date of appointment are also not mentioned in the said format as per NCTE Regulations. (ii). The institution has submitted a Land Use Certificate which is neither in the name of the institution nor in the name of Society. (iii). The building plan is not approved by the competent authority. (iv). The Building Completion Certificate is not approved by the Competent Authority. (v). The institution has submitted certificate of bank towards joint conversion of FDRs towards Endowment Fund and Reserve Fund totally sum of 12 lakhs instead of original Form 'A' and copies of FDRs. (vi). No proof submitted by the institution in building plan the campus, building is barrier free and separate toilet for male and female student for staff and for PWD. (vii). The website of the institution is not uploaded with the information required under clause 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. G. Surendar, Correspondent of Gourishetty Venkataiah Memorial College of Education, 1339 & 1340, Karimnagar, Vavilalapally, Karimnagar, Telangana-505001 appeared online to present the case of the appellant institution on 05.06.2023. In the appeal memoranda it is submitted that: “Submitting all the asked documents in the given format. All the asked documents in the given format are enclosed. Hence set aside order no. F.SRC/NCTE/APSO0385/B.Ed./TS/2022. and



restore/grant/give continuation order F. No. SRO/NCTE/APSO0385/B.Ed./AP/2015 /62763 date: 19/03/2015 from the academic session 2023-2024 and onwards.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 5th June, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 04.04.2003. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 17.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 19.03.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two 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 05.09.2022.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 5th June, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of faculty list (1+15) members approved by the Registrar, Satavahana University, Telangana as per provision of NCTE Regulations, 2014 alongwith an Affidavit
- (ii) A copy of Land Use Certificate, Building Completion Certificate & Building Plan.
- (iii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 05.09.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern Regional Committee and decision taken accordingly.



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


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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 05.09.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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



IV. DECISION: -

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Gourishetty Venkataiah Memorial College of Education, 1339 & 1340, Karimnagar, Vavilalapally, Karimnagar, Telangana-505001**
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 - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-84/E-302145/2023 Appeal/6th Meeting, 2023

APPLSRC202314529

Kasthoorba Gandhi Memorial Pre-Primary Teacher Training Institute, 492/17-1,492/18-1,492/16/2-1, 492/19-1,493/24-2, Thrikkadavoor, Thevally, Kollam, Kerala-691009	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Ms. Sangeetha Madhu, Secretary
Respondent by	Regional Director, SRC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Kasthoorba Gandhi Memorial Pre-Primary Teacher Training Institute, 492/17-1,492/18-1,492/16/2-1,492/19-1,493/24-2, Thrikkadavoor, Thevally, Kollam, Kerala-691009** dated 09.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO0200/ Pre-primary {KL} /2022/(137484-137488)** dated 24.11.2022 of the Southern Regional Committee, withdrawing recognition for conducting DPSE Course on the grounds that “(i). The institution failed to submit reply to the Final Show Cause Notice dated 07.09.2022. (ii). Further, it is observed that the institution has not filled performance appraisal report (PAR).”

II. SUBMISSIONS MADE BY APPELLANT: -

Ms. Sangeetha Madhu, Secretary of Kasthoorba Gandhi Memorial Pre-Primary Teacher Training Institute, 492/17-1,492/18-1,492/16/2-1,492/19-1, 493/24-2, Thrikkadavoor, Thevally, Kollam, Kerala-691009 appeared online to present the case of the appellant institution on 05.06.2023. In the appeal memoranda it is submitted that: “(i). We are submitted all the required documents to NCTE through speed post before 20th September 2022. Now we send all the documents through email which send before 20th September 2022. (ii). The official website for PAR submission was not available at the period of submission.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 5th June, 2023. Appeal Committee noted that the appellant institution was granted recognition for Pre-primary Course with an annual intake of 30 students vide order dated 18.12.2002. The recognition of the institution for Pre-primary course was withdrawn by the SRC vide order dated 24.11.2022.



The Appeal Committee noted that the documents submitted alongwith its appeal memoranda and submission made during online appeal hearing on 5th June, 2023. The Appeal Committee decided that as far as PAR ground is concerned, the Committee will not decide this issue as matter is sub-judice before the Hon'ble Court.

The institution during the appeal hearing submitted that in response to show Cause Notice, the institution has submitted reply, however, the SRC while taking decision of withdrawal has not considered their documents. The institution has further submitted that the recognition was granted for 30 students, as such it has sufficient infrastructural & instructional facilities. The Appeal Committee noted that as per Appendix-1 of the NCTE Regulation, 2014, one basic unit means 50 students. The SRC has to examine this issue and considering the documents/reply to SCN, the SRC has to pass suitable order.

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

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

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

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



In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 24.11.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to consider the documents submitted in appeal to the SRC in light of the aforesaid Hon'ble High Court order dated 13.03.2023 which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Kasthoorba Gandhi Memorial Pre-Primary Teacher Training Institute, 492/17-1,492/18-1,492/16/2-1,492/19-1, 493/24-2, Thrikkadavoor, Thevally, Kollam, Kerala-691009**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Kerala.



IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-35/E-239089/2022 Appeal/6th Meeting, 2023

APPLSRC202214259

Nadar Mahajan Sangam S. Vellaichamy Nadar College of Education, Nagamalai, Madurai, Tamilnadu-625019	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Representative of the institution
Respondent by	Regional Director, SRC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Nadar Mahajan Sangam S. Vellaichamy Nadar College of Education, Nagamalai, Madurai, Tamilnadu-625019** dated 24.01.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APS01491/B.Ed./{TN}/2021/129717** dated 30.12.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution was informed about the deficiency in faculty that 2 lectures do not have NET /Ph.D. and % of marks in PG Degree of Mr. V. MOHANRAJ is less than 55%. The institution with its reply submitted copy of letter dated 29.07.2021 alongwith proforma issued and signed by the Registrar, TTEU regarding approval of 2 faculty. The institution did not submit the approval letter in respect of third faculty namely Mr. MARISELVAM. The institution did not submit latest and consolidated approval of faculty issued by the affiliating University. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. The institution submitted a copy of Encumbrance Certificate wherein the nature of land is shown as “Housing” and “Agricultural” which is not permissible under rules. The institution submitted a copy of building plan but the same is not legible. Further, the discrepancy regarding area of multipurpose hall is not removed. In the earlier submitted BCC only first floor with constructed area of 15995 square feet was shown. The latest BCC submitted by the institution shows the ground, first and second floor with constructed area of 256195 square feet. Further, the Land Continuity Certificate submitted by the institution shows the total built-up area of building as 15995 square feet. The institution submitted contradictory documents regarding built-up area. The institution did not submit an Affidavit on Rs. 100/- stamp paper regarding land details. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014.”



II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of Nadar Mahajan Sangam S. Vellaichamy Nadar College of Education, Nagamalai, Madurai, Tamilnadu-625019 appeared online to present the case of the appellant institution on 05.06.2023. In the appeal memorandum submitted that "That the SRC vide its order dated 30.12.2021 has withdrawn our recognition of our college observing deficiencies which were already clarified / ratified by our institution. A copy of withdrawal order dated 30.12.2021 of SRC is enclosed as Annexure 1. 2. That in order to appreciate various contentions and averments being raised hereinafter by the Appellant, it is necessary to state the following few relevant facts in brief. 3. That the SRC NCTE vide its order dated 003.02.2007 granted recognition to the appellant institution for running the B.Ed. course in the appellant institution with annual intake 100 students. Further, revised recognition order dated 11.03.2015 with intake of 100 students, was issued to appellant institution. A True Copy of Recognition Order and Revised Order is being annexed herewith as Annexure 2 Colly. 4. That it is submitted that firstly the SRC issued a Show Cause Notice dated 08.06.2021 and accordingly the institution responded to the reply dated 19.06.2021 is being annexed herewith as Annexure 3 and True Copy of the Reply dated 19.06.2021 is being annexed herewith as Annexure 4 5. That it is submitted that the SRC failed to consider the reply submitted by the institution. 6. That it is submitted that the SRC issued a Final Show Cause Notice dated 02.08.2021 and accordingly the institution responded and replied based upon the minutes dated 31.07.2021. A True Copy of the Show Cause Notice dated 02.08.2021 is being annexed herewith as Annexure 5 and A True Copy of reply dated 31.07.2021 is being annexed herewith as Annexure 6. 7. That it is submitted that despite the submission of all the documents, the SRC decided to withdraw the recognition observing the following deficiencies. 9. It is submitted that institution is herein submitting the following documents to show the fact that the above deficiencies pointed out by the SRC are not correct. 1. True copy of complete faculty list approved by Tamil Nadu Teachers Education University. 2. Proof of distribution of salary to faculty and non-teaching staff through bank account. 3. Encumbrance certificate where in the nature of the land is shown as dry land. 4. Building plan approved by the competent authority with the highlighted portion showing the



multipurpose hall. 5. Building Completion Certificate signed by the competent authority. 6. Land Continuity Certificate and Land Use Certificate. 7. Affidavit on Rs. 100/- stamp paper regarding land details. 8. Screen Shot of the first page of the website of the Institution, uploaded with required with required information. True copy of the complete faculty list approves by the University, proof of the salary to faculty and non-teaching staff through bank account, Encumbrance Certificate, Building Completion Certificate, Land Continuity Certificates, Land Use Certificate, Affidavit on Rs. 100/- stamp paper regarding land details and screen shot of the website of the institution are being annexed herewith as Annexure 7 Colly 9. That it is submitted that though appellant institution vide its reply letters submitted the desired documents to the SRC as asked by them vide Show Cause Notices, however, the SRC rejected the appeal of the Appellant institution. 10. That now the appellant institution is again enclosing with its appeal, the documents which were desired by the SRC through Show Cause Notices and submitted by the petitioner institution with its replies to the SRC. 11. That it is submitted that withdrawal order issued by the SRC is totally devoid of merit and is not as per statutory provisions, as mandated under NCTE Act, 1993. 12. That it is submitted that the petitioner institution does not lack infrastructural and instructional facilities required as per the NCTE norms. 13. That it appears that SRC proceeded in arbitrary manner without considering the documents properly. 14. That it is submitted that thus, the withdrawal order dated 30.12.2021 of SRC is not maintainable and the appeal committee is requested to revert the decision taken by SRC and direct the SRC to restore the recognition of Appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by the SRC.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 5th June, 2023. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course with annual intake of 100 seats on 03.02.2007 and after submitting Affidavit regarding adherence of NCTE Regulation, 2014 a revised provisional recognition order



for 100 students (two units) was issued by SRC on 11.03.2014 with certain condition to submit the required documents as per Regulation, 2014. The Appeal Committee noted that the appellant institution was given an ample opportunity in the Shape of issue of Show Cause Notice and Final Show Cause Notice issued on 08.06.2021 and 02.08.2021, respectively to submit its written representation for rectifying the shortcomings in given time period. The Appeal Committee noted that the impugned withdrawal order came into operation due to not making the deficiencies good and submitting the required documents in stipulated time period despite giving the reasonable opportunities. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 30.12.2021.

The instant matter was placed in 4th Meeting, 2022 of Appellate Committee held on 26.04.2022. The Appellate Committee vide order dated 26.05.2022 rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder: -

“Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course with annual intake of 100 seats on 03.02.2007 and after submitting Affidavit regarding adherence of NCTE Regulation, 2014 a revised provisional recognition order for 100 students (two units) was issued by SRC on 11.03.2014 with certain condition to submit the required documents as per Regulation, 2014.

The Appeal Committee noted that the appellant institution was given an ample opportunity in the Shape of issue of Show Cause Notice and Final Show Cause Notice issued on 08.06.2021 and 02.08.2021, respectively to submit its written representation for rectifying the shortcomings in given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not making the deficiencies good and submitting the required documents in stipulated time period despite giving the reasonable opportunities.

The Appeal Committee further noted that the appellant institution has submitted list of approved faculty, proof of having paid the monthly salary to teaching and non-teaching staff through ECS mode, NEC, BCC, CLU, Affidavit regarding Land & Built-up Area of the college, printout of Homepage of college website and photocopy of Building Plan in the Appeal alongwith memoranda of appeal for consideration.

Appeal Committee after considering the above documents observed that the appellant institution is still deficient on the part of having unqualified faculty for Physical Education and appointment of faculty for Fine Arts and Visual Arts on



part-time basis; b) Photocopy of Building Plan is not legible; c) The total Built-up area indicated in BCC and that of Affidavit does not match, which creates confusion as to which built-up area is correct and d) No substantial proof regarding discrepancy arising out of submitting Land Continuity Certificate and that of BCC about total built-up area is submitted which convince that the said objection has been removed.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee reached the conclusion that the SRC was justified in withdrawing the recognition of B.Ed. Course and therefore the instant appeal deserves to be rejected and impugned withdrawal order 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 of B.Ed. Course and therefore the instant appeal deserves to be rejected and impugned withdrawal order confirmed.”

The appellant institution moved a writ petition before the Hon'ble High Court of Delhi at New Delhi Bench bearing W.P. (C) No. 1890/2023 & CM APPL 7198/2023 titled Nadar Mahajan Sangam S Vellaichamy Nadar College of Education V/s National Council for Teacher Education & Anr, the Hon'ble Court vide its order dated 18.05.2023 issued following direction upon the Appellate Authority: -

“...8. The appeal stands restored. Let the petitioner-institution appear before the Appellate Committee within seven days.

9. The Appellate Committee is directed to decide the appeal within a period of three weeks from the date of receipt of copy of this order.

10. This court has not dealt with the submissions on merit, of eligibility of grant or extension of recognition or otherwise.

11. Let the Appellate Committee to consider all relevant aspects and pass appropriate orders in accordance with law.

12. Accordingly, the instant petition stands disposed of alongwith the pending application.”

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 5th June, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of faculty list (1+15) members approved by Registrar of the Affiliating Body as per provision of NCTE Regulations, 2014 alongwith Affidavit and details of salary disbursement



- (ii) A copy of Building Completion Certificate, Building Plan, Land Use Certificate & Affidavit on Rs. 100/- stamp paper regarding land details.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 30.12.2021. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern Regional Committee and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 30.12.2021 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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



2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

IV. DECISION: -

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Nadar Mahajan Sangam S. Vellaichamy Nadar College of Education, Nagamalai, Madurai, Tamilnadu-625019**
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 - 12/06/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-103/E-305189/2023 Appeal/6th Meeting, 2023
APPLWRC202314537**

Central Sanskrit University, Jaipur Campus, 408,442, Gopalpura, Gopalpura Bypass, Triveni Nagar, Durgapura, Sanganer, Jaipur, Rajasthan-302018	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Representative of the institution
Respondent by	Regional Director, WRC
Date of Hearing	05.06.2023
Date of Pronouncement	12.06.2023

ORDER/आदेश

I. GROUND OF REFUSAL

The appeal of **Central Sanskrit University, Jaipur Campus, 408,442, Gopalpura, Gopalpura Bypass, Triveni Nagar, Durgapura, Sanganer, Jaipur, Rajasthan-302018** dated 20.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/WRC/2324202205241148/RAJASTHAN/2022/REJC/149** dated 28.11.2022 of the Western Regional Committee, refusing recognition for conducting ITEP Course on the grounds that “NAAC Certificate/ Institute of National Importance and Institute of Eminence not supported at the time of making online application. The university does not fulfil the basic criteria and not eligible to apply for ITEP.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of Central Sanskrit University, Jaipur Campus, 408,442, Gopalpura, Gopalpura Bypass, Triveni Nagar, Durgapura, Sanganer, Jaipur, Rajasthan-302018 appeared online to present the case of the appellant institution on 05.06.2023. In the appeal memoranda it is submitted that: “Due to Covid-19 Pandemic our NAAC Accreditation was not completed in time. Because of non-compliance of NAAC Accreditation our application for ITEP was rejected. However, our CSU is likely to go for NAAC Accreditation within a week or two. In this regard SSR for Accreditation has been submitted already and the DVV process is also completed. Even the PEER Team visit for Accreditation is expected shortly. Therefore, our application may kindly be considered for further approval for ITEP.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 5th June, 2023. Appeal Committee noted that the appellant institution had submitted an application to the

Western Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 27.05.2022. The recognition of the institution for ITEP programme was refused by the WRC vide order dated 28.11.2022.

The Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 5th June, 2023 submitted a copy of Grade Sheet issued by NAAC having **A++** Grade as claiming to have rectified the shortcomings pointed out in the impugned refusal order.

The Appeal Committee noted that the institution has applied for ITEP Programme for the academic year 2023-24 in terms of Public Notice dt. 01.05.2022. The Committee further noted that the General Body (GB) of the NCTE in its 56th Meeting, the following decision has been taken for inviting applications for the 2nd Pilot Phase of ITEP for the academic session 2024-25: -

- i. **The Council approved the proposal and granted permission for inviting online applications for 2nd Pilot Phase of ITEP for the academic session 2024-25 from the institutions. As per Regulation 2021, the ITEP shall be implemented in a phase-wise manner starting from piloting in multidisciplinary HEIs/TEIs and thereby country wise expansion as per NEP 2020-time frame. Therefore, the institutions fulfilling the eligibility criteria, mentioned above, would be eligible to apply for the 2nd Pilot phase of ITEP for the academic session 2024-25.**
- ii. **The Eligibility Criteria for Selection and the Shortlisting Criteria for Processing of Applications, as proposed, was also approved.**
- iii. **The Council further decided that the online portal for inviting applications for the 2nd Pilot Phase of ITEP for the academic session 2024-25 be opened accordingly.**

Noting the submission and verbal arguments advanced during the hearing, and considering the documents submitted by the institution in appeal, the Appeal Committee decided to remand back the case to WRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action keeping in view of decision of 56th GB Meeting and as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.



IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to WRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action keeping in view of decision of 56th GB Meeting and as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The WRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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



Deputy Secretary (Appeal)/ उप सचिव (अपील)

Copy to :-

1. The Principal, Central Sanskrit University, Jaipur Campus, 408,442, Gopalpura, Gopalpura Bypass, Triveni Nagar, Durgapura, Sanganer, Jaipur, Rajasthan-302018
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.