



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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-141/E-313547/2023 Appeal/9th Meeting, 2023
APPLWRC202314655**

Marathwada Adhyapak Mahavidyalaya, 15, Brahmapuri, Gadegaon Road, Itwara, Nanded, Maharashtra-431601 APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. RESPONDENT
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Representative of Appellant	Mr. Siddique Sufiyan, Treasure
Respondent by	Regional Director, WRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Marathwada Adhyapak Mahavidyalaya, 15, Brahmapuri, Gadegaon Road, Itwara, Nanded, Maharashtra-431601** dated 11.08.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. WRC/APWO7854 /1231087/B.Ed./387thM.H./2023** dated 28.06.2023 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has submitted photocopy of staff list (1+13) approved by the Swami Ramanand Teerth Marathwada University, Nanded, Maharashtra. The original staff list is not submitted by the institution. (ii). Faculty for fine arts and performing arts is not appointed. (iii). Copy of Appointment order, experience certificates and marksheets/ certificates regarding educational qualifications in R/o the faculty members not submitted. (iv). The institution is required to submit the staff profile of 1+15 faculty members (as per Appendix-IV of NCTE Regulations, 2014 and subsequent NCTE notification published on 09.06.2017) approved by the Registrar in original. (v). The institution has submitted the photocopy of Building Plan, which is not legible. (vi). The institution has submitted the photocopy of Non-Encumbrance Certificate issued by Gram Panchayat. It is not issued by the Competent Government Authority. (vii). The institution has submitted the photocopy of FDRs of Rs.5.00 lakhs & Rs.7.00 lakhs towards endowment fund & reserve fund not submitted in original as pointed out in the SCN.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Siddique Sufiyan, Treasure of Marathwada Adhyapak Mahavidyalaya, 15, Brahmapuri, Gadegaon Road, Itwara, Nanded, Maharashtra-431601 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that “The impugned withdrawal order passed by the WRC is bad in law for the following reasons: (a) The initial show cause notice dated 16.01.2017 was issued by WRC on the following grounds: 1. Staff Profile for the session 2015-16 duly approved by the affiliating body. 2. Original notarized Change of Land Use/Non-Encumbrance Certificate/Building Plan and Building Competent Certificate. The 2nd show cause notice dated 02.09.2020 was issued by the WRC on the following grounds: 1. Original staff list duly approved by the affiliating authority with stamp on each page as per NCTE Regulations 2014, as amended vide notification dated

09.06.2017 not submitted. 2. The Non-Encumbrance Certificate is to be issued by Competent Revenue Authority. 3. Original FDRs for Rs.12 lakhs towards Endowment and Reserve Fund not submitted. The withdrawal order dated 28.06.2023 has been passed by the WRC on the following grounds: (i) As per decision in 315th meeting, final show cause notice was issued to the institution on 02.09.2020. (ii) The institution submitted reply vide letters dated 10.10.2022 received in WRC 04.11.2022 and 10.11.2022. (iii) The committee considered the reply of the institution and found that the institution is still deficient on the following grounds: • The institution has submitted photocopy of staff list (1+13) approved by the Swami Ramanand Teerth Marathwada University, Nanded, Maharashtra. The original staff list is not submitted by the institution. • Faculty for fine arts and performing arts is not appointed. • Copy of Appointment orders, experience certificates and marksheets/certificates regarding educational qualifications in r/o the faculty members not submitted. • The institution is required to submit the staff profile of 1+15 faculty members (as per Appendix-IV of NCTE Regulations, 2014 and subsequent NCTE notification published on 09.06.2017) approved by the Registrar in original. • The institution has submitted the photocopy of Building plan, which is not legible. • The institution has submitted the photocopy of Non-Encumbrance Certificate issued by Gram Panchayat. It is not issued by the competent government authority. • The institution has submitted the photocopy of FDRs of Rs.5 lakhs & Rs.7.00 lakhs towards endowment fund & reserved fund. Not submitted in original as pointed out in the SCN. It is submitted that a bare perusal of both the show cause notices, and the withdrawal order would reveal that they are at variance with each other in several respects. The impugned order passed by the WRC is violative of the principles of natural justice in the sense that the same is at variance with the show cause notice. Law is settled that final order cannot be based on a ground which is at variance with the grounds taken in the show cause notice. This is violative of the principles of Natural Justice. B. The impugned order is violative of the principles of natural justice for another reason as well. In the impugned order, the WRC has stated that "the institution submitted reply vide letters dated 10.10.2022 received in WRC 04.11.2022 and 10.11.2022". Thus, while passing the impugned order the WRC has admittedly considered the letter dated 10.10.2022 received by it on 04.11.2022 and 10.11.2022 allegedly from the Appellant and this letter has been the basis of the impugned order. It is submitted that the Appellant has never submitted any letter or reply dated 10.10.2022 as stated by the WRC. Till date, the Appellant has submitted replies with the WRC only on three occasions i.e., on 26.02.2020 in response to show cause notice dated 07.02.2020 on 29.09.2020 through speed post-dated 08.10.2020 in response to show cause notice dated 02.09.2020 and the faculty list which was submitted personally by the Appellant with the WRC on 27.06.2022. It appears that while considering the case of the



Appellant, the WRC must have taken into consideration reply or letter presumably submitted by some other institution. If the replies and documents submitted by the Appellant have not been considered by the WRC, then the final withdrawal order becomes void ab initio. C. On 27.06.2022, the Appellant had submitted the original copy of the faculty list duly approved by the Registrar of Swami Ramanand Teerth Marathwada University, Nanded by which the 16 faculty members appointed by the Appellant was approved. In the said list, the names of 2 faculty members appointed for the post of Fine Arts and Performing Arts is duly mentioned with all details. Therefore, all the grounds in the impugned order relating to faculty are factually incorrect and contrary to the records. The impugned order exhibits complete non-application of mind on part of the WRC while exercising penal power u/s 17 of NCTE Act. D. The objection that the Appellant has not submitted copy of appointment orders, experience certificates and other educational qualification certificates in respect of faculty members is illegal and contrary to the NCTE Regulations. As per the NCTE Regulations, all such certificates are required to be submitted with the affiliating university while seeking approval for the faculties appointed after issuance of LOI by the WRC and after verifying such certificates, the university grants approval and the approved faculty list alone is required to be submitted with the WRC, whereupon final recognition is granted. The said objection is illegal for at least 2 reasons. Firstly, the said objection was not taken in the show cause notice and on that ground alone the impugned deserves to be quashed. Secondly, as per Regulation 7(13), (15) and (16) of the NCTE Regulations, 2014, after issuance of LOI the Appellant was required to submit only the approved faculty list with the WRC and there is no requirement of submitting the certificates of each faculty member. The said ground therefore is illegal and outside the scope of NCTE Act and the Regulations. For convenience the said provisions are extracted below: 7. Processing of applications. -- (13) The institution concerned shall be informed, through a letter of intent, regarding the decision for grant of recognition or permission subject to appointment of qualified faculty members before the commencement of the academic session. The letter of intent issued under this clause shall not be notified in the Gazette but would be sent to the institution and the affiliating body with the request that the process of appointment of qualified staff as per policy of State Government or University Grants Commission or University may be initiated and the institution be provided all assistance to ensure that the staff or faculty is appointed as per the norms of the Council within two months. The institution shall submit the list of the faculty, as approved by the affiliating body, to the Regional Committee. (15) The institution concerned, after appointing the requisite faculty or staff as per the provisions of norms and standards of respective programmes, and after fulfilling the conditions under regulation 8, shall formally inform about such appointments to the Regional Committee concerned. (16) The

letter granting approval for the selection or appointment of faculty shall also be provided by the institution to the Regional Committee with the document establishing that the Fixed Deposit Receipts of Endowment Fund and Reserve Fund have been converted into a joint account and after receipt of the said details, the Regional Committee concerned shall issue a formal order of recognition which shall be notified as provided under the Act. E. The ground taken in the impugned order namely that the Appellant has submitted photocopy of building plan which is not legible is at variance with the show cause notice dated 02.09.2020. The said show cause notice did not contain this deficiency and on this ground alone, the impugned order is required to be quashed. Nevertheless, it is submitted that the Appellant had duly submitted the blueprint of the building plan during personal hearing on 26.02.2020. It is a matter of common knowledge that building plans are generally issued in blueprint format and several copies are obtained. There is no concept of original building plan in such formats. Even otherwise after the building plan was submitted by Appellant with WRC on 26.02.2020, the WRC was fully satisfied and therefore this ground was not taken in the show cause notice dated 02.09.2020. F. In the impugned order, the WRC has stated that the Appellant has submitted photocopy of non-encumbrance certificate issued gram panchayat which is not a competent government authority. In this regard, it is submitted that till date the Appellant has not submitted any such certificate issued by gram panchayat and the said certificate which was submitted by the Appellant was dated 25.09.2020 which was issued by the Tehsildar, Nanded District which is competent government authority for such purpose. On this ground alone, the impugned order is required to be quashed. G. The original FDRs dated 22.09.2020 in a sum of Rs.7 lakh and Rs.5 lakh (total Rs.12 lakh) were submitted by the Appellant with the WRC vide its reply dated 29.09.2020. The Appellant has till date not submitted photocopy of the said FDRs with the WRC and therefore the said ground of withdrawal of recognition is illegal and contrary to the records of the case.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 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 23.06.2011. Thereafter, a revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units of 50 students each). The



recognition of the institution for B.Ed. programme was again withdrawn by the WRC vide order dated 28.06.2023.

The petitioner institution has filed a **W.P.(C) No.9730/2023 & CM APPL No.37305/2023** in the Hon'ble High Court of Delhi at New Delhi against the impugned Withdrawal Order No. **F. No. WRC/APWO7854/1231087/B.Ed./387th M.H./2023** dated **28.06.2023** issued by WRC and Hon'ble Court vide order dated **08.08.2023** directed as under:

"....6. Learned counsel appearing on behalf of the petitioner-institution also points out from the withdrawal order dated 28.06.2023 passed by the WRC that the reasons mentioned therein, do not form part of the show cause notices. According to him, the entire decision of the WRC dated 28.06.2023 deserves to be set aside.

7. I have considered the submissions made by learned counsel for the petitioner-institution and in view of the specific stands taken by the petitioner-institution in the instant writ petition with respect to compliance with the extant regulation and on consideration of the fact that all the reasons mentioned in the withdrawal order dated 28.06.2023 do not form part of either of the show cause notices.

8. Therefore, during the pendency of the appeal, the withdrawal passed by WRC, dated 28.06.2023 deserves to be stayed.

9. It is, further directed that the petitioner-institution to deposit a sum of Rs. 10 lakhs by way of the demand draft in favor of WRC within 7 working days.

10. The Appellate Authority is to decide the appeal of the petitioner-institution within four weeks from the date of filing of appeal, without being influenced by any of the observations made in this order.

11. The petitioner-institution is allowed to participate in the counselling process for the Academic Year 2023-2024, subject to the final outcome of the instant writ petition.

12. List on 06.11.2023.

13. Order dasti."

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 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 Swami Ramanand Teerth Marathwada University, Nanded, Maharashtra as per provisions of NCTE Regulation, 2014.
- (ii) A copy of Building Plan approved by Gram Panchayat.
- (iii) A copy of Non-Encumbrance Certificate issued by Tahsil Office, Nanded District on dated 25.09.2020.
- (iv) A copy of FDRs towards Endowment Fund & Reserve Fund.

The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Western Regional Committee and decision taken accordingly. The WRC, NCTE is further directed to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority.

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 the WRC, NCTE with the direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and

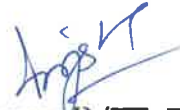


instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines 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.

IV. DECISION: -

After perusal of the Memoranda of Appeal, 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 conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority 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 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, Marathwada Adhyapak Mahavidyalaya, 15, Brahmapuri, Gadegaon Road, Itwara, Nanded, Maharashtra-431601
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra.



IN THE NCTE APPELLATE AUTHORITY /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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-120/E-306377/2023 Appeal/9th Meeting, 2023
APPLNRC202314618

Acme Institute of Management and Technology, 1241, Sikandra, Near Sudhir Dharm Kanta, Sikandra, Agra, Uttar Pradesh-282007	<u>Vs</u>	Northern 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, NRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Acme Institute of Management and Technology, 1241, Sikandra, Near Sudhir Dharm Kanta, Sikandra, Agra, Uttar Pradesh-282007** dated 08.06.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No./NRC/NCTE/UP-1393-D.El.Ed., NRCAPP-15099-D.El.Ed.(Addi.)/393rd (Blended Mode) Meeting/2023/221082** dated 16.03.2023 of the Northern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “The request of the Society/ institution to withdraw recognition for D.El.Ed. course be acceded to.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of **Acme Institute of Management and Technology, 1241, Sikandra, Near Sudhir Dharm Kanta, Sikandra, Agra, Uttar Pradesh-282007** appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that “The detailed explanation will be submitted at the time of presenting the Appeal.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 2023. Appeal Committee noted that the appellant institution was granted recognition for D.El.Ed. Course with an annual intake of 50 students vide order dated 25.08.2005 and D.El.Ed. (Addi. Intake) with an annual intake of 50 students vide order dated 16.02.2017. The institution has submitted a representation dated 07.10.2021 received in the office of NRC on 12.10.2021 requesting to withdraw the recognition for D.El.Ed. course. The recognition of the institution for D.El.Ed. programme was withdrawn by the NRC vide order dated 16.03.2023.

The Appeal Committee in its 9th Meeting, 2023 held on 28.08.2023 considered the documents submitted alongwith the Appeal Report, the Appeal Committee observed that



the institution had made a representation to NRC for closing the respective course and accordingly NRC had withdrawn the recognition of the Appellant institution for running D.El.Ed. course from the academic session 2023-24. The Appeal Committee observed that the Appellant institution have themselves requested to the NRC, NCTE for closing down the said D.El.Ed. course and accordingly the withdrawal order was issued by NRC. Therefore, in view of the above, the Appellant institution cannot come into appeal against the order which they themselves had requested for.

Hence, the Appeal Committee noted that there is no such provision in the NCTE Act, Rules & Regulations to re-open an institution which recognition has already been withdrawn by the Regional Committee on the request of the institution itself. The institution is, therefore, at liberty to apply afresh as and when the application are invited by the NCTE. The Appeal Committee concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 16.03.2023 issued by NRC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 16.03.2023 issued by NRC is confirmed.

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

- 1. The Principal, Acme Institute of Management and Technology, 1241, Sikandra, Near Sudhir Dharm Kanta, Sikandra, Agra, Uttar Pradesh-282007**

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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-124/E-311383/2023 Appeal/9th Meeting, 2023
APPLSRC202314637**

Mahatma Gandhi University College of Teacher Education, 82/5, Erattupetta, Aruvithura, Meenachil, Kottayam, Kerala- 686122	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Ms. Roselit, Michael, Principal
Respondent by	Regional Director, SRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Mahatma Gandhi University College of Teacher Education, 82/5, Erattupetta, Aruvithura, Meenachil, Kottayam, Kerala-686122** dated 22.07.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO3253/B.Ed./425th Mtg/KL/2023/142141** dated 26.05.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution did not submit faculty list as per prescribed format of NCTE Regulation, 2014. The faculty list submitted by institution is not approved by affiliating Body. The institution has submitted faculty list of 1 Principal + 10 Faculty for Assistant Professor in which three faculties were part timer. (ii). The institution is required to submit latest consolidated Staff list duly approved by the Registrar of the University as per the prescribed format alongwith a copy of appointment letters. (In case the institution is running more than one teacher education programme, it is required to submit staff list duly approved by the Affiliating Body for each of the recognized teacher education programme being run by the institution. (iii). 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: -

Ms. Roselit, Michael, Principal of Mahatma Gandhi University College of Teacher Education, 82/5, Erattupetta, Aruvithura, Meenachil, Kottayam, Kerala-686122 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that “(i). It is informed that College of Teacher Education Erattupetta had submitted faculty list for one basic unit, one Principal and 10 Assistant Professors in which three Faculties were part timers as explanation to the Show cause notice **F.SRO/NCTE/APS03253/B.Ed./KL/2021 /129641** dt. 27/12/2021. The institution herewith submits new Faculty list of one Principal, 8 Full time Assistant Professors and 2 part time Assistant



Professors, approved by affiliating body as per the prescribed format of NCTE Regulation, 2014.

