



IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 10/11/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-199/E-319694/2023 Appeal/14th Meeting, 2023
APPLNRC202314718**

Sukdev Singh Lavkush Degree College, Baberu, Banda, Uttar Pradesh-121012	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Representative of the institution
Respondent by	Regional Director, NRC
Date of Hearing	04.11.2023
Date of Pronouncement	10.11.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Sukdev Singh Lavkush Degree College, Baberu, Banda, Uttar Pradesh-121012** dated 18.10.2023 filed under Section 18 of NCTE Act, 1993 is against the letter No. **F. No. NRC/NCTE/UP-1582-B.Ed./411th (Blended Mode) Meeting/2023/(223680-223686)** dated 11.10.2023 of the Northern Regional Committee, for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted certified Registered land documents issued by the concerned Revenue Authority. (ii). The institution has submitted building plan but not approved by the concerned Govt. Engineer. (iii). The institution has not submitted certified copy of site plan with demarcated land area for running different courses. (iv). The institution has submitted certificate to the effect that the building is differently abled friendly but not issued by the Govt. Competent Authority. (v). The institution has not submitted original FDRs Rs. 7 lacs and Rs. 5 lacs towards reserve fund and endowment funds. (vi). The institution has submitted staff list in prescribed proforma HOD -one and 14 Assistant Professor for two basic units one HOD and 15 Assistant Professor required. (vii). The institution has not appointed one Assistant Professor. (viii). The institution has not adhered to the mandatory disclosure is the prescribed format and display up to date information on its official website as per NCTE Regulations 8(14) condition for grant of recognitions as per NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of **Sukdev Singh Lavkush Degree College, Baberu, Banda, Uttar Pradesh-121012** appeared online to present the case of the appellant institution on 04.11.2023. In the appeal report, it is submitted that “(i). Duly registered documents submitted. (ii). Duly approved building plan and site plan submitted. (iii). Duly approved building plan and site plan submitted. (iv). Duly submitted alongwith affidavit. (v). Duly approved staff profile submitted. (vi). Duly submitted.”



III. OUTCOME OF THE CASE

The Appeal Committee in its 14th Meeting, 2023 held online on 4th November, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 29.07.2005. Thereafter, the institution has consented to come under the Regulations, 2014 and affidavit in this regard was also submitted by the institution. Hence, revised recognition order for B.Ed. (two years duration) was issued to the institution on 27.05.2015 with an annual intake of 100 for two basic units. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 11.10.2023.

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

- (i) A copy of faculty list dated 10.08.2023 approved by Registrar, Bundelkhand University, Jhansi, Uttar Pradesh as per provisions of NCTE Regulation, 2014.
- (ii) A copy of land documents alongwith a copy of building plan, site plan etc.
- (iii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.

The Appellant institution during the online appeal hearing informed the Appellate Committee that the institution is currently having faculty of (1+14) members and the affiliating University has also formed panel for selection of the faculty & date of interview has also been notified.

The Appeal Committee noted that since, the institution is already making efforts and selection panel has been formed by the affiliating University and also the institution has submitted all other required documents with respect to points mentioned in the Withdrawal Order dated 11.10.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated 23.02.2017 passed in W.P(C). no. 3231/2016 titled "Rambha

College of Education V/s NCTE” wherein the Hon’ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. **The NRC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.**

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 11.10.2023 is set-aside and the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.



Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to NRC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to NRC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Sukdev Singh Lavkush Degree College, Baberu, Banda, Uttar Pradesh-121012**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.



IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 10/11/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-200/E-319664/2023 Appeal/14th Meeting, 2023
APPLSRC202314708

Azad Education Society, MKK Road, BB Street, Shimoga, Karnataka-577201	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Pramod, Administrative
Respondent by	Regional Director, SRC
Date of Hearing	04.11.2023
Date of Pronouncement	10.11.2023

ORDER/आदेश

I. GROUNDS OF ORDER

The appeal of **Azad Education Society, MKK Road, BB Street, Shimoga, Karnataka-577201** dated 09.10.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.SRO/NCTE/SRCAPP2249/B.Ed./AP/2016-17/80629** dated 22.01.2016 of the Southern Regional Committee, for conducting B.Ed. Course on the grounds that "Delayed submission of NOC, cannot be condoned. Reject."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Pramod, Administrative of Azad Education Society, MKK Road, BB Street, Shimoga, Karnataka-577201 appeared online to present the case of the appellant institution on 04.11.2023. In the appeal report, it is submitted that "We have NOC delay of 1 month. Govt. issued NOC know we have court order for delay of filing appeal."

III. OUTCOME OF THE CASE

The Appeal Committee in its 14th Meeting, 2023 held online on 4th November, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution had submitted an application to the Southern Regional Committee for grant of recognition for seeking permission for running the B.Ed. Course of two-year duration on 05.05.2015. The recognition of the institution for B.Ed. programme was refused by the SRC vide order dated 22.01.2016 and subsequently as per records available the same was again rejected vide order dated 03.02.2017.

The Appellate Committee noted that the appellant institution has preferred a writ petition before the Hon'ble High Court of Karnataka at Bengaluru having W.P. No. 12653/2023(EDN-REG) and on the date of hearing i.e., 25.09.2023, the Appellant

institution withdraw the said writ petition with a liberty to file an appeal under Section 18 of NCTE Act and the same was allowed by the Hon'ble Court.

The Appeal Committee noted that the application of the institution for B.Ed. programme was refused vide order dated 22.01.2016 and subsequently as per records available the same was again rejected vide order dated 03.02.2017 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 [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.***

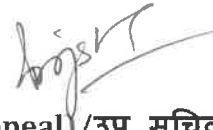
Noting the above decision of the General body of the NCTE, the Appeal Committee decided not to entertain the Appeal of the applicant institution and, therefore, the order of the SRC dated 22.01.2016 refusing recognition for B.Ed. programme of the institution is confirmed.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing and in the light of decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022, the Appeal Committee of the Council concluded that the appeal of the institution cannot be entertained. Hence, the instant appeal deserves to be rejected and impugned refusal order dated 22.01.2016 of 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, Azad Education Society, MKK Road, BB Street, Shimoga, Karnataka-577201**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka.



IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में

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जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 10/11/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-202/E-320127/2023 Appeal/14th Meeting, 2023
APPLWRC202314722**

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

Representative of Appellant	Prof. Nilabh Tiwari, HOD
Respondent by	Regional Director, WRC
Date of Hearing	04.11.2023
Date of Pronouncement	10.11.2023

ORDER/आदेश

I. GROUNDS OF REFUSAL

The appeal of **Central Sanskrit University, Bhopal Campus, 291/76, 292/76, 320/44, 45, 75/2, Bag Sevaniya, Sanskrit Marg Bag Sevaniya, Laharpur, Huzur, Bhopal, Madhya Pradesh-462043** dated 21.10.2023 filed under Section 18 of NCTE Act, 1993 is against the Order no. **F. No. NCTE/WRC/2425202305251698/Madhya Pradesh/2023/REJC/161** dated 27.07.2023 of the Western Regional Committee, refusing recognition for conducting ITEP Course on the grounds that "The Central Sanskrit University, Bhopal Campus has not submitted NAAC certificate, hence institution is not eligible for ITEP as per eligibility criteria prescribed for 2nd phase of ITEP. Hence, WRC decided that the application rejected."

II. SUBMISSIONS MADE BY APPELLANT: -

Prof. Nilabh Tiwari, HOD of Central Sanskrit University, Bhopal Campus, 291/76, 292/76, 320/44, 45, 75/2, Bag Sevaniya, Sanskrit Marg Bag Sevaniya, Laharpur, Huzur, Bhopal, Madhya Pradesh-462043 appeared online to present the case of the appellant institution on 04.11.2023. In the appeal report, it is submitted that "(i). The allegation is completely wrong. Documents related to this dispute has already been sent to NRC-NCTE via Speed Post-dated 16.08.2023."

III. OUTCOME OF THE CASE

The Appeal Committee in its 14th Meeting, 2023 held online on 4th November, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee during online appeal hearing on 4th November, 2023 observed that the institution had applied for ITEP Programme for the academic year 2023-24 in terms of Public Notice dt. 01.05.2022 and the application of the institution was refused vide order dated 27.07.2023. The Appeal Committee noted that the appellant institution submitted a copy of Certificate of Accreditation from NAAC having



A++ Grade alongwith a letter dated 12th October, 2023 issued by Dr. Jagannath Patil, Adviser, NAAC intimating therein that the grade allocated to the University is applicable for all the 12 campuses mentioned in the SSR.

The Appeal Committee also 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.

The Appeal Committee further noted that the appellant institution has submitted requisite documents as claiming to have rectified the shortcomings pointed out in the impugned refusal order and observed that the institution prima facie succeeds in presenting that they do not have any deficiency pointed out in refusal order as they have NAAC Certificate, and grade allocated to the University is applicable to the Bhopal Campus of Central Sanskrit University, New Delhi.

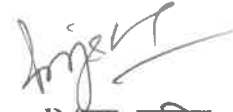
Noting the submission and verbal arguments advanced during the hearing, the Appeal Committee decided to remand back the case to WRC, NCTE with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action 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 WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to WRC, 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 WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The WRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

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



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Date /दिनांक - 10/11/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-203/E-320397/2023 Appeal/14th Meeting, 2023
APPLSRC202314477

B.R.V. B.Ed. College, 441, Bangalore 91, Adarsh Nagar, Vishwaneedam P, Bangalore, Karnataka-560091	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Ravi G.S., Vice Principal
Respondent by	Regional Director, SRC
Date of Hearing	04.11.2023
Date of Pronouncement	10.11.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of B.R.V. B.Ed. College, 441, Bangalore 91, Adarsh Nagar, Vishwaneedam P, Bangalore, Karnataka-560091 dated 15.11.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRC/NCTE/APSO2034/B.Ed./{KA}/2022/ (134516-134520) dated 05.09.2022 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 29.12.2021."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Ravi G.S., Vice Principal of B.R.V. B.Ed. College, 441, Bangalore 91, Adarsh Nagar, Vishwaneedam P, Bangalore, Karnataka-560091 appeared online to present the case of the appellant institution on 04.11.2023. In the appeal report, it is submitted that "Final Show cause notice reply is submitted by hand dated 09.08.2021 acknowledgement and all documents are enclosed."

III. OUTCOME OF THE CASE

The Appeal Committee in its 14th Meeting, 2023 held online on 4th November, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for Secondary (B.Ed.) Course with an annual intake of 100 students vide order dated 16.01.2006. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 30.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 24.06.2016 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 05.09.2022.



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

- (i) A copy of faculty list (1+15) members approved by the Registrar, Jnana Bharathi, Bangalore University as per provisions of NCTE Regulation, 2014 alongwith an Affidavit containing details of approved faculty with their account no., pan no. and statement of salary disbursement.
- (ii) A copy of land documents alongwith Land Usage Certificate, Building Plan & Building Completion Certificate etc.
- (iii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 05.09.2022 and keeping in view, the Hon'ble High Court of Delhi Judgment **dated 23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

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

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

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



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

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

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

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



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to verify the submitted documents filed by the Appellant institution with Appeal from the records available with SRC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the SRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, B.R.V. B.Ed. College, 441, Bangalore 91, Adarsh Nagar, Vishwaneedam P, Bangalore, Karnataka-560091
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka.



IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 10/11/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-205/E-320632/2023 Appeal/14th Meeting, 2023

APPLERC202314717

J.P. Shikshak Prashikshan Mahavidyalaya, 747, 748, 751, 3607, Biyabani, NH-31, Near Golapur Airport, Maghra, Bihar Sharif, Nalanda, Bihar-803216	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Shailesh Kumar, Secretary
Respondent by	Regional Director, ERC
Date of Hearing	04.11.2023
Date of Pronouncement	10.11.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **J.P. Shikshak Prashikshan Mahavidyalaya, 747, 748, 751, 3607, Biyabani, NH-31, Near Golapur Airport, Maghra, Bihar Sharif, Nalanda, Bihar-803216** dated 15.10.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No.ER-332.29/NCTE/ERCAPP201646239 (ID No.10916)/B.Ed. Addi. Intake/BH/2023/68771** dated 18.09.2023 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted the latest faculty list after the date of issue of Final SCN on 09.04.2022. (ii). Further, as per faculty list for the session 2017-19, the institution had appointed 3 faculties (S. No. 06 to 08) for Sociology/ Philosophy/ Psychology. However, as per Appendix-4 to the extant NCTE Regulations, 2014, maximum 02 faculty positions may be appointed with 03 years of teaching experience in secondary school. The institution has not submitted the experience certificate for these faculty for three years of teaching experience in a secondary school as required under NCTE Regulations, 2014. (iii). The faculty as Sl. No. 22-24 were appointed on 03.02.2020 whereas the faculty is for the session 2017-19. (iv). The institution website is www.ipspm.ac.in. However, the institution has not uploaded the latest faculty list on their college website and the additional information as per Clause 7(14), 8(6) & 10(3) of the NCTE Regulation 2014 and Clause 2 (C) of the NCTE Regulations dated 28.04.2017.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Shailesh Kumar, Secretary of J.P. Shikshak Prashikshan Mahavidyalaya, 747, 748, 751, 3607, Biyabani, NH-31, Near Golapur Airport, Maghra, Bihar Sharif, Nalanda, Bihar-803216 appeared online to present the case of the appellant institution on 04.11.2023. In the appeal report, it is submitted that “((i). The faculty list sent by us is updated faculty list and not for Session 20170-19. Due to oversight the list (Session 2017-19) could not be corrected, which is a human error. I pardon for the same. We have been granted University Representative on 04.12.2019.

2 

(Annexure-4) paper advertisement for appointment of Principal & Faculty was given on 27.12.2019. (Appendix-5). The selection committee for appointment of Principal & Faculty has been constituted and appointed Principal & Faculty on 01.01.2020 & 03.02.2020 respectively (Annexure-6). (ii). Faculties for Sociology/Philosophy/Phycology were appointed earlier on 23.11.2015 and approved by the affiliating body on 23.02.2016 & the same was sent to ERC/NCTE vide our letter no. 03A/JPSM/16 dt.25.02.2016 (copy enclosed). (Annexure-7). (iii). Faculties at Sl. No. 22-24 were appointed on 03.02.2020 but due to oversight the list (Session 2017-19) could not be corrected. I pardon for the same. (iv). Website already updated.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 14th Meeting, 2023 held online on 4th November, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 14.08.2013, followed by revised order for B.Ed. programme of two-year duration with an annual intake of 100 (two basic units) vide order dated 23.05.2015, followed by an order for an additional intake of 50 students thereby making an annual intake of 150 students vide order dated 03.03.2018. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 18.09.2023.

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

- (i) A copy of faculty list (1+23) members approved by the Registrar of Patliputra University, Patna as per provisions of NCTE Regulation, 2014 alongwith an affidavit containing details of approved & appointed faculty.
- (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 has submitted documents with respect to points mentioned in the Order dated 18.09.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated 23.02.2017 passed in W.P(C). no. 3231/2016 titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order, require to be examined and verified by the **Eastern Regional Committee, NCTE** as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 18.09.2023 is set-aside as the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

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

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

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC with a direction to verify the submitted documents filed by the Appellant institution with Appeal from the records available with ERC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, J.P. Shikshak Prashikshan Mahavidyalaya, 747, 748, 751, 3607, Biyabani, NH-31, Near Golapur Airport, Maghra, Bihar Sharif, Nalanda, Bihar-803216
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 - 10/11/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-179/E-317897/2023 Appeal/14th Meeting, 2023
APPLNRC202314680**

Roshan Lal Institute of Science and Technology, 60,61, Arsena, NH-2, Arsena Agra, Runkata, Agra, Uttar Pradesh-282007	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Satish Kumar, Representative
Respondent by	Regional Director, NRC
Date of Hearing	04.11.2023
Date of Pronouncement	10.11.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Roshan Lal Institute of Science and Technology, 60,61, Arsena, NH-2, Arsena Agra, Runkata, Agra, Uttar Pradesh-282007** dated 11.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No./NRC/NCTE/UP-1821-B.Ed./408th Meeting (Blended Mode)/ 2023/(223227-223233)** dated 30.08.2023 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 duly approved by the concerned affiliating body along with faculty approval letter. (ii). The institution has not adhered to the mandatory disclosure in the prescribed format and display up to date information on its official website as per NCTE Regulations 8(14) condition for grant of recognitions as per NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Satish Kumar, Representative of Roshan Lal Institute of Science and Technology, 60,61, Arsena, NH-2, Arsena Agra, Runkata, Agra, Uttar Pradesh-282007 appeared online to present the case of the appellant institution on 04.11.2023. In the appeal report, it is submitted that “(i). The institution has already submitted the said faculty list approved by concerned affiliating Body along with faculty approval letter on each and every show cause notice. The institution is having their acknowledgement receipt too. (ii). On every show cause notice the institution has submitted the faculty list on NCTE prescribed format. The institution has always displayed up to date information on its official website as per NCTE Regulation 8(14).”

III. OUTCOME OF THE CASE

The Appeal Committee in its 14th Meeting, 2023 held online on 4th November, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.



The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 10.07.2007. In light of NCTE Regulations, 2014 revised recognition order dated 02.05.2016 for B.Ed. course of two years duration with an annual intake of two units of 50 students each was issued to the institution. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 30.08.2023.

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

- (i) A copy of faculty list (1+15) members approved by the Registrar of affiliating University as per provisions of NCTE Regulation, 2014 alongwith an Affidavit containing faculty name with their account no. & pan no.
- (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 has submitted documents with respect to points mentioned in the Withdrawal Order dated 30.08.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment **dated 23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be examined and verified by the **Northern Regional Committee, NCTE** as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

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



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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 30.08.2023 is set-aside as the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to NRC with a direction to verify the submitted documents filed by the Appellant institution with Appeal from the records available with NRC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to NRC with a direction to verify the submitted documents filed by the Appellant institution with Appeal from the records available with NRC and if it feel necessary and appropriate then documents may also be verified from the concerned competent authority. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Roshan Lal Institute of Science and Technology, 60,61, Arsena, NH-2, Arsena Agra, Runkata, Agra, Uttar Pradesh-282007
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.



IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 10/11/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-168/E-317449/2023 Appeal/14th Meeting, 2023
APPLNRC202314685**

Shanti Niketan College of Education, 57/2,61/2,58/1(209/57,210/58,213/61- New Khasra No), Bhal Bhalwala, Near D.A.V. School, Hamirpur, Himanchal Pradesh-177001	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Brij Bhusan, Assistant Professor
Respondent by	Regional Director, NRC
Date of Hearing	04.11.2023
Date of Pronouncement	10.11.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Shanti Niketan College of Education, 57/2,61/2,58/1 (209/57,210/58,213/61- New Khasra No), Bhal Bhalwalan, Near D.A.V. School, Hamirpur, Himanchal Pradesh-177001** dated 19.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE-RegI015/3925/2021- Regulation Section (HP)- NRC/223009** dated 16.08.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution is not a Multi-Disciplinary Institution as per clause 2 (b) of NCTE Regulations, 2014. (ii). The institution has shifted to its new building in 2018 and has applied for shifting to NRC only in 2021. (iii). The institution has violated the provisions of clause 8 (9) of NCTE Regulations, 2014, which states “In case of change of premises, prior approval of the Regional Committee concerned shall be necessary....” (iv). Moreover, the Hon’ble Court in its order dated 12.12.2018 has stated “Since, the institution is to start its academic session from the new campus from the academic session 2018-2019, we have no doubt in our mind that the permission to run these courses would obviously be given by the NCTE after satisfying itself. Therefore, no further orders in this regard need to be passed”. The institution has shifted to the new building without approval from NCTE and even without making an application to NCTE. (v). The institution has not submitted the Affidavit on Rs. 100/- stamp paper regarding land. (vi). The other documents for land and building viz. NEC, CLU, Building Plan, Building Completion Certificate, Building Safety Certificate etc. are not acceptable in view of the fact that the institution has shifted to the new building without prior approval from NCTE. (vii). List of teaching staff submitted is not in prescribed format. (viii). Details of salary disbursed to the faculty along with six months Bank statement and account number of each faculty member has not been submitted. (ix). The institution has appointed 1+14 staff for B.Ed. & D.El.Ed. (combined), as against required 1+15 for B.Ed. and 8 for D.El.Ed. (Total 24). Out of 14 appointed staff, 8 staff including principal are appointed on contract basis. (x). Only two staff are appointed by the affiliating Body. (xi). The website of the institution is not updated as per clause 7(14) and 8 (14) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Brij Bhusan, Assistant Professor of Shanti Niketan College of Education, 57/2,61/2,58/1(209/57,210/58,213/61- New Khasra No), Bhal Bhalwalan, Near D.A.V. School, Hamirpur, Himanchal Pradesh-177001 appeared online to present the case of the appellant institution on 04.11.2023. In the appeal report, it is submitted that “(i). The institution is a composite institution. (ii). Regarding the said observation by NRC-NCTE, the institution had replied through its points (b) & (c) in show cause notice 1 & 2 that the institution has completed all its infrastructural requirements according to NCTE, 2014 norms in its new premises in the year 2018. As per the directions of Hon’ble High Court of H.P. vide its CWP No. 1311/2017 the institution was all set to shift its premises in the new building at Vill- Bhal Bhalwalan (Salasi), near D.A.V. School , Hamirpur, Tehsil & Distt Hamirpur (H.P.)-177001 in 2018 and permission for shifting of premises was sought vide our application No. SNEWS/682/796 dated 30/05/2018 and the copy of the same application was submitted to the visiting inspection team of NCTE at the time of inspection of the college at old premises on 13/06/2018 along with an undertaking to shift the institution in the ensuing session 2018-20 (Annexure-01, application No. SNEWS/682/796 dated 30/05/2018 attached). The same matter along with the said application was put on the records by the NCTE in the court matter (CWP No. 1311/2017) (Annexure-02, VT report attached). After getting no response subsequent reminders regarding the same were given to NCTE vide our letter No. SNEWS/688/802, SNEWS/702/816, SNEWS/750R-III/866 A dt 07/07/2018, 19/09/2018 & 28/12/2019 (Annexure-03, Reminder’s attached) respectively. Finally, application on set format by NCTE for shifting of premises was submitted to the Regional Director, NRC NCTE vide our letter No. SNEWS/842/860 dated 08/10/2021. All the requisite documents with application fee amounting to Rs 150000/- vide DD No. 173582 dt 08/10/2021 from Indian Bank Hamirpur (H.P.) were enclosed with the said application form (Annexure-04, Application for shifting of premises attached). After getting no response from your good self, permission for shifting of premises was again sought through our fresh reminder vide letter No. SNEWS/850/968 dt 28/10/2021 (Annexure-05, Reminder attached). Only after submitting the requisite documents with application fee through the above said letter, the institution was shifted to its new premises for the instructional activities. In compliance to the directions of Hon’ble H.P. High Court in the matter of CWP 1311/2017 dt 12/12/2018 it became mandatory for the institution to be inspected by The NRC NCTE in its new premises. The institution in its new premises was inspected by the Visiting Team constituted by NCTE on 31/10/2021. Requisite infrastructure was built in the new



premises to maintain the quality of Education. All the norms of NCTE were adhered in the new complex. so you are, therefore, requested to consider the shifting of premises in the new complex where the students at our college are being imparted quality Education. (Hard copies of all the applications and reminders are annexure for your ready reference please). (iii). The Explanation is same as above. (iv). Original copy of Notarized affidavit on Rs 100/- stamp paper as per specified format by NCTE has been submitted to NCTE with the change of premises file submitted on 08/10/2021. In response to the first show cause notice dated 22/03/2023 from NRC NCTE again attested copy of Notarized affidavit was enclosed vide our letter No. SNEWS/948/1067 dated 03/04/2023 (Annexure-06, copy affidavit regarding land). (v). The requisite documents regarding Land and building were sought by NRC NCTE and the same were submitted in the compliance of Show Cause Notice 1 & 2 vide our letters SNEWS/948/1067 dated 03/04/2023 & SNEWS/971/1090 dt 01/07/2023 respectively. But in the withdrawal letter all these documents were not considered by putting the fact that institution has shifted to the new building without prior approval from NCTE. If the said documents were not to be considered, then why these were sought through Show Cause Notice 1 & 2. Hard copies of completely furnished land and building documents viz. NEC, CLU, Building Plan, Building Completion Certificate, Building Safety Certificate, Building Disabled Friendly Certificate, Fire Safety Certificate etc. are annexed for your ready reference please (Annexure-07, all certificates & Documents regarding building and land). (vi). hard copy enclosed. (Annexure-10, Staff List). (vii). This detail was only demanded at the time of withdrawal orders by NRC NCTE. The same can be submitted if required. (viii). The website of the institution is updated as per the requirements.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 14th Meeting, 2023 held online on 4th November 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 16.07.2003. Thereafter, a revised provisional recognition order was issued to the institution on dt. 06.06.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (Two basic units). The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 16.08.2023.

The Appeal Committee noted that the clause (b) of sub-regulation 2 of NCTE Regulation, 2014 provides as under: -

“...(b) “composite institution” means a duly recognized higher education institution offering undergraduate or post graduate programmes of study in the field of liberal arts or humanities or social sciences or sciences or commerce or mathematics, as the case may be at the time of applying for recognition of teacher education programmes, or an institution offering multiple teacher education programme.”

Since, the institution was running two teacher education courses prior to withdrawal of recognition. Therefore, the institution is covered under the above definition of “composite institution” and therefore, eligible to run.

The Appeal Committee further noted that the institution has given explanation in its appeal report that as per direction of Hon'ble High Court of Himachal Pradesh vide its C.W.P. No. 1311/2017, the institution was all set to shift its premises in the new building in 2018 and the copy of the same application was submitted to the visiting inspection team of NCTE at the time of inspection of the college at old premises on 13/06/2018 along with an undertaking to shift the institution in the ensuing session 2018-20. The same matter along with the said application was put on the records by the NCTE in the court matter (CWP No. 1311/2017). After getting no response subsequent reminders regarding the same were given to NCTE vide our letter No. SNEWS/688/802, SNEWS/702/816, SNEWS/750R-III/866 A dt 07/07/2018, 19/09/2018 & 28/12/2019 respectively. Lastly, application in prescribed format was submitted to the Regional Director, NRC NCTE vide letter No. SNEWS/842/860 dated 08/10/2021 regarding shifting of premises alongwith the requisite documents, application fee amounting to Rs 150000/- vide DD No. 173582 dt 08/10/2021 from Indian Bank Hamirpur (H.P.) It is noteworthy that when no response was received by the NRC, the Appellant institution submitted another letter as a reminder vide letter no. SNEWS/850/968 dt. 28.10.2021. The Appellant also added that only after submitting the requisite documents with application fee through the above said letter, the institution was shifted to its new premises for the instructional activities and in compliance to the directions of Hon'ble H.P. High Court in the matter of CWP 1311/2017 dt 12/12/2018 it became mandatory for the institution to be inspected at its new premises.

The Appeal Committee further noted that the institution was inspected by V.T. constituted by the NCTE Hqrs. to its new premises on 31/10/2021. The V.T. Team in its report



submitted that the requisite infrastructure was built in the new premises to maintain the quality of Education. All the norms of NCTE were adhered in the new complex. The Appeal Committee further noted that as per V.T. report, the college possess good construction building with adequate built-up area as per NCTE Norms & Regulations.

The Appeal Committee noted that the institution has submitted documents viz land documents, building plan, Building Completion Certificate (BCC) & staff list etc. with respect to points mentioned in the Withdrawal Order dated 16.08.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee keeping in view of the above facts, the Committee decided to remand back the matter to NRC to re-examine all the issue a fresh to take decision after considering the V.T. report submitted to NRC, and if NRC finds it necessary, then NRC may conduct a fresh inspection of the institution as per provisions of the NCTE Regulations, 2014.

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

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

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

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to the NRC, NCTE with the direction to examine/verify the documents submitted by the appellant institution to the

Appeal Committee in light of NCTE Rules & Regulation, 2014 and conduct inspection of the institution (If necessary) and accordingly take appropriate decision in the matter. The Appellant is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action regarding the application submitted by the institution for shifting of the premises as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the matter to the Northern Regional Committee to examine/verify the documents submitted by the appellant institution to the Appeal Committee in light of NCTE Rules & Regulation, 2014 and conduct inspection of the institution (If necessary) and accordingly take appropriate decision in the matter. The Appellant Institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action regarding the application submitted by the institution for shifting of the premises as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Shanti Niketan College of Education, 57/2,61/2,58/1(209/57,210/58,213/61- New Khasra No), Bhal Bhalwalan, Near D.A.V. School, Hamirpur, Himanchal Pradesh-177001
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 Himachal Pradesh.



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

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 10/11/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

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

**File No. 89-184/E-317449/2023 Appeal/14th Meeting, 2023
APPLNRC202314686**

Shanti Niketan College of Education, 57/2,61/2,58/1(209/57,210/58,213/61- New Khasra No), Bhal Bhalwala, Near D.A.V. School, Hamirpur, Himanchal Pradesh-177001	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Brij Bhusan, Assistant Professor
Respondent by	Regional Director, NRC
Date of Hearing	04.11.2023
Date of Pronouncement	10.11.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Shanti Niketan College of Education, 57/2,61/2,58/1 (209/57,210/58,213/61- New Khasra No), Bhal Bhalwalan, Near D.A.V. School, Hamirpur, Himanchal Pradesh-177001** dated 19.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE-RegI015/3925/2021- Regulation Section (HP)- NRC/223009** dated 16.08.2023 of the Northern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “(i). The institution is not a Multi-Disciplinary Institution as per clause 2 (b) of NCTE Regulations, 2014. (ii). The institution has shifted to its new building in 2018 and has applied for shifting to NRC only in 2021. (iii). The institution has violated the provisions of clause 8 (9) of NCTE Regulations, 2014, which states “In case of change of premises, prior approval of the Regional Committee concerned shall be necessary....” (iv). Moreover, the Hon’ble Court in its order dated 12.12.2018 has stated “Since, the institution is to start its academic session from the new campus from the academic session 2018-2019, we have no doubt in our mind that the permission to run these courses would obviously be given by the NCTE after satisfying itself. Therefore, no further orders in this regard need to be passed”. The institution has shifted to the new building without approval from NCTE and even without making an application to NCTE. (v). The institution has not submitted the Affidavit on Rs. 100/- stamp paper regarding land. (vi). The other documents for land and building viz. NEC, CLU, Building Plan, Building Completion Certificate, Building Safety Certificate etc. are not acceptable in view of the fact that the institution has shifted to the new building without prior approval from NCTE. (vii). List of teaching staff submitted is not in prescribed format. (viii). Details of salary disbursed to the faculty along with six months Bank statement and account number of each faculty member has not been submitted. (ix). The institution has appointed 1+14 staff for B.Ed. & D.El.Ed. (combined), as against required 1+15 for B.Ed. and 8 for D.El.Ed. (Total 24). Out of 14 appointed staff, 8 staff including principal are appointed on contract basis. (x). Only two staff are appointed by the affiliating Body. (xi). The website of the institution is not updated as per clause 7(14) and 8 (14) of NCTE Regulations, 2014.”



II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Brij Bhusan, Assistant Professor of Shanti Niketan College of Education, 57/2,61/2,58/1(209/57,210/58,213/61- New Khasra No), Bhal Bhalwalan, Near D.A.V. School, Hamirpur, Himanchal Pradesh-177001 appeared online to present the case of the appellant institution on 04.11.2023. In the appeal report, it is submitted that “(i). The institution is a composite institution. (ii). Regarding the said observation by NRC-NCTE, the institution had replied through its points (b) & (c) in show cause notice 1 & 2 that the institution has completed all its infrastructural requirements according to NCTE, 2014 norms in its new premises in the year 2018. As per the directions of Hon’ble High Court of H.P. vide its CWP No. 1311/2017 the institution was all set to shift its premises in the new building at Vill- Bhal Bhalwalan (Salasi), near D.A.V. School , Hamirpur, Tehsil & Distt Hamirpur (H.P.)-177001 in 2018 and permission for shifting of premises was sought vide our application No. SNEWS/682/796 dated 30/05/2018 and the copy of the same application was submitted to the visiting inspection team of NCTE at the time of inspection of the college at old premises on 13/06/2018 along with an undertaking to shift the institution in the ensuing session 2018-20 (Annexure-01, application No. SNEWS/682/796 dated 30/05/2018 attached).The same matter along with the said application was put on the records by the NCTE in the court matter (CWP No. 1311/2017) (Annexure-02, VT report attached). After getting no response subsequent reminders regarding the same were given to NCTE vide our letter No. SNEWS/688/802, SNEWS/702/816, SNEWS/750R-III/866 A dt 07/07/2018, 19/09/2018 & 28/12/2019 (Annexure-03, Reminder’s attached) respectively. Finally, application on set format by NCTE for shifting of premises was submitted to the Regional Director, NRC NCTE vide our letter No. SNEWS/842/860 dated 08/10/2021. All the requisite documents with application fee amounting to Rs 150000/- vide DD No. 173582 dt 08/10/2021 from Indian Bank Hamirpur (H.P.) were enclosed with the said application form (Annexure-04, Application for shifting of premises attached). After getting no response from your good self, permission for shifting of premises was again sought through our fresh reminder vide letter No. SNEWS/850/968 dt 28/10/2021 (Annexure-05, Reminder attached). Only after submitting the requisite documents with application fee through the above said letter,



the institution was shifted to its new premises for the instructional activities. In compliance to the directions of Hon'ble H.P. High Court in the matter of CWP 1311/2017 dt 12/12/2018 it became mandatory for the institution to be inspected by The NRC NCTE in its new premises. The institution in its new premises was inspected by the Visiting Team constituted by NCTE on 31/10/2021. Requisite infrastructure was built in the new premises to maintain the quality of Education. All the norms of NCTE were adhered in the new complex. so you are, therefore, requested to consider the shifting of premises in the new complex where the students at our college are being imparted quality Education. (Hard copies of all the applications and reminders are annexure for your ready reference please). (iii). The Explanation is same as above (iv). Original copy of Notarized affidavit on Rs 100/- stamp paper as per specified format by NCTE has been submitted to NCTE with the change of premises file submitted on 08/10/2021. In response to the first show cause notice dated 22/03/2023 from NRC NCTE again attested copy of Notarized affidavit was enclosed vide our letter No. SNEWS/948/1067 dated 03/04/2023 (Annexure-06, copy affidavit regarding land). (v). The requisite documents regarding Land and building were sought by NRC NCTE and the same were submitted in the compliance of Show Cause Notice 1 & 2 vide our letters SNEWS/948/1067 dated 03/04/2023 & SNEWS/971/1090 dt 01/07/2023 respectively. But in the withdrawal letter all these documents were not considered by putting the fact that institution has shifted to the new building without prior approval from NCTE. If the said documents were not to be considered, then why these were sought through Show Cause Notice 1 & 2. Hard copies of completely furnished land and building documents viz. NEC, CLU, Building Plan, Building Completion Certificate, Building Safety Certificate, Building Disabled Friendly Certificate, Fire Safety Certificate etc. are annexed for your ready reference please (Annexure-07, all certificates & Documents regarding building and land). (vi). hard copy enclosed. (Annexure-10, Staff List) (vii). This detail was only demanded at the time of withdrawal orders by NRC NCTE. The same can be submitted if required. (viii). The website of the institution is updated as per the requirements."



III. OUTCOME OF THE CASE

The Appeal Committee in its 14th Meeting, 2023 held online on 4th November, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for D.El.Ed. Course with an annual intake of 50 students vide order dated 28.05.2004. The recognition of the institution for D.El.Ed. programme was withdrawn by the NRC vide order dated 16.08.2023.

The Appeal Committee noted that the clause (b) of sub-regulation 2 of NCTE Regulation, 2014 provides as under: -

“...(b) “composite institution” means a duly recognized higher education institution offering undergraduate or post graduate programmes of study in the field of liberal arts or humanities or social sciences or sciences or commerce or mathematics, as the case may be at the time of applying for recognition of teacher education programmes, or an institution offering multiple teacher education programme.”

Since, the institution was running two teacher education courses prior to withdrawal of recognition. Therefore, the institution is covered under the above definition of “composite institution” and therefore, eligible to run.

The Appeal Committee further noted that the institution has given explanation in its appeal report that as per direction of Hon’ble High Court of Himachal Pradesh vide its C.W.P. No. 1311/2017, the institution was all set to shift its premises in the new building in 2018 and the copy of the same application was submitted to the visiting inspection team of NCTE at the time of inspection of the college at old premises on 13/06/2018 along with an undertaking to shift the institution in the ensuing session 2018-20. The same matter along with the said application was put on the records by the NCTE in the court matter (CWP No. 1311/2017). After getting no response subsequent reminders regarding the same were given to NCTE vide our letter No. SNEWS/688/802, SNEWS/702/816, SNEWS/750R-III/866 A dt 07/07/2018, 19/09/2018 & 28/12/2019 respectively. Lastly, application in prescribed format was submitted to the



Regional Director, NRC NCTE vide letter No. SNEWS/842/860 dated 08/10/2021 regarding shifting of premises alongwith the requisite documents, application fee amounting to Rs 150000/- vide DD No. 173582 dt 08/10/2021 from Indian Bank Hamirpur (H.P.) It is noteworthy that when no response was received by the NRC, the Appellant institution submitted another letter as a reminder vide letter no. SNEWS/850/968 dt. 28.10.2021. The Appellant also added that only after submitting the requisite documents with application fee through the above said letter, the institution was shifted to its new premises for the instructional activities and in compliance to the directions of Hon'ble H.P. High Court in the matter of CWP 1311/2017 dt 12/12/2018 it became mandatory for the institution to be inspected at its new premises.

The Appeal Committee further noted that the institution was inspected by V.T. constituted by the NCTE Hqrs. to its new premises on 31/10/2021. The V.T. Team in its report submitted that the requisite infrastructure was built in the new premises to maintain the quality of Education. All the norms of NCTE were adhered in the new complex. The Appeal Committee further noted that as per V.T. report, the college possess good construction building with adequate built-up area as per NCTE Norms & Regulations.

The Appeal Committee noted that the institution has submitted staff list approved by the DIET, Principal as per provisions of NCTE Regulation, 2014. The contention of the institution is that Himachal Board School Education Board has authorized DIET for approving the staff list. The Appeal Committee noted the same and directed the NRC to verify the staff list from the concerned affiliating body.

The Appeal Committee noted that the institution has submitted documents viz land documents, building plan, Building Completion Certificate (BCC) & staff list etc. with respect to points mentioned in the Withdrawal Order dated 16.08.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble



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

The Appeal Committee keeping in view of the above facts, the Committee decided to remand back the matter to NRC to re-examine all the issue a fresh to take decision after considering the V.T. report submitted to NRC, and if NRC finds it necessary, then NRC may conduct a fresh inspection of the institution as per provisions of the NCTE Regulations, 2014.

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

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

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

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to the NRC, NCTE with the direction to examine/verify the documents submitted by the appellant institution to the Appeal Committee in light of NCTE Rules & Regulation, 2014 and conduct inspection of the institution (If necessary) and accordingly take appropriate decision in the matter. The Appellant is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action regarding the application submitted by the institution for shifting of the premises as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the matter to the Northern Regional Committee to examine/verify the documents submitted by the appellant institution to the Appeal Committee in light of NCTE Rules & Regulation, 2014 and conduct inspection of the institution (If necessary) and accordingly take appropriate decision in the matter. The Appellant Institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action regarding the application submitted by the institution for shifting of the premises as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Shanti Niketan College of Education, 57/2,61/2,58/1 (209/57,210/58,213/61- New Khasra No), Bhal Bhalwalan, Near D.A.V. School, Hamirpur, Himanchal Pradesh-177001
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 Himachal Pradesh.



IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 10/11/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-158/E-316524/2023 Appeal/14th Meeting, 2023
APPLNRC202314669

Jagriti Teachers Training College, 1060/1057, Devdhar, NH-70, Talyahