



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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-151/E-256912/2022 Appeal/7th Meeting, 2023
APPLSRC202114241**

Sa-Ya-Gosh College of Education, 218,219,220, Pudumariamman Koli, Sa-Ya-Gosh Nagar, Dharampuri, Dharmapuri, Tamilnadu-635205	<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	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Sa-Ya-Gosh College of Education, 218,219,220, Pudumariamman Koli, Sa-Ya-Gosh Nagar, Dharampuri, Dharmapuri, Tamilnadu-635205** dated 19.11.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO4318/B.Ed./TN/2021/125193** dated 16.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The Committee noted that due to non-compliance of SCN dated 15.03.2019 for submission of requisite documents to verify infrastructure & instructional facilities a Final Show Cause Notice dated 10.08.2020 was issued to the institution. However, the institution failed to submit the requisite documents as per Final Show Notice dated 10.08.2020. Further the SRC also given the last opportunity for submission of written representation/reply by way of last Reminder letter dated 21.09.2020 and the institution failed to submit the reply to the last reminder letter.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of **Sa-Ya-Gosh College of Education, 218,219,220, Pudumariamman Koli, Sa-Ya-Gosh Nagar, Dharampuri, Dharmapuri, Tamilnadu-635205** appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that “Because the appellant fulfils all the requirements under the provisions of NCTE Act, Rules and relevant Regulations including the Norms and Standards for the concerned Teacher Education Programme such as instructional facilities, infrastructural facilities, library, land, accommodation, financial resources, laboratory, etc. for running the programme and has selected-appointed duly qualified teaching staff as per NCTE Norms and as per the approval of faculty given by the affiliating bodies. Because the appellant/institution has duly complied with all the terms and conditions stipulated in the Revised Recognition Order. Because the respondent has failed to apply its mind while passing impugned withdrawal order No. **F.SRC/NCTE/APSO4318/B.Ed./{TN}/2021/125193** dated 16.03.2021, whereby the respondent has withdrawn the recognition granted to appellant Sa-Ya-Gosh



College of Education for conducting B.Ed. course w.e.f. the next academic session i.e., 2021-2022. Hence, the impugned withdrawal order is liable to be set aside in the facts and circumstances of the present case. Because the Hon'ble High Court of Delhi at New Delhi vide judgement dated 23.02.2017 passed in W.P.(C)No.3231/2016, titled 'Rambha College of Education vs. National council for Teacher Education & Anr.' has directed the NCTE to consider the subsequent development. Because the Hon'ble High Court in W.P. (c) No.9744/2020 titled as Asha Devi Mahavidyalaya & Anr. Vs. National Council for Teacher Education has directed the respondent to consider the subsequent development, which were submitted during the pendency of the application before the Regional Committee or in the course of hearing of the appeal vide order dated 03.12.2020. Because the ground for the withdrawal is totally based on wrong analysis and incorrect consideration of the prevailing law enforced and wrong examination of the documents. Because Appellant is an old institution, which is conducting B.Ed. course since 2006 and has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and respondent is illegally blocking it from running the course which clearly unwarranted and unlawful."

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 3rd July, 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 26.07.2006. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 23.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 05.05.2015 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 SRC vide order dated 16.03.2021.

The instant matter was placed in 11th meeting, 2022 of Appellate Committee held on 29.12.2022. The Appellate Committee rejected the appeal of the appellant institution on the grounds mentioned in order dated 11.01.2023. The appellant institution

moved a writ petition before the Hon'ble High Court of Judicature at Madras bearing W.P. No. 8911/2023 & W.M.P. No. 9050 & 9051 of 2023 titled Sa-Ya-Gosh College of Education V/s National Council for Teacher Education & Anr, the Hon'ble Court vide its order dated 18.04.2023 issued following direction upon the Appellate Authority: -

"....6. The only issue in the present Writ Petition is whether opportunity was given to the petitioner college before deciding the appeal as directed by the Delhi High Court. The learned counsel appearing for the respondents though submitted that opportunity through virtual hearing was given to the petitioner, it is the admitted fact that no opportunity of personal hearing was given, due to Covid-19 Pandemic, due to which, the petitioner was unable to produce the necessary documents to substantiate their contention.

7. A personal of the documents, particularly the order impugned in this Writ petition reveal that, no opportunity of personal hearing was given to the petitioner before rejecting the appeal filed by the petitioner. The above is not only a clear violation of principles of natural justice but is against the directions issued by the High Court. The grant of personal opportunity of hearing is only for the purpose of enabling the petitioner to submit the documents which cannot be submitted virtually. Virtual hearing cannot be clothed with character of personal hearing more so when documents determine the outcome of the hearing.

8. Hence, on the sole ground, this Court is inclined to interfere with the order impugned in this Writ petition and accordingly, the order of the 2nd respondent dated 11.01.2023 impugned in this Writ petition is set aside and the matter is remanded to the 1st respondent for fresh consideration. The 1st respondent is directed to consider the appeal filed by the petitioner college and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner institution.

9. With the above observations and directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous petitions are closed."

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 dated 12.04.2022 approved by the Registrar, Tamilnadu Teachers Education University as per provisions of NCTE Regulations, 2014 alongwith an affidavit.
- (ii) A copy of land documents, Land Use Certificate, Building Completion Certificate, building plan & site map.
- (iii) A copy of Certificate of Encumbrance on Property issued by Sub-registrar, Govt. of Tamilnadu.



- (iv) A copy of screen shot of website showing uploading the requisite documents on the website of the institution as per NCTE Regulations 2014.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 16.03.2021. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern Regional Committee. The SRC, NCTE is directed that the land & building documents submitted by the institution shall be verified from the concerned competent authority. The SRC is at liberty to conduct inspection through Visiting Team to verify the infrastructural and instructional facilities available with the institution (if required).

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 16.03.2021 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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

2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority. The SRC, NCTE is directed that the land & building documents submitted by the institution shall be verified from the concerned competent authority. The SRC is at liberty to conduct inspection through Visiting Team to verify the infrastructural and instructional facilities available with the institution (if required).

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority. The SRC, NCTE is directed that the land & building documents submitted by the institution shall be verified from the concerned competent authority. The SRC is at liberty to conduct inspection through Visiting Team to verify the infrastructural and instructional facilities available with the institution (if required).

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, Sa-Ya-Gosh College of Education, 218,219,220, Pudumariamman Koli, Sa-Ya-Gosh Nagar, Dharampuri, Dharmapuri, Tamilnadu-635205
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)

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

Date /दिनांक - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-116/E-308214/2023 Appeal/7th Meeting, 2023
APPLWRC202314629**

Agrasen Mahavidyalaya, Raipur, Jaitu Sao Math Road, Purani basti, Raipur, Chhattisgarh-492001	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. Amit Kumar Agrawal, Administrator
Respondent by	Regional Director, WRC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF REFUSAL

The appeal of **Agrasen Mahavidyalaya, Raipur, Jaitu Sao Math Road, Purani basti, Raipur, Chhattisgarh-492001** dated 27.06.2023 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No. **WRC.APW00360723010(Appeal) (Court Case)/171st/2012/95699-705** dated 27.09.2012 of the Western Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “(i). Approved building plan not submitted. (ii). Land area is only 3360 sq. mt. which is inadequate as per NCTE Norms.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Amit Kumar Agrawal, Administrator of Agrasen Mahavidyalaya, Raipur, Jaitu Sao Math Road, Purani basti, Raipur, Chhattisgarh-492001 appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that “In reference with decision of High Court, Chhattisgarh order no: - W.P.(C) No 719/2013. Please withdraw your withdrawal order and consider our appeal and also request you to provide us 3-year time duration for construction of new building as per decision AIR2010(NOC)312(Mad.) Sree Narayana Educational guidance society vs. NCTE & Anr.”

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 3rd July, 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. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide its order dated 18.05.2010. Thereafter, the institution preferred an Appeal U/s 18 of NCTE Act, 1993 and Appeal Committee vide its order dated 15.09.2010 decided to reject the Appeal and



confirm the withdrawal order passed by the WRC dated 18.05.2010. It was also observed that the institution has filed a W.A.(C). No. 360/2011 before Hon'ble High Court of Chhattisgarh, Bilaspur and vide its order dated 25.04.2012, the Hon'ble High Court directed that: -

"...7. In our opinion, the light of subsequent event, which have come into existence, we while disposing this Writ Appeal directed the respondent no. 1 to examine the case of the appellant a fresh, in light of the documents filed by the Appellant and pass appropriate order in relation to their recognition, keeping in view the provisions of NCTE Act 1993 and Regulations made thereunder. The Appellant in granted liberty to file all such documents including any other documents, in case, if they wish to file, with the respondent no. 1 within a period of two weeks from today to enable the respondent no. 1 to examine the case of the appellant institute and then passed appropriate order on the issue of their recognition, preferably with in a period of one month from the date of submission of application/documents, strictly in accordance with law.
8. with the aforesaid observation, the appeal stands disposed of.

It is further noted by the Appeal Committee that incompliance of Court order dated 25.04.2012 the matter was placed in 164th Meeting of WRC and the WRC considered the case and WRC Committee decided to issue Show Cause Notice dated 13.08.2012 and accordingly reply of the said show cause was submitted by the institution on 29.08.2012. Again, the institution filed W.P.(C) No. 1215/2012 before the Hon'ble High Court of Chhattisgarh, Bilaspur and vide its order dated 05.07.2012, Hon'ble High court decided that: -

"...3. On a reading of the above resolution passed in 164th Meeting of the Western Regional Committee/respondent No. 1, it is apparent that the said Committee has taken a decision to issue show cause notice to the petitioner for their intended action. Even petitioner is not aware as to what action the respondent No. 1 is likely to undertake against the petitioner.

4. In view of the above, the writ petition is premature as there is no document suggesting the nature of show cause notice and likely action to be taken against the petitioner.

5. Accordingly, the writ petition is dismissed as premature."

It is also observed by the Appeal Committee that the aforesaid decision was placed before the WRC Committee in its 171st Meeting and WRC decided to refuse the



grant of recognition of the Appellate institution vide its order dated 27.09.2012. A letter was also issued to the institution stating the decision of WRC vide letter dated 17/19.12.2012. Aggrieved by the same the institution preferred an Appeal U/s 18 of NCTE Act, 1993 against the refusal order dated 27.09.2012 passed by the WRC. The said matter was placed before the Appeal Committee in year 2013, and vide its order dated 23.04.2013, the Appeal Committee returned the Appeal of the Appellant as the same was not filed through online portal.

It is also noted that the Appellant institution has filed a W.P.(C) No. 719/2013 and the same was dismissed by the Hon'ble High Court of Chhattisgarh, Bilaspur. Thereafter, the appellant has filed W.A. No. 506/2019 before Hon'ble High Court of Chhattisgarh, Bilaspur and Hon'ble Court vide its order dated 13.06.2023 has directed that: -

“....5. This case has checkered history, and this is the third round of litigation, but for the present purpose, relevant facts necessary would be that on 09.08.2005, the Regional Director of NCTE has granted recognition to the appellant institution for running B.Ed. course for the academic sessions 2005-2006 which was withdrawn on 18.05.2010 which the appellant has challenged in W.P.(C) No.6461/2010 which was dismissed and writ appeal was disposed of directing respondent No. 1 to examine the case of the appellant afresh in light of the documents filed by the appellant which the competent authority considered and rejected by order dated 17/19-12-2012 and appeal preferred was also dismissed holding that it has not been submitted through online module in the prescribed format as the rule is mandatory. Since the competent authority had already refused to grant permission to the appellant by order dated 17/19-12-2012 and appeal is maintainable before the competent authority, but by order dated 23-04-2013, appeal has been dismissed as it has not been filed through online module, though the prescribed fee was paid and in view of the checkered history and since learned counsel for the respondent submits that appeal was preferred on 18-02-2013 and considering the fact that the appeal filed by the appellant has been dismissed only on technical grounds and has not been decided on merits, the order dated 23-04-2013 is hereby set aside and the impugned order is also set-aside and appeal dated 18-02-2013 is restored to the file of NCTE for deciding the same afresh on merit, in accordance with law. Said appeal be decided by the competent authority within three months from the date of receipt of a copy of this order, on its own merit, in accordance with law. However, the appellant will also file additional copy of appeal offline and online as well within two weeks from today. The appellant will also provide necessary fee and other documents afresh to the prescribed authority within the same period.



6. The impugned order is set-aside, and the writ appeal is allowed in aforesaid terms. No order as to cost(s)."

The Appeal Committee in its 7th Meeting, 2023 held on 03.07.2023 considered the documents submitted alongwith the Appeal Report as compliance of grounds of refusal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The Appeal Committee observed that institution has not constructed building as per the requirement of NCTE norms.
- (ii) Institution is seeking 3 years' time to construct the building. As per the NCTE Regulations, institution can be accorded recognition only when it has all infrastructural and instructional facilities.
- (iii) There is no provision in the Act and Regulations, to provide time to construct building.
- (iv) As the institution does not possess required built-up area, the institution is not eligible to obtain recognition and hence deserves to be rejected.

The Appeal Committee noted that the application of the institution for B.Ed. programme was refused vide order dated 27.09.2012 and since then the institution has not been granted recognition. The Committee further noted that General Body of the NCTE in its 55th meeting held on 14.07.2022 *inter-alia* has taken a following policy decision that the applications pending before the Regional Committees of NCTE shall not be processed further: -

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

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

- The NEP 2020 lays down that teacher education institutions will be gradually moved into multidisciplinary colleges and universities by 2030. By 2030, the minimal qualification for a person to become a teacher will be the 4 Year integrated B.Ed. degree.
- The 2 Year B.Ed. program will also be offered only for those who have already obtained Bachelor's Degrees in other specialized subjects and the 1 Year B.Ed. program for those who have completed the equivalent of 4 Year multidisciplinary Bachelor's Degrees or who have obtained a Master's degree in a specialty and wish to become a subject teacher in that specialty.



- As per provision of Section 12 of NCTE Act, 1993 it shall be the duty of the Council to take all such steps as it may think fit for ensuring planned and co-ordinated development of Teacher Education.
- There are approximately 430 applications for various Teacher Education Programmes, other than Diploma level courses. pending at different stages in the RCs.
- NEP 2020 has brought about a paradigm shift in the Teacher Education Sector. Accordingly, NCTE is also revamping its various curricula of ITEP. 2 Year B.Ed., 1 Year B.Ed. and introducing new courses of 4 Year Physical Education and 4 Year Art Education in line with NEP 2020. These courses are also to be aligned to the various criteria laid down by UGC and in alignment with NHEQE. NCFSE and NCFTE However, the existing courses which are currently running are not in alignment with these various aspects e.g., Credit System. 4 Stages of School Education (5+3+3+4). Entry- exit policy, no hard separation etc. These changes in curricula would also necessitate changes in the norms, standards and regulations. For the reasons aforementioned, it is not feasible to process any pending applications.

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

- I. ***At present, there are several institutions which have been recognised by the Regional Committees of NCTE wherein courses/ programme, other than diploma level courses, are running. An Expert Committee be constituted to devise the modalities for conversion of these recognised institutions into multidisciplinary institutions in line with NEP 2020.***
- II. ***The applications pending before the Regional Committees of NCTE shall not be processed further. Hence, all such pending applications before RCs at any stage of processing be returned along with the processing fee to the concerned institution(s).***
- III. ***In the cases where the applications are being processed/ reopened as per the directions of the Hon'ble Court (s), the concerned Regional Committee shall file a review/appeal before the Hon'ble Court(s) alongwith stay application against the order passed by the Hon'ble Court(s) for processing of application(s) in view of the decision of the Council has taken in II above.***

Noting the above decision of the General body of the NCTE, the Appeal Committee decided not to entertain the Appeal of the applicant institution and, therefore, the order of the WRC dated 27.09.2012 refusing recognition for B.Ed. programme of the institution is confirmed.



IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing and in the light of decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022, the Appeal Committee of the Council concluded that the appeal of the institution cannot be entertained. Hence, the instant appeal deserves to be rejected and impugned refusal order dated 27.09.2012 of WRC 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, Agrasen Mahavidyalaya, Raipur, Jaitu Sao Math Road, Purani basti, Raipur, Chhattisgarh-492001**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Chhattisgarh.



IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-104/E-305249/2023 Appeal/7th Meeting, 2023

APPLERC202314531

Central Sanskrit University, Ekalavya Campus, 3807, Sipai Para, Lembucherra, Debendra Chandra Nagar T.K., West Tripura, Tripura-799210	<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	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF REFUSAL

The appeal of **Central Sanskrit University, Ekalavya Campus, 3807, Sipai Para, Lembucherra, Debendra Chandra Nagar T.K., West Tripura, Tripura-799210** dated 06.01.2023 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No. **F. No. NCTE/ERC/2324202205281209/TRIPURA/2022/REJC/210** dated 18.11.2022 of the Eastern Regional Committee, refusing recognition for conducting ITEP Course on the grounds that “(i). Accreditation from NAAC of the institution has already been expired on 04.07.2017 and the institution itself admitted that it has already submitted the IIQA to NAAC on 26.08.2022. As such, the institution is neither having a minimum accreditation of NAAC “B” nor having certificate of Institutes of Eminence/Institutions of National Importance; which was the basic criteria to apply for ITEP. The institution has not submitted the reply of the Show Cause Notice, as such, the institution does not fulfil the basic criteria to apply for ITEP. (ii). The institution has not uploaded the certified registered land documents issued by the Registering Authority or civil authority concerned. (iii). The institution has not uploaded the non-Encumbrance certificate issued by the Competent Authority indicating that the land is free from all encumbrances. (iv). The Building Plan uploaded by the institution is not legible. The institution has not uploaded the approved Building Plan signed by the Competent Govt. Authority indicating the name of the programme, name of the institution, Khasra No./Plot No., total land area, total built-up area and the measurements of the Multipurpose Hall as well as the other infrastructural facilities such as classrooms etc. (v). The Building Completion Certificate uploaded by the institution is not in prescribed format. (vi). The institution has not uploaded the Fire Safety Certificate issued by the Competent Govt. Authority with validity.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of **Central Sanskrit University, Ekalavya Campus, 3807, Sipai Para, Lembucherra, Debendra Chandra Nagar T.K., West Tripura, Tripura-799210** appeared online to present the case of the appellant institution on



03.07.2023. In the appeal report, it is submitted that “(i). In connection to NAAC Accreditation, it is to inform you take NAAC Accreditation is in process & we have successfully submitted SSR for the same on 20.11.2022. (ii). Copy of Mutation certificate in connection to land in regional language was enclosed as it was provided by the Competent Authority of Govt. of Tripura. Even so, the translated notarized copy of land document in English version has been enclosed herewith. (iii). We have obtained land use certificate from competent authority after refusal order. (iv). We have obtained the Non-Encumbrance Certificate from Competent Authority after refusal order. (v). We have readable approved building plan signed by the Competent Authority along with details of course, name of the institution, Plot no., total land area, total built-up area, measurement of multi-Purpose Hall as well as the other infrastructural facilities such as classrooms etc. has been enclosed herewith this. (vi). We have Building Completion Certificate as proforma of NCTE. (vii). We have obtained Building Safety Certificate from Competent Authority after refusal order. (viii). Applied for fire safety certificate.”

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 3rd July, 2023. Appeal Committee noted that the appellant institution had submitted an application to the Eastern Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 31.05.2022. The recognition of the institution for ITEP programme was refused by the ERC vide order dated 18.11.2022.

The Committee noted that the appellant institution with its appeal report and submissions made during online appeal hearing on 3rd July, 2023 submitted a copy of Grade Sheet issued by NAAC having A++ Grade alongwith other requisite documents as claiming to have rectified the shortcomings pointed out in the impugned refusal order.



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

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

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



IV. DECISION: -

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

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to: -

1. **The Principal, Central Sanskrit University, Ekalavya Campus, 3807, Sipai Para, Lembucherra, Debendra Chandra Nagar T.K., West Tripura, Tripura-799210**
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 Tripura.



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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-105/E-306257/2023 Appeal/7th Meeting, 2023

APPLSRC202314617

Vidhyalaya College of Education, 42/1 A2, 42/2, Sinathur Village, Thindivavanam, Kil Pennathur Post, Kilpennathur, Tiruvannamalai, Tamilnadu-604601	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Adbul Kaleem, Chairman
Respondent by	Regional Director, SRC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Vidhyalaya College of Education, 42/1 A2, 42/2, Sinathur Village, Thindivavanam, Kil Pennathur Post, Kilpennathur, Tiruvannamalai, Tamilnadu-604601** dated 06.06.2023 filed under Section 17 of NCTE Act, 1993 against the Order No. **F.SRC/NCTE/APSO7609/B.Ed./TN/2023/142171** dated 30.05.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that: - “(i). The institution has not submitted latest staff list duly approved by the affiliating body. Further, the institution has failed to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience certificate of the Principal. (ii). The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. (iii). 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. (iv). The institution has not submitted certificate/notarized copies of the Land Use Certificate (LUC), hence the same is not acceptable since the institution has submitted a photocopy of the same which cannot be relied.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Adbul Kaleem, Chairman of Vidhyalaya College of Education, 42/1 A2, 42/2, Sinathur Village, Thindivavanam, Kil Pennathur Post, Kilpennathur, Tiruvannamalai, Tamilnadu-604601 appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that: - “(i). We have submitted staff list approved by the Registrar, Tamilnadu Teacher Education University dated 04.10.2021. copy of approved staff list submitted to NCTE Show Cause Reply. (ii). We disburse the salary of both faculty and non-teaching staff through bank account only. (iii). We have uploaded all information of our college as per the NCTE Regulations, 2014. Our website address is www.vidhyalayacollege.org. (iv).



We have submitted the Land Use Certificate issued by the Tahsildar, Tiruvannamalai District. The notarized copy is submitted to the NCTE Show Cause Reply.”

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 3rd July, 2023. Appeal Committee noted that the appellant institution was granted recognition for secondary B.Ed. Course with an annual intake of 100 students vide order dated 28.08.2007, further an order dt. 09.08.2012 was issued to the institution to shift its premises to the new location/building at Vidhyalaya College of Education, Sirunathur Village, Tindivanam Road, Thiruvannamalai District, Pin-604601, Tamilnadu. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 04.03.2015 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 (two basic units of 50 students each) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 30.05.2023.

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+15) members approved by the Registrar, Tamilnadu Teachers Education University, Chennai as per provisions of NCTE Regulation, 2014 alongwith an Affidavit & statement of salary disbursement.
- (ii) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.
- (iii) A notarised copy of land use certificate dated 13.03.2012.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 30.05.2023. The



Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern Regional Committee and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 30.05.2023 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

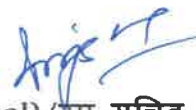
Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to SRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the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



IV. DECISION: -

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Vidhyalaya College of Education, 42/1 A2, 42/2, Sinathur Village, Thindivavanam, Kil Pennathur Post, Kilpennathur, Tiruvannamalai, Tamilnadu-604601
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-106/E-305443/2023 Appeal/7th Meeting, 2023

APPLSRC202314616

College of Teacher Education, 176/21, 176/24, Karukachal, Champakara, Changanassery, Kottayam, Kerala-686540	<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	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **College of Teacher Education, 176/21, 176/24, Karukachal, Champakkara, Changanassery, Kottayam, Kerala-686540** dated 02.06.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO2918/B.Ed./423rd Mtg/KL/2023/141988** dated 01.05.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted latest list of faculty in the prescribed format for B.Ed. programme duly approved by the Registrar of the affiliating body as per NCTE Regulations, 2014. (ii). The Committee noted that the institution has changed the management of the Mahatma Gandhi University College of Teacher Education to Centre for Professional and Advanced Studies and in view of the letter dated 08.12.2016 management/society/trust is not permissible.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of **College of Teacher Education, 176/21, 176/24, Karukachal, Champakkara, Changanassery, Kottayam, Kerala-686540** appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that: “(i). As per the decision of SRC a Final Show Cause Notice (FSCN) was issued to the institution on 18.04.2022. The institution has submitted its reply vide letter dated 05.05.2022. The committee perused the reply submitted by the institution found deficiencies as because of the reply which was submitted as an attachment of the staff profile which has submitted earlier dated 21.12.2021. It is as per the direction of the management. Now it is rectified as per the NCTE Regulations, 2014 duly approved by the Registrar of Mahatma Gandhi University. Here we attach the newly approved staff profile dated 15.05.2023. (ii). The institution has changed the management GO(MS)No.101/207/H.Edn dated 06.04.2017, GOB4/34/2023-H.Edn here it is clearly stated that the self-financing institutions directly run by the Mahatma Gandhi University was transferred to State Government of Kerala owned and controlled society. And also, the law is declared by the Hon’ble High court of Kerala that the self-financing institution presently administered by CPAS is in continuation of and as a successor to the Mahatma Gandhi University. The institution is



run abide by the rules and regulations of the mother controlling authority Mahatma Gandhi University in all means. This is a registered institution under control of both the Government of Kerala and MG University. Here we attach the necessary orders and the supporting documents.”

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 3rd July, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course vide order dated 13.07.2004. The SRC vide letter dated 28.07.2005 informed the Mahatma Gandhi University, Kerala that intake of the institution is of 150 students. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 17.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 31.07.2015 for conducting B.Ed. course of two years duration with an annual intake of 50 students (One basic unit) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 01.05.2023.

The Appeal Committee in its 7th Meeting, 2023 held on 03.07.2023 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 appellate institution. Appeal Committee noted that the appellant institution has changed the management of the Mahatma Gandhi University College of Teacher Education to Centre for Professional and Advanced Studies. Appeal Committee noted that applicant institution did



not seek prior approval of SRC, NCTE which has finally resulted in conducting of B.Ed. programme by an institution managed by a Society/Trust which was never an applicant in this case. The Appeal Committee also observed that contrary to NCTE Act, Rules and Regulations framed thereunder the institution has suo moto without taking permission from the SRC, NCTE has changed its management, and as per the written policy issued by the NCTE Hqr. vide letter dated 08.12.2016 and 23.12.2016, the change of management/society/trust is not permissible.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 01.05.2023 issued by SRC is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 01.05.2023 issued by SRC is confirmed.

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

- 1. The Principal, College of Teacher Education, 176/21, 176/24, Karukachal, Champakkara, Changanassery, Kottayam, Kerala-686540**
- 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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-110/E-304549/2023 Appeal/7th Meeting, 2023
APPLSRC202214487**

Periyar University, 24, Kottakoundanpatti Village, Periyar Palakalai Nagar, Omalur Taluk, Salem, Tamilnadu-636201	<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	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Periyar University, 24, Kottakoundanpatti Village, Periyar Palakalai Nagar, Omalur Taluk, Salem, Tamilnadu-636201** dated 29.11.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO4603/M.Ed./TN/2022/(136299-136302)** dated 14.10.2022 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “(i). The institution has submitted a faculty list vide dated 20.02.2020 approved by the Registrar in-Charge, Periyar University consisting of one professor & Head, one professor, four Assistant Professor against the requirement of two professors, two associate professor and six assistant professors of M.Ed. course and the same faculty list has been submitted for B.Ed. part time course.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of **Periyar University, 24, Kottakoundanpatti Village, Periyar Palakalai Nagar, Omalur Taluk, Salem, Tamilnadu-636201** appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that “The Periyar University was established in September 1997 to provide quality education research and training. It was reaccredited by the NAAC with “A++” Grade securing CGPA 3.61 (Cycle-3) in 2021. The university also secures 63rd rank among Indian Universities by MoE NIRF 2022 and further secured 10th rank in ARIIA. The university has 27 departments and 115 affiliated colleges. The department of Education was established in the year 2005. The department offers M.Ed. programme which is recognized by Southern Regional Committee (SRC) of National Council for Teacher Education (NCTE) from the academic session 2009-2010 (Ref 1). With the approval of NCTE, the department also offers B.Ed. as part-time programme from the academic session 2016-2017 (Ref 2). With Ref to 3 and 4 above, the recognition granted to M.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the academic year 223-2024 as decided in the 414th meeting of the Southern Regional Committee (SRC), National Council for Teacher Education held on 26th and 27th September 2022 citing the following deficiencies: “The institution has submitted a faculty list vide letter dated 20.02.2020 approved by the Registrar in Charge, Periyar University consisting of one professor & Head,



one professor, four Assistant professors against the requirement of two professors, two associate professors and six assistant professors for M.Ed. course and the same faculty list has been submitted for B.Ed. Part time course.” In this connection the following appeal is submitted to the SRC, NCTE for its kind consideration and favourable order. (a). As observed during the 414th meeting of SRC, it is pertinent to indicate that many of the Universities and Institutions in Tamil Nadu are struggling to fill the required number of posts in the education department as warranted under the NCTE regulation. This is firstly because of the Tamil Nadu Government restrictions for filling the vacancies and secondly due to sharp decline in the admission as evidence in the table below.

Academic year	M.Ed. programme	B.Ed. programme (Part Time)
2017-18	50	17
2018-19	100	29
2019-20	50	07
2020-21	100	42
2021-22	50	05
2022-23	100	13

11 under the above critical circumstances and also experience by other Universities in Tamilnadu, only Periyar University was targeted and issued with withdrawal notice while other institutions are safe guarded. (b). In respect of staff positioned we agree that we have submitted only the list of six teaching faculty (one Professor & Head, one Professor and four Assistant Professors) as against of 10 to satisfy the 1:10 ratio of faculty to student. Now we have following staff positioned at the Department of Education, Periyar University. Sl. No. Name of the faculty designation

- 1 Dr. K. Nachimuthu Professor
- 2 Dr. K. Dhanalakshmi Professor
- 3 Dr. R. Ramesh Associate Professor
- 4 Dr. M. Vakkil Associate Professor
- 5 Dr. G. Hema Assistant Professor
- 6 Dr. R. Vinoth Kumar Assistant Professor
- 7 Dr. C. Kathiresan Assistant Professor

Appeal: 1. With the clarifications in the para ‘a’ and ‘b’ above and to safeguard the interests of the rural students that the university caters, finally we appeal that Periyar University, Salem may kindly be permitted to run the M.Ed. programme by approving only a sanctioned intake of 25 students as against the original approval of 50 students. This arrangement will also satisfy the requirement of NCTE norms of faculty to student ratio of 1:10. 2. In respect of B.Ed. programme which is being offered only under part-time by scheduling classes during Saturdays and Sundays without affecting M.Ed. programme activities we also appeal for continuation approval to hold the teachers employed in nearby schools.”

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 3rd July, 2023. Appeal Committee



noted that the appellant institution was granted recognition for M.Ed. Course with an annual intake of 25 students vide order dated 24.04.2009. The enhancement of intake of 10 seats from existing 25 to 35 was permitted on 01.09.2010. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 20.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 25.05.2015 for conducting M.Ed. course of two years duration with an annual intake of 50 (One basic unit) from the academic session 2015-16. The recognition of the institution for M.Ed. programme was withdrawn by the SRC vide order dated 14.10.2022.

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+10) members dated 25.05.2023 approved by the Registrar, Periyar University, Salem, Tamilnadu as per provision of NCTE Regulations, 2014.

During the Appeal, the appellant institution also made request that they intend to discontinue the B.Ed. (Part-time) and only intent to run the M.Ed. course. 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 14.10.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern Regional Committee and decision taken accordingly.



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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 14.10.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

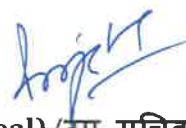
Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to SRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the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



IV. DECISION: -

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Periyar University, 24, Kottakoundanpatti Village, Periyar Palakalai Nagar, Omalur Taluk, Salem, Tamilnadu-636201
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-111/E-304515/2023 Appeal/7th Meeting, 2023
APPLSRC202314582

Brindavan Institute of Teacher Education, 1273 and 374, Sheriguda, Ibrahimpatnam, Rangareddy, Telangana-501510	<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	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Brindavan Institute of Teacher Education, 1273 and 374, Sheriguda, Ibrahimpatnam, Rangareddy, Telangana-501510** dated 03.04.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APS05641 /B.Ed./TS/2023/(141245-141249)** dated 21.02.2023 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 dated 14.11.2019."

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of **Brindavan Institute of Teacher Education, 1273 and 374, Sheriguda, Ibrahimpatnam, Rangareddy, Telangana-501510** appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that: "Brindavan Institute of Teacher Education was well established in the year 2007 with an intake of 100 (2 basic units) in B.Ed. course. Since, its inception, the institution is located on permanent land with constructed buildings and also having amenities, laboratories, library facilities and required faculty members as per NCTE norms. Every year, admission process is also going on well. Accidentally, we could not get information mentioned in the notice and we lost the approval. Kindly excuse us for whatever happened, and we will fulfill the norms of NCTE through this appeal and we will comply it. By considering the existing faculty members employability, kindly restore the approval order for our institute from the Academic Year 2023-24 onwards."

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 3rd July, 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 28.09.2007. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 21.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 12.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 21.02.2023.

The Appeal Committee noted that the Appellant institution with its appeal 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, Osmania University, Hyderabad, Telangana as per provisions of NCTE Regulations, 2014 alongwith an Affidavit, land documents, land use certificate, non-Encumbrance certificate, approved building plan, site plan & building completion certificate.
- (ii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.
- (iii) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

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

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

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



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

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

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


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



IV. DECISION: -

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Brindavan Institute of Teacher Education, 1273 and 374, Sheriguda, Ibrahimpatnam, Rangareddy, Telangana-501510**
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-112/E-306975/2023 Appeal/7th Meeting, 2023
APPLWRC202314620**

College of Physical Education, Umarkhed, 47/1/b, 17/1/d, 48/3, Naagapur Umarkhed, Tiwadi Takli Road Umarkhed, Umarkhed district yavatmal, Umarkhed, Yaval Mal, Maharashtra-445206	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Mahesh Rathod, Representative
Respondent by	Regional Director, WRC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

Signature

ORDER/आदेश

I. GROUND OF ORDER

The appeal of **College of Physical Education, Umarkhed, 47/1/b, 17/1/d, 48/3, Naagapur Umarkhed, Tiwadi Takli Road Umarkhed, Umarkhed district yavatmal, Umarkhed, Yaval Mal, Maharashtra-445206** dated 01.06.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. WRC/OAPW0086/114019/MH/313th/2020/208376 to 208383** dated 05.03.2020 of the Western Regional Committee, Closure for conducting B.P.Ed. Course on the grounds that “(i). Resolution of the Society for closure of the programme. (ii). NOC from the affiliating body as well as from the State Government for closure of the programme.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Mahesh Rathod, Representative of College of Physical Education, Umarkhed, 47/1/b, 17/1/d, 48/3, Naagapur Umarkhed, Tiwadi Takli Road Umarkhed, Umarkhed district yavatmal, Umarkhed, Yaval Mal, Maharashtra-445206 appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that: “Due to less number of admissions in the college, the running of college was difficult for the college management and parental organization. It was not possible to bear the financial burden such as payment of staff salary and other expenses.”

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 3rd July, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.P.Ed. Course of two-year duration with an annual intake of 100 students vide order dated 24.08.1998. Thereafter, a revised provisional recognition order was issued to the institution on dt. 03.08.2015 for conducting B.P.Ed. course of two years duration with an annual intake



of 100 students (two basic units) from the academic session 2015-16. The Society/trust/institution has submitted a request for closing the B.P.Ed. course vide its letter dated 14.07.2017.

The Appeal Committee in its 7th Meeting, 2023 held on 03.07.2023 considered the Report of Appeal, relevant records and the documents submitted by the appellant institution. The Appeal Committee noted that the recognition to the B.P.Ed. course was withdrawn by WRC based on the request/ consent of the institution as per Order of Closure dated 5.3.2020. The Appeal Committee noted that the Institution cannot open and close a teacher education course as per their convenience. Once institution itself has desired to close and thereafter Recognition has been withdrawn, it cannot open the discontinued course again. If institution desires to open their B.P.Ed. course, it has to wait till NCTE officially calls for application for establishment of new institutions through Gazette Notification/ Public Notice.

Hence, the Appeal Committee concluded and decided that the instant appeal deserved to be rejected and impugned order of closure issued by WRC on 05.03.2020 is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the WRC issued an order of closure on the request of the appellant, therefore, the impugned order issued by WRC on 05.03.2020 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, College of Physical Education, Umarkhed, 47/1/b, 17/1/d, 48/3, Naagapur Umarkhed, Tiwadi Takli Road Umarkhed, Umarkhed district yavatmal, Umarkhed, Yaval Mal, Maharashtra-445206**
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-114/E-307389/2023 Appeal/7th Meeting, 2023

APPLWRC202314625

Kalyan Post Graduate College, Sector-7, 5, Bhilai Nagar, Durg, Chhattisgarh-490006	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. Pushpalata Sharma, Head, Dept. of Education
Respondent by	Regional Director, WRC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Kalyan Post Graduate College, Sector-7, 5, Bhilai Nagar, Durg, Chhattisgarh-490006** dated 14.06.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. WRC/213018/M.Ed./C.G./304th/2019/202805 to 202810** dated 12.04.2019 of the Western Regional Committee, withdrawing recognition for conducting M.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 photocopy of faculty list altogether for B.Ed. & M.Ed. programme wherein no bifurcation.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Pushpalata Sharma, Head, Dept. of Education, Kalyan Post Graduate College, Sector-7, 5, Bhilai Nagar, Durg, Chhattisgarh-490006 appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that: “To, the Member Secretary, National Council for Teacher Education, G-7, Sector-10, Dwarka, New Delhi-75 Sub- Submission of the Hard Copy of the Memorandum of Appeal along with the printout of the Online Report of the Appeal No. APPLWRC202314625 dated 14.06.2023 Sir, our institution has submitted the online appeal dated 14.06.2023 under the Provision of Section 18 of the NCTE Act, 1993. It is submitted that as per the provision we are submitting the Hard Copy of the Memorandum of Appeal with the explanations to the ground of the rejections and the relevant annexures. It is submitted that the Southern Regional Committee has abruptly took the impugned decision in matter of the appellant institution. It is requested that since the appeal is urgent in view of the relief sought, therefore kindly consider the same at the earliest. Thanking You, Yours Faithfully, Kalyan Mahavidyalaya

ENCLOSURES 1. Hard Copy of the Appeal Report 2. Memorandum of Appeal along with Index and Annexures. Total Pages- A to _ & 01 to Memorandum of Appeal before



National Council for Teacher Education U/s 18 of the NCTE Act 1993 From, Kalyan Mahavidyalaya, Section 7, Bhilai Nagar, Bhilai, Durg, Chhattisgarh-490006

APPELLANT INDEX S. PARTICULARS PAGES

1. Memorandum of Appeal under Section 18 of the NCTE Act, 1993
2. ENCLOSURE-1A & 1B A copy of relevant minutes of 304th meeting of WRC held on 2nd to 4th April, 2019 and a copy of withdrawal order dated 16.04.2019
3. ENCLOSURE-2A & 2B A copy of WRC order dated 14.02.2005 and A copy of WRC order dated 28.08.2015
4. ENCLOSURE-3A & 3B A copy of letter dated 05.02.2016 of the appellant and a copy of show cause notice dated 22.01.2018 of the WRC
5. ENCLOSURE-4A & 4B A copy of letter dated 20.02.2018 of the appellant and a copy of letter dated 01.03.2018 of appellant
6. ENCLOSURE-5 A copy of letter dated 06.05.2019 of the affiliating university
7. ENCLOSURE-6 A copy of order dated 15.05.2023 passed by the Hon'ble High Court
8. ENCLOSURE-7 A copy of the online appeal of appellant institution Filed by Kalyan Mahavidyalaya Place: Dated: ..2023, memorandum of Appeal before National Council for Teacher Education U/s 18 of the NCTE Act, 1993 from Kalyan Mahavidyalaya, Section-7, Bhilai Nagar, Bhilai, Durg, Chhattisgarh-490006, appellant and in the matter of:- Appeal U/s 18 of the NCTE Act, 1993 seeking quashing of the decision taken by Western Regional Committee in its 304th Meeting held on 2nd to 4th April, 2019 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 humble petition of the appellant above named

1. That the WRC in its 304th meeting held on 2nd to 4th April, 2019 has arbitrary withdrawn recognition of our institution for running the M.Ed. course, wrongly observing the deficiencies which were existed in our institution. Accordingly, the WRC has issued the withdrawal order dated 16.04.2019 withdrawing recognition of our institution for running the M.Ed. course. A copy of relevant minutes of 304th meeting of WRC held on 2nd to 4th April, 2019 is enclosed as (Enclosure 1 A) and a copy of withdrawal order dated 16.04.2019 is enclosed as (Enclosure 1 B).

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 initial approval for running the B.Ed. & M.Ed. course was granted to us by Pt. Ravi Shankar Shukla University, Raipur, in the year 1984. Thereafter, WRC vide its order dated 14.02.2005 (Enclosure 2 A) granted



recognition to our institution for running the M.Ed. course. Thereafter, since vide new NCTE Regulations 2014, the duration of M.Ed. course was increased from 1 year to 2 years, and accordingly, the appellant institution was having infrastructure & instructional facilities only in respect of 1 unit i.e., 50 students of 2 years M.Ed. course, therefore, WRC issued a revised recognition order dated 28.08.2015 (Enclosure 2 B) to our institution for running the M.Ed. course with 50 students. 4. That accordingly, we vide our letter dated 05.02.2016 (Enclosure 3 A), also submitted compliance to the said revised recognition order dated 28.08.2015. However, WRC issued show cause notice dated 22.01.2018 (Enclosure 3 B), pointing out some deficiency regarding staff profile, land documents and FDRs. 5. That though the appellant institution was having the approved faculty list duly signed by the affiliating authority, however, as desired by the WRC, the appellant institution vides its letter dated 20.02.2018 (Enclosure 4 A) applied before affiliating authority to issue verification / certification / covering letter in this regard. Also in the meanwhile, the appellant institution vide letter dated 01.03.2018 (Enclosure 4 B) submitted its compliance to the show cause notice dated 22.01.2018 alongwith staff list duly approved by affiliating body, land documents & FDRs etc. 6. That however, the WRC in its 304th meeting held on 2nd to 4th April, 2019, considered the matter of appellant institution and decided to withdraw recognition of our institution. Thereafter, the WRC issued the withdrawal order dated 16.04.2019 to 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: • 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. • The institution has not submitted photocopy of faculty list altogether for B.Ed. and M.Ed. programme wherein no bifurcation." 7. That since the request of the appellant institution was already pending with affiliating university, appellant institution thereafter obtained letter dated 06.05.2019 (Enclosure 5) from its affiliating university approving the faculties the appellant institution under code 28. The said list is as per the NCTE Regulations, 2014. 8. That WRC is wrong in taking a decision of withdrawal of appellant institution, as appellant had already complied to the conditions of Show Cause dated 22.01.2018. The WRC took the decision of withdrawal of the appellant institution without thoroughly taking note



of the reply of the appellant institution submitted along with the relevant documents which was duly accepted by the WRC at that point of time. Further, the approved faculty list submitted by the appellant institution was duly countersigned by the Registrar of affiliating university. 9. That it is submitted that no 2nd show cause notice, in terms of 2nd proviso to section 17 of the NCTE Act, 1993, was ever issued to appellant institution granting another opportunity to appellant institution to clarify its stand in the matter. Thus, the decision of withdrawal as taken by the WRC is not as per law and also against the principle of natural justice. 10. That it is submitted that appellant institution is running since the year 1984, i.e. far prior to establishment of NCTE and recognition was granted by the WRC to the appellant institution in the year 2005 and the appellant institution does not lack any of the infrastructural or instructional facilities required as per the NCTE norms and the WRC itself have issued the recognition / revised recognition order to the appellant institution for M.Ed. course. Further, if WRC was not satisfied with the document, it should have conducted expert inspection of appellant institution verifying as to whether the institution is adhering with norms of NCTE or not. 11. That in these circumstances, appellant institution approached the Hon'ble Delhi High Court by filing the WP (C) No.5305/2019 challenging the decision taken by the WRC in its 304th meeting held on 2nd to 4th April, 2019 and also the withdrawal order dated 16.04.2019 issued by the WRC withdrawing recognition of the appellant institution. 12. That thereafter, the aforesaid writ petition of the appellant institution was heard by the Hon'ble Delhi High Court when the said Hon'ble Court passed its following order in the matter on 15.05.2023: "5. Under the facts of the present case also, since the petitioner has not availed the remedy of appeal under Section 18 of the NCTE Act, 1993, therefore, this court considers it appropriate to issue following directions:- (i) The petitioner is directed to file an appeal under Section 18 of the NCTE Act, 1993 within a period of 30 days from the receipt of copy of the order passed today (ii) The Appellate Authority is directed to decide the said appeal on merits instead of dismissing the same on the ground of limitation (iii) During the pendency of the appeal, the interim order dated 15.05.2019 shall remain in force." A copy of order dated 15.05.2023 passed by the Hon'ble High Court is enclosed as Enclosure 6 13. That, accordingly, the appellant institution has preferred its online appeal being ID No. _ dated _ 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 appellant institution is enclosed as Enclosure 7 14. That it is submitted that in order to pacify the appeal committee, the appellant institution is also enclosing with its appeal, the documents which were asked by the WRC and submitted by the appellant institution. 15. That it is submitted that thus, the decision of withdrawal as taken by the WRC in its 304th meeting held on 2nd to 4th April, 2019 and withdrawal order dated 16.04.2019 issued in terms thereof, is not maintainable and the appeal committee is requested to revert the decision taken by WRC with further direction to WRC to restore the recognition of appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by the WRC. PRAYER It is, therefore, most respectfully prayed that NCTE may graciously be pleased to: - (i) allow the instant appeal of the appellant institution 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 Kalyan Mahavidyalaya Place: Dated: 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 3rd July, 2023. Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course of with an annual intake of 25 students vide order dated 14.02.2005. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 11.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 28.08.2015 for conducting M.Ed. course of two years duration with an annual intake of 50 students (One basic unit of 50 students) from the academic session 2015-16. The recognition of the institution for M.Ed. programme was withdrawn by the WRC vide order dated 12.04.2019.

The petitioner institution has filed a **Writ Petition (C) No. 5305/2019 and CM Appl. 23460/2019** in the Hon'ble High Court of Delhi at New Delhi against the impugned



Withdrawal Order No. F. No. WRC/213018/M.Ed./C.G./304th/2019/202805 to 202810 dated 12.04.2019 issued by WRC and Hon'ble Court vide order dated 15.05.2023 directed as under:

"...5. Under the facts of the present case also, since the petitioner has not availed the remedy of appeal under Section 18 of the NCTE Act, 1993, therefore, this court considers it appropriate to issue following directions: -

(i). The petitioner is directed to file an appeal under Section 18 of the NCTE Act, 1993 within a period of 30 days from the receipt of copy of the order passed today.

(ii). The Appellate Authority is directed to decide the said appeal on merits instead of dismissing the same on the ground of limitation.

(iii). During the pendency of the appeal, the interim order dated 15.05.2019 shall remain in force.

6. Needless to state that if any adverse order is passed by the Appellate Authority, the petitioner would be at liberty to take appropriate recourse in accordance with law.

7. With the aforesaid observations, the instant petition stands disposed of along with pending application."

The Appeal Committee in its 7th Meeting, 2023 held on 03.07.2023 considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The Principal of the institution vide letter dated 30.06.2023 informed that the appellant institution has appointed 1 Principal, 1 HOD and 9 Assistant Professor as a faculty for M.Ed. programme which is not as per provisions of the NCTE Regulations, 2014. Further, the institution has failed to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of teaching staff.

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 WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 12.04.2019 issued by WRC is confirmed.



IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 12.04.2019 issued by WRC 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, Kalyan Post Graduate College, Sector-7, 5, Bhilai Nagar, Durg, Chhattisgarh-490006
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-115/E-307894/2023 Appeal/7th Meeting, 2023
APPLSRC202314626

Institute of Advanced Study in Education, Kakatiya University, 43, Vidyaranyaपुरी, Hanamkonda, Warangal, Telangana-506009	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Prof. Ch. Ranadheer Reddy, Head & Principal
Respondent by	Regional Director, SRC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Institute of Advanced Study in Education, Kakatiya University, 43, Vidyaranyapuri, Hanamkonda, Warangal, Telangana-506009** dated 16.06.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO0278/B.Ed./423rd Mtg/TS/2023/141993** dated 01.05.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted reply to the SRC last Reminder letter dated 22.03.2023 whereby it was informed that the institution has submitted a faculty list for B.Ed. Programme which is insufficient and is not as per NCTE Norms. Further the appointment orders and Salary disbursement details were also not furnished."

II. SUBMISSIONS MADE BY APPELLANT: -

Prof. Ch. Ranadheer Reddy, Head & Principal of Institute of Advanced Study in Education, Kakatiya University, 43, Vidyaranyapuri, Hanamkonda, Warangal, Telangana-506009 appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that: "The required number of faculty have been appointed as per the norms of NCTE 2014 and we are sending the list now."

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 3rd July, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course of with an annual intake of 100 students vide order dated 01.02.2001. 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. 27.05.2015 for



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conducting B.Ed. course of two years duration with an annual intake of 100 students (Two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 01.05.2023.

The Appeal Committee 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 dated 14.06.2023 approved by the Registrar, Kakatiya University, Warangal, Telangana 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 01.05.2023. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern Regional Committee and decision taken accordingly.

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

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

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

“Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order



automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed.”

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 01.05.2023 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 SRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

IV. DECISION: -

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

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Institute of Advanced Study in Education, Kakatiya University, 43, Vidyaranyapuri, Hanamkonda, Warangal, Telangana-506009**
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-140/E-255686/2022 Appeal/7th Meeting, 2023
APPLSRC202214365**

Sri Ragavendra College of Education, Komarapalayam, 94/2,95/2,95/3, Komarapalayam, Sathyamangalam, Erode, Tamilnadu-638401.	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. S.R. Sathya Rai, Principal
Respondent by	Regional Director, SRC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND'S OF WITHDRAWAL

The appeal of **Sri Ragavendra College of Education, Komarapalayam, 94/2,95/2,95/3, Komarapalayam, Sathyamangalam, Erode, Tamilnadu-638401** dated 13.05.2022 filed under Section 17 of NCTE Act, 1993 against the Order No. **F.SRO/NCTE/APS05576/B.Ed./{TN}/2022/130718** dated 14.03.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that: - "(i). The institution did not submit latest and consolidated approved of faculty issued by the affiliating University. The institution also failed to submit supporting documents in terms of educational qualification of the faculty and experience certificate of the Principal. (ii). The institution has submitted a photocopy of NRC in regional language. The institution is required to submit an English Translated & Notarized copy of NEC. (iii). The institute failed in submission of bank statements of faculty showing disbursement of salary through bank account as required under clause 10 (3) of NCTE Regulations, 2014. (iv). The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. S.R. Sathya Rai, Principal of Sri Ragavendra College of Education, Komarapalayam, 94/2,95/2,95/3, Komarapalayam, Sathyamangalam, Erode, Tamilnadu-638401 appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that: - "(i). We are having faculty approval from TNTEU Chennai. Copy enclosed. (ii). We are having NEC in English and Regional Language. Copy enclosed. (iii). We are having disbursement of salary through bank account. Copy enclosed. (iv). We are having website those details are mentioned below (<https://sriragavendraedutrust.org>) for the same. WEBSITE SCREEN SHOT copy enclosed."



III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 3rd July, 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 01.09.2006. The SRC vide order dated 10.9.2012 permitted to shift its premises to new location/building at Sri Ragavendra College of Education, Sy. No. 94/2, 95/2, 95/3, Near Govt. Hospital, Komarapalayam Panchayat, Sathyamangalam Taluk, Erode District, Tamilnadu 638 401. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 21.01.2015. A revised provisional recognition order was issued on 31.03.2015 to the institution for conducting B.Ed. programme 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 14.03.2022.

The instant matter was placed in 8th Meeting, 2022 of Appellate Committee held on 07.11.2022. The Appellate Committee vide order dated 16.11.2022 rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder: -

“Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 01.09.2006. The SRC vide order dated 10.9.2012 permitted to shift its premises to new location/building at Sri Ragavendra College of Education, Sy. No. 94/2, 95/2, 95/3, Near Govt. Hospital, Komarapalayam Panchayat, Sathyamangalam Taluk, Erode District, Tamilnadu 638 401. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 21.01.2015. A revised provisional recognition order was issued on 31.03.2015 to the institution for conducting B.Ed. programme of two years duration with an annual intake of 100 students (Two basic units) from the academic session 2015-16.

The Appellant institution moved to the Hon’ble Delhi High Court by way of W.P.C. No. 14400/2022 titled Sri Ragavendra College of Education V/s NCTE and Anr and the court vide its order dated 11.10.2022 observed: -



“...2. Briefly stated, the Petitioner was granted recognition for its B.Ed. degree by Southern Regional Committee [“SRC”] of National Council for Teacher Education [“NCTE”] on 1st September, 2006. A revised provisional recognition order was issued on 31st March, 2015 pursuant to NCTE [Recognition Norms and Procedure] Regulations, 2014 [“NCTE Regulations, 2014”]. Subsequently, SRC, in its order dated 14th March, 2022 decided to withdraw the recognition of the Petitioner. The Petitioner has filed an appeal against the aforesaid order under Section 18 of the National Council for Teacher Education Act, 1993 [“the Act”], before the Appellate Committee of NCTE, which is pending consideration.

5. The Appellate Committee of NCTE shall also endeavour to dispose of Petitioner’s appeal as expeditiously as possible, and not later than three months from today...”

In compliance of Court order dated 11.10.2022 passed by Hon’ble Delhi High Court in W.P.C. No. 14400/2022 titled Sri Ragavendra College of Education V/s NCTE and Anr, the instant matter was taken up by the Appeal Committee and the Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7th November, 2022 submitted two faculty lists which was approved on 06.10.2021 and 27.09.2022 respectively.

The Committee decided to consider the latest faculty list which was approved on 27.09.2022. After considering the latest faculty which was approved on 27.09.2022, the Committee noted that the institution does not have sufficient faculty in terms of NCTE Regulation, 2014.

The Appeal Committee therefore noted that the deficiencies pointed out by SRC was justified in withdrawing recognition of the appellant institution as they are failed to rectify the deficiencies.

In these circumstances, the Appeal Committee concluded that the instant appeal deserved to be rejected and therefore the impugned order of SRC is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the instant appeal deserved to be rejected and therefore the impugned order of SRC is confirmed.”

The appellant institution moved a writ petition before the Hon’ble High Court of Delhi at New Delhi Bench bearing W.P. No. 17063/2022 & CM APPL 54076/2022 titled Sri Ragavendra College of Education V/s National Council for Teacher Education & Anr, the Hon’ble Court vide its order dated 12.05.2023 issued following direction upon the Appellate Authority: -

“...8. Learned Standing Council for the respondent-NCTE also endeavours to show that if the list is considered in juxtaposition to the Regulations, 2014 he would be able to satisfy this court that the petitioner-institution is not in compliance with the Regulations, 2014.



9. This court is not inclined to accept the aforesaid submission for the reason that the reasoning must be reflected in the order passed by the authority concerned. The same cannot be supplemented by way of supplementary affidavit or otherwise, as has been held by the Hon'ble Supreme Court in the case of Mohinder Singh Gill v. Chief Election Commr.¹.

10. In view of the aforesaid, the impugned order dated 16.11.2022 is set aside and the matter is remitted back to the appellate committee for fresh consideration. Let the same be done after providing sufficient opportunity of hearing to the petitioner-institution. The final order on appeal be passed within a period of six weeks from the date of the receipt of the copy of the order passed today.

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

Further, 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 to submit certain documents regarding staff details etc.

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+15) members approved by the Registrar, Tamilnadu Teachers Education University, Chennai as per provisions of NCTE Regulation, 2014
- (ii) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 14.03.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern Regional Committee and decision taken accordingly. The SRC, NCTE is further directed that the staff list submitted by the institution shall be verified from the concerned affiliating Body.



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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 14.03.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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



IV. DECISION: -

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Sri Ragavendra College of Education, Komarapalayam, 94/2,95/2,95/3, Komarapalayam, Sathyamangalam, Erode, Tamilnadu-638401
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-229/E-271405/2022 Appeal/7th Meeting, 2023

APPLSRC202214454

Nirmala Training College, 305/3, Kanayannoor, OC Kuriakose Kor-Episcopa Road, Thalacode, Kanayannoor, Ernakulam, Kerala-682314	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. George Kuriakose, Manager
Respondent by	Regional Director, SRC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Nirmala Training College, 305/3, Kanayannoor, OC Kuriakose Kor-Episcopa Road, Thalacode, Kanayannoor, Ernakulam, Kerala-682314** dated 15.09.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APSO0475/B.Ed./{KL}/2022/132654** dated 20.07.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution was issued a Final Show Cause Notice on 08.04.2021. 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 filed Performance Appraisal Report (PAR)."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. George Kuriakose, Manager of Nirmala Training College, 305/3, Kanayannoor, OC Kuriakose Kor-Episcopa Road, Thalacode, Kanayannoor, Ernakulam, Kerala-682314 appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that "Delay in getting certificates from authorities."

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 3rd July, 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 23.02.2005 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. 15.05.2015 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 09.07.2015 for conducting B.Ed. programme of two years duration with an annual intake of 50 students (one basic unit) from the academic session 2015-2016. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 20.07.2022.

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 appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 23.02.2005 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. 15.05.2015 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 SRC vide order dated 20.07.2022.

The Committee noted that the institution has not submitted/filled the PAR, which is mandatory in terms of NCTE, Regulations, 2014. The Hon’ble Supreme Court vide order dated 25.04.2022 in Misc App No 701/2022 in SLP(C) No. 5479/2022 has decided as under: -

“.... While dismissing the petition challenging the impugned interim order dated 25.02.2022, we had taken note of the fact that the High Court had provided for compliance by 31.03.2022; and only because the petitions before us came up for consideration on 01.04.2022, we extended time for compliance by the next day, i.e., 02.04.2022. That additional and excessive indulgence cannot be allowed to be utilized for further enlargement of time on any specious ground like slowing down of server. In fact, compliance ought to have been made much earlier.

The applications for impleadment and for granting further time stand rejected....”

In view of the above direction given by Hon’ble Supreme Court, the institution shall not be exempted for non-filing the Performance Appraisal Report (PAR). It leading to violation of mandatory direction of the NCTE as well as the direction of the Hon’ble Supreme Court. Hence the Appeal Committee decided to reject the instant Appeal of the applicant institution.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 20.07.2022 issued by SRC 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. 2476/2023 & CM APPL 9490/2023 titled Nirmala Training College V/s National Council for Teacher Education & Anr, the Hon'ble Court vide its order dated 25.05.2023 issued following direction upon the Appellate Authority: -

"...10. It is thus seen that the notice requiring institutions to file PAR has been held to be unsustainable and the same is set aside by this court. Therefore, the non-submission of PAR cannot be the reason to non-suit the petitioner-institution. It is for this reason the order passed by the Appellate Authority deserves to be set aside. Accordingly, the same is set aside.

11. As a consequence, the appeal of the petitioner-institution before the Appellate Authority stands restored and the same is required to be considered on merits in accordance with law.

12. Needless to state that this Court has not dealt with other submissions made by learned counsel appearing on behalf of the parties on merit.

13. It would be open for the Appellate Authority to consider the same and pass appropriate orders in accordance with law.

14. The Appellate Authority is directed to decide the appeal restored in view of the aforesaid directions within a period of 30 days from the date of receipt of copy of this order.

15. With the aforesaid observations, the instant petitioner stands disposed of."

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 to submit documents related with land & building, staff etc.

The Appeal Committee in its 7th Meeting, 2023 held on 03.07.2023 considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution has submitted faculty list for 7 members, which is not sufficient as per provisions of the NCTE Regulations, 2014. As per provision of 5.1 of Appendix 4 of the NCTE Regulations, 2014, the number of faculty shall be 8 for one basic unit.
- (ii) Moreover, in accordance with the Registrar of affiliating University, Mahatma Gandhi University, Kottayam, 2 faculty namely, Mr. Bilha Matheu and Dr. George K. Joseph are not qualified as per NCTE Regulation, 2014



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 20.07.2022 issued by SRC is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 20.07.2022 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, Nirmala Training College, 305/3, Kanayannoor, OC Kuriakose Kor-Episcopa Road, Thalacode, Kanayannoor, Ernakulam, Kerala-682314
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-282/E-202923/2021 Appeal/7th Meeting, 2023

APPLNRC202114142

Shree Ram College of Education, Chaubara, National Highway Road, Gajraula Jyotiba Phule Nagar, Uttar Pradesh-244235	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. P K Sharma, Representative
Respondent by	Regional Director, NRC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Shree Ram College of Education, Chaubara, National Highway Road, Gajraula Jyotiba Phule Nagar, Uttar Pradesh-244235** dated 26.09.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No **NRC/NCTE/UP-1838/338th Meeting/2021/215063** dated 29.07.2021 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The latest/current faculty list approved & signed each page by concerned affiliating body in original with the details of their teaching subject, date of birth, date of selection, date of joining, academic qualifications, teaching experience, NET/Ph.D. (NCTE’s GOI dated 09.06.2017), salary structure and related documents duly attested by authorized management representative not submitted. and, notarized original affidavit of Rs. 100/- on non-judicial stamp paper by the management and Rs. 10/- non-judicial stamp paper by each selection/appointed faculty in the NCTE prescribed proforma are required to be submitted. (ii). Details of salary disbursed to the faculty alongwith six months bank statement and account number of each faculty member has not been submitted. (iii). Copies of valid Fixed Deposit Receipts Nationalized/Scheduled Bank towards Endowment & Reserve Fund in the joint operation mode with RD, NRC, NCTE & Management alongwith duly field Bank Form ‘A’ in original, verified/signed by the Manager of the Bank as per NCTE Regulations, 2014 has not been submitted. (iv). Downloaded copies of documents from the website of the institution with hyperlinks of the same as per provisions of 7(14) of the NCTE Regulations, 2014 has not been submitted. (v). Building Completion Certificate signed by the Competent Govt. Authority has not been submitted.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. P K Sharma, Representative of Shree Ram College of Education, Chaubara, National Highway Road, Gajraula Jyotiba Phule Nagar, Uttar Pradesh appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that “Institution has submitted the documents reply in



NRC office on 03.03.2021 but NCTE is not satisfied the reply of institution we have sufficient academic staff (10+1). They are working in college at present they are fully approve by university norms. They have new BCC and new updated website of college. We have also form 'A' and FDRs the above document an explanation by represented of college date of 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 3rd July, 2023. The Appeal Committee noted that the appellant institution was granted recognition for 100 seats on 01.09.2006 and after promulgation of 2014 Regulation, a revised recognition with an annual intake 1 unit of 50 students each was granted vide NRC order dated 02.05.2015. The Appeal Committee noted that the appellant institution was given two opportunities in the shape of Show Cause Notices issued on 09.10.2020 and 20.01.2021 to submit its written representation for rectifying the shortcomings. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 29.07.2021.

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

“Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for 100 seats on 01.09.2006 and after promulgation of 2014 Regulation, a revised recognition with an annual intake 2 units of 50 students each was granted vide NRC order dated 02.05.2015. The Appeal Committee noted that the appellant institution was given two opportunities in the shape of Show Cause Notices issued on 09.10.2020 and 20.01.2021 to submit its written representation for rectifying the shortcomings.

Appeal Committee noted that the appellant with the memoranda of appeal has submitted the following documents in the Appeal.



- a) List of faculty (1+7) members duly approved by the Registrar of the Affiliating Body on 17.02.2021 alongwith individual approval on stamp paper.
- b) Copies of FDRs and Form 'A' issued by Punjab National Bank.

Appeal Committee noted that despite giving reasonable opportunities to submit its written representation to rectify the shortcoming, the appellant institution is still deficient on the grounds of not submitting a) Bank statement of last six months as a proof of having paid salary to the staff through bank; b) Faculty is short for 100 seats (two units of 50 students each) and some of the faculty is not qualified as per Regulation and amendments notified from time to time; c) Copy of BCC approved by competent Authority not submitted.

Noting the submission and oral arguments advanced during the hearing by the appellants, the Appeal Committee reached the conclusion that the NRC was justified in withdrawing recognition of the institutions and therefore, the instant appeal deserves to be rejected and order of withdrawal issued by NRC is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the NRC was justified in withdrawing recognition of the institutions and therefore, the instant appeal deserves to be rejected and order of withdrawal issued by NRC 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. 3241/2023 & titled Shree Ram College of Education V/s National Council for Teacher Education & Anr, the Hon'ble Court vide its order dated 25.05.2023 issued following direction upon the Appellate Authority: -

“...6. It is seen that the petitioner-institution was granted approval to operate with 100 intake capacity in the year 2007. After coming into force of Regulations of 2014, the intake capacity was divided into two units i.e., 50 each. All the institution those who were operating before the Regulations of 2014 came into force, were required to be issued revised recognition order. In revised recognition order, the intake capacity of the petitioner-institution was approved only up to 50 capacity. It is thus seen that the petitioner-institution after 02.05.2016 was operating only with 50 intake capacity.

7. The aforesaid position is not disputed that the present intake capacity of the petitioner-institution was only 50.

8. If the impugned order passed by the Appellate Committee is perused, the same would reflect that the deficiencies have been noted by the Appellate Committee taking into consideration the infrastructure and the requirement which is applicable for the institution who are running with 100 intake capacity....

.....10. It is thus seen that the Appellate Committee has gravely erred in rejecting the appeal of the petitioner-institution on extraneous reasons. The Appellate

Committee should have considered the applicable requirement in case of the petitioner-institution which is applicable for the intake capacity of 50. The impugned order dated 26.05.2022 passed by the Appellate Committee is, therefore, set aside.

11. Learned counsel appearing on behalf of the petitioner-institution also submits that there is no limitation prescribed in filing writ petition.

12. Since this court sets aside the impugned order on merits, therefore, the delay being not excessive or unreasonable should not be the reason to return the relief prayed for, once the petitioner-institution is found to be entitled for the same.

13. The matter is directed to be remitted back to the Appellate Committee for its fresh consideration in accordance with the applicable regulations and to decide the matter expeditiously within a period of four weeks from the date of receipt of copy of the order passed today.

14. With the aforesaid observations, the instant petitioner stands disposed of.”

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+10) members approved by Registrar of the Affiliating Body as per provision of NCTE Regulations, 2014 alongwith an Affidavit.
- (ii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.
- (iii) A copy of Building Completion Certificate approved by the Competent Authority.

During the hearing, the appellant institution apprised the Appeal Committee that the NRC vide order dated 2.5.2016 allowed the institution to run 1 basic unit of the B.Ed. programme.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 29.07.2021. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Northern Regional Committee and decision taken accordingly. The NRC, NCTE is further directed that



the staff list submitted by the institution shall be verified from the concerned affiliating Body.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 29.07.2021 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 NRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The NRC is at a liberty to verify the submitted documents from the concerned issuing authority. The NRC, NCTE is further directed



that the staff list submitted by the institution shall be verified from the concerned affiliating Body.

IV. DECISION: -

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

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, Shree Ram College of Education, Chaubara, National Highway Road, Gajraula Jyotiba Phule Nagar, Uttar Pradesh-244235
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-178/E-258652,258653/2022 Appeal/7th Meeting, 2023
APPLNRC202214409**

Shri Radha Rani Degree College, 73K, 73KH, 74,75, Julahpur, NH91, Kachora, Aligarh, Mahamaya Nagar, Uttar Pradesh-204215	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Atish Kumar, H.O. D
Respondent by	Regional Director, NRC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Shri Radha Rani Degree College, 73K, 73KH, 74,75, Julahpur, NH91, Kachora, Aligarh, Mahamaya Nagar, Uttar Pradesh-204215** dated 07.06.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.NO /NRC/NCTE/UP-930-B.Ed./365th (Part-2) (Blended Mode) Meeting/2022/217846 -854** dated 08.04.2022 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted latest approved faculty list in original with qualifications and experience. (ii). The institution has not submitted the last six-month salary statement of the faculty members with details of the account numbers. (iii). The faculty list uploaded on the website of the college also is not matching with the list submitted.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Atish Kumar, H.O. D of Shri Radha Rani Degree College, 73K, 73KH, 74,75, Julahpur, NH91, Kachora, Aligarh, Mahamaya Nagar, Uttar Pradesh-204215 appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that “1. Because this Hon’ble High Court of Delhi in para 5 of the aforesaid order dated 06.09.2021, has clearly set aside the order dated 09.10.2020 issued by NRC, and has restored the status of the SHREE RADHA RANI DEGREE COLLEGE, recognized for all the purposes. However, the NORTHERN REGIONAL COMMITTEE, NATIONAL COUNCIL FOR TEACHER EDUCATION instead of issuing the restoration order to SHREE RADHA RANI DEGREE COLLEGE, has given effect to the aforesaid already quashed order dated 09.10.2021 by making it effective from the end of the academic session 2022-23. 2. Because NORTHERN REGIONAL COMMITTEE, NATIONAL COUNCIL FOR TEACHER EDUCATION in its impugned decision taken in its 365th meeting, has observed that the withdrawal order issued on 09.10.2020 stands effective from the end 42 of the academic session 2022-23. It is submitted that such observation / decision of the NRC, would have applicability, only if the said order dated 09.10.2020 would not have been quashed by this Hon’ble High Court of Delhi vide its order dated 06.09.2021. 3. Because the NORTHERN REGIONAL COMMITTEE, NATIONAL COUNCIL FOR TEACHER EDUCATION vide its



aforesaid decision has given effect to the order dated 09.10.2020 issued earlier by it, which, subsequently has been set aside by this Hon'ble High Court of Delhi vide its order dated 06.09.2021 passed in Writ Petition (C) No.9691/2021, preferred by SHREE RADHA RANI DEGREE COLLEGE. It is submitted that an order once set aside by an appropriate Court, has no effect and thus becomes voidable and accordingly, the same cannot be reviewed / revived by the NATIONAL COUNCIL FOR TEACHER EDUCATION and revival thereof by giving effect to the same, is an illegal and unjustifiable exercise of the NORTHERN REGIONAL COMMITTEE, NATIONAL COUNCIL FOR TEACHER EDUCATION which is not only bad in eye of law, but also contemptuous to the order passed by this Hon'ble High Court of Delhi. 4. Because while taking the aforesaid decision, NORTHERN REGIONAL COMMITTEE, NATIONAL COUNCIL FOR TEACHER EDUCATION failed to appreciate that the effect of quashing an order of withdrawal by this Hon'ble High Court of Delhi is to restore the same position of the SHREE RADHA RANI DEGREE COLLEGE, as it stood on the date, prior to passing of the order already quashed. It is submitted that it is a well-established principle of law that the order of a competent authority remains effective and operative only until the same is set aside or quashed by due process of law and once it is quashed, it is deprived of all legal effects, right from its inception and its effect would be ceased to exist as a result of which, the institution would be entitled to all consequential benefits and would be deemed to be recognized ever since. 5. Because the NORTHERN REGIONAL COMMITTEE, NATIONAL COUNCIL FOR TEACHER EDUCATION while taking the aforesaid impugned decision in its 365th meeting, failed to appreciate that if an institution has been able to remedy the defects due to which its recognition was withdrawn, then, there is no reason as to why the aspect should not be considered by the authority concerned. However, the NRC has given effect to the already quashed order without considering the matter/documents of SHREE RADHA RANI DEGREE COLLEGE, which were considered by the appeal committee and after having satisfied by same, the appeal committee had remanded the matter back to NRC for reconsideration. It is submitted that NRC has adopted a contradictory view to appeal committee's observation in perusing documents. 6. Because NORTHERN REGIONAL COMMITTEE, NATIONAL COUNCIL FOR TEACHER EDUCATION while taking the aforesaid impugned decision in its 365th meeting, failed to appreciate the observations of this Hon'ble High Court of Delhi that the SHREE RADHA RANI DEGREE COLLEGE will be treated as a recognized institution for all purposes and will participate in counselling and admit students for the academic year 2021-22 and for all subsequent years, until and unless a fresh order of withdrawal is passed against it. It is submitted that this Hon'ble High Court of Delhi had also directed the NORTHERN REGIONAL

COMMITTEE, NATIONAL COUNCIL FOR TEACHER EDUCATION to issue an order of restoration of recognition of the petitioner 44 institution, however, non-issuance of such an order, appears to be overlapping the directions issued by this Hon'ble High Court of Delhi vide the order dated 06.09.2021. It is also submitted that non issuance of order of restoration of order, is creating anxiety / chaos amongst the students already admitted as well as desiring to be admitted in the SHREE RADHA RANI DEGREE COLLEGE. 7. Because on 07.05.2019, NCTE issued the Standard Operating Procedures (SOPs) and directed its all the Regional Committees to follow the same for processing of applications wherein it has been categorically provided that 2nd show cause notice should be issued before proceeding for the withdrawal of the recognition of the recognised institution whereas in the instant case the NRC has failed to adhere with the SOPs. 8. Because though in the aforesaid impugned decision taken by NRC in its 365th meeting, the NRC has pointed out certain deficiencies, however, no show cause notice, in terms of the aforesaid SOP, has been issued by the NRC with regard to said deficiencies. It is submitted that upon quashing of such an order, the status of an institution would be deemed to be recognized ever since, and also this Hon'ble High Court of Delhi while restoring the recognition of SHREE RADHA RANI DEGREE COLLEGE, has held that the status of the SHREE RADHA RANI DEGREE COLLEGE will be treated as recognized, until a fresh decision is taken by the NRC, therefore, the NRC was 45 required to serve the SHREE RADHA RANI DEGREE COLLEGE with a fresh show cause notice with opportunity to rectify the same. 9. Because so far as the deficiencies pointed out in the impugned decision taken by NRC in its 365th meeting regarding the approved list of faculties and their details pertaining to qualification and salary etc. is concerned, it is submitted that the NRC failed to appreciate that the SHREE RADHA RANI DEGREE COLLEGE vides letter dated 22.02.2020 requested the affiliating university to certify the approved staff list dated 22.02.2020 issued by the University and simultaneously, SHREE RADHA RANI DEGREE COLLEGE vides affidavit dated 06.03.2020 submitted faculty list along with their salary proof, to the NRC. 10. Because the NRC failed to observe that since the approval of the latest faculty was pending before the affiliating university itself, therefore, the previously approved list available on the website of SHREE RADHA RANI DEGREE COLLEGE, was not in consonance with the list submitted by SHREE RADHA RANI DEGREE COLLEGE before the University for approval and before the NRC, as reply. Consequently, the salaries being disbursed to staff as per the bank statement, is not in consonance with the list available on the website of the SHREE RADHA RANI DEGREE COLLEGE. It is submitted that as when, the affiliating university accords its approval to the faculty of SHREE RADHA RANI DEGREE COLLEGE, the SHREE RADHA RANI DEGREE



COLLEGE will submit the same, at the earliest. 46 11. Because if the NRC was initiating any action against the SHREE RADHA RANI DEGREE COLLEGE on the behest of a letter issued by the affiliating university, then, it ought to have forward the reply of SHREE RADHA RANI DEGREE COLLEGE submitted against the show cause notice, to the affiliating university of the SHREE RADHA RANI DEGREE COLLEGE, for their reference and record as it was the University who failed to accord its approval to the faculty appointed in SHREE RADHA RANI DEGREE COLLEGE. 12. Because in many identical cases the appeal committee of the NCTE has granted the opportunity to institutions by remanding back their refused application to the concerned regional committee for the purposes of reconsideration and compliance needed at the end of the institutions. It is submitted that in one of the identical cases NCTE vide its order dated 18.02.2019, remanded back the application of the institution observing that the delay in submission of the compliance of the LOI i.e., the approved staff list, was due to the reason beyond the control of the applicant which has happened due to the strike in the Kurukshetra University. 13. Because even otherwise, the impugned decision taken by the NRC does not survive in light of the 2nd proviso to 47 Section 17 of NCTE Act, 1993, which provides the applicability of an order issued by the Regional Committee either withdrawing or refusing recognition. 14. Because the SHREE RADHA RANI DEGREE COLLEGE is an old institution and running since the year 2003 and the NRC itself had granted recognition to SHREE RADHA RANI DEGREE COLLEGE after satisfying with infrastructural & instructional facilities available in 49 the SHREE RADHA RANI DEGREE COLLEGE and adherence by the SHREE RADHA RANI DEGREE COLLEGE with norms of NCTE in respect of running the B.Ed. programme. Further, the NRC has never violated any of the norms prescribed either by the NCTE / NRC or the State Govt. or the Affiliating University, for the purpose of running the B.Ed. course 15. Institution replied of First SHOWCAUSE NOTICE dated 24-06-2019 with all supporting documents on date 20/07/2019 in sufficient time by SPEED POST. Speed post number- EU414944920IN IVR: 6985414944920 16. Institution replied of Second SHOWCAUSE NOTICE dated 26-12-2019 with all supporting documents on date: - 01/01/2020 in sufficient time by SPEED POST. Speed post number - EU979187318IN IVR: 6985979187318 17. The institute maintain sufficient staff which are approved by affiliating university (dr. Br Ambedkar university Agra & Raja Mahendra Pratap university Aligarh). Institution attached the original approved faculty list with their academic qualification and experience certificate, etc. 18. The institution has submitted the details of salary disbursed to the faculty along with bank statement. The institute already maintain each faculty member account details with their bank passbook. Institute already maintain the balance sheet which is approved by chartered accountant. 19. The



institution maintaining the website as the clause 7(14) of NCTE rules and regulation (2014-17). The website of institute is governed by the following full conditions of NCTE letter no. Rd/NRC/NCTE/2020/208419 dated 09/07/2020.”

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 3rd July, 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 22.07.2003. The revised recognition order for two years B.Ed. course was not issued to this institution due to non-submission the required affidavit in NRC office. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 08.04.2022.

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 appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 22.07.2003. The revised recognition order for two years B.Ed. course was not issued to this institution due to non-submission the required affidavit in NRC office. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 08.04.2022.

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 faculty list through email on 29.12.2022, however, this faculty list is not approved by the affiliating University.**
- (ii) The institution has also not submitted individual bank account details of each & every faculty (Teaching & Non-Teaching) staff.**

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal



deserves to be rejected and therefore, the impugned withdrawal order dated 08.04.2022 issued by NRC is confirmed.

IV. **DECISION:** -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 08.04.2022 issued by NRC 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. 4121/2023 & titled Shree Radha Rani Degree College V/s National Council for Teacher Education & Anr, the Hon'ble Court vide its order dated 23.05.2023 issued following direction upon the Appellate Authority: -

"...2. Learned counsel appearing on behalf of the petitioner-institute takes this court through the e-mail dated 29.12.2022 which indicates that the list of faculty was approved by the competent authority of the University. The same e-mail dated 29.12.2022 further indicates that the petitioner-institute had submitted the individual bank account details of each and every faculty (teaching and non-teaching staff). It is seen that the impugned order passed by the AC is perverse.

3. The AC is, no doubt, well within its jurisdiction to find out or to indicate any deficiency in the list so submitted by the petitioner-institute or the details of the account of the faculty. However, the finding to the extent of non-submission of the approval list by the affiliating University is based on no material. The same is therefore, set aside. The matter is remitted back to the AC for its fresh consideration in accordance with law.

4. Let the decision be taken by the AC within four weeks from the date of receipt of the copy of this order.

5. Let the petitioner-institute be heard by the AC before passing of any decision.

6. With the aforesaid directions, the instant petition stands disposed of."

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. The operative part of the decision is as under: -

"The Appeal Committee noted that the documents submitted alongwith its appeal memoranda and submission made during online appeal hearing on 5th June, 2023. The Appeal Committee observed that now the institution is affiliated with Raja Mahendra Pratap Singh Rajya Vishwavidyalaya, Aligarh University which was earlier affiliated with Dr. B.R. Ambedkar University, Agra, Uttar Pradesh. The Committee noted that the Appellant Institution has not submitted the faculty list duly approved by affiliating University i.e., Raja Mahendra Pratap Singh Rajya Vishwavidyalaya, Aligarh University. 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 the latest faculty list approved by the Registrar of the affiliating body as per the prescribed Format *(In case the institution is running more than one teacher education programme, it is required to submit staff list duly approved by the Affiliating body for each of the recognised teacher education programme being run by the Institution).*
- (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.

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 7th Meeting, 2023 held on 03.07.2023 considered the documents submitted alongwith the appeal report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution has submitted staff list approved by the University i.e., **Dr. B.R. Ambedkar University, Agra, Uttar Pradesh** which is not the affiliating body of the institution at present. This cannot be accepted.
- (ii) The Appeal Committee further observed that after change of university, the institution has not obtained approval from the newly affiliated University i.e., **Raja Mahendra Pratap Singh Rajya Vishwavidyalaya, Aligarh University**

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 08.04.2022 issued by NRC is confirmed.



IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 08.04.2022 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, Shri Radha Rani Degree College, 73K, 73KH, 74,75, Julahpur, NH91, Kachora, Aligarh, Mahamaya Nagar, Uttar Pradesh-204215**
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-85/E-302070/2023 Appeal/7th Meeting, 2023
APPLSRC202314569

Sadguru College of Elementary Education, 433/a, Yaddanapudi, Yaddanpudi Main Road, Prakasam, Andhra Pradesh-523301	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. G. Saibabu, President
Respondent by	Regional Director, SRC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of Sadguru College of Elementary Education, 433/a, Yaddanapudi, Yaddanpudi Main Road, Prakasam, Andhra Pradesh-523301 dated 26.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRC/NCTE/ SRCAPP1363/D.El.Ed./(AP)/2023/(140490-140494) dated 31.01.2023 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “(i). The institution failed to submit reply to the Final Show Cause Notice dated 16.09.2022. (ii). Further, it is also observed that the institution has not filled Performance Appraisal Report (PAR).”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. G. Saibabu, President of Sadguru College of Elementary Education, 433/a, Yaddanapudi, Yaddanpudi Main Road, Prakasam, Andhra Pradesh-523301 appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that: “Already we send the all documents SRC, NCTE, New Delhi, dated 17.09.2022.”

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 3rd July, 2023. Appeal Committee noted that the appellant institution was granted recognition for D.El.Ed. Course of two-year duration with an annual intake of 50 students vide order dated 30.08.2012. The recognition of the institution for D.El.Ed. programme was withdrawn by the SRC vide order dated 31.01.2023.



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 memoranda and submission made during online appeal hearing on 5th June, 2023. The Appeal Committee decided that as far as PAR ground is concerned, the Committee will not decide this issue as matter is sub-judice before the Hon’ble Court. However, another ground is concerned the Appeal Committee observed that the 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 staff list approved by the Registrar of the affiliating body as per the prescribed format.
- (ii) The institution is required to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed. 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) A copy of Form A towards creation of Endowment Fund & Reserve Fund
- (v) A copy of latest building completion certificate, NEC, approved building plan etc.

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 7th Meeting, 2023 held on 03.07.2023 considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution has not submitted latest staff list in prescribed format duly approved by the Director, SCERT.
- (ii) The institution has not submitted Building Completion Certificate as per the prescribed format.



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 31.01.2023 issued by SRC is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 31.01.2023 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, Sadguru College of Elementary Education, 433/a, Yaddanapudi, Yaddanpudi Main Road, Prakasam, Andhra Pradesh-523301**
- 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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-95/E-304484/2023 Appeal/7th Meeting, 2023
APPLSRC202314609

Institute of Advanced Study in Education, Kakatiya University, 43, Vidyaranyapuri, Hanamkonda, Warangal, Telangana-506009	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. Ch. Ranadheer Reddy, Head & Principal
Respondent by	Regional Director, SRC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of Institute of Advanced Study in Education, Kakatiya University, 43, Vidyaranyapuri, Hanamkonda, Warangal, Telangana-506009 dated 22.05.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRC/NCTE/APSO2895/M.Ed./TS/2023/141511 dated 23.03.2023 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “(i). The institution has not submitted faculty list as per provisions of the NCTE Regulations, 2014 even after sending last reminder (letter).”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Ch. Ranadheer Reddy, Head & Principal of Institute of Advanced Study in Education, Kakatiya University, 43, Vidyaranyapuri, Hanamkonda, Warangal, Telangana-506009 appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that: “The required number of faculty have been appointed now and we are sending the staff list now.”

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 3rd July, 2023. Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course of One year duration vide order dated 18.10.2002. 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. 29.05.2015 for conducting M.Ed. course of two years duration with an annual intake of 50 students for one unit from the academic session 2015-16. The recognition of the institution for M.Ed. programme was withdrawn by the WRC vide order dated 23.03.2023.



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+9) members dated 22.05.2023 approved by the Registrar, Kakatiya University, Warangal, Telangana 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 23.03.2023. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern Regional Committee and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 23.03.2023 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.



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

IV. DECISION: -

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

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Institute of Advanced Study in Education, Kakatiya University, 43, Vidyaranyaपुरी, Hanamkonda, Warangal, Telangana-506009**
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-96/E-304449/2023 Appeal/7th Meeting, 2023
APPLSRC202314611

St. Peters Training College, 34/2, Aikkaranadu South, Kolenchery, Kunnathunadu, Ernakulam, Kerala-682311	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Mathew P. Paul, Manager
Respondent by	Regional Director, SRC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **St. Peters Training College, 34/2, Aikkaranadu South, Kolenchery, Kunnathunadu, Ernakulam, Kerala-682311** dated 22.05.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO0680 /B.Ed./423rdMtg/KL/2023/141978** dated 01.05.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution submitted a building plan for St. Peter & St. Paul Orthodox Syrian Church, which is used by St. Peters High School & Corporate. As per the building plan the built-up area is 1756 sq. mt. which is not sufficient as per NCTE Regulations, 2014. (ii). The building plan submitted by the institution not approved by Competent authority. The Building Completion Certificate (BCC) submitted by the institution not approved by Competent Authority. (iii). The institution has submitted photocopy of faculty staff list without mentioning of date of approval. As per the faculty list submitted the institution has not appointed faculty for Fine Art/Performing Arts and Physical Education.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Mathew P. Paul, Manager of St. Peters Training College, 34/2, Aikkaranadu South, Kolenchery, Kunnathunadu, Ernakulam, Kerala-682311 appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that: “(i). As per the NCTE Regulation, 2014. The built-up area required for B.Ed. College (One unit of 50 students) is 1500 sq. mt. The built-up area of this institution is 1756.14 st.mt. and is sufficient as per NCTE Regulations. The copy of the Regulation order is attached with the printout of the online appeal submitted form. (ii). A new building plan approved by the Local Self Government Department-LSGD of Poothrikka Panchayath is attached with the printout of the online appeal submitted form. (iii). The new faculty staff list with the date of approval has been issued by the Registrar, Mahatma Gandhi University, Kottayam. The copy of the same is attached with the printout of the online appeal submitted form.”



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 3rd July, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course of One year duration with an annual intake of 100 students vide order dated 23.02.2005. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 20.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 15.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 50 students (one basic unit) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 01.05.2023.

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+10) members dated 26.04.2023 approved by the Registrar, Mahatma Gandhi University, Kerala as per provisions of NCTE Regulation, 2014.
- (ii) A copy of Building Completion Certificate approved by the Competent Authority alongwith a copy of Building Plan.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 01.05.2023. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern Regional Committee and decision taken accordingly.

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



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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 01.05.2023 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter for one basic unit only.

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



IV. DECISION: -

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, St. Peters Training College, 34/2, Aikkaranadu South, Kolenchery, Kunnathunadu, Ernakulam, Kerala-682311**
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-98/E-304446/2023 Appeal/7th Meeting, 2023
APPLSRC202314600**

Gokul College of Education, 612, Mamillaguda, Munugode bypass road, Nalgonda, Telangana-508001	<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	03.07.2023
Date of Pronouncement	13.07.2023

Signature

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Gokul College of Education, 612, Mamillaguda, Munugode bypass road, Nalgonda, Telangana-508001** dated 01.05.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/AOSO0192/B.Ed./TS/2022/136820** dated 16.11.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). A photocopy of faculty list approved by Registrar, Mahatma Gandhi University consisting of one Principal and 15 Lecturers vide dated 10.03.2022 are not sufficient for three basic units as per NCTE Regulation, 2014. (ii). Two Assistant Professor namely, Sh. T Srinivas and Sh. G Rambabu does not have NET/Ph.D. as per NCTE (Recognition Norms & Procedure) (Amendment) Regulations, 2017 dated 29.05.2017 notified on 09.06.2017. (iii). The institution has not appointed faculty in Performing Arts. (iv). The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account except the photocopy of cheques for the month of September 2022 only.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of **Gokul College of Education, 612, Mamillaguda, Munugode bypass road, Nalgonda, Telangana-508001** appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that: “(i). That SRC vide its withdrawal order dated 16.11.2022 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 16.11.2022 is enclosed as Enclosure 1. (ii). That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief. (iii). That SRC vide its order dated 15.06.1999 granted initial recognition to the appellant institution for running the B.Ed. Thereafter, SRC vide its order dated 19.07.2000 continued our recognition with an annual intake of 160 from the academic session 2000-01. Subsequently, after the new NCTE Regulations, 2014, the SRC issued revised recognition order dated 26.05.2015 for 2 units, however, thereafter, SRC issued corrigendum dated 24.06.2015 granting recognition for 3

units. A copy of recognition order dated 24.06.2015 is enclosed as Enclosure 2. (iv). That thereafter, our institution submitted its compliance to the revised recognition order and was functioning successfully and uninterrupted and nothing was sought or asked from the appellant institution. However, SRC issued the show cause notice dated 13.04.2021, pointing out deficiency regarding staff profile, land documents, FDRs etc. Accordingly, appellant institution submitted its compliance to show cause notice dated 13.04.2021. (v). That thereafter, the SRC considering our reply in its 406th meeting held 19.01.2022, and issued another show cause notice dated 04.02.2022, pointing out some additional/ new regarding staff profile, land documents, FDRs etc. A copy of relevant minutes of 406th meeting SRC held on 19.01.2022 is enclosed as Enclosure 3. (vi). That, accordingly, our institution vide letter dated 19.02.2022 submitted its compliance to show cause notice dated 04.02.2022 alongwith all the requisite documents. A true copy of the letter dated 19.02.2022 of the appellant institution is enclosed as Enclosure 4. (vii). That thereafter, the SRC considered our reply in its 412th meeting held on 5th-6th July 2022 and issued final show cause notice dated 08.09.2022, with altogether different deficiencies. A copy of show cause notice dated 08.09.2022 issued by SRC is enclosed as Enclosure 5. (viii). That it is relevant to state that the said show cause notice dated 08.09.2022 was a common show cause notice and no specific deficiencies was made therein to the appellant institution. (ix). That, accordingly, appellant institution vide letter dated 21.10.2022 submitted its compliance to show cause notice dated 08.09.2022 alongwith all the documents which were submitted in response to earlier show cause notices. A true copy of the letter dated 21.10.2022 of the appellant institution is enclosed as Enclosure 6. (x). That however, the SRC in its 415th meeting held on 3rd-4th November 2022, considered the matter of appellant institution and decided to withdraw recognition of our institution without thoroughly going through the documents submitted by the appellant institution and pointed out the following alleged deficiencies: "1. A photocopy of faculty list approved by Registrar, Mahatma Gandhi University consisting of one Principal and 15 Lecturers of one Principal and 15 Lecturers vide dated 10.03.2022 are not sufficient for three basic units as per NCTE Regulation 2014. 2. Two Assistant Professor namely, Sh. T Srinivas and Sh. G Rambabu does not have NET/Ph.D. as per NCTE (Recognition Norms & Procedure) (Amendment) Regulations, 2017 dated 29.05.2017 notified on 09.06.2017. 3. The institution has not appointed faculty in Performing Arts. 4. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account except the photocopy of cheques for the month of September 2022 only." (xi). That SRC is wrong in taking a decision of withdrawal of appellant institution, on the grounds which were never pointed out by the SRC.



Further, the ground taken by the SRC for withdrawal are itself wrong, as the SRC failed to keep in view that NCTE Amendment Regulation 2017 was likely to amend and the matter was pending in ministry, and the same was informed by the NCTE vide its letter dated 13.08.2018 issued to the regional committees with directing that no withdrawal should be made on the basis of amended regulation. A copy of NCTE letter dated 13.08.2018 is enclosed as Enclosure 7. (xii). That SRC is wrong in taking a decision of withdrawal of appellant institution, as appellant had already complied to the conditions of show cause notice dated 08.09.2022. The SRC took the decision of withdrawal of the appellant institution without thoroughly taking note of the reply of the appellant institution submitted along with relevant documents. (xiii). That it is submitted that appellant institution is running since the year 1999 and it does not lack any of the infrastructural or instructional facilities required as per the NCTE norms and the SRC itself have issued the recognition/ revised recognition order to the appellant institution for B.Ed. course. Further, if SRC was not satisfied with the document, it should have conducted expert inspection of the appellant institution verifying as to whether the institution adhering with norms of NCTE or not. (xiv). That thus, the appellant institution is again submitted herewith the documents/ information, as per alleged deficiency of which, SRC has withdrawn the recognition of appellant institution. Thus, the appellant institution is submitting herewith the photocopy of faculty list approved by Registrar, Mahatma Gandhi University in respect of 3 basic units, in consonance with the NCTE norms. The appellant institution has also appointed the faculty in Performing Arts. Also, the proof of disbursement of salary to faculty & non-teaching staff through bank account, is also being submitted. A copy of faculty list and bank statement of the petitioner institution are enclosed as Enclosure 8 (Colly). (xv). That, accordingly, the appellant institution has preferred its online appeal 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 9. (xvi). 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 SRC and submitted by the appellant institution. (xvii). That it is submitted that thus, the decision of withdrawal order dated 16.11.2022 issued by the SRC is not maintainable and the appeal committee is requested to revert the decision taken by SRC with further direction to SRC to restore the recognition of appellant institution thereby granting an opportunity to appellant institution to submit documents desired by the SRC."



III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 3rd July, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 160 students vide order dated 19.07.2000. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 26.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units). A Corrigendum was issued to the institution vide order dated 24.06.2015 with an annual intake of 150 for three 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 16.11.2022.

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 to submit staff list etc.

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 dated 17.02.2022 approved by Mahatma Gandhi University, Telangana as per provisions of NCTE Regulation, 2014**

During the Appeal, the appellant institution also made request that they intend to reduce the intake of the B.Ed. programme from 3 units to 2 units. The institution has also submitted that it had also requested to the SRC for the same. 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 institution has filed Appeal with a delay of 3 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.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 16.11.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern Regional Committee and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 16.11.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.



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

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to consider the documents submitted in appeal 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, Gokul College of Education, 612, Mamillaguda, Munugode bypass road, Nalgonda, Telangana-508001**
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-73/E-299827/2023 Appeal/7th Meeting, 2023
APPLERC202314535

Dr. Ambedkar Hindi Sanskrit Vidyapeeth Bihar Cum Education and Training, 75/318,319,324,329, Plot No. 75, Jokia, Naula Birpur Road, Bhagwanpur, Begusarai, Bihar-851127	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	No one presented
Respondent by	Regional Director, ERC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Dr. Ambedkar Hindi Sanskrit Vidyapeeth Bihar Cum Education and Training, 75/318,319,324,329, Plot No. 75, Jokia, Naula Birpur Road, Bhagwanpur, Begusarai, Bihar-851127** dated 18.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-313.33/APE00944/D.El.Ed. /BR/2022/66859** dated 24.11.2022 of the Eastern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “(i). Due to the natural calamity in the year 2020, the structure of the institution collapsed. (ii). The management of this institute has temporarily shifted this institute to another building. The management of the institution intends to construct a new building at its old place i.e., Jokia for conduct of the said D.El.Ed. (iii). The institution has not submitted the Essential Date Sheet as per provision of Clause 8(5) and 7(7) of the NCTE Regulations, 2014. (iv). The institutional website (www.vidyatime.com) is not maintained and updated as per Clause 7(14)(i) of NCTE Regulations, 2014. Relevant documents including approved faculty list are not uploaded on the institutional website. (v). The institution has not submitted the Non-Encumbrance Certificate issued by the Competent Authority indicating that the land is free from all encumbrances. (vi). Building Safety Certificate issued by the competent authority is not submitted. (vii). Fire safety certificate issued by the competent authority is not submitted. (viii). A certificate to the effect that the institutional campus, building furniture is disabled friendly as per the persons with disability (PWD) and of the Government of India is not submitted. (ix). The institution has submitted the Building Completion Certificate (BCC) which is not as per NCTE Regulation, 2014 & built-up area is not mentioned in the Building Plan. (x). The institution has not uploaded the Land Use Certificate issued by the Competent Authority to use the land for educational purpose. (xi). The institution has not submitted Non-Encumbrance Certificate (NEC) signed by the Competent Govt. Authority. (xii). The VT members have mentioned the remarks regarding Mutation of the land i.e., “Applied for getting mutation vide application dated 25.01.2022.” (xiii). The VT members have

mentioned the remarks for Computer Lab i.e., “Seen in dumped states hence, VTs were unable to see these all.” (xiv). The VT members have mentioned the remarks for “Art and Craft, Health and Physical Resource Centre (including yoga) & Library cum Resource Centre” that all are flowed in the flood, hence all material were in dumped state, as per informed by the Management. (xv). In addition to the above, the institution has itself admitted that the institution has temporarily been shifted to another building at Beghi, P.O. – Sohid Nagar, Dist. – Begusarai. The institution has neither submitted any formal application for shifting of its premises nor the ERC ever permitted for the same. (xvi). The institution has submitted list of teaching faculty which is neither in the prescribed format of NCTE nor the educational qualification/experience of the teaching staff are mentioned therein. (xvii). The institution has submitted building completion certificate dated 15.12.2008 which is approved by Junior Engineer, Building Construction Dept. Govt. of Bihar, Barauni, Begusarai, Bihar, however, the same is not in prescribed format. (xviii). The Committee noted that the institution vides its replies dated 12.10.2022 and 01.11.2022 has neither submitted point-wise reply nor forwarded any documents.”

II. SUBMISSIONS MADE BY APPELLANT: -

No one from Dr. Ambedkar Hindi Sanskrit Vidyapeeth Bihar Cum Education and Training, 75/318,319,324,329, Plot No. 75, Jokia, Naula Birpur Road, Bhagwanpur, Begusarai, Bihar-851127 appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that: “Institution has already submitted para wise reply with all relevant documents to NCTE through the reply of SCN 1 and 2.”

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 3rd July, 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 14.05.2010. The recognition of the

institution for D.El.Ed. programme was withdrawn by the ERC vide order dated 24.11.2022.

The instant matter was placed in the 5th Meeting, 2023 held on 12.05.2023 whereby the Appeal Committee has decided to grant 2nd Opportunity to the institution. The operative part of the decision is as under: -

“The Appeal Committee noted that the institution has submitted one representation dt. 12.05.2023 relying one matter pending before Hon’ble Supreme Court of India & has further requested to extend the date of hearing.

In view of the same, the Committee decided to grant (Second) opportunity to the institution to clarify the status of SLP and its relevancy to present appeal pending before Hon’ble Supreme Court of India. The Appeal Committee further directed the appellant institution to submit all the relevant documents which is already on record before Hon’ble Supreme Court as same are important for Appeal Committee to adjudicate this matter.

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.”

The instant matter was again placed in 6th & 7th Meeting, 2023 held on 05.06.2023 & 03.07.2023 respectively. The appellant institution did not appear online to present its case before Appellate Authority on above dates and as such the Appeal Committee decided not to grant another opportunity to the appellant institution.

The Appeal Committee in its 7th Meeting, 2023 held on 03.07.2023 considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) As per withdrawal order dated 24.11.2022, the management of this institute has temporarily shifted this institution to another building. The management of this institute intends to construct a new building at its old place i.e., Jokia for conduct of the said D.El.Ed. course as per inspection report dated 30.05.2022. However, with the Appeal Report the appellant institution has neither submitted



the requisite land documents nor shown any preparedness of any infrastructure & instructional facilities as per provisions of the NCTE Regulations, 2014.

- (ii) As per the NCTE Regulations, institution can be accorded recognition only when it has all infrastructural and instructional facilities. There is no provision in the Act and Regulations, to provide time to construct building. As the institution does not possess required built-up area, the institution is not eligible to obtain recognition and hence deserves to be rejected.

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 withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 24.11.2022 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 that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 24.11.2022 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, Dr. Ambedkar Hindi Sanskrit Vidyapeeth Bihar Cum Education and Training, 75/318,319,324,329, Plot No. 75, Jokia, Naula Birpur Road, Bhagwanpur, Begusarai, Bihar-851127
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-79/E-300992/2023 Appeal/7th Meeting, 2023
APPLSRC202314592

NSS Training College Pandalam, 223/1, Pandalam, Adoor, Pathanamthitta, Kerala-689501	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. Lakshmi A. Representative
Respondent by	Regional Director, SRC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **NSS Training College Pandalam, 223/1, Pandalam, Adoor, Pathanamthitta, Kerala-689501** dated 25.04.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APSO6287/B.Ed./KL/2022/141321** dated 28.02.2023 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “The institution failed to submit reply to the Last Reminder Letter dated 21.07.2022.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Lakshmi A. Representative of NSS Training College Pandalam, 223/1, Pandalam, Adoor, Pathanamthitta, Kerala-689501 appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that: “(i). The institution has submitted the reply with all the relevant documents to the NCTE on 20.08.2022 itself through email and thereafter submitted the hard copy through registered post. (ii). The affidavit showing staff details and salary statements have sent to the NCTE office on 20.08.2022. (iii). At present the college has sufficient number of permanent teaching posts for running one unit of B.Ed. and M.Ed. among which one is vacant due to retirement. As the college is a Government Aided Institution the retirement vacancy can be filled only with the consent of the Government. The process for the permanent appointment has been initiated by the management which is under consideration of the Government. So, we request you to consider the delay in the process of appointment. At present the government approved full time teaching faculty working in the vacant post. (iv). The institution is one of the oldest Government Aided Teacher Education colleges established in the year 1957 affiliated to university of Kerala offering M.Ed. programme from the beginning itself the institution bagging majority of university ranks out of the 10 positions. Government fixed affordable fees structure of the institution promotes students from low socio-economic status to pursue their studies. The college is an approved research



center in education under university of Kerala. I request your good self to consider the grounds stated above and produce a judgement for permitting the institution to maintain the recognition status to our M.Ed. programme.”

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 3rd July, 2023. Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course with an annual intake of 25 students vide order dated 13.02.2008. Further, the enhancement of intake of 10 seats from existing 25 to 35 was permitted vide NCTE/s order dt. 27.08.2010. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 21.01.2015 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 M.Ed. course of two years duration with an annual intake of 50 students (one unit) from the academic session 2015-16. The recognition of the institution for M.Ed. programme was withdrawn by the SRC vide order dated 28.02.2023.

The instant matter was placed in the 5th Meeting, 2023 held on 12.05.2023 whereby the Appeal Committee has decided to grant 2nd Opportunity to the institution to submit staff list etc.

The Appeal Committee in its 7th Meeting, 2023 held on 03.07.2023 considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution has submitted faculty list for 10 members. However, as per the faculty list submitted by the appellant institution is having 1 Principal and 1 Associate Professor with 8 Assistant Professor, which is not as per provisions of the NCTE Regulations, 2014.



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 28.02.2023 issued by SRC is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 28.02.2023 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, NSS Training College Pandalam, 223/1, Pandalam, Adoor, Pathanamthitta, Kerala-689501**
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-81/E-301258/2023 Appeal/7th Meeting, 2023

APPLERC202314593

North Lakhimpur College (Autonomous), 469, 473, 492, Khelmati, NL College Road, North Lakhimpur, Lakhimpur, Assam-787031	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. Binod Chetia, Assistant Professor
Respondent by	Regional Director, ERC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUNDS OF REFUSAL

The appeal of **North Lakhimpur College (Autonomous), 469, 473, 492, Khelmati, NL College Road, North Lakhimpur, Lakhimpur, Assam-787031** dated 25.04.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No. NCTE/ERC/2324202205191101/ASSAM/2022/Recognition Order** dated 03.03.2023 of the Eastern Regional Committee, granting the recognition of 1 unit (50 students) of B.A. B.Ed. (Secondary) (ITEP) programme from academic session 2023-2024, on the grounds that “College has applied for 2 units of B.A. B.Ed. and B.Sc. B.Ed. respectively, but the ETC has approved only 1 unit of B.A. B.Ed. despite submitting all required documents.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Binod Chetia, Assistant Professor of North Lakhimpur College (Autonomous), 469, 473, 492, Khelmati, NL College Road, North Lakhimpur, Lakhimpur, Assam-787031 appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that: “College has received final show cause on 7th February stating to recruit 4 more teaching staff list in due time through its online portal as well as emailed the same and also sent the hard copies to NCTE through speed post on dated 27th February 2023. Unfortunately, college got recognition letter for 1 unit i.e., B.A. B.Ed. only on dated 03.03.2023 vide F. No. NCTE/ERC/23202205191101/ASSAM/ 2022/Recognition Order.”

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 3rd July, 2023. The Appeal Committee noted that the appellant institution had submitted an application to the Eastern Regional Committee for grant of recognition for seeking permission for running



the ITEP Course on 27.05.2022. It is observed by the Appeal Committee that as per ERC records the matter was placed before ERC Committee in its 321st Meeting, held on 21.02.2023 and the ERC Committee observed that the institution has uploaded the reply of LOI on 13.02.2022 issued to it on 15.12.2022 and the same was found deficient on the following grounds: -

- (i) The institution has appointed 1 HOD, 14 full-time faculty and 3 part-time faculty for grant of recognition of one unit each of B.A. B.Ed.-Secondary and B.Sc. B.Ed.-Secondary against the requirement of one Principal/HOD, 18 full time faculty and 3 part-time faculty as per ITEP Regulations, 2021.
- (ii) The institution may either appoint 4 more faculty for grant of recognition of 2 units or clarify one stream for which the recognition is sought for on the basis of faculty submitted with the above reply.

Hence, the Committee decided that Final Show Cause Notice be issued under Section 14/15 of the NCTE Act, 1993 to the institution to submit reply through online on ITEP portal within 7 days from the date of issue of final show cause notice.

Further, it is also noted that a Final show Cause Notice was issued by ERC to the Appellant on 22.02.2023. Thereafter, the matter was placed before ERC in its 323rd Meeting held on 03.03.2023, in the said meeting ERC Committee noted that the institution has not uploaded any of the documents in reply of Final Show Cause Notice, therefore, ERC granted recognition for 1 unit of B.A. B.Ed.-Secondary programme form academic session 2023-2024 vide its order dated 03.03.2023, and Appeal Committee noted that no recognition was granted by ERC for B.Sc. B.Ed.

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

“The Appeal Committee noted that the impugned order has not been submitted by the appellant institution, as such the Committee decided to defer the matter of the appellant institution with the direction to submit impugned order.

IV. DECISION: -

Appeal Committee as per extant appeal rules decided to defer the matter of the appellant institution with the direction to submit the impugned order.”



The Committee noted that the appellant institution with its appeal report and submissions made during online appeal hearing on 3rd July, 2023, the institution has submitted that the institution has recruited additional 4 teaching staff and submitted the staff list.

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

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

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



IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC, NCTE with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action keeping in view of decision of 56th GB Meeting and as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the 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, North Lakhimpur College (Autonomous), 469, 473, 492, Khelmati, NL College Road, North Lakhimpur, Lakhimpur, Assam-787031
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 Assam.



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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-82/E-299289/2023 Appeal/7th Meeting, 2023
APPLNRC202314538**

Sri Krishna Yogiraj Degree College, 999a, Ratibhanpur, NH-91, Pipalgawan, Sikandra Rao, Hathras, Uttar Pradesh-204211	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Atish Kumar, H.O.D.
Respondent by	Regional Director, NRC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Sri Krishna Yogiraj Degree College, 999a, Ratibhanpur, NH-91, Pipalgawan, Sikandra Rao, Hathras, Uttar Pradesh-204211** dated 08.06.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No./NRC/NCTE/UP-604/365th Meeting/2022/217855-862** dated 08.04.2022 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted the latest faculty list in original with details of their academic qualification approved by the affiliating body. The list submitted by the institution is of June 2019. (ii). The institution has not submitted the details of the salary disbursement to the faculty members for last six-month alongwith their bank account statements to show that the same faculties are still on role of the institution. (iii). The institution has not submitted compliance to NCTE as per the direction of the Hon'ble High Court, Delhi as per the order dated 23.12.2020 and 23.08.2021.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Atish Kumar, H.O.D. of Sri Krishna Yogiraj Degree College, 999a, Ratibhanpur, NH-91, Pipalgawan, Sikandra Rao, Hathras, Uttar Pradesh-204211 appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that: “(i). The institute maintain sufficient number of staff which are approved by affiliating University (Dr. BR Ambedkar University, Agra). Institution attached the original approved faculty list with their academic qualification and experience certificate etc. (ii). The institution has submitted the details of salary disbursed to the faculty along with bank statement. The institute already maintain each faculty member account details with their bank passbook. Institute already maintain the balance sheet which is approved by Chartered Accountant. (iii). The institution replied first show cause notice dated 24.06.2019 with all supporting documents on date 21.07.2019 in sufficient time. (iv). The institution replied second show cause



notice dated 26.12.2019 with all supporting documents on date 04.01.2020 in sufficient time by speed post. Speed post number- EU979192030IN IVR: 6985979192030. (v). The institution has submitted an affidavit with all supporting documents in compliance to NCTE as per the Direction of the Hon'ble High Court, Delhi as per the order dated. 23.12.2020 and 23.08.2021 on dated 29.12.2020 and 31.08.2021. (Receiving of NCTE(NRC) is attached.”

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 3rd July, 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 30.09.2002. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 08.04.2022.

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 memoranda and submission made during online appeal hearing on 5th June, 2023. The Appeal Committee observed that now the institution is affiliated with Raja Mahendra Pratap Singh Rajya Vishwavidyalaya, Aligarh University which was earlier affiliated with Dr. B.R. Ambedkar University, Agra, Uttar Pradesh. The Committee noted that the Appellant Institution has not submitted the faculty list duly approved by affiliating University i.e., Mahendra Pratap Singh Rajya Vishwavidyalaya, Aligarh University. 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 the latest faculty list approved by the Registrar of the affiliating body as per the prescribed Format (*In case the institution is running more than one teacher education programme, it is required to submit staff list duly approved by the Affiliating body for each of the recognised teacher education programme being run by the Institution*).



- (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.

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 7th Meeting, 2023 held on 03.07.2023 considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution has submitted staff list approved by the University i.e., **Dr. B.R. Ambedkar University, Agra, Uttar Pradesh** which is not the affiliating body of the institution at present. This cannot be accepted.
- (iii) The Appeal Committee further observed that after change of university, the institution has not obtained approval from the newly affiliated University i.e., **Raja Mahendra Pratap Singh Rajya Vishwavidyalaya, Aligarh University**

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 08.04.2022 issued by NRC is confirmed.



IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 08.04.2022 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, Sri Krishna Yogiraj Degree College, 999a, Ratibhanpur, NH-91, Pipalgawan, Sikandra Rao, Hathras, Uttar Pradesh-204211
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-10/E-286858/2023 Appeal/7th Meeting, 2023
APPLERC202314526

Sharda Girdhari Keshri College Trust, 13, Mahesh Khunt, Gogari, Khagaria, Bihar-851213	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	No one presented
Respondent by	Regional Director, ERC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF REFUSAL

The appeal of **Sharda Girdhari Keshri College Trust, 13, Mahesh Khunt, Gogari, Khagaria, Bihar-851213** dated 12.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **ERC/244.12(i).8/10694/D.El.Ed. & B.Ed./ERCAPP2016 46199/2017/54861** dated 03.11.2017 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. & B.Ed. Course on the grounds that “(i). As per online application, the institution applied for D.El.Ed. (Addi. Intake) and B.Ed. course but the institution is not yet recognized by the ERC NCTE for D.El.Ed. programme. So how the institution applied for Additional intake in D.El.Ed. course. (ii). No Objection Certificate for applied D.El.Ed. course issued from Bihar School Examination Board is not submitted. (iii). No Objection Certificate for B.Ed. course issued by Tilka Manji Bhagalpur University on 28.05.2015. NOC for the academic session 2017-18 is not submitted. (iv). Submitted building plan is not a proper building plan. The institution is required to submit blueprint of building plan mentioned the details of plot number, total land area, total built up area etc. and duly approved by the Govt. Engineer. (v). Submitted building completion Certificate is not in the prescribed format and not issued from the Govt. Engineer/Authority. (vi). No reply received from the institution till date.”

II. SUBMISSIONS MADE BY APPELLANT: -

No one from **Sharda Girdhari Keshri College Trust, 13, Mahesh Khunt, Gogari, Khagaria, Bihar-851213** appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that “There is not visit and we have regularly replying and visiting headquarters.”

III. OUTCOME OF THE CASE

The Appeal Committee noted that the matter of **Sharda Girdhari Keshri College Trust, 13, Mahesh Khunt, Gogari, Khagaria, Bihar-851213** was placed in its 3rd Meeting, 2023 held on 27.02.2023.



It is pertinent here to state that the Appellate preferred the said appeal against the withdrawal order no. **ERC/244.12(i).8/10694/D.El.Ed. & B.Ed./ERCAPP20164619 9/2017/54861** dated 03.11.2017. However, inadvertently the Appeal Committee in its appeal order dated 07.03.2023 mentioned order no. **ERC/216.7.49/APP225/B.Ed./2016/47609** alongwith the grounds of refusal mentioned therein instead of **ERC/244.12(i).8/10694/D.El.Ed. & B.Ed./ERCAPP201646199 /2017/54861** alongwith the grounds of refusal mentioned therein. Hence, the Appeal Committee hereby rectify the above alongwith the grounds of refusal as mentioned in order no. **ERC/244.12(i).8/10694/D.El.Ed. & B.Ed./ERCAPP201646199 /2017/54861** dated 03.11.2017 stated above. Therefore, by virtue of this order the Appeal Committee amends/correct the order dated 07.03.2023.

Therefore, the outcome of the Appeal against the order ERC/244.12(i).8/10694/D.El.Ed. & B.Ed./ERCAPP20164619 9/2017/54861 alongwith grounds of refusal mentioned therein shall be read as follows: -

“Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution had submitted an application to the Eastern Regional Committee for grant of recognition for seeking permission for running D.El.Ed. (Addl. Intake) & B.Ed. Course on 04.07.2016. The recognition of the institution for D.El.Ed. & B.Ed. programme was refused by the ERC vide order dated 03.11.2017.

The Appeal Committee noted that the application of the institution for D.El.Ed. & B.Ed. programme was refused vide order dated 03.11.2017 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.***

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

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

- The NEP 2020 lays down that teacher education institutions will be gradually moved into multidisciplinary colleges and universities by 2030. By 2030, the minimal qualification for a person to become a teacher will be the 4 Year integrated B.Ed. degree.
- The 2 Year B.Ed. program will also be offered only for those who have already obtained Bachelor's Degrees in other specialized subjects and the 1 Year B.Ed. program for those who have completed the equivalent of 4 Year multidisciplinary Bachelor's Degrees or who have obtained a Master's degree in a specialty and wish to become a subject teacher in that specialty.
- As per provision of Section 12 of NCTE Act, 1993 it shall be the duty of the Council to take all such steps as it may think fit for ensuring planned and co-ordinated development of Teacher Education.
- There are approximately 430 applications for various Teacher Education Programmes, other than Diploma level courses. pending at different stages in the RCs.
- NEP 2020 has brought about a paradigm shift in the Teacher Education Sector. Accordingly, NCTE is also revamping its various curricula of ITEP. 2 Year B.Ed., 1



Year B.Ed. and introducing new courses of 4 Year Physical Education and 4 Year Art Education in line with NEP 2020. These courses are also to be aligned to the various criteria laid down by UGC and in alignment with NHEQE. NCFSE and NCFTE However, the existing courses which are currently running are not in alignment with these various aspects e.g., Credit System. 4 Stages of School Education (5+3+3+4). Entry- exit policy, no hard separation etc. These changes in curricula would also necessitate changes in the norms, standards and regulations. For the reasons aforementioned, it is not feasible to process any pending applications.

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

- I. ***At present, there are several institutions which have been recognised by the Regional Committees of NCTE wherein courses/ programme, other than diploma level courses, are running. An Expert Committee be constituted to devise the modalities for conversion of these recognised institutions into multidisciplinary institutions in line with NEP 2020.***
- II. ***The applications pending before the Regional Committees of NCTE shall not be processed further. Hence, all such pending applications before RCs at any stage of processing be returned along with the processing fee to the concerned institution(s).***
- III. ***In the cases where the applications are being processed/ reopened as per the directions of the Hon'ble Court (s), the concerned Regional Committee shall file a review/appeal before the Hon'ble Court(s) alongwith stay application against the order passed by the Hon'ble Court(s) for processing of application(s) in view of the decision of the Council has taken in II above.***

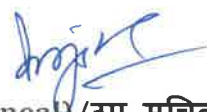
Noting the above decision of the General body of the NCTE, the Appeal Committee decided not to entertain the Appeal of the applicant institution and, therefore, the order of the ERC dated 03.11.2017 refusing recognition for D.El.Ed. & B.Ed. programme of the institution is confirmed.

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IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing and in the light of decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022, the Appeal Committee of the Council concluded that the appeal of the institution cannot be entertained. Hence, the instant appeal deserves to be rejected and impugned refusal order dated 03.11.2017 of 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, Sharda Girdhari Keshri College Trust, 13, Mahesh Khunt, Gogari, Khagaria, Bihar-851213
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 - 13/07/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-118/E-308309/2023 Appeal/7th Meeting, 2023
APPLWRC202314628**

New Adarsh Mahila Shikshan Prashikshan Mahavidyalaya, 53,54, Jhotwara, Khirani Phatak Road, Jaipur, Rajasthan-302012	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Aniruddha Sharma, President
Respondent by	Regional Director, ERC
Date of Hearing	03.07.2023
Date of Pronouncement	13.07.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **New Adarsh Mahila Shikshan Prashikshan Mahavidyalaya, 53,54, Jhotwara, Khirani Phatak Road, Jaipur, Rajasthan-302012** dated 26.06.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.WRC/NCTE/RJ-501/B.Ed./383rd/2023/223063** dated 01.05.2023 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The building plan submitted is at a different building location as mentioned in the online VT portal. (ii). Copy of Society Registration Certificate is not legible; therefore, it could not be verified in the inspection. (iii). Land documents do not match details mentioned on the portal form. (iv). Land diversion certificate of plot no 54 is not submitted and the land use certificate of plot no. 53 is allotted to New Adarsh Public School, hence not acceptable. (v). The building plan documents uploaded on the portal do not match with the documents shown to the online visiting team. However, both the documents are not acceptable as they lack proper seal and signatures of the authority granting permission, and do not have complete details, hence not acceptable. (vi). The building premises does not comply with the requirements of NBC on the parameters related to ventilation, accessibility and fire fighting norms etc. (vii). There is no provision of ramp or lift. (viii). Online Visiting Team found discrepancies in the areas mentioned on portal and the available space on site. Hence, Building Completion Certificate is not acceptable. (ix). It was found by the online visiting team that there were many discrepancies in the documents submitted on NCTE portal and the physical situation on site. (x). The total area of land required as per the NCTE norms 2014, is not available with the institution. (xi). The infrastructure available with the institute is found to be insufficient to run the B.Ed. programme.

As decided by WRC in its 380th meeting held on 10th February, 2023, Show Cause Notice prior to withdrawal of recognition be issued to the institution U/s 17 of the NCTE Act. The institution shall submit a reply accompanied by an original affidavit within 30 days from the date of uploading of minutes on the website failing which the WRC will take a decision as deemed fit as per the provisions contained in the NCTE Act



and Regulations. A copy of Show Cause Notice be endorsed to the State Government and Affiliating Body.

On the basis of minutes uploaded on NCTE web portal, the institution submitted reply vide letter dated 15.03.2023 received in WRC on 25.03.2023, which is not found satisfactory and misleading, with irrelevant replied to the issues raised in the SCN decided earlier. Thereby deficiencies mentioned in the Show Cause Notice have not been fulfilled by the institution.

In view of the above, the Committee decided to withdraw the recognition for B.Ed. course under section 17 of NCTE Act, 1993 with effect from the end of the academic session next following the date of communication of the said order. Copy of withdrawal order be endorsed to the State Government, Affiliating Body and others concerned so also be uploaded on the NCTE web portal."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Aniruddha Sharma, President of New Adarsh Mahila Shikshan Prashikshan Mahavidyalaya, 53,54, Jhotwara, Khirani Phatak Road, Jaipur, Rajasthan-302012 appeared online to present the case of the appellant institution on 03.07.2023. In the appeal report, it is submitted that "(i). No document was submitted on VT Portal as physical copies were submitted. The building Plan was attached with reply. Copy of building plan is marked as Anx-16. the appellant has never submitted any building plans on the VT portal. It is submitted that the building plan referred online relates to a land situated in district Sirohi which is not the building plans of the present building which is situated at Jaipur. There is an error on the online portal as it is showing a building plan of a different institution located in district Sirohi. (ii). The deficiency with regard to the society registration certificate is unwarranted as the copy of certificate was attached with the reply which is very much legible. (iii). The allegation regarding the building plans and lacking proper seal and signatures was misconceived. The building plans as well as the completion certificate were placed on record along with reply which clearly shows that it has endorsement by the competent authority. (iv). The allegation with regard to the ventilation, firefighting norms and accessibility in relation to the building premises are incorrect. The Executive Engineer PWD, City III, Jaipur vide their letter dated 15.03.2021 categorically certified safety of the building for Educational purposes/ activities which includes all parameters related to ventilation, accessibility and fire fighting norms etc. Copy of the certificate issued by Executive Engineer PWD City III, Jaipur & Fire safety certificate in the form of NOC issued on 01.04.2022 attached with reply. (v). With regard to provisions of ramp or lift, the photographs were attached which clearly shows that the said

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deficiency is also without any basis. (vi). No documents were submitted on VT portal as Physical copies were submitted. The completion Certificate was also placed on record which shows the area of construction. The appellant never uploaded any document on the portal as the physical copies of the required documents were sent to the NRC as and when demanded. The Building Completion Certificate is issued by the Competent Authority which cannot be disputed since in WRC has no power to question the correctness of the has to be considered as it is. (vii). The deficiency with regard to the land divergence certificate and land use certificate was duly explained by the appellant as the name of the society was changed from "New Adarsh Public School Shiksha Sanstha Jaipur" to "New Adarsh Shiksha Sansthan" which is evident from the certificate of registration. The copy of the UD Tax receipts pertaining to both the plots issued by the Nagar Nigam, Jaipur was attached which shows the land as institutional. (viii). The observations mentioned under these points do not refer specifically to any point Hence it is not possible to answer it. Nothing specific issue has been mentioned herein. However, it is emphatically again submitted that we have not submitted any information on Portal. (ix). That the impugned order merely refers to the facts relating to the earlier communications as well as the show cause notice however, it does not even refer to detail explanation submitted by the institution along with the documents by its letter dated 15th March 2023. Without even referring to the reply and explanation submitted by the institution, the impugned order was passed. The impugned order merely refers that the reply submitted by the appellant is not satisfactory and misleading. It is submitted that WRC being a statutory body was required to provide reasons in the order for rejecting the reply submitted by the appellant institution. The mere subjective satisfaction of the respondent cannot be considered to be a valid ground for passing the impugned order which has serious effect on the appellant institution. The impugned order merely copies paste the averments of the show-cause notice and does not deal at all with the reply. There is no adjudication done by the respondent while passing the order. The order being without any application of mind and is absolutely unreasoned order which is required to be set aside on this ground alone. The order ought to contain reasons and there must be an application of mind before passing the order. F. There is nothing mentioned in the impugned order as to how the reply and document do not answer the allegations leveled in the show-cause notice. In the absence of any discussion, is not disclosed as to which deficiency was not fulfilled therefore, the impugned order suffers from arbitrariness and is liable to be set aside. The respondent ought to have adjudicated upon the issues independently. In the present case, whatever the committee mentioned in the minutes of the meeting was taken to be true without dealing with any of the deficiency separately. The

Hon'ble Supreme Court in the case of ORYX Fisheries vs Union of India, 2010 (13) SCC 427 in Para 38 and 40 held as under: - ...the cancellation order quotes the show cause notice and is a non-speaking one and is virtually no order in the eye of law. Since the same order is an appealable one it is incumbent on the third respondent to give adequate reasons. ..this Court has recently delivered a judgment in the case of Kranti Associates Pvt. Ltd. & Anr. v. Sh. Masood Ahmed Khan & Others on 8th September 2010. In M/s Kranti Associates (supra), this Court after considering various judgments formulated certain principles in para 51 of the judgment which are set out below a. In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially. b. A quasi-judicial authority must record reasons in support of its conclusions. c. Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well. d. Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power. e. Reasons reassure that discretion has been exercised by the decision maker on relevant grounds and by disregarding extraneous considerations. f. Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies. g. Reasons facilitate the process of judicial review by superior Courts. g. The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favor of reasoned decisions based on relevant facts. This is virtually the life blood of judicial decision making justifying the principle that reason is the soul of justice. i. Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigant's faith in the justice delivery system. h. Insistence on reason is a requirement for both judicial accountability and transparency. i. If a Judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism. l. Reasons in support of decisions must be cogent, clear and succinct. A pretense of reasons or 'rubber-stamp reasons is not to be equated with a valid decision-making process. j. It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision making not only makes the judges and decision makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defense of Judicial Candor (1987) 100 Harvard Law Review 731-737). k. Since the requirement to record



reasons emanates from the broad doctrine of fairness in decision making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See (1994) 19 EHRR 553, at 562 para 29 and Anya vs. University of Oxford, 2001 EWCA Civ 405, wherein the Court referred to Article 6 of European Convention of Human Rights which requires, "adequate and intelligent reasons must be given for judicial decisions". o. In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "Due Process".in the instant case the appellate order contains reasons. However, absence of reasons in the original order cannot be compensated by disclosure of reason in the appellate order. (x). In relation to the land area of the appellant being 466 Sq. Yards, the reference was given to clause 8(11) of the National Council for Teacher Education (Recognition, Norms and Procedure) Regulations 2014 which reads as under:- (11) Whenever there are changes in the norms and standards for a programme in teacher education, the institution shall comply with the requirements laid down in the revised norms and standards immediately. However, the revised land area related norms shall not be applicable to the existing institutions, but the required built up area shall have to be increased by existing institutions to conform to the revised norms and the institutions not having land area as per the revised norms, shall not be allowed to expand by way of additional programmes or additional intake. As per the regulations, the revised norms are not applicable to the existing institutions and the only requirement is increased built up area. The copy of the completion certificate is enclosed herewith as Anx-15, which shows that the additional built-up area was constructed. The total land area was 466.66 square yards and the total built up area was 2034 square meters comprising of ground, first, second, third floor as well as multi- purpose floor and additional area. Thus, the required norm was duly fulfilled. N. The cancellation of the no-objection by the State Government was on the specific ground that the land area was not as per the regulations of 2014. It is submitted that the said issues are pending consideration before the Hon'ble High Court in the writ petition in which the Hon'ble High Court has granted a stay order. Since both these issues are pending adjudication, there is no occasion to pass orders on the very same issues as the same will be overreaching the proceedings of the Hon'ble High Court. (xi). As per National Council for Teacher Education (Recognition Norms and Procedure), Amendment Regulations, 2017 the institution or society sponsoring the institution is in possession of required land free from all encumbrances on the date of application and the said land shall be either on ownership basis or on lease from the Government. The earlier condition under clause 8(4)(iii) of the



Regulations of 2014 regarding vesting of title and transfer of land and building in the name of the institution has been substituted and now the requirement of vesting of title or transfer has been deleted. This deletion is for a specific purpose and is required to be taken note of. Now, the requirement is that of possession, no encumbrance and ownership which may be through its member without vesting of any title or transfer of land. I. The society comprises of members and Mr. Laxmi Kant Sharma has been the Secretary since date of registration. The plots were purchased in the name of the secretary for running the institution. The gift deeds were executed by the members in this regard. The premises were under the possession and there was no incumbrance and the certificate in this regard was given earlier by the appellant. The aforesaid facts do not leave any manner of doubt that the premises were rented. Therefore, there was no occasion for shifting the same. J. The premises were not taken on rent at any point of time. In this regard, the affidavit was also attached along with the reply stating that the appellant institution is running on the address 53, 54 Shiram Nagar Jhotwara which are not disputed as the same are also referred in the Initial recognition order dated 14th May 2007 as well subsequent orders. In the initial recognition order, there is no mention of any condition regarding shifting of the premises as it was made clear by the appellant to the authorities that the premises are not rented. K. In the show cause notice it has been mentioned that at the time of inspection by the visiting team and its report dated 25th October 2006, it was mentioned that the institution was running from the rented premises. It is submitted that due to an error in the year 2006 the word rented was used in the affidavit however, the same was duly clarified before obtaining the recognition on 14/05/2007 that the plots were purchased in the name of the secretary for running the institution. The premises were under the possession and for this reason the initial recognition order of 2007 does not lay down any condition or observation with regard to the rented premises and it was duly satisfied regarding the ownership of land. L. From the year 2007 till 2020, no dispute was raised regarding shifting of premises. Even, after the reply to show-cause on 30/10/2020, there was no further explanation or letter issued as the respondent was duly convinced that there was no incumbrance upon the land and land was under the valid ownership of the appellant. M. In relation to requirements of land area as per NCTE norms 2014, it is submitted that the said requirement is not applicable in case of the appellant institution. Clause 8(11) of the Regulations of 2014 itself refers to the fact that the land requirements as per Regulations of 2014 will not be applicable to the institution which have already been granted recognition. The additional area was duly constructed by the appellant and there is no dispute regarding the same for which completion certificate is on record. U. Alternative plea It is submitted that without prejudice to



the facts and grounds mentioned in the appeal and without affecting the legal rights of the appellant, it is also relevant to mention that the institution from 2006 is having land for institutional purpose situated at Tehsil Fulera District Jaipur having Khasra No. 128 admeasuring in total 4805.63 Sq Meters. The copy of the land document is marked as Anx-20. It is submitted that the appellant can utilized the said land for running its institution in case the authorities deem fit and proper in the facts and circumstances of the present case. The authority may pass an order to the effect of shifting the premises to the said land upon an application submitted by the appellant and withdraw the order of cancellation of recognition till the time the appellant shifts the institution to the said land.”

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 3rd July, 2023. Appeal Committee noted that the appellant institution was granted recognition for running B.Ed. Course with an annual intake of 100 students vide order dated 14.05.2007.

The Appeal Committee in its 7th Meeting, 2023 held on 03.07.2023 considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution submitted application for B.Ed. programme on 31.12.2004 and a V.T. was constituted on 11.07.2006 by WRC in which it was recorded that “the institution was running on a rented building”. The Committee also noted that the institution has submitted a letter dated 20.09.2006 in which they have stated that they have rented a building for 11 months, having address 101-102, Sundar Vihar, Goyal Farm, Takiya ki Chouki, Kalvad Road, Jhotwara, Jaipur-3020012. It was also noted that WRC again constituted a V.T. on 25.09.2006 and in the V.T. Report it was noted that “the institution is running on rented building, however, institution have purchased their own land.”
- (ii) Thereafter, a revised provisional recognition order was issued to the institution on subject to fulfilling of the conditions mentioned in the order dated 09.06.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units of 50 students each) from the academic session 2015-16. The matter was placed before WRC in its 316th Meeting, held on 27-28th August and 4th September, 2020, wherein the WRC Committee observed that “Initially institution was committed to start the course on a rented premises with a



condition to shift to their own premises within a period of 3 years from the date of such recognition. However, the institution has not yet shifted to their own premises neither they have applied to WRC for shifting of premises of their institution". Accordingly, a Show Cause Notice dated 27.09.2020 was issued to the institution.

- (iii) The Appellate Committee noted that the institution submitted an Affidavit in which it was wrongly stated that the institution has not started their institution on a rented premises. Accordingly, the recognition of the institution for B.Ed. programme was withdrawn by the WRC vide its order dated 01.05.2023.
- (iv) The institution has submitted a copy of Building plan, BCC mentioning the address 53, 54, Shri Ram Nagar- GA, Khirni Phatak, Road, Jhotwara, Jaipur. However as per the land documents the land is allotted to Mr. Lakshmikant Sharma and Mr. Vishnu Kumar Sharma. The land documents need to be registered in the name of Institution/Society/Trust as per NCTE Regulations. Whereas land documents submitted are in individual name which is contrary to NCTE Regulations.
- (v) As per the land documents submitted by the institution is having land area of 466.66 Sq. Yards (390.17 Sq. mt.). As per NCTE Regulations, the land requirement is 2500 Sq. mt. Hence, the institution is not eligible to obtain recognition for B.Ed. course.
- (vi) In the land area of 390.17 Sq. mt, the institution has shown 2034 Sq. mt. built up area. The institution has submitted a copy of Building Completion Certificate which is not approved by the competent govt. authority. As such the institution is submitting false information thus trying to mislead the Committee.
- (vii) The building plan needs to be approved by the local Govt. body like Municipal Council, City Corporation or the concerned development authority etc. whereas seal and sign is from PWD Engineer who is not the competent authority to approve the building plan.
- (viii) As per the Inspection Report dated 16.12.2022, the V.T. members noted in their V.T. Report as 'V.T. was conducted for the same building address as mentioned here but the building plan submitted is at a different location.' The institution has also tried to mislead the Inspection Team to obtain recognition by falsification of facts.
- (ix) The institution has submitted one more land document which is not contiguous in nature. It is far from the other land. Further there is no proof submitted for having any building constructed on that land. The land should be contiguous in nature and should comprise single plot as per NCTE Regulations.

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 WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 01.05.2023 issued by WRC is confirmed.



IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 01.05.2023 issued by WRC 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, New Adarsh Mahila Shikshan Prashikshan Mahavidyalaya, 53,54, Jhotwara, Khirani Phatak Road, Jaipur, Rajasthan-302012**
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.