(ii). As directed, the staff list in the prescribed format, approved by Registrar, Mahatma Gandhi University Kottayam, along with appointment letters is attached herewith. (iii). I may say that Mahatma Gandhi University, Kottayam, was directly managing the College of Teacher Education at Erattupetta, Kottayam (Dt.), Kerala. As per G. O(MS)No.101/2017/H.Edn dated 06.04.2017, the Self-Financing Institutions(SFIs) directly run by the Mahatma Gandhi University were 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. 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 were entrusted with the society for its functioning. 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 Institutions of the Mahatma Gandhi University were 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 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 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 are 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. C.P.A.S. is a society registered as a government-controlled Society. Hence there has been no change in the management of this institution but continuity of management. Since 2017, this institution has continued to function as "Centre for Professional and advanced Studies" under Higher Education Department, Government of Kerala. So, there is no transfer of management here, instead there is continuity. Now it continues 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 Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 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 01.11.2007. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 17.06.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 08.07.2015 for conducting B.Ed. course of two years duration with an annual intake of 50 (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 26.05.2023.

The Appeal Committee in its 9th Meeting, 2023 held on 28th August, 2023 considered the documents submitted alongwith the Appeal Report 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 26.05.2023 issued by SRC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 26.05.2023 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, 82/5, Erattupetta, Aruvithura, Meenachil, Kottayam, Kerala-686122**
- 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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-128/E-311800/2023 Appeal/9th Meeting, 2023
APPLSRC202314638

Kannur University Teacher Education Centre, 300/302, Kasaragod, Chala Road, Vidyanagar, Kasargod, Kerala-671123	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. T. P. Ashraf, Member Syndicate
Respondent by	Regional Director, SRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of Kannur University Teacher Education Centre, 300/302, Kasaragod, Chala Road, Vidyanagar, Kasargod, Kerala-671123 dated 15.07.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRC/NCTE/APSO2520/B.Ed./425th Mtg/KL/2023/142138 dated 26.05.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution failed to submit reply to the Last Reminder Letter dated 05.09.2022."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. T. P. Ashraf, Member Syndicate of Kannur University Teacher Education Centre, 300/302, Kasaragod, Chala Road, Vidyanagar, Kasargod, Kerala-671123 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that "(i). The institution replied to the last reminder letter from NCTE letter No. F.SRC/NCTE/APSO/2520/B.Ed./KL/2022/134539 dt.05-09-2022 vide letter No.Acad.A1/5586/Tech. Edn-NCTE-Recog/2016(ii) dt.02-10-2022 and Letter No. Acad.A1/5586/Tech. Edn-NCTE-Recog/2016 dt.15-10-2022-stating that University has terminated the 2 Non NET faculties and is in the process of re-notifying the aforesaid posts and requested a time period for the completion of recruitment of faculties. And in the letter dt.15-10-22 reported that qualified faculty possessing NET/Ph D were appointed for the 2 posts on temporary basis and sought further time period for the appointment. The faculty list of that period was furnished along with the letter dt.15-10-2022. (ii). The deficiencies pointed out by the SRC in the written representation submitted by the Registrar of the University on 06-06-2022 (reply to the Final Show Cause Notice issued to the institution (Letter No. F. No. SRC/NCTE/APSO 2520/B.Ed./KL/2022/ 32046 dt.12-05-2022) has been rectified. (i) The staff list approved by the Registrar of the University has been enclosed for an in take of 50 students (one basic unit). Even though the annual intake of the Centre is 100 as per the recognition order the institution has admitted only one basic unit i.e., 50 studies, till 2021-22, this is included in the PAR. (ii) The Non-Encumbrance Certificate from the Competent Authority is enclosed. The Land Utilization Certificate (mentioning the R.S.No.302/2 and 300/4) from the competent authority is enclosed


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indicating that the land is owned by the Registrar of Kannur University, and it is used for educational purpose only. (iii) The building plan in the name of the college of Education is enclosed. (iv) Kannur University Teacher Education Centre, Kasaragod is a Centre of Kannur University, a state University established by an act of Kerala Legislative Assembly run on Cost-sharing basis, which is audited every year by the Government. As per the NCTE rules and regulations 2014 the deficiencies pointed out by the SRC has been rectified. Sufficient numbers of faculties have been appointed with requisite qualifications as insisted by NCTE. I kindly request you to consider the above-mentioned facts in good faith and reconsider the matter of withdrawal of recognition of the Centre and issue appropriate orders re-instating the recognition of this Centre for the conduct of B Ed. Programme at Kannur University Teacher Education Centre, Kasaragod. The delay in submission of the reply to the last reminder letter from SRC may be condoned. An early favorable order from your end is highly appreciated.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 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 09.08.2005. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 10.04.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 27.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 26.05.2023.

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 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+11) members approved by the Registrar, Kannur University, Kerala as per provisions of NCTE Regulations, 2014 alongwith building plan & an Affidavit.

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The Appeal Committee noted that the institution submitted a request for reduction of intake from 2 unit to 1 unit. Accordingly, the Appeal Committee decided that the institution shall file a representation before the Southern Regional Committee (SRC) in this regard and the SRC is directed to scrutinize the representation along with requisite documents.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 26.05.2023. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. The SRC is at liberty to verify other documents from the concerned competent authority 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 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 26.05.2023 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.



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Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to SRC with a direction to verify the documents from the concerned competent authority 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 Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a liberty to verify documents 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, Kannur University Teacher Education Centre, 300/302, Kasaragod, Chala Road, Vidyanagar, Kasargod, Kerala-671123
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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-130/E-312000/2023 Appeal/9th Meeting, 2023
APPLSRC202314641

St. Peter College of Education, 62/1,2,3, Adoni Revenue Division, Adoni, Kurnool, Andhra Pradesh-518301	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. K. Ramalinga Reddy, Correspondent
Respondent by	Regional Director, SRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **St. Peter College of Education, 62/1,2,3, Adoni Revenue Division, Adoni, Kurnool, Andhra Pradesh-518301** dated 24/07/2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO0203/B.Ed. /AP/2022/(132959-132963)** dated 25.07.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution failed to pay prescribed fee for inspection of their institution as informed. Therefore, it is constructed that the Management is not interested in inspection.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. K. Ramalinga Reddy, Correspondent of St. Peter College of Education, 62/1,2,3, Adoni Revenue Division, Adoni, Kurnool, Andhra Pradesh-518301 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that “Issue of health problem.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 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 03.03.2003. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 31.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 30.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 students (two 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 25.07.2022.



The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 2023 submitted that due to health problem, it could not deposit the requisite fee for inspection of the institution. The appellant institution also submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of faculty list (1+15) members approved by the Registrar of affiliating University as per provisions of NCTE Regulations, 2014 alongwith land documents, Land Use Certificate & Building Plan.
- (ii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.
- (iii) A copy of Affidavit regarding land & building.

The Committee directed the SRC, NCTE to conduct inspection of the institution as per provisions of the NCTE Act, Rules & Regulations to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority after obtaining prescribed fee for inspection.

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

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

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

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



In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 25.07.2022 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 the SRC, NCTE with the direction to conduct inspection of the institution as per provisions of the NCTE Act, Rules & Regulations to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority after obtaining prescribed fee for inspection and further to verify the documents submitted from the concerned issuing authority 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.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to conduct inspection of the institution as per provisions of the NCTE Act, Rules & Regulations after obtaining prescribed fee for inspection and further to verify the documents submitted from the concerned issuing authority 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 above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, St. Peter College of Education, 62/1,2,3, Adoni Revenue Division, Adoni, Kurnool, Andhra Pradesh-518301**
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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-131/E-312189/2023 Appeal/9th Meeting, 2023
APPLSRC201913347**

Gangaa College of Education, 147/16B, 147/16C, 147/16D, Koranampatti, Mettukadu, Edappadi Taluk, Salem, Tamilnadu-637102	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. R. Saravanan, Chief Executive Officer
Respondent by	Regional Director, SRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Gangaa College of Education, 147/16B, 147/16C, 147/16D, Koranampatti, Mettukadu, Edappadi Taluk, Salem, Tamilnadu-637102** dated 18.08.2019 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO4888/106139** dated 20.06.2019 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). Faculty list submitted is not approved by the affiliating University. (ii). Insufficient FDRs, also not in joint account. (iii). LUC is not submitted. (iv). Built up Area is not adequate. (v). BCC is not in prescribed format. (vi). Land is agricultural land, also in the name of individual.”

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. R. Saravanan, Chief Executive Officer of Gangaa College of Education, 147/16B, 147/16C, 147/16D, Koranampatti, Mettukadu, Edappadi Taluk, Salem, Tamilnadu-637102 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that “(i). Staff are appointed, staff approved by the affiliating University. (ii). Original FDRs submitted to the SRC, NCTE no:30905910248/Rs.10,50,564 no;30905909481/Rs.6,30,337 joint account, the Regional Director, NCTE and Managing Trustee, Annai Educational and Charitable Trust. (iii). LUC is submitted. (iv). Sufficient built-up area is available. (v). BCC is submitted of NCTE prescribed format. (vi). It is in dry land. Land is registered in the name of Annai Educational and Charitable Trust.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 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 08.11.2006. Thereafter, SRC vide order dated



28.11.2011 granted permission to shift the institution to its own building at Ganga College of Education, Moolpadai, Koranampatti Post, Konganapuram (via), Idappadi Taluk, Salem District, Pin-637102, Tamilnadu. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 27.02.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 23.03.2015 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 20.06.2019.

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 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, Tamilnadu Teachers Education University, Chennai as per provisions of NCTE Regulations, 2014.
- (ii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.
- (iii) A copy of Building Completion Certificate, Certificate of land.

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. The SRC, NCTE is further directed to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority.

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 20.06.2019 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to the SRC, NCTE with the direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority 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.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority 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 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, Gangaa College of Education, 147/16B, 147/16C, 147/16D, Koranampatti, Mettukadu, Edappadi Taluk, Salem, Tamilnadu-637102**
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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-132/E-312190/2023 Appeal/9th Meeting, 2023
APPLERC202314645

ASP College of Education, 755/3031, 755/3032, Gangadharpur, South 24- Pargana, West Bengal-743347	<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	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **ASP College of Education, 755/3031, 755/3032, Gangadharpur, South 24-Pargana, West Bengal-743347** dated 26.07.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-326.26/NCTE/ERCAPP4253 & ERCAPP201645159 (ID-9505)/B.Ed./WB/2023/68195** dated 08.06.2023 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted the reply of Final Show Cause Notice dated 09.04.2022 issued to it."

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of **ASP College of Education, 755/3031, 755/3032, Gangadharpur, South 24-Pargana, West Bengal-743347** appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that "(i). The applicant institution 'ASP College of Education' running under 'ASP Education & Welfare Trust, has been granted recognition by ERC-NCTE for conducting the B.Ed. Course (ERCAPP4253) with an annual intake of 50 students from the academic session 2016-2017, vide ref. no. ER-213.6(I).89/ERCAPP4253/B.Ed./2016/46039, dated 02.05.2016, and another additional intake of 50 students (ERCAPP201645159) (ID-9505) from the academic session 2018-2019, vide ref. no. F.No.ER-252.6.47 (Part-3)/ID No.-9505/B.Ed. (Addi. Intake) & D.El.Ed. (Addi. Intake)/2018/56347, dated 03.03.2018. thus, total intake of B.Ed. course becomes 100 students at present. (ii). The Applicant institution is successfully running its 7th academic year (2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022 & 2022-2023) and complied with every notification issued by the ERC-NCTE/NCTE from time to time. Including the Teaching Staff Recruitment and website update. (iii). The Applicant institution was in process for the selection of Teaching Staffs after Covid-19 pandemic, with the concerned University "The West Bengal University of Teachers' Training, Planning and Administration" (WBUTTEPA against the vacant seats, Vide Letter dated 18.04.2022, 06.11.2022, 17.04.2023, 31.05.2023, 01.06.2023 and 10.07.2023, which was completed by the University 'Baba Saheb



Ambedkar Education University' (Erstwhile WBUTTEPA) on 21.07.2023. (iv). In terms of Teaching Staff Recruitment, and approval of Data Sheet (as per the NCTE Format), the concerned University/Board is the sole responsible to complete the entire formalities on the basis of the requirements of the institution and as per the Guideline of NCTE/NCTE Regulation 2014/NCTE Act 1993. Please Note: No institution has any authority power on selection of teaching staffs and no data sheet (NCTE Format) will be accepted by the ERC-NCTE/NCTE without approval of the concerned University/Board, as per the Guideline of NCTE/NCTE Regulation 2014/ NCTE Act 1993. (v). The applicant institution has no such updated documents in hand to reply against the Final Show Cause Notice of ERC-NCTE dated 09.04.2022, due to the delayed process of Teaching Staff Approval by the concerned University. However, the institution made a request for extension of time to the ERC-NCTE through email dated 30.5.2023, which was not considered. (vi). The ERC-NCTE unfortunately withdrew the recognition order of B.Ed. course (ERCAPP4253) & (ERCAPP201645159) (ID-9505), under Section 17 (1) of the NCTE Act, 1993, vide letter Ref. No. F. No.ER-326.26/NCTE/ERCAPP4253 & ERCAPP201645159/(ID-9505)/B.Ed./WB/2023/68195, dated 08.06.2023. (vii). The applicant institution has submitted the latest teaching staff format along with all the documents to the ERC-NCTE office vide letter ref. no. ASP/ERCAPP4253 & ERCAPP201645159 (ID-9505)/B.Ed./ERC-NCTE/07-01-2023, dated 26.07.2023 immediate after the approval of the concerned University "Baba Saheb Ambedkar Education University" (Erstwhile WBUTTEPA). (viii). The applicant institution updated the website <http://www.aspedu.org/> with every information and documents from time to time (including the Teaching Staffs) as per the Guideline of NCTE/NCTE Regulation 2014/NCTE Act 1993. (ix). The applicant institute has no other alternative but to file an Appeal under Section 17 (1) of the NCTE Act 1993 against the withdrawal of recognition order of B.Ed. Course (ERCAPP4253) and (ERCAPP201645159) (ID-9505) by ERC-NCTE. (x). The applicant institution has every document in hand to satisfy the Hon'ble Appeal Committee NCTE Head Qtrs. To restore the recognition order of B.Ed. course (ERCAPP4253) and (ERCAPP201645159) (ID-9505) in the name of ASP College of Education from the academic session 2023-2024."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28.08.2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 50 students vide order dated 02.05.2016 and another additional of 50 students (Existing 50 intake + additional 50 intake), thus making the total intake of 100 students vide order dated 03.03.2018. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 08.06.2023.

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 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+18) members dated 20.02.2023 approved by the Registrar, Baba Saheb Ambedkar Education University, West Bengal as per provisions of NCTE Regulations, 2014 alongwith land documents.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 08.06.2023. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. The ERC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority 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 and decision taken accordingly.

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



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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 08.06.2023 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

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



IV. DECISION: -

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, ASP College of Education, 755/3031, 755/3032, Gangadharpur, South 24-Pargana, West Bengal-743347
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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-134/E-312531/2023 Appeal/9th Meeting, 2023
APPLSRC202314647**

Maheswari College of Education, 93/6,93/7,93/8, Kalavarai, Main Road, Bobbili, Vizianagaram, Andhra Pradesh-535558	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. A. Satyeswara Rao, Office Assistant
Respondent by	Regional Director, SRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Maheswari College of Education, 93/6,93/7,93/8, Kalavarai, Main Road, Bobbili, Vizianagaram, Andhra Pradesh-535558** dated 29.07.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/SRCAPP14522/M.Ed./{AP}/2022/140994** dated 04.02.2023 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “The Committee noted that the institution has not filled Performance Appraisal Report (PAR). (ii). The Committee agreed to close down the institution as requested by the institution vide letter dated 14.12.2022 by withdrawing the recognition granted to Maheswari College of Education, Kalavarai Village, Bobbili Taluk & City, Vizianagaram District-535558, Andhra Pradesh for conducting M.Ed. Programme under clause 17(1) of NCTE Act, 1993 from the academic session 2022-2023.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. A. Satyeswara Rao, Office Assistant of Maheswari College of Education, 93/6,93/7,93/8, Kalavarai, Main Road, Bobbili, Vizianagaram, Andhra Pradesh-535558 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that “The general body of the society expressed its readiness to run the course even it is financially loss to the society and continue the course in spite of low admissions. The General Body of the society is ready to bear the financial burden for running the course in the college. The meeting of the General Body of the society was held on 15-07-2023, and that is why I could not submit this appeal in the limitation period for appeal.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 2023. Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course with an annual intake



of 50 students vide order dated 02.05.2016. Thereafter, the institution has submitted request dated 14.12.2022 for closure of M.Ed. programme, the Committee agreed to close down the institution as requested by the institution vide letter dated 14.12.2022. The recognition of the institution for M.Ed. programme was withdrawn by the SRC vide order dated 04.02.2023.

The Appeal Committee in its 9th Meeting, 2023 held on 28.08.2023 considered the documents submitted alongwith the Appeal Report, the Appeal Committee observed that the institution had made a representation to SRC for closing the respective course and accordingly SRC had withdrawn the recognition of the Appellant institution for running M.Ed. course from the academic session 2023-24. The Appeal Committee observed that the Appellant institution have themselves requested to the SRC, NCTE for closing down the said M.Ed. course and accordingly the withdrawal order was issued by SRC. Therefore, in view of the above, the Appellant institution cannot come into appeal against the order which they themselves had requested for.

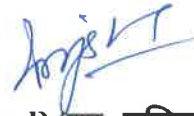
Hence, the Appeal Committee noted that there is no such provision in the NCTE Act, Rules & Regulations to re-open an institution which recognition has already been withdrawn by the Regional Committee on the request of the institution itself. The institution is, therefore, at liberty to apply afresh as and when the application are invited by the NCTE. The Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 04.02.2023 issued by SRC is confirmed.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 04.02.2023 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, Maheswari College of Education, 93/6,93/7,93/8, Kalavarai, Main Road, Bobbili, Vizianagaram, Andhra Pradesh-535558**
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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-135/E-312732/2023 Appeal/9th Meeting, 2023
APPLSRC202314648**

Brilliant Minds and Resources College of Education, 1381, Siddipet, Prashanth Nagar, Medak, Telangana-502103 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. RESPONDENT
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Representative of Appellant	Mr. V. Rajendar Reddy, Director
Respondent by	Regional Director, SRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Brilliant Minds and Resources College of Education, 1381, Siddipet, Prashanth Nagar, Medak, Telangana-502103** dated 31.07.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/SRCAPP14959 /B.Ed./TS/2023/142926-30** dated 27.07.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution not submitted approved faculty list from the Registrar of the affiliating Body. (ii). The institution has submitted salary acquittance role in which cash payment made to the faculty of the institution. Thus, the institution failed to submit proof for disbursement of salary to its faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. V. Rajendar Reddy, Director of Brilliant Minds and Resources College of Education, 1381, Siddipet, Prashanth Nagar, Medak, Telangana-502103 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that “(i). The institution submitted latest approval faculty list. (ii). The institution submitted salary statement.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 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 12.04.2016. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 27.07.2023.

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 2023 submitted



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

- (i) A copy of faculty list (1+15) members approved by the Registrar, Osmania University, Telangana as per provisions of NCTE Regulation, 2014 alongwith salary statement.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 27.02.2023. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. The SRC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority 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 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 27.02.2023 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 verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority 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 Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents 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, Brilliant Minds and Resources College of Education, 1381, Siddipet, Prashanth Nagar, Medak, Telangana-502103**
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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-136/E-313065/2023 Appeal/9th Meeting, 2023
APPLSRC202314644**

CSSR and SRRM Degree and PG College, 13/526, Kamalapuram, Reddy Colony, Cuddapah, Andhra Pradesh-516289	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. G. Vemanarayana Reddy, Principal
Respondent by	Regional Director, SRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023


ORDER/आदेश

I. GROUND OF REFUSAL

The appeal of **CSSR and SRRM Degree and PG College, 13/526, Kamalapuram, Reddy Colony, Cuddapah, Andhra Pradesh-516289** dated 25.07.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/SRC/2425202305111502/Andhra Pradesh/2023/REJC/408** dated 27.06.2023 of the Southern Regional Committee, refusing recognition for conducting ITEP Course on the grounds that "As per public notice dated 27.04.2023 issued by the NCTE (HQ) only the Central/State Government Universities, Institute of Eminence and Institutions of National Importance can apply for 2nd phase of Pilot of Integrated Teacher Education Programme (ITEP) for the Academic session 2024-25. However, this institution doesn't fall any under any of these categories and hence not eligible to apply."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. G. Vemanarayana Reddy, Principal of CSSR and SRRM Degree and PG College, 13/526, Kamalapuram, Reddy Colony, Cuddapah, Andhra Pradesh-516289 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that "Ours society established and registered since 1992 with the under-graduation courses and affiliated by Sri Venkateswara University Tirupati. Our college organized 1992 to till date without failed and without remarks. Our society organized educational institutions with adequate in both infrastructure and instructional facilities. We are developed rural area students around the Rayalaseema districts of Andhra Pradesh with education. Many students are completed their degree and appointed various Government sectors like Actos, teachers, lecturers and professors. The society members have interested to increase educational qualifications of the rural students of Rayalaseema districts like Kadapa, Kurnool, Chittoor and Anantapur. We are also established B.Ed. college under the name of VPR college of education in 2003 and affiliated from Sri Venkateswara University up to 2015. After that ours both CSSR and SRRM Degree College, Kamalapuram, VPR College of Education, Kamalapuram. Came


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in to affiliated to Yogivemana University, Kadapa Jurisdiction. These two institutions are organized till to date without remarks. Ours CSSR and SRRM Degree College, Kamalapuram awarded NAAC “B” certificate in 2017 and NAAC “A” certificate 2023 with CGPA of 2.77 and 3.22 respectively in this connection our college known as institute of Eminence and recognised by the state of Andhra Pradesh. So, we have appeal as institute of Eminence in our knowledge.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 2023. Appeal Committee noted that the appellant institution had submitted an application to the Southern Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 30.05.2023. The recognition of the institution for ITEP programme was refused by the SRC vide order dated 27.06.2023.

The Appeal Committee in its 9th Meeting, 2023 held on 28th August, 2023 considered the documents submitted alongwith the Appeal Report and the Appeal Committee observed that Public Notice dated 27.04.2023 issued by NCTE is regarding inviting online application from the Central/State Government Universities, Institutes of Eminence of Institutions of National Importance for the academic session 2024-25 “for 2nd phase of Pilot of Integrated Teacher Education Programme (ITEP), aligned with NEP 2020, however, the Appellant institution has failed to proof that they are Central/State Universities, Institutes of Eminence of Institutions of National Importance.

Hence, the Appeal Committee concluded that the SRC was justified in refusing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned refusal order dated 27.06.2023 issued by SRC is confirmed.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in refusing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned refusal order dated 27.06.2023 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, CSSR and SRRM Degree and PG College, 13/526, Kamalapuram, Reddy Colony, Cuddapah, Andhra Pradesh-516289
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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-138/E-313002/2023 Appeal/9th Meeting, 2023

APPLERC202314630

Vikram Deb Autonomous College, Jeypore (Vikram Dev University, Jeypore), 245, 246, Jeypore, NH-26, Koraput, Odisha-764001	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. Gopal Halder, Registrar
Respondent by	Regional Director, ERC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Vikram Deb Autonomous College, Jeypore (Vikram Dev University, Jeypore), 245, 246, Jeypore, NH-26, Koraput, Odisha-764001** dated 26.06.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-326.24/NCTE/ERCAPP201646242 (ID No.-11012)/B.Ed./OD/2023/68164** dated 08.06.2023 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted the reply of Final Show Cause Notice dated 09.04.2022 issued to it."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Gopal Halder, Registrar of Vikram Deb Autonomous College, Jeypore (Vikram Dev University, Jeypore), 245, 246, Jeypore, NH-26, Koraput, Odisha-764001 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that "(i). The NCTE, Eastern Regional Committee had given recognition to V. Deb (Auto) College, Jeypore from the Academic Session 2018-19 as per NCTE Regulation 2014 (for 2 years B.Ed. Programme) vide order no. ER-250.6.35 (Part-2)/APP11012/B.Ed./2018/56240, dt. 02.03.2018. Now, the College has been upgraded to an affiliating University i.e., Vikram Dev University, Jeypore vide Govt. of Odisha letter no. 4244, dt. 02.02.2023 (Copy enclosed). (ii). Whereas vide letter no. 6311, dt. 05.10.2020, ERC, NCTE has issued the 1st Show Cause Notice to the institution regarding the eligibility of Teachers i.e., NET or Ph.D. and/NCTE Regulations. The Show Cause Notice of ERC, NCTE was complied by this institution vide letter no. 501/VDAC/2021 dt.18.03.2021 where the list of Ph.D. and NET qualified teachers were appointed in the institution in place of non-NET/Ph.D. Candidates (Copy Enclosed). (iii). Further, the two-year B.Ed. Programme is being continued till 2022-24 Session after the compliance of the Show Cause by the NCTE. (iv). Furthermore, Vide file no. ER-303.19/NCTE/ERC/2022/65416, dt. 09.04.2022 by ERC, NCTE, the Final Show Cause Notice was issued and received by this institution which was not expected as this College has already complied the Show Cause Notice of NCTE for Eligible Teachers as per the NCTE Regulation, 2017. Further, the Final Show Cause Notice was issued by ERC, NCTE was unfortunately misplaced in the department and could not be complied. (v). The college also submitted PAR for



2020-21 where all the eligible teachers for 2 years B.Ed. Programme as per NCTE guidelines, 2017 were registered (copy enclosed). (vi). Hence, now regarding your letter no. 11012/B.Ed./OD/2023/68165, dt. 08.06.2023, this institution is not satisfied for the withdrawal of the recognition of 2 years B.Ed. programme for the year 2023-24 and hence, as per Section 18 of NCTE Act, 1993, this institution is like to request you to accept the reply of show cause notice and to consider the appeal for resumption of recognition and continuation of 2 years B.Ed. programme in the institution for the academic session 2023-24 and onwards (copy enclosed). (vii). Furthermore, I wish to draw your kind attention that, this is the only institution that provides teacher education to the Tribal dominated undivided Koraput districts (including aspiration district). So, I request your kind self to be kind enough to reconsider the decision of withdrawal of recognition and allow the 2 years B.Ed. programme to continue as this institution is following all the guidelines of NCTE to run this programme. I, Registrar of Vikram Dev University, Jeypore (erstwhile Vikram Deb Autonomous College, Jeypore) on behalf of this institution sincerely regret the noncompliance of Final Show Cause Notice and assure to sincerely follow and respond all NCTE communications in time.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course of two years duration vide order dated 02.03.2018 for 50 students (one basic unit). The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 08.06.2023.

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 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+8) members dated 27.06.2023 approved by the Registrar, Vikram Dev University, Jeypore, Odisha as per provisions of NCTE Regulation, 2014.



The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 08.06.2023. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. **The ERC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority 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 and decision taken accordingly.**

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 08.06.2023 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC **with a direction to verify**



the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

IV. DECISION: -

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

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


Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Vikram Deb Autonomous College, Jeypore (Vikram Dev University, Jeypore), 245, 246, Jeypore, NH-26, Koraput, Odisha-764001
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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-139/E-313245/2023 Appeal/9th Meeting, 2023
APPLWRC202314653**

S.S. College of Education, 3k 47, Hiran Magri, Vinayak Marg, Udaipur, Rajasthan-313002	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Mahesh Pahuja, President
Respondent by	Regional Director, WRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **S.S. College of Education, 3k 47, Hiran Magri, Vinayak Marg, Udaipur, Rajasthan-313002** dated 08.08.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/WRC/RJ1043/387th (S.No.26)/2023/123608 to 223615** dated 13.07.2023 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). Bank statement only in respect of Principal (Dr. Sangeeta Goswami) submitted, others not submitted. (ii). University approval letter for selection/appointment of faculty is not submitted. (iii). Non-Academic staff position/ list is not provided by the institution. (iv). Academic staff from Sr. No. 2-13 of list of faculty provided is not having NET/Ph.D. qualification in pursuance of NCTE Gazette Notification dated 09.06.2017.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Mahesh Pahuja, President of S.S. College of Education, 3k 47, Hiran Magri, Vinayak Marg, Udaipur, Rajasthan-313002 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that “(i). It is most respectfully submitted that the decision of withdrawal of recognition is based on wrong and incorrect facts i.e., the institution has time and again complied with all the norms and regulations of NCTE Act. It is pertinent to mention that the recognition of the institution was withdrawn vide order dt. 13.07.2023 despite having submitted all the original documents on 10.11.2022, as requisite under the final show cause notice. It is matter of record that some of the documents as mentioned in the withdrawal order were never a part of final show cause notice as issued by the WRC. The institution herein once again submitting all the requisite documents for your kind perusal and necessary action. Bank statement of all the staff alongwith principal showing proof of disbursement of salary was attached with reply however the same was considered. The institution is submitting the latest bank statement of last six months again for ready reference. (ii). It is matter of record that the approval of the staff profile is done by the University and the internal mechanism adopted by the university being a State University cannot be questioned. The signatures or the procedure as followed ought to be clarified from the University itself, whereas the institution is not aware of any such procedure. It is submitted that



the Staff list as submitted through email as well as hard form are same as received from the University. As regard the written letter of approval, the university does not give an such letter as a practice and the university may be directed or requested by NCTE for providing the same. Further the process and procedures adopted by the University in constituting the selection committee and documents thereof may be asked from the University. (iii). List of non-academic staff was duly submitted whereas the same is submitted again for ready reference. Copy enclosed. (iv). The ground that Academic staff from S. No. 2-13 of list of faculty provided is not having NET/Ph.D. qualification in pursuance of NCTE Gazette Notification dt. 09.06.2017 is not applicable to the present institution as all the appointments of the staff are prior to the said notification. The ground that Academic staff from S. No.2-13 of list of faculty provided is not having NET/Ph.D. qualification in pursuance of NCTE Gazette Notification dt. 09.06.2017 is not applicable to the present institution as all the appointments of the staff are prior to the said notification. It is pertinent to mention that due to wrong and arbitrary decision of WRC, the institution which is running successfully since 2007. The institution urges for reversing/ setting aside the withdrawal order as passed on the grounds mentioned above and requests to for an early action in this regard. The institution with folded hand and utmost respect prays that the withdrawal order as passed by the WRC be set aside and quashed in the interest of justice as the WRC has failed to appreciate the correct facts and documents available on record.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 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 06.08.2007. The recognition of the institution was withdrawn by WRC vide its order dated 08.09.2010. The restoration order was issued to the institution on 09.06.2015. Thereafter, a revised provisional recognition order was issued to the institution on dt. 11.06.2015 for conducting B.Ed. course with an annual intake of 100 students. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 13.07.2023.

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 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+16) members dated 03.11.2022 approved by the Registrar, Mohanlal Sukhadia University, Udaipur as per provisions of NCTE Regulation, 2014 alongwith statement of salary disbursement to the faculty.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 13.07.2023. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. The WRC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority 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 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 13.07.2023 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 verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The WRC is at a liberty to verify the submitted documents from the concerned issuing authority.

IV. DECISION: -

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

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


Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, S.S. College of Education, 3k 47, Hiran Magri, Vinayak Marg, Udaipur, Rajasthan-313002**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan.



IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलपीय 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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-142/E-313816/2023 Appeal/9th Meeting, 2023
APPLSRC202314652**

Government College of Teacher Education, 109/1, 109/3, 118/1, 119, Chitradurga, Onake Obavva Stadium Road, Prashanth Nagar, Chitradurga, Karnataka-577501	<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	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUND'S OF WITHDRAWAL

The appeal of **Government College of Teacher Education, 109/1, 109/3, 118/1, 119, Chitradurga, Onake Obavva Stadium Road, Prashanth Nagar, Chitradurga, Karnataka-577501** dated 07.08.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO0210/B.Ed./425th Mtg./KA/2022/142341** dated 12.06.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution failed to submit reply to the Final show Cause Notice (FSCN) dated 21.10.2020."

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of **Government College of Teacher Education, 109/1, 109/3, 118/1, 119, Chitradurga, Onake Obavva Stadium Road, Prashanth Nagar, Chitradurga, Karnataka-577501** appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that "Regarding the Final Show Cause Notice (FSCN) dated 21.10.2020. we have replied on date: 06.11.2020 letter no. CTEB.ED./NCTE/01/2019-20 and registered post on date:07.11.2020 to the Southern Regional Director, NCTE, New Delhi."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 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 17.07.2000. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 29.06.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 03.07.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units) from the academic session 2015-



16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 12.06.2023.

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 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+17) members dated 26.07.2023 approved by the Registrar, Davangere University, Davangere as per provisions of NCTE Regulation, 2014 alongwith certificate of encumbrance on property, Building Plan & Building Completion Certificate.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 12.06.2023. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. The SRC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority 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 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 12.06.2023 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 verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority 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 Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents 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, Government College of Teacher Education, 109/1, 109/3, 118/1, 119, Chitradurga, Onake Obavva Stadium Road, Prashanth Nagar, Chitradurga, Karnataka-577501**
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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-143/E-314287/2023 Appeal/9th Meeting, 2023
APPLNRC202314656**

Ram Naval Singh Smark PG College, 9,55/4,1031,1032, Chiraiyakot, Chiraiyakot to Ghazipur Road, Mohamdabad Gohana, Mau, Uttar Pradesh-276129	<u>Vs</u>	Northern 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, NRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

hrgst

ORDER/आदेश

I. GROUND OF ORDER

The appeal of Ram Naval Singh Smark PG College, 9,55/4,1031,1032, Chiraiyakot, Chiraiyakot to Ghazipur Road, Mohamdabad Gohana, Mau, Uttar Pradesh-276129 dated 11.08.2023 filed under Section 18 of NCTE Act, 1993 is against the letter No. No. F. NRC/NCTE/NRCAPP-13833-B.Ed./396th Meeting (Online Mode)/2023/221323-324 dated 18.04.2023 of the Northern Regional Committee, refused recognition for conducting D.El.Ed. Course on the grounds that “keeping in view the decision of General body of NCTE in its 55th meeting the original regulatory file of Ram Naval Singh Smarak Mahavidyalay, Chiriyakot, Mau is returned alongwith processing fees.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of Ram Naval Singh Smark PG College, 9,55/4,1031,1032, Chiraiyakot, Chiraiyakot to Ghazipur Road, Mohamdabad Gohana, Mau, Uttar Pradesh-276129 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that “Based on this, the institution has submitted DD No-420384 Rs. 1.50 lacks to the offices along with received and other correspondence 11.01.2018.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 2023. Appeal Committee noted that the appellant institution has applied online application for grant of recognition for D.El.Ed. course for two years duration. Accordingly, VT letter was issued to the institution on dated 17.01.2016. The inspection of the institution was conducted on 24.01.2016 by the Visiting Team constituted by NRC. The recognition order was issued to the institution on 02.05.2016. A corrigendum regarding cancellation of recognition order dt. 02.05.2016

was issued to the institution vide order dated 09.06.2016. Thereafter, the refusal order was issued to the institution on 30.11.2016. The institution preferred an appeal and the appeal authority decided to remand back the matter to the NRC vide its order dated 16.10.2017. Thereafter, NRC in its 277th Meeting, held on 5th to 6th December, 2017, the committee decided to constitute Re-V.T. to check total built-up area. Furthermore, the matter was again placed before NRC in its 396th Meeting held on 05th to 6th April, 2023 and the committee decided to return the application of the appellant institution in the light of decision of 55th General Body Meeting, NCTE.

The Appeal Committee noted that the application of the institution for D.El.Ed. programme was refused vide letter dated 18.04.2023 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 [2]: Status of applications for Diploma level courses pending in RCs at various stages:

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

- The NEP, 2020 recommends introduction of 4 Year integrated B.Ed. as dual-major holistic bachelor's degree in Education which will be offered in multidisciplinary Institutions/ Universities by 2030 this will be the minimal qualification for a person to become a teacher.
- The Diploma Level Teacher Education Courses are not in line with the recommendations of NEP 2020 as per Para 15.4 & 15.5 of NEP 2020

"15.4. As teacher education requires multidisciplinary inputs and education in high-quality content as well as pedagogy all teacher education programmes must be conducted within composite multidisciplinary institution. To this end all multidisciplinary universities and colleges will aim to establish education departments which besides carrying out cutting-edge research in various aspects of education will also run B.Ed. programmes in collaboration with other departments such as psychology, philosophy, sociology, neuroscience, Indian languages, arts, music, history, literature, physical education, science and mathematics. Moreover, all stand-



alone TEIs will be required to convert to multidisciplinary institutions by 2030. Since they will have to offer the 4-year integrated teacher preparation programme

15.5. The 4-year integrated B.Ed. offered by such multidisciplinary HEIs will by 2030, become the minimal degree qualification for School teachers. The 4-year integrated B.Ed. will be a dual-major holistic bachelor's degree, in education as well as a specialized subject such as a language, history, music, mathematics, computer science, chemistry, economics, art physical education etc. Beyond the teaching of cutting-edge pedagogy, the teacher education will include grounding in sociology history, science, psychology, early childhood care and education foundational literacy and numeracy knowledge of India and its values/ethos/art/traditions, and more. The HEI offering the 4-year integrated B.Ed. may also run a 2-year B.Ed. for students who have already received a bachelor's degree in a specialized subject. A 1-year B.Ed. may also be offered for candidates who have received a 4-year undergraduate degree in a specialized subject. Scholarships for meritorious students will be established for the purpose of attracting outstanding candidates to the 4-year, 2-year and 1-year B.Ed. programmes."

- 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 286 applications for various Diploma level courses pending at different stages in various Regional Committees in NCTE.

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

- I. At present, there are several institutions which have been recognised by the Regional Committees of NCTE wherein Diploma level courses/ programmes 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 RCs for the said Diploma level course(s) 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 for 2 Year Diploma level Course(s) are being processed/ re-opened 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 letter of the NRC dated 18.04.2023 refusing recognition for D.El.Ed. programme of the institution is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, 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 letter dated 18.04.2023 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, Ram Naval Singh Smark PG College, 9,55/4,1031,1032, Chiraiyakot, Chiraiyakot to Ghazipur Road, Mohamdabad Gohana, Mau, Uttar Pradesh-276129
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 अपीलपीय 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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-108/E-306686/2023 Appeal/9th Meeting, 2023
APPLSRC202314621**

SSETS Chandragiri College of Education for Women (B.Ed.), CTS No.10625 10629 and 10630, Belagavi, Shivabasav Nagar, Nehru Nagar, Belgaum, Karnataka-590010	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. A. L. Patil, Administrator
Respondent by	Regional Director, SRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **SSETS Chandragiri College of Education for Women (B.Ed.), CTS No.10625 10629 and 10630, Belagavi, Shivabasav Nagar, Nehru Nagar, Belgaum, Karnataka-590010** dated 12.06.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO2019/B.Ed./KA/2023/142255** dated 31.05.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has submitted building plan in which survey no. not mentioned and seal and signature of approving authority is not legible. (ii). As per the land documents the same has been allotted for the purpose of a residential high school. (iii). The staff list submitted by the institution do not accompanied with the copies of certificates of academic & professional educational qualification viz. B.Ed. M.Ed., NET, Ph.D. etc. and experience certificate of the Principal. (iv). The institution failed to submit proof of uploaded information of the Website of the institution as required under clause 7(14)(i), 8(14) and 10(3) of the NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. A. L. Patil, Administrator of SSETS Chandragiri College of Education for Women (B.Ed.), CTS No.10625 10629 and 10630, Belagavi, Shivabasav Nagar, Nehru Nagar, Belgaum, Karnataka-590010 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that “(i). Institution has already submitted approved Building Plan by the Competent Authority CTS No. 10625. (ii). The total land area is on ownership basis that the land is exclusively for running the educational institution and the permission of the competent authority has been obtained vide letter no. BUBB/P/LU/2007-08/5079 dated 14.02.2008. (iii). The staff list already submitted which is clearly mentioned professional educational qualification. (iv). The institution has already submitted website previously also now again we are submitting the same we have uploaded all information under clause 7(14)(i), 8(14) and 10(3) of the NCTE Regulation, 2014.”



III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 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 30.11.2004. Thereafter, the SRC decided to change the name of the institution as per request of vide letter dated 04.02.2010 was issued to the institution for change of name from "Sri Siddarameshwar Education Trust's College of Education for Women" to "Sri Siddarameshwar Education Trust's Chandragiri College of Education for Women". Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 29.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 27.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (Two unit). A corrigendum was issued to the institution vide order dated 15.07.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 for two basic units of 50 students each from the academic session 2015-2016. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 31.05.2023.

The matter was taken up by the Appellate Committee in the 7th Meeting, 2023 held on 03.07.2023 whereby the Appeal Committee decided to grant 2nd Opportunity to the institution. The operative part of the decision is as under: -

"The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 3rd July, 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+16) members dated 18.10.2022 approved by the Registrar, Karnataka State Akkamahadevi Women's University, Vijayapur as per provisions of the NCTE Regulations, 2014 alongwith Building Plan & land documents.
- (ii) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

Appeal Committee noted the documents submitted alongwith its appeal report and submission made during online appeal hearing on 3rd July, 2023. The Appeal Committee observed that the institution has not submitted the requisite



documents related with change of land use from residential high school to teacher education programme. Moreover, it was also observed by the Appeal Committee that the documents related with staff list & website documents submitted by the Appellant are not appropriate. Hence the Appeal Committee decided that the appellant institution is required to submit the following documents so that the decision of the Appeal Committee become authenticated:

- (i) The institution is required to submit a certificate from the Land Revenue Authority/Competent Authority that land can be utilized for the teacher training programme.
- (ii) The institution is further directed to give exclusive Building Completion Certificate (BCC) for the teacher training programme.
- (iii) The institution is required to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of certificate of the Principal.
- (iv) The institution is required to submit proof of uploaded information of the Website of the institution as required under clause 7(14) (i), 8 (14) and 10 (3) of the NCTE Regulations, 2014.

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

IV. DECISION: -

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

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 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+16) members dated 18.10.2022 approved by the Registrar, Karnataka State Akkamahadevi Women's University, Vijayapur as per provisions of the NCTE Regulations, 2014 alongwith Academic and Professional qualification certificates of the Principal with Experience Certificate.
- (ii) A copy of Building Completion Certificate alongwith Building Plan & Land documents.
- (iii) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Western



Regional Committee and decision taken accordingly. The SRC, NCTE is further directed to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 31.05.2023 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 the SRC, NCTE with the direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority 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.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority 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 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, SSETS Chandragiri College of Education for Women (B.Ed.), CTS No.10625 10629 and 10630, Belagavi, Shivabasav Nagar, Nehru Nagar, Belgaum, Karnataka-590010
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 / एन सी टी ई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एन सी टी ई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-109/E-306718/2023 Appeal/9th Meeting, 2023
APPLERC202314608

Siddique Memorial Teacher Training College, 473,403,195, Sarmastpur, N.H.28, Chandanpatti, Sakra, Muzaffarpur, Bihar-843104	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Raju Arshad, Secretary
Respondent by	Regional Director, ERC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUND OF ORDER

The appeal of **Siddique Memorial Teacher Training College, 473,403,195, Sarmastpur, N.H.28, Chandanpatti, Sakra, Muzaffarpur, Bihar-843104** dated 20.05.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No **F.No.ER-239.6.99/ERCAPP3743/D.El.Ed./2017/52818** dated 02.05.2017 of the Eastern Regional Committee, for conducting D.El.Ed. programme of two years duration with an intake of 50 (one basic unit).

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Raju Arshad, Secretary of Siddique Memorial Teacher Training College, 473,403,195, Sarmastpur, N.H.28, Chandanpatti, Sakra, Muzaffarpur, Bihar-843104 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that “We have applied for two units, and we have sufficient infrastructure and instructional facilities for two units.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 2023. The Appeal Committee observed that the institution was recognized by the ERC, NCTE on 02.05.2017 for conducting D.El.Ed. programme of 2 years duration with an intake of 50 i.e., (one basic unit) from academic session 2017-18.

The matter was taken up by the Appellate Committee in the 7th Meeting, 2023 held on 03.07.2023 whereby the Appeal Committee decided to grant 2nd Opportunity to the institution. The operative part of the decision is as under: -

“The Appeal Committee noted that the appellant institution approaches the Appeal Committee after the gap of 5 years & 10 months on the ground that it has applied for two units, and the institution is having sufficient infrastructure and

instructional facilities for two units. Hence the Appeal Committee decided that the appellant institution is required to submit the following documents so that the decision of the Appeal Committee become authenticated: -

- (i) The institution is required to submit its representation explaining therein for sufficient cause for the delay of 5 years & 10 months alongwith proof of documents for delay. Thereafter Appeal can be considered for condonation of delay subject to satisfaction of the Appeal Committee.
- (ii) The institution is required to submit all the documents as detailed below to substantiate the claim of the institution for 2 units intake related with availability of infrastructure & instructional facilities available with the institution at the time of recognition and at present: -
 - (a) A certified copy of an Affidavit regarding land & building submitted by the institution while obtaining recognition in the year 2017-2018.
 - (b) Land area and built-up area institution possessed at the time of recognition and at present alongwith documentary evidence thereof.
 - (c) The institution is required to submit a copy of latest staff list approved by the Director of the affiliating body as per the prescribed Format *alongwith* copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed. etc. and experience of certificate of the Principal.
 - (d) An affidavit containing details of approved & appointed faculty with their account number showing that the salary is being paid through bank for last 3 months.
 - (e) The institution is required to submit proof of uploaded information of the Website of the institution as required under clause 7(14) (i), 8 (14) and 10 (3) of the NCTE Regulations, 2014.

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

IV. DECISION: -

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

The Appeal Committee in its 9th Meeting, 2023 held on 28.08.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution was granted recognition by ERC for running D.El.Ed. programme of annual intake of 50 students i.e., one basic unit vide order dated 02.05.2017. The institution does not preferred the instant appeal within the stipulated time of 60 days as per NCTE Rules & Regulations.



- (ii) The institution has submitted the faculty list for B.Ed. course instead of D.El.Ed. course with its Appeal Report. Thus the institution has failed to submit the faculty list even after providing the fair opportunity.

The Appeal Committee further noted that the appellant institution failed to provide reasonable justification regarding the delay of 5 years & 10 months in filing of instant appeal as such the delay cannot be condoned without any reasonable justification.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the ERC was justified in order of recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned order dated 02.05.2017 issued by ERC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the ERC was justified in order of recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned order dated 02.05.2017 issued by ERC is confirmed.

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Siddique Memorial Teacher Training College, 473,403,195, Sarmastpur, N.H.28, Chandanpatti, Sakra, Muzaffarpur, Bihar-843104
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar.



IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-102/E-304643/2023 Appeal/9th Meeting, 2023
APPLNRC202314612

Shaheed Bhagat Singh College of Education, 846,847/1,850, Daulatpur, Daulatpur Sardhana Road, Salawa, Sardhana, Meerut, Uttar Pradesh-250342	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Vinod Rana, Secretary
Respondent by	Regional Director, NRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Shaheed Bhagat Singh College of Education, 846,847/1,850, Daulatpur, Daulatpur Sardhana Road, Salawa, Sardhana, Meerut, Uttar Pradesh-250342** dated 25.05.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F. No. NRC/NCTE/UP-2148-B.Ed./396th Meeting/2023/221238 dated 13.04.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not disbursed salary to the faculty members through Bank. (ii). The institution has not submitted original certified land documents on the basis of which the recognition was granted to the institution. (iii). The institution has submitted other land documents registered on 20.08.2021 Khasra No. 846, 847 & 848 only khatoni. The original certified land document not submitted, and the aforesaid land documents is not acceptable because the institution not shifted the building. (iv). The institution has submitted khatoni dated 12.01.2023 in respect of khasra no. 846, 847 & 848, as per khatoni Shri Sherpal Singh taken a lone Rs. 145000/- in P.N.B. bank on 22.11.2022 so land is not free from all encumbrances. (v). The institution has submitted Original FDR No. 115348 dated 17/07/2021 Rs. Five Lacs, which is not in favour, proposed College and Society. (vi). As per affidavit Rs. 10 stamp paper given by Shri Umesh Kumar, Faculty Member P.G. in Sanskrit only 52% which is not as per NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Vinod Rana, Secretary of Shaheed Bhagat Singh College of Education, 846,847/1,850, Daulatpur, Daulatpur Sardhana Road, Salawa, Sardhana, Meerut, Uttar Pradesh-250342 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that: “Memorandum of Appeal before National Council for Teacher Education U/s 18 of the NCTE Act, 1993 from Shaheed Bhagat Singh College of Education, Daulatpur, Salawa, Meerut, Uttar Pradesh, Appellant and in the matter of: - Appeal U/s 18 of NCTE Act, 1993 seeking quashing of decision taken by Northern



Regional Committee vide its withdrawal order dated 13.04.2023 and seeking a direction to NRC for Registration of the recognition of our institution to the Hon'ble Appeal Committee to NCTE at New Delhi. The humble petition of the appellant above named. 1. That NRC vide its withdrawal order dated 13.04.2023 has arbitrary withdrawn recognition of our institution for conducting the B.Ed. course, on the basis of alleged deficiencies. A copy of withdrawal order dated 13.04.2023 is enclosed as Enclosure 1. 2. That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief. 3. That NRC vide its order dated 10.04.2008 granted initial recognition to the appellant institution for running the B.Ed. course with 2 units. A copy of recognition order dated 10.04.2008 is enclosed as Enclosure 2. 4. That subsequently, after new NCTE Regulations, 2014, NRC issued revised recognition order dated 21.05.2015 for 2 units of B.Ed. course from academic session 2016-17. A copy of revised recognition order dated 21.05.2015 is enclosed as Enclosure 3. 5. That thereafter, NRC issued the show cause notice dated 05.04.2018, pointing out deficiency regarding staff profile, land documents, FDRs etc. A copy of show cause notice dated 05.04.2018 is enclosed as Enclosure 4. 6. That in view of the aforesaid decision taken by it in its 337th meeting, NRC issued the withdrawal order dated 19.07.2021 withdrawing recognition for conducting the B.Ed. course, wrongly observing that 2nd show cause notice was issued on 26.12.2019 and the Appellant institution has not submitted the reply of final SCN. A true copy of withdrawal order dated 19.07.2021 issued by NRC is enclosed as Enclosure 5. 7. That being aggrieved, Appellant institution preferred its online statutory appeal under section 18 of NCTE Act, 1993 before the NCTE on 16.09.2020 and thereafter, submitted hardcopy thereof alongwith subsequent approval dated 10.09.2021 and faculty list in the prescribed proforma issued by affiliating university. A true copy of appeal report dated 16.09.2021 is enclosed as Enclosure 6. 8. That however, appeal committee vide order dated 26.11.2021, rejected the appeal of the Appellant institution observing that appointment of faculty shown as 10.09.2021 is subsequent to withdrawal order dated 19.07.2021. A copy of appeal order dated 26.11.2021 is enclosed as Enclosure 7. 9. That challenging the orders dated 19.07.2021 of NRC and 26.11.2021 of appeal committee, Appellant approached the Hon'ble Delhi High Court by filing the WP (C) No.14682/2021 with further direction to NRC / NCTE to enable us to enjoy the status of a recognised institution. 10. That the said WP (C) No.14682/2021 was disposed by the Hon. Delhi High Court on 20.12.2021, quashing the orders dated 19.07.2021 and 26.11.2021 and remanding the matter back to NRC for fresh decision keeping in view the documents placed by the Appellant before the Appellate Committee and to issue restoration order and reflect the recognised status on NCTE's website and to communicate the same to University as well as to the concerned State Government. The High



Court also permitted the Appellant to participate in counselling and admit students for all subsequent years. A copy of the order dated 20.12.2021 passed by Hon'ble High Court in Writ Petition (C) No.14682/2021 is enclosed hereto as Enclosure 8 11. That thereafter, the NRC issued letter dated 30.12.2021 to the affiliating university and the state govt., permitting the Appellant institution to participate in 2021-22 counselling. A copy of NRC letter dated 30.12.2021 is annexed hereto as Enclosure 9 12. That thereafter, the NRC issued corrigendum letter dated 02.02.2022 issued restoration of recognition to Appellant institution. A true copy of NRC letter dated 02.02.2022 is enclosed hereto as Enclosure 10 13. That thereafter, the NRC in its 360th(virtual) meeting held on 29.12.2021, considered the matter of the Appellant institution and decided that withdrawal order will be effective from the end of the academic session 2021-22. Vide the said decision, NRC gave effect to the withdrawal order dated 19.07.2021, which was already quashed by the High Court vide order dated 20.12.2021 passed in WP (C) No.14682/2021. A true copy of the relevant decision taken by NRC in 360th (virtual) meeting is enclosed as Enclosure 11 14. That challenging the minutes of 360th (virtual) meeting of NRC, the Appellant institution filed WP C No.1807/2022 before the Hon. Delhi High Court when the said Hon. Court vide its order dated 31.01.2022 observed that the decision taken by NRC in 360th meeting, is not in conformity with the directions issued by the Court on 20.12.2021. Accordingly, the Hon. Court again directed the NRC to reconsider the matter in accordance with the directions already issued by the Court on 20.12.2021. A copy of order dated 31.01.2022 passed by Hon'ble High Court in WP (C) No.1807/2022 is enclosed hereto as Enclosure 12 15. That however, the name of Appellant institution was shown in NRC list of withdrawn TEIs who have submitted PAR. Thus, Appellant institution filed WP (C) No.11160/2022 when the Hon'ble Delhi High Court on 27.07.2022 directed the NRC to remove the name of Appellant from the NRC List of Withdrawn TEIs who have submitted PAR. A copy of the order dated 27.07.2022 passed by Hon'ble High Court in WP (C) No.11160/2022 is enclosed hereto as Enclosure 13 16. That, accordingly, the NRC issued a letter dated 08.09.2022 to the Appellant institution conveying the decision of its 337th meeting to remove the name of Appellant from the NRC List of Withdrawn TEIs who have submitted PAR. A copy of the letter dated 08.09.2022 of NRC is enclosed hereto as Enclosure 14 17. That thereafter, the NRC in its 376th meeting again considered the matter of the Appellant institution and issued show cause notice 27.09.2022 directing the Appellant to submit the documents earlier submitted before the appeal committee during hearing on 29.10.2021. A copy of the show cause notice dated 27.09.2022 issued by NRC is enclosed as Enclosure 15 18. That, accordingly, the Appellant institution vide its letter dated 25.10.2022 submitted its reply to the show cause notice dated 27.09.2022 whereby it submitted all the documents earlier submitted before the appeal



committee. A copy of letter dated 25.10.2022 of Appellant is enclosed as Enclosure 16 19. That thereafter, the NRC in its 388th meeting held on 21.12.2022 considered the reply of the Appellant institution and thereafter issued final show cause notice dated 04.01.2023. A copy of the show cause notice dated 21.12.2022 issued by NRC is enclosed as Enclosure 17 20. That, accordingly, the Appellant institution vide its letter dated 12.01.2023 submitted its reply to the show cause notice dated 21.12.2022 whereby it submitted all the documents as sought by the NRC vide the said show cause. A copy of letter dated 12.01.2023 of Appellant is enclosed as Enclosure 18 21. That thereafter, the NRC in its 396th meeting held on 5/6.04.2023, considered the reply of the Appellant institution and issued withdrawal order dated 13.04.2023 withdrawing recognition of the Appellant institution for running the B.Ed. course, on the following grounds: • The institution has not disbursed salary to the faculty members through Bank. • The institution has not submitted original certified land documents on the basis of which the recognition was granted to the institution. • The institution has submitted other land documents registered on 20/08/2021 Khasra No. 846, 847 & 848 only Khatoni. The original certified land document not submitted, and the aforesaid land documents is not acceptable because the institution not shifted the building. • The institution has submitted khatoni dated 12/01/2023 in respect of Khsara No. 846, 847 & 848, as per Khatoni Shri Sherpal Singh taken a lone Rs. 145000/- in PNB Bank on 22/11/2022 so land is not free from all encumbrances. • The institution has submitted Original FDR No. 115348 dated 17/07/2021 Rs. Five Lacs and FDR No. 115347 dated 11/07/2021 Rs. Seven Lacs, which is not in favour, proposed College and Society. • As per affidavit Rs. 10 stamp paper given by Shri Umesh Kumar, Faculty member P.G. in Sanskrit only 52 which is not as per NCTE Regulations 2014. 22. That it is submitted that the NRC is wrong in taking a decision of withdrawal of appellant institution, as the appellant had already complied to the conditions of final show cause notice dated 04.01.2023. The NRC took the decision of withdrawal of appellant institution without thoroughly taking note of the reply of the appellant institution submitted along with relevant documents. 23. That so far as the deficiency no.1 regarding non disbursement of salary to the faculty members through Bank, is concerned, it is submitted that the salary is being reimbursed to the faculty, only as per the NCTE Regulations, 2014 and the affidavits of the faculty regarding obtaining the salary as per NCTE norms and The College wishes to state here that on 04-01-2023 as per the letter duly received from the NCTE, accordingly the employee working in the institution and in accordance with the approval received from the University concerned, regarding the pay-scale/salary and wages to the teachers and proctors, by the concerned institution reply as already been submitted/given on 12-01-2023 were submitted before the NRC in reply to final show cause notice. A copy of affidavits of the faculty of Appellant institution are enclosed as



Enclosure 19 (Colly) 24. as far as the diminishing point no. 2- regarding documents pertaining to the deed in original certified copy, on the basis of which in earlier before the organization's letter reference No. F. NRC/NCTE/F73/U.P.-2148/2008/44062 dated 10th day of April 2008 which was compiled and evaluated therewith. It is requested that regarding the said deeds, before the N.R.C. the last show-cause notice dated 04-01-2023 in reply thereof, the said organization/establishment had submitted the letter on 12-01-2023. And again, along with this, the same is appended hereto. The appellants' establishment owing the landing deeds, the true certified copy is enclosed herewith as an Enclosure 20 for taking the reference in the matter. 25. So far as, the letter issued by the N.R.C. of the concerned establishment dated 13-4-2023 whatsoever the diminishing point is at serial no.3, in accordance therewith, by the establishment/ organization concerned a letter dated 20-08-2021 the registered other landing documents owing to Extract (Khasra) No. 846, 847 and 848 only extract of land (Khatauni) was shown to be submitted. On the aforesaid dated 20-08-2021 the lending deeds having Khasra (Extract) nos. 846, 847 and 848 the date was wrong. Since the earlier extract true dated is 26-08-2021. The original certified copy of deeds relating to the land having Khasra nos. 846, 847 and 848 respectively, the deed concerned was got registered and executed on 26-8-2021 which again is submitted too, In the erstwhile time, the original certified copy of the land deeds already was submitted on 12-01-2023 and the landing deeds documents, one, more copy is also hereby annexed as Enclosure 21 26. That so far as the deficiency no.4 regarding encumbrance free land is concerned, it is submitted that the land of Appellant institution is free from all encumbrances and for the perusal of the appeal committee, the Appellant institution has obtained the non-encumbrance certificate dated 26.04.2023 which shows the land being in the name of the Appellant institution. A copy of non-encumbrance certificate dated 26.04.2023 is enclosed as Enclosure 22 27. That so far as the deficiency no.5 regarding the FDRs not been issued in the name of society or institution, it is submitted that the name of the college i.e., Shaheed Bhagat Singh College, is clearly reflecting on both the FDRs and the said FDRs are valid till date 17.07.2026. A copy of 2 FDRs submitted earlier by petitioner is enclosed as Enclosure 23 28. That so far as the deficiency no.6 regarding non eligibility of Sh. Umesh Kumar as per NCTE Regulations 2014 is concerned, it is submitted that Sh. Umesh Kumar comes into the SC/ST category and as per UGC guidelines, there is a relaxation of 5 to the candidates falls in the said category. A certificate in this regard has been issued to Sh. Umesh Kumar by the State Govt. A true copy of certificate dated 12.06.2017 issued by the State Govt. is enclosed as Enclosure 24 29. That thus, the NRC has withdrawn the recognition of the Appellant institution in an arbitrary and illegally. 30. That accordingly, the appellant institution has preferred its online appeal being ID No. _ 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 25 31. 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 NRC and submitted by the appellant institution. 32. That it is submitted that thus, the decision of withdrawal order dated 13.04.2023 issued by NRC is not maintainable and the appeal committee is requested to revert the decision taken by NRC with further direction to NRC to restore the recognition of appellant institution thereby granting an opportunity to appellant institution to submit documents desired by the NRC. 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 NRC Filed by Shaheed Bhagat Singh College of Education Place: DAULATPUR, MEERUT Dated 25-5-2023.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 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 10.04.2008. A revised provisional recognition order was issued to the institution on dt. 21.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 students each was issued to the institution with certain conditions. Further the institute preferred an appeal. The appellate authority passed an order dated 26.11.2021 and Appeal Committee of the Council concluded to confirm the impugned order of withdrawal dated 19.07.2021. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 13.04.2023.

The matter was taken up by the Appellate Committee in the 7th Meeting, 2023 held on 03.07.2023 whereby the Appeal Committee decided to grant 3rd Opportunity to the institution. The operative part of the decision is as under: -

“The Appeal Committee noted the documents submitted alongwith its appeal report and submission made during online appeal hearing on 3rd July, 2023. The

Appeal Committee observed that the institution has not submitted the requisite documents clarifying the status of land & building of the institution. Hence the Appeal Committee decided that the appellant institution is required to submit the following documents so that the decision of the Appeal Committee become authenticated:

- (i) The Appeal Committee noted that the institution was established in the year 2008. Whereas land documents submitted was registered in the year 2021. The institution has to clarify whether it is same land or different land whether institution has made any application to the Northern Regional Committee for shifting for premises.
- (ii) A certificate from the Land Revenue Authority to the effect that the institution is running the institution on the same land & building where the recognition was granted to the institution.

The Appeal Committee decided to provide one more opportunity to submit the above clarification with relevant documents within 15 days from the date of issue of this order.

In view of above, the Committee decided to grant another (3rd/Final) opportunity to the appellant institution with the direction to submit the aforesaid documents on or before next date of the Appeal Committee Meeting.

IV. DECISION: -

Appeal Committee as per extant appeal rules decided to grant another (3rd/Final) opportunity to the appellant institution to present its case before the Appellate Authority in its next meeting with all the required documents as sought for in the aforesaid decision.”

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A letter dated 10.9.2021 issued by the Asst. Registrar, Ch. Charan Singh University, Meerut alongwith an Affidavit showing salary disbursement through bank.
- (ii) A copy of Registered Lees Deed dated 14.12.2004 favour of Shaheed Bhagat Singh College of Education, Meerut alongwith Sale Deed dated 26.08.2021.
- (iii) A copy of sale dee in favour of Shaheed Bhagat Singh College of Education,
- (iv) A copy of Non-Encumbrance Certificate dated 26.04.2023.

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 Northern Regional Committee and decision taken accordingly. The NRC, NCTE is further directed



to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority.

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 13.04.2023 is set-aside and the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to the NRC, NCTE with the direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per



the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to NRC with a direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.

The 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, Shaheed Bhagat Singh College of Education, 846,847/1,850, Daulatpur, Daulatpur Sardhana Road, Salawa, Sardhana, Meerut, Uttar Pradesh-250342**
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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-69/E-299462/2023 Appeal/9th Meeting, 2023

APPLWRC202314583

Shiva College Bhilai, 2629/1, Supela, Anand Vihar, Durg, Chattisgarh-490023	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Atul Kumar Shrivastava, Representative
Respondent by	Regional Director, WRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Shiva College Bhilai, 2629/1, Supela, Anand Vihar, Durg, Chattisgarh-490023** dated 04.04.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.WRC/APWO1716/723073/C.G./304th/2019/202707 to 202712** 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 a letter granting approval for the selection or appointment of faculty, issued by the affiliating body as per NCTE Regulations, 2014. (ii). The institution has submitted land document (private lease) which is not as NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Atul Kumar Shrivastava, Representative of Shiva College Bhilai, 2629/1, Supela, Anand Vihar, Durg, Chattisgarh-490023 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that: “Memorandum of Appeal before National Council for Teacher Education U/s 18 of the NCTE, Act 1993 from Shiva College, Shiva Education Society, 106, New Civic Centre, Bhilai Nagar, Durg, Chhattisgarh-490006 appellant and in the matter of: - Appeal U/s 18 of NCTE Act, 1993 seeking quashing of the decision taken by Western Regional Committee in its 304th Meeting held on 2nd to 4th April 2019 (at sr. no. 14) and further seeking a direction to the WRC for restoration of the recognition of our institution. To the Hon’ble Appeal Committee of NCTE At New Delhi. The Hon’ble Appeal of the Appellant above named 1. That the WRC in its 304th meeting held on 2nd to 4th April 2019 (at Sr. No. 14) has arbitrary withdrawn recognition of our institution for conducting the B.Ed. course, wrongly observing the deficiencies which were existed in our institution. A copy of relevant minutes of 304th meeting of WRC held on 2nd to 4th April 2019 (at Sr. No. 14) is enclosed as Enclosure1. 2. That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief. 3. That WRC vide its order dated 27.06.2005 granted recognition to the appellant



institution for running the B.Ed. course in the appellant institution with annual intake of 100 students from the academic session 2005-06. Subsequently, after the new NCTE Regulations, 2014, the WRC issued a revised recognition order dated 31.05.2015 to our institution for running the B.Ed. course with 100 students from the academic session 2016-17. A copy of recognition order dated 26.06.2005 and 31.06.2015 are enclosed as Enclosure 2A & 2B. 4. That thereafter, our institution submitted its compliance to the revised recognition order and was functioning successfully and uninterruptedly. However, WRC issued the Show Cause Notice dated 29.01.2018, pointing out deficiency regarding staff profile, land documents (BCC, NEC, CLU) and FDRs. A copy of show cause notice dated 29.01.2018 is enclosed as Enclosure 3. 5. That accordingly, the appellant institution vide its letter dated 26.02.2018 submitted the compliance to the show cause notice dated 29.01.2018 alongwith staff list duly approved by the affiliating Body, notarized CLU, NEC, BCC, approved building and FDRs. A copy of reply letter dated 26.02.2018 of the appellant and staff profile is enclosed as Enclosure 4A & 4B. 6. That however, the WRC in its 304th meeting held on 2nd to 4th April 2019 (at Sr. No.14), considered the matter of the appellant institution and decided to withdraw recognition of our institution with following observation: "On perusal of the reply of the institution it is observed that the institution has not submitted the following documents: (i). The institution has not submitted a letter granting approval for selection or appointment of faculty, issued by the affiliating Body as per NCTE Regulations, 2014. (ii). The institution has submitted land documents (private lease) which is not as NCTE Regulations, 2014" 7. That thereafter, the appellant institution vide its letter dated 16.04.2019 clarified before the WRC that the staff profile has already been submitted and the required additional constructed area, will be constructed on the 2nd floor of building. A copy of letter 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 Shiva College Place: Bhilai dated: 05.04.2023."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments



advanced during the online hearing on 28th August, 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 27.06.2005. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 12.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units of 50 students) 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 Committee noted that the Hon'ble Court order dated 6th March, 2023 passed in W.P.(C) 4895/2019 wherein the Court directed the NCTE to decide the matter: -

“....6. If the petitioners approach the appellate committee within a period of 30 days from today, their appeal would be decided strictly, on the basis of merit without dismissing the same on the ground of limitation. The interim orders dated 03.05.2019 and 08.05.2019 confirmed on 06.11.2019 shall remain in force, till the decision is passed by the appellate committee....”

The matter was taken up by the Appellate Committee in the 7th Meeting, 2023 held on 03.07.2023 whereby the Appeal Committee decided to defer the matter. The operative part of the decision is as under: -

“The Appeal Committee noted the documents submitted alongwith its appeal report and submission made during online appeal hearing on 3rd July, 2023. The Appeal Committee observed that the institution has not submitted the requisite documents clarifying the status of land & building of the institution. Hence the Appeal Committee decided that the appellant institution is required to submit the following documents so that the decision of the Appeal Committee become authenticated:

- (i) A certificate from the Land Revenue Authority to the effect that the institution is running the institution on the same land & building where the recognition was granted to the institution.**

The Appeal Committee decided to provide one more opportunity to submit the above clarification with relevant documents within 15 days from the date of issue of this order.



In view of above, the Committee decided to defer the matter with the direction to the institution to submit the aforesaid documents on or before next date of the Appeal Committee Meeting.

IV. DECISION: -

Appeal Committee as per extant appeal rules decided to defer the matter with the direction to the institution to submit the aforesaid documents to present its case before the Appellate Authority in its next meeting with all the required documents as sought for in the aforesaid decision.”

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 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+16) members dated 15.03.2023 approved by the Registrar of affiliating Body as per provisions of NCTE Regulation, 2014 alongwith statement of salary disbursement.
- (ii) A copy of Certificate from the Sub-divisional officer dated 26.07.2023 intimating therein that Land Khasra No. 2629/1 is registered in the name of Shiva Education Society and the institution is running on the same land & building.

The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Western Regional Committee and decision taken accordingly. The WRC, NCTE is further directed to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority.

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 the WRC, NCTE with the direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority 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.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to WRC with a direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from



the concerned issuing authority 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 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, Shiva College Bhilai, 2629/1, Supela, Anand Vihar, Durg, Chhattisgarh-490023**
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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-127/E-252910/2022 Appeal/9th Meeting, 2023
APPLERC202214359**

Raidighi College, 4609, Raidighi, South 24-Pargana, West Bengal-743383 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. RESPONDENT
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Representative of Appellant	Mr. Arindam Bhattacharya, Officer in Charge
Respondent by	Regional Director, ERC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Raidighi College, 4609, Raidighi, South 24-Pargana, West Bengal-743383** dated 27.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ERC-303.3/APE00674/B.Ed./2022/65545** dated 27.04.2022 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has appointed (librarian including 1+15 teaching staff. Librarian is not teaching faculty as per Regulations, 2014. The website of the institution not functional/updated as per clause 7(14)(i) of Regulation, 2014."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Arindam Bhattacharya, Officer in Charge of Raidighi College, 4609, Raidighi, South 24-Pargana, West Bengal-743383 in the appeal report submitted that "The institution has appointed the faculty (1+15) as per norms of NCTE. Thus, the institution fulfils the requirement of teaching faculty as per NCTE Regulations, 2014. The institute has also appointed additional three faculties. The faculty list approved by affiliating university will be produced before the appellate authority. Further, it is submitted that in the show cause notice dated 29.04.2021, no such ground was raised by the ERC. The website of the institution is functional and also updated as per Clause 7(14)(i) of NCTE Regulations, 2014. The institute has updated all the details of the institution as required under NCTE Regulations. Further, it is submitted that in the show cause notice dated 29.04.2021, no such ground was raised by the ERC."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 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 30.08.2008. A revised provisional recognition order was issued to the institution on dt. 29.05.2015 for conducting B.Ed.



course of two years duration with an annual intake of 100 (Two unit) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 27.04.2022.

The instant matter was placed in 11th Meeting, 2022 of Appellate Committee held on 29.12.2022. The Appellate Committee vide order dated 11.01.2023 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 matter was taken up by the Appeal committee for hearing in its 7th meeting held on 7th & 8th October 2022 and further taken up in its 9th meeting held on 20th November 2022, but nobody has appeared to represent the institution. Further, the matter was again taken up in 11th Meeting held on 29th December 2022, 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 in its 11th meeting held on 29.12.2022 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution has submitted a staff list, however there is no name and seal of the Registrar of the Affiliating University.**
- (ii) As per the faculty list submitted for (1+15) faculty in which faculty at Sl. No. 11 i.e., Mr. Indra Narayan Bhadra is Librarian, however, his name is showing as teaching staff. The submitted staff list shows that the 7 faculty was appointed before 9th June, 2017, the proof regarding disbursement of salary of the teaching staff, whether it is being paid through cheque/online payment has also not been submitted.**

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 27.04.2022 issued by ERC is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded 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.(C) No. 5341/2023 & CM APPL 20861/2023 titled Raidighi B.Ed. College V/s National Council for Teacher Education & Anr, the Hon'ble Court vide its order dated 30.05.2023 issued following direction upon the Appellate Authority: -

"...5. In view of the aforesaid, this court is not inclined to go into the other aspects of the matter and deems it appropriate to remit the matter back to the AC for its fresh decision.

6. Let the fresh notice of hearing of appeal be sent to the petitioners

7. Let the appeal be decided in accordance with law within a period of three weeks from the date of receipt of a copy of this order.

8. All rights and contentions raised by parties are left open.

9. The order passed by the AC dated 11.01.2023 is set aside.

10. Accordingly, the instant petition stands disposed of.

11. Needless to state that if the petitioners have filed any additional documents after filing of the appeal, let the same be also considered by the AC before passing of the final decision."

The instant matter was again placed in 6th Meeting, 2023 held on 05.06.2023 whereby the Appeal Committee decided to grant 2nd Opportunity to the institution regarding details of website of the institution etc.

The matter was again taken up by the Appellate Committee in the 7th Meeting, 2023 held on 03.07.2023 whereby the Appeal Committee decided to grant 3rd Opportunity to the institution. The operative part of the decision is as under: -

"The Appeal Committee noted the documents submitted alongwith its appeal report and submission made during online appeal hearing on 3rd July, 2023. The Appeal Committee observed that the institution is still paying salary through cash payment to its 5 faculties which is contrary of NCTE Act, Rules and Regulations framed thereunder. During the course of online hearing, the representative of the institution has submitted that it will rectify the matter.

Considering the oral submission, the institution is hereby given opportunity to submit the action taken to make payments through bank account along with proof within 15 days from the date of issue of this order.

In view of above, the Committee decided to grant another (3rd/Final) opportunity to rectify the above deficiency.



IV. **DECISION: -**

Appeal Committee as per extant appeal rules decided to grant another (3rd/Final) opportunity to the appellant institution to present its case before the Appellate Authority in its next meeting with all the required documents as sought for in the aforesaid decision.”

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 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 dated 12.11.2021 approved by the Registrar of the Affiliating Body as per provisions of the NCTE Regulations, 2014 alongwith statement of salary disbursement to the faculty.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 27.04.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. The ERC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority 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 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 27.04.2022 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority 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.

Sign

IV. DECISION: -

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Raidighi College, 4609, Raidighi, South 24-Pargana, West Bengal-743383
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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-117/E-286858/2023 Appeal/9th Meeting, 2023

APPLSRC202314623

Andhra Muslim College of Education, 982, Guntur, Ponnur Road, Bazar Post Office, Guntur, Andhra Pradesh-522003	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. G. Nageswara Rao, Administrative Officer
Respondent by	Regional Director, SRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Andhra Muslim College of Education, 982, Guntur, Ponnur Road, Bazar Post Office, Guntur, Andhra Pradesh-522003** dated 12.06.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO8435/B.Ed./{AP}/2022/ (136780-136784)** dated 16.11.2022 of the Southern Regional Committee, granting recognition for conducting B.Ed. Course on the grounds that "SRC has issued the aforesaid continuation order dated 16.11.2022 issued by the Southern Regional Committee to run the B.Ed. course only with one basic unit."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. G. Nageswara Rao, Administrative Officer of Andhra Muslim College of Education, 982, Guntur, Ponnur Road, Bazar Post Office, Guntur, Andhra Pradesh-522003 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that "We got two basic units at the time of initial and revised recognition order. However, SRC has issued the aforesaid continuation order dated 16.11.2022 issued by the Southern Regional Committee to the limited extent that it permits the appellant institution to run the B.Ed. course only with one basic unit, whereas the institution has adequate infrastructure & instructional facilities for running the B.Ed. course with two basic units, as per the NCTE norms. Hence, we are filing an appeal in regard to the same and rest to the submission will be done later to support the appeal."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 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 23.08.2007. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 19.01.2015 for its willingness



for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 06.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units) from the academic session 2015-16. The institution has submitted reply on 06.11.2020 with a request to reduce the intake from 2 unit to 1 unit, further the institution preferred an Appeal before the Appellate Authority of the NCTE. The Appellate Authority vide order dated 19.10.2022 appeal remand back the order appealed against. The intake of the institution was reduced from 2 unit to 1 unit. The recognition of the institution for B.Ed. was granted for one basic unit vide order dated 16.11.2022.

The matter was taken up by the Appellate Committee in the 7th Meeting, 2023 held on 03.07.2023 whereby the Appeal Committee decided to grant 2nd Opportunity to the institution. The operative part of the decision is as under: -

"The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 3rd July, 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, Acharya Nagarjuna University, Guntur (A.P.) as per provision of NCTE Regulations, 2014 alongwith land documents, land utilization certificate, building completion certificate, an Affidavit regarding land & building details and approved building plan.
- (ii) A copy of Statement of Encumbrance on Property, Registration and Stamps Department issued by Government of Andhra Pradesh.
- (iii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.
- (iv) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

Further, the Appeal Committee noted that the documents submitted alongwith its appeal report and submission made during online appeal hearing on 3rd July, 2023. The Appeal Committee noted that the appellant institution approaches the Appeal on the ground that the institution was granted 2 units of B.Ed. programme and instead it has been granted 1 unit in spite of the fact that the institution is having sufficient infrastructure and instructional facilities for two units. Hence the Appeal Committee decided that the appellant institution is required to submit the following documents so that the decision of the Appeal Committee become authenticated: -

- (i) The institution is required to submit all the documents as detailed below to substantiate the claim of the institution for 2 units intake related with availability of infrastructure & instructional facilities available with the institution at the time of recognition and at present: -
 - (a) A certified copy of an Affidavit regarding land & building submitted by the institution while obtaining recognition and issuance of RPRO.



- (b) Land area and built-up area institution possessed at the time of recognition and at present alongwith documentary evidence thereof.
- (c) A copy of approved building plan and BCC
- (d) A copy of affiliation order of the affiliating body since the date of affiliation and intake mentioned therein.

The Appeal Committee noted that institution has filed Appeal with a delay of 5 months. The institution has substantiated with proof of medical reasons for the cause of delay. Appeal Committee decided to condone the delay in filing Appeal as the institution has submitted valid reasons.

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

IV. DECISION: -

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

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned order:

- (i) A copy of faculty list (1+15) members approved by the Registrar, Acharya Nagarjuna University, Guntur (A.P.) as per provision of NCTE Regulations, 2014.
- (ii) A copy of land documents along with Land Utilization Certificate,
- (iii) A copy of Statement of Encumbrance on Property, Registration and Stamps Department issued by Government of Andhra Pradesh.
- (iv) A copy of Building Completion Certificate approved by the Competent Authority alongwith approved Building Plan.
- (v) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.
- (vi) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.
- (vii) A copy of Affidavit regarding land & building.

The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order require to be verified by the Southern Regional Committee and decision taken accordingly. The SRC, NCTE is directed to conduct inspection under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority.




Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to the SRC, NCTE with the direction to conduct inspection under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority 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.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to conduct inspection under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority 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 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, Andhra Muslim College of Education, 982, Guntur, Ponnur Road, Bazar Post Office, Guntur, Andhra Pradesh-522003**
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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-122/E-311157/2023 Appeal/9th Meeting, 2023

APPLERC202314619

Prakash Punj Teachers Training College, 1859,1860,1887,1886, Bijalipur, Atiyawan, Ghosi, Jahanabad, Bihar-804432	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Abhiram Singh, Secretary
Respondent by	Regional Director, ERC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Prakash Punj Teachers Training College, 1859,1860,1887,1886, Bijalipur, Atiyawan, Ghosi, Jahanabad, Bihar-804432** dated 08.06.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-313.46/NCTE/ERCAPP3271/B.Ed. Addi./WB/2022/66846** dated 24.11.2022 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has submitted the list (s) of faculty approved on 30.04.2018 & 13.12.2019 by the affiliating University. The institution has not submitted the latest list of faculty duly approved by the affiliating University. (ii). The institution website is not working. (iii). From the Performance Appraisal Report (PAR) for the academic session 2020-21, it is observed that the institution has not updated its website as per NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Abhiram Singh, Secretary of Prakash Punj Teachers Training College, 1859,1860,1887,1886, Bijalipur, Atiyawan, Ghosi, Jahanabad, Bihar-804432 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that “(i). We did write the affiliating Body (Magadh University) for constituting the University representative (UR) for appointment of faculty members in our institution just after the Trauma of corona period was overcome. The correspondence in this regard with the university had been done repeatedly with our letter nos. ppttc/17/2022 dt. 09/02/2022, ppttc/35/2022 dt. 30/04/2022, ppttc/61/2022 dt. 07/07/2022, ppttc/68/2022 dt. 30/08/2022, ppttc/71/2022 dt. 05/12/2022 and ppttc/02/2023 dt. 05/01/2023. Finally, only after the appointment of the new vice chancellor the UR was constituted, and they could visit our institution on dated 15/05/2023. We could get the approved list only on 02/06/2023. The latest list of our faculty members approved as per the NCTE norms is attached herewith for your kind consideration. (ii). The website is all working. Screen shot of webpage is attached herewith. (iii). The website is functioning and updated as per NCTE Regulations, 2014. The downloaded copies of the information updated on website is attached herewith.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 200 students (Four basic units of 50 students each) vide order dated 10.05.2018. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 24.11.2022.

The petitioner institution has filed a **Civil Writ Jurisdiction Case No.3058 of 2023** in the **Hon'ble High Court of Judicature at Patna** against the impugned Withdrawal Order No. **F.No.ER-313.46/NCTE/ERCAPP3271/B.Ed. Addi./WB/2022/66846** dated **24.11.2022** issued by ERC and Hon'ble Court vide order dated **19.06.2023** directed as under:

“...It appears on perusal of the impugned order that the petitioner has got an alternative statutory remedy of appeal under Section 18 of the National Council for Teacher Education Act, 1993 (hereinafter referred to as the ‘Act’) before the Council.

Although no statement has been made in the application but at this stage, Mr. Shri Nath Pathak, learned counsel for the petitioner has informed that the petitioner has filed an appeal before the Council and is seeking his remedy there.

In the aforesaid view of the matter, this writ application is being disposed of with a direction to the NCTE to expedite the hearing of the appeal, if pending as on date and all endeavours be made to decide the same within a period of three months from today.

Mr. Sunil Kumar Singh, learned counsel for the NCTE has assured that the NCTE will co-operate in adjudication of the appeal within the aforesaid period.”

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 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+27) members dated 02.06.2023 approved by the Registrar, Magadh University, Bodh Gaya as per provisions of NCTE Regulation, 2014.
- (ii) A copy of proof of submission of Performance Appraisal Report (PAR)



The Appeal Committee noted that the appellant institution has claimed to have submitted Performance Appraisal Report (PAR) and submitted a proof thereof which required to be verified by the ERC.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 24.11.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. The ERC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at its liberty to verify PAR and other documents from the concerned competent authority 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 and decision taken accordingly.

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

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

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

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

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

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

IV. DECISION: -

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

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Prakash Punj Teachers Training College, 1859,1860,1887,1886, Bijalipur, Atiyawan, Ghosi, Jahanabad, Bihar-804432
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar.



IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-107/E-305887/2023 Appeal/9th Meeting, 2023
APPLSRC202314599**

Akshara College of Education, 13, Pamur, Prakasam, Andhra Pradesh-523108	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. K.B. Ranga Rao, Secretary Correspondent
Respondent by	Regional Director, SRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

for sign

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Akshara College of Education, 13, Pamur, Prakasam, Andhra Pradesh-523108** dated 02.05.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/SRCAPP2790/B.Ed./AP/2022/(132964-132968)** dated 25.07.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution was issued a Final Show Cause Notice on 11.03.2022. The institution failed to submit reply along with the requisite documents/information to the Final Show Cause Notice (FSCN). The Committee also noted that the institution has not even filled Performance Appraisal Report (PAR).”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. K.B. Ranga Rao, Secretary Correspondent of Akshara College of Education, 13, Pamur, Prakasam, Andhra Pradesh-523108 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that “Final Show Cause Notice not submitted reason for health problem admit in Hospital ICU.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course of two-year duration with an annual intake of 50 students vide order dated 02.05.2016. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 25.07.2022.

The instant matter was taken up by the Appellate Committee in the 7th Meeting, 2023 held on 03.07.2023 whereby the Appeal Committee noted the following: -



"The Appeal Committee noted that the documents submitted alongwith its appeal report and submission made during online appeal hearing on 3rd July, 2023. 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 50 students, as such it has sufficient infrastructural & instructional facilities. The Appeal Committee noted that as per Appendix-4 of the NCTE Regulation, 2014, one basic unit means 50 students.

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 3rd July, 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+10) members dated approved by the Registrar, Acharya Nagarjuna University, Guntur (A.P.) as per provision of NCTE Regulations, 2014 alongwith an Affidavit, salary statement.
- (ii) A copy of Land Use Certificate dated 12.04.2023 alongwith Building Completion Certificate, Building Plan & Site Plan.

It is pertinent here to mention that the Appeal Committee noted that institution has filed Appeal with a delay of 8 months. The institution has substantiated with proof of medical reasons for the cause of delay. Appeal Committee decided to condone the delay in filing Appeal as the institution has submitted valid reasons."

However, the matter was deferred for want of clarification regarding filing of PAR by the institution.

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 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+10) members dated approved by the Registrar, Acharya Nagarjuna University, Guntur (A.P.) as per provision of NCTE Regulations, 2014 alongwith an Affidavit, salary statement.
- (ii) A copy of Land Use Certificate dated 12.04.2023 alongwith Building Completion Certificate, Building Plan & Site Plan.
- (iii) A copy of proof of submission of Performance Appraisal Report (PAR).

The Appeal Committee noted that the appellant institution has claimed to have submitted Performance Appraisal Report (PAR) and submitted a proof thereof which required to be verified by the SRC.



The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 25.07.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. The SRC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at its liberty to verify PAR and other documents from the concerned competent authority 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 and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 25.07.2022 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 verify the faculty list submitted in appeal from the concerned Affiliating University and

also at is liberty to verify PAR and other documents from the concerned competent authority 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 Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify PAR and other documents 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, Akshara College of Education, 13, Pamur, Prakasam, Andhra Pradesh-523108**
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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-89/E-303280/2023 Appeal/9th Meeting, 2023
APPLWRC202314606

Tirupati Shikshan Mahavidhyalaya, 213, S/Arjuni, Gondia, Maharashtra-441807	<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	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Tirupati Shikshan Mahavidhyalaya, 213, S/Arjuni, Gondia, Maharashtra-441807** dated 17.05.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/WRC/APWO5306/123652/B.Ed./375th/MH/2022/221121 to 221128** dated 09.12.2022 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). Recognition was granted for B.Ed. course in the name of Laxmi Shikshan Sanstha and Krida Mandal, C/o Late Nirdhanrao Patil Waghaye D.Ed. College, SadakArjune, Gondia Road, Ta. Sadak-Arjuni, Dist.-Gondia, Maharashtra vide order dated 28.03.2008. (ii). Order dated 19.09.2008 was issued changing the name of institution as Tirupati Adhyapak Mahavidyalaya, Sadak-Arjuni, Gondia Road, Ta. Sadak-Arjuni, Dist.- Gondia, Maharashtra. (iii). Revised order was issued dated 12.08.2015 in pursuance of NCTE Regulations, 2014. (iv). Request vide letter dated 18.02.2022 received from the institution seeking reduction of B.Ed. intake from 100 to 50. (v). Final Show Cause Notice U/s 17 was issued dated 13.05.2022 in the matter of compliance of conditions of revised recognition order. (vi). No reply submitted by the institution in response to final show cause notice. (vii). Performance Appraisal Report for the academic session 2020-2021 has not been submitted by the institution.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of **Tirupati Shikshan Mahavidhyalaya, 213, S/Arjuni, Gondia, Maharashtra-441807** appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that: “(i). Resolution order passed by society and decided reduce intake for this college and letter submitted to NCTE on dated 28/06/2019. (ii). Low student admission availability of staff not for 100 students. (iii). The show cause notice be late received by institute & then suffering from pandemic covid 19 period, so we not submitted reply of notices.”



III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed.(M) Co-Ed Course vide order dated 28.03.2008, further the matter was placed in the 107th WRC meeting held on September 6-7, 2008, and the Committee decided to permit the change of name of the institution as Tirupati Adhyapak Mahavidyalaya vide letter dated 19.09.2008. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 12.08.2015 for conducting B.Ed. Course of two-year duration with an annual intake of 100 students (Two basic units of 50 students each) from the academic session 2015-16. Further the institution vide letter dated 18.02.2022 revised in WRC on 03.03.2022 has requested for reduction of intake in B.Ed. course from 100 students (Two units of 50 students each) to 50 students (One basic unit of 50 students). The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 09.12.2022.

The appellant institution moved a writ petition before the Hon'ble High Court of Delhi at New Delhi Bench bearing W.P.(C) No. 4335/2023 and CM APPL. 16660/2023 titled Tirupati Adhyapak Mahavidyalaya V/s National Council for Teacher Education & Anr, the Hon'ble Court vide its order dated 10.04.2023 issued following direction upon the Appellate Authority: -

"...5. Undisputedly, if the court finds that the impugned decision is in violation of the principles of natural justice, this court can entertain a writ petition. However, considering the facts and issues involved in the instant writ petition and specially the fact that the impugned order has been passed in the month of December, 2022, this court finds it appropriate to direct the petitioner to first approach the Appellate Committee in terms of Section 18 of the NCTE Act, 1993. The petitioner is at liberty to advance all the points of contentions which have been raised in the instant writ petition.

6. The Appellate Committee is directed to decide the appeal of the petitioner within a period of four weeks from the receipt of copy of the order passed today.

7. The petitioner is also at liberty to take appropriate recourse in accordance with law, if the Appellate Committee decides the appeal against the petitioner.

8. All rights and contentions of the parties are left open.

9. With the aforesaid observations, the instant writ petition stands disposed of."



The instant matter was placed in 6th Meeting, 2023 held on 05.06.2023 whereby the Appeal Committee decided to grant 2nd Opportunity to the institution to submit certain documents related with land & building, staff etc.

The matter was again placed in 7th Meeting, 2023 held on 03.07.2023 whereby the Appeal Committee decided to defer the matter for seeking clarification on PAR.

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 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+8) members approved by the Registrar, R.T.M. University, Nagpur as per provisions of NCTE Regulations, 2014.
- (ii) A copy of Building Completion Certificate (BCC), Building Plan, Land Use Certificate, Non-Encumbrance Certificate duly approved from the Competent Authorities.
- (iii) A copy of Affidavit containing details of approved & appointed faculty with their account number.
- (iv) A copy of letter dated 28.06.2019 regarding reduce intake of the institution.
- (v) A copy of proof of submission of Performance Appraisal Report (PAR).

The Appeal Committee noted that the appellant institution has claimed to have submitted Performance Appraisal Report (PAR) and submitted a proof thereof which required to be verified by the WRC.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 09.12.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. The WRC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify PAR and other documents from the concerned competent authority 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 and decision taken accordingly.



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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 09.12.2022 is set-aside and the Appellate Committee has decided to remand back the case to WRC for revisiting the matter.

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



IV. DECISION: -

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Tirupati Shikshan Mahavidhyalaya, 213, S/Arjuni, Gondia, Maharashtra-441807
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra.



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

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एन सी टी ई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-91/E-303926/2023 Appeal/9th Meeting, 2023
APPLWRC202314605

Spectrum College of Education, 1234, Nardaha, Nardaha Pacheda Road, Aarang, Raipur, Chattisgarh-493111	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. Biji Bahadur, Principal
Respondent by	Regional Director, WRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUND OFS WITHDRAWAL

The appeal of **Spectrum College of Education, 1234, Nardaha, Nardaha Pacheda Road, Aarang, Raipur, Chattisgarh-493111** dated 10.05.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **File No. WRC/APP1552/366th/C.G./B.Ed./2022/220479** dated 04.10.2022 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted the approval qualified staff as per the NCTE Norms. (ii). There are three photocopies of the BCC found in the file. All are having different built-up area. There should be only one in consonance with the building plan. (iii). Necessary information has not been uploaded on its website. (iv). As per building completion certificate, total built up area is less than 2000 sqm. which is less. (v). The institution has also not submitted the filled copy of the Performance Appraisal Report.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Biji Bahadur, Principal of Spectrum College of Education, 1234, Nardaha, Nardaha Pacheda Road, Aarang, Raipur, Chattisgarh-493111 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that: “(i). As per the building completion certificate institution has already submitted total built up area 2012 sq. mt. against the requirement of 2000 sq. mt. on 21.10.2022 duly approved and signed by the Government Engineer. (ii). The following FDR has been submitted total Rs. 12.00 lacs complied as per requirement. (a) FDR of Rs. 4.00 lacs FDR No. 258136 dated 20.02.2018 and (b) FDR of Rs. 5.00 lacs FDR No. 084755 dated 16.08.2012 and (c) FDR of Rs. 3.00 lacs FDR No. 084756 dated 16.08.2012 through account no. 3197100815 of Central Bank of India, Civil line, Raipur. (iii). Requirement of the faculty has been fulfilled under the statue no. 28 of Pt. Ravishankar Shukla University and approved list of required faculty has already been submitted and all staff members are eligible and qualified as per NCTE Regulation, 2014 and University Grants Commission Regulation, 2013.”



III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 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 27.08.2012. Thereafter, a revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 04.10.2022.

The instant matter was placed in 6th Meeting, 2023 held on 05.06.2023 whereby the Appeal Committee decided to grant 2nd Opportunity to the institution. The operative part of the decision is as under: -

The Appeal Committee noted that the documents submitted alongwith its appeal report 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.

However, another ground is concerned the Appeal Committee observed that the institution has not submitted required supporting documents with the staff list etc. Moreover, merely submission of photocopy of requisite documents may not be considered as an authentic document for claim of the appellant institution particularly where ground for withdrawal of recognition is related to non-submission of requisite documents. Hence the Appeal Committee decided that the appellant institution is required to submit the following documents so that the decision of the Appeal Committee become authenticated: -

- (i) Reason for delay in filing of Appeal.**
- (ii) The institution is required to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of certificate of the Principal.**
- (iii) An affidavit containing details of approved & appointed faculty with their account number showing that the salary is being paid through bank for last 3 months.**
- (iv) The institution is required to submit proof of uploaded information of the Website of the institution as required under clause 7(14) (i), 8 (14) and 10 (3) of the NCTE Regulations, 2014.**
- (v) A consolidated notarized copy of Building Completion Certificate (BCC) approved by the competent authority.**

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



IV. DECISION: -

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

The instant matter was again placed in 7th Meeting, 2023 held on 03.07.2023 whereby the Appeal Committee decided the following: -

"The Appeal Committee noted that institution has filed Appeal with a delay of 5 months. The institution has substantiated with proof of death certificate for the cause of delay. Appeal Committee decided to condone the delay in filing Appeal as the institution has submitted valid reasons."

However, the matter of the institution was deferred for want of clarification on PAR.

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 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+16) members approved by the Deputy Registrar (Acad.), Pt. Ravishankar Shukla University, Raipur, Chhattisgarh as per provisions of NCTE Regulations, 2014 along with an Affidavit containing details of approved & appointed faculty with their account number showing that the salary is being paid through bank & Building Completion Certificate etc.
- (ii) A copy of FDRs towards Endowment Fund & Reserve Fund.
- (iii) A copy of proof of submission of Performance Appraisal Report (PAR).

The Appeal Committee noted that the appellant institution has claimed to have submitted Performance Appraisal Report (PAR) and submitted a proof thereof which required to be verified by the WRC.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 04.10.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. The WRC is required to verify the faculty list

submitted in appeal from the concerned Affiliating University and also at is liberty to verify PAR and other documents from the concerned competent authority 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 and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 04.10.2022 is set-aside and the Appellate Committee has decided to remand back the case to WRC for revisiting the matter.

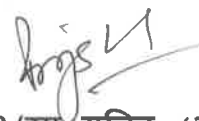
Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify PAR and other documents from the concerned competent authority which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014,

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

IV. DECISION: -

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Spectrum College of Education, 1234, Nardaha, Nardaha Pacheda Road, Aarang, Raipur, Chhattisgarh-493111
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 - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-145/E-314734/2023 Appeal/9th Meeting, 2023
APPLNRC202314660**

Inderprastha Education College, Rohtak, Haryana-124001	<u>Vs</u>	Northern 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, NRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUND OF ORDER

The appeal of **Inderprastha Education College, Rohtak, Haryana-124001** dated 25.08.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **NRC/NCTE/NRCAPP-1582(S.No.13)/401st/2023/222454** dated 17.07.2023 of the Northern Regional Committee, refusing order for shifting of premises on the grounds that “(i). Land is in the name of individual i.e., Ravinder Narwah which is not acceptable as per NCTE Regulations. (ii). Land Use Certificate issued by the Competent Revenue Authority not submitted. (iii). Staff list duly approved by the Registrar of Affiliating Body not submitted. (iv). The institution has submitted PAR mentioning the applicant society as Arya Shikshan Samiti whereas as per the application form the applicant society is Arya Shikshan Samiti. The submission of PAR by Arya Shikshan Samiti clearly implies that the trust/society of the institution has been changed, which is not permissible as per NCTE Regulations. (v). The institution is not a composite institution as per clause 2 (b) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of **Inderprastha Education College, Rohtak, Haryana-124001** appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that: “(i). It is most respectfully submitted that the decision of Refusing the application for shifting of premises is based on wrong and incorrect facts The institution has replied to all the show cause and submitted all the documents as asked for. It is most respectfully submitted that some of the documents as mentioned in the Refusal order were never a part of Final Show Cause Notice as issued by the NRC, which clearly indicates the arbitrariness in the decision of the NRC. Even otherwise the grounds of refusal as mentioned in the refusal order were duly answered and put to rest in the earlier show causes so issued to the institution. The institution herein once again submitting all the requisite documents for your kind perusal and necessary action. It is submitted that the land is in the name of the institution only i.e., Inderprastha Education College. The name of Sh. Ravinder Narwah is only mentioned being the member of the society. The certified land documents clearly show Inderprastha Education



College Through Sh. Ravinder Narwah. Furthermore, the institution had also submitted certified copies of the Mutation register and also the Mutation Certificate issued by the competent authority to establish the fact the land is in the name of the institution only i.e., Inderprastha Education College. Certified Copies of Sale Deed, Mutation Register and Mutation Certificate are enclosed again for reference. (ii). The institution had submitted letter issued by SPIO-cum- District Town Planner, Rohtak to the NRC, regarding no CLU permission is required from the department as the land bearing killa/khasra no. 102/12,8 of Nillage Nigana falls outside the Urban area Kalanaur. In view of the said letter there was no requirement for CLU of the said premises. Copy of the letters issued by the competent authority are once again enclosed for reference. (iii). The duly approved original staff profile was duly submitted vide reply dt. 15.02.23 (submitted on 15.02.22) and also on 16.03.23 (submitted on 17.03.23) in hard form which has not been considered by the NRC. The proof of submission is enclosed herewith as well. Copy of Staff Profile alongwith receiving dt. 15.02.23 & 17.03.23 are enclosed. (iv). It is most respectfully submitted that the institution while submitting PAR form inadvertently mentioned "N" instead of "A". The same is a typographical error and the institution was issued show cause notice on that ground in 390th meeting held on 02nd-03rd March,2023 and the same was duly replied vide reply dt. 15.02.23 clarifying the said position. The same was duly accepted by the NRC, which is clear by way of Final Show Cause notice as the said ground was not mentioned in it. Copy of the minutes of 390th meeting & reply dt. 15.02.23 alongwith receiving are enclosed herewith for reference. (v). It is submitted that the institution had duly given its undertaking vide reply dt. 11.10.22, alongwith affidavit to migrate towards multi-disciplinary institution in future and the same has been duly discussed in the minutes of the meeting of Society which were also submitted alongwith the reply dt. 11.10.22. The institution further explained in the said reply that the shifting application is being preferred for the said very reason as the proposed premises are bigger and can accommodate more courses in future and it would be for the betterment of the students in vicinity. The NRC accepted the undertaking and explanation so given and proceeded to constitute VT in its 383rd meeting held on 31st Oct & 1st Nov,2022. Copy of the reply dt. 11.10.22, undertaking dt. 11.10.22 and minutes of 383rd meeting are enclosed herewith for reference. The institution urges for reversing Refusal Order as passed on the grounds mentioned above and requests to for an early action in this regard. The institution with folded hand and utmost respect prays that the Order as passed by the NRC be set aside and directions may be given to NRC for re-consideration of application for shifting in the interest of justice as the NRC has failed to appreciate the correct facts and documents already available on record."



III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 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 03.09.2008 and revised order was issued to the institution for B.Ed. course of two years duration with an annual intake of 100 students, for two basic units of 50 students each vide order dated 31.05.2015. Accordingly, the institution submitted an application for shifting of premises vide letter dated 17.02.2021. The recognition of the institution for B.Ed. programme was refused for shifting of premises by the NRC vide order dated 17.07.2023.

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned order:

- (i) A copy of land documents showing the land in the name of Indraprastha Education College, Rohtak through Ravindra Narwal alongwith a copy of relevant certificates from the local authority.
- (ii) A copy of faculty list (1+15) members dated 06.02.2023 approved by Superintendent (Colleges) M.D.U., Rohtak as per provisions of NCTE Regulation, 2014.

The Committee directed the NRC, NCTE to conduct inspection of the institution as per provisions of the NCTE Act, Rules & Regulations to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority after obtaining prescribed fee for inspection.

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 refusal order for shifting of premises dated 17.07.2023 is set-aside and the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to the NRC, NCTE with the direction to conduct inspection of the institution as per provisions of the NCTE Act, Rules & Regulations to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority after obtaining prescribed fee for inspection and further to verify the documents submitted from the concerned issuing authority submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to NRC with a direction to conduct inspection of the institution as per provisions of the NCTE Act, Rules & Regulations after obtaining prescribed fee for inspection and further to verify the documents submitted from the concerned issuing authority submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.

The 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, Inderprastha Education College, Rohtak, Haryana-124001**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Haryana.**



IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 12/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-146/E-314735/2023 Appeal/9th Meeting, 2023
APPLWRC202314658

Balaji B.Ed. College, 88/1, 88/2, 88/3, Balaghat Road, Balaghat, Seoni, Madhya Pradesh-480661	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Ashish Dubey, Representative
Respondent by	Regional Director, WRC
Date of Hearing	28.08.2023
Date of Pronouncement	12.09.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Balaji B.Ed. College, 88/1, 88/2, 88/3, Balaghat Road, Balaghat, Seoni, Madhya Pradesh-480661** dated 22.08.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **File No. WRC/APWO6067/223672/34th /M.P./B.Ed./2021/217429** dated 06.09.2021 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution was issued Show Cause Notice as per the decision of WRC in 329th meeting to submit the latest staff list. (ii). In response, the institution vide its representation dated 16.04.2021 has mentioned that staff appointed in 2015-2015 is still continuing in the institution. (iii). The affiliating body of the institution has been changed from Rani Durgawati University to Chhindwara University. (iv). The Advocate for the institution has made a submission in the court that “Mr. Kumar however submits that there has been no change in the faculty, and the affiliating University of the petitioner has changed in the interregnum due to the enactment of the Madhya Pradesh Universities (Amendment) Act, 2019. He submits that the process of approval by the new affiliating university will take an inordinately long time.” (v). The institution is required to submit the latest staff list duly approved by the Chhindwara University.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Ashish Dubey, Representative of Balaji B.Ed. College, 88/1, 88/2, 88/3, Balaghat Road, Balaghat, Seoni, Madhya Pradesh-480661 appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that: “The institute filed statutory appeal against initial withdrawal order dated 04.09.2019 passed by WRC. The Appellate Authority by its order dated 19.11.2020 accepted the appeal and remanded the matter back to WRC. Thereafter, the Hon’ble Delhi Court by its order dated 08.12.2020 passed in W.P.(C) No.10018/2020 and this Hon’ble Court vide its final quashed the withdrawal order dated 04.09.2019 and directed for correction of the status of institution as recognized institution and communication of the same to be sent



to the Government of Madhya Pradesh and affiliating University. • Thereafter, WRC in its 329th Meeting held on 17th – 19th February, 2021, decided to seek some information from the institute. However, the Under Secretary, WRC issued on his own issued “final show cause notice” dated 11.03.2021 to the institution under Section 17 of NCTE Act, 1993. • Thereafter Hon’ble Delhi High Court by its order dated 07.04.2021 passed in W.P. (C) No. 4292/2021 held as under: - “In the show cause notice, however, the Under Secretary of the WRC has misquoted the minutes of the meeting of the WRC, and transposed Section 17 in the place of Section 14 of the Act. Even if there was an error in the provision referred to in the minutes of the meeting of the WRC, that could have been corrected only by the WRC itself, and not by misquoting the minutes in the show cause notice.” Further, the Hon’ble High Court directed as under in para 12 of the said order dated 07.04.2021: - “It is made clear that the communication dated 11.03.2021, although styled as “final show cause notice”, is in effect to be treated as a direction to submit information, and the WRC will be obliged to commence the process for withdrawal under section 17 of the Act afresh in the event it is not satisfied with the response and information submitted by the petitioner herein.” • Thereafter, institute submitted the requisite information to the WRC by its detailed communication dated 16.04.2021 along with requisite documents and also order dated 07.04.2021 passed by Hon’ble Delhi High Court. However, thereafter, without taking note of and without considering the reply dated 16.04.2021 of the institution and without initiating any proceeding for withdrawal under Section 17 afresh by issuing show cause notice, the WRC passed by the withdrawal order dated 06.09.2021. • The withdrawal order dated 06.09.2021 is in breach of the order dated 07.04.2021 (para 12) passed by Hon’ble Delhi High Court, therefore it deserves to be set aside. • The withdrawal order dated 06.09.2021 is in cross violation of provisions contained in Section 17 of NCTE Act, 1993 and standard operating procedure (SOP) of NCTE. The withdrawal order being in violation of principles of natural justice, is unsustainable and is liable to be quashed by the Appellate Authority. • It is submitted that institute by its letter dated 16.04.2021 has clearly submitted that the faculty appointed by the college which was duly approved by the earlier affiliating university (Rani Durgawati Vishwavidyalaya Jabalpur) during the academic year 2015-16 were continuing/ working in the college and the said approved faculty list was enclosed with clear statement that



the said faculty was latest faculty. • However, as the WRC did not consider the said reply dated 16.04.2021 and approved faculty attached therewith, the institute left with no alternative initiated process for selection of entire faculty and pursued the matter with the affiliating university (Raja Shankar Shah University, Chindwara) within whose jurisdiction, institution came. After continuous follow up, the affiliating university by its letter dated 15.03.2022 approved the appointment of Principal and thereafter, by its letter dated 11.11.2022 approved the new faculty members (15) of the institution for B.Ed. Course. Thereafter, on 18.11.2022, the Registrar of the affiliating university signed the list of approved faculty in the proforma prescribed by NCTE. A copy of approval letter dated 15.03.2022, 11.11.2022 and approved faculty list are enclosed as annexure 1, 2 and 3 respectively. • Thus, the institute fulfils the requirement as pointed out by WRC by its communication dated 11.03.2021 and there is no deficiency in the institution in respect of faculty. The institute does not suffer from any deficiency. • In view of the above, the Appellate authority may consider and take into account the latest approved faculty and principal by new affiliating University and set aside the withdrawal order with direction to WRC to restore recognition of B.Ed. course (100 seats) of institution.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 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 17.07.2009. Thereafter, a revised provisional recognition order was issued to the institution on dt. 27.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units) with certain conditions. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 06.09.2021.

The petitioner institution has filed a **W.P.(C) No.6438/2023 & CM APPL No.32710/2023** in the **Hon'ble High Court of Delhi at New Delhi** against the impugned Withdrawal Order No. File No. **WRC/APWO6067/223672/341st/M.P. /B.Ed./2021/**

217429 dated 06.09.2021 issued by WRC and Hon'ble Court vide order dated 16.08.2023 directed as under:

"... 7. In view of the aforesaid and taken into consideration the facts and circumstances involved in the instant petition, this court finds it appropriate to dispose of the instant petition with the following directions:

(i). Let the petitioner approach the appellate committee in terms of Section 18 of the NCTE Act against the impugned order within seven working days from today.

(ii). In case the petitioner approaches the appellate committee, the appeal of the petitioner shall be decided on merits.

8. This Court has not expressed any opinion on the merits of the case.

9. The appellate committee is at liberty to deal with the case in accordance with law."

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 28th August, 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, Raja Shankar Shah University, Chindwara, Madhya Pradesh as per provisions of NCTE Regulation, 2014.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 06.09.2021. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. The WRC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority 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 and decision taken accordingly.

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

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly



spelt out so that the institution is not compelled to approach the Court in this manner."

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 06.09.2021 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 verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The WRC is at a liberty to verify the submitted documents from the concerned issuing authority.



IV. DECISION: -

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Balaji B.Ed. College, 88/1, 88/2, 88/3, Balaghat Road, Balaghat, Seoni, Madhya Pradesh-480661
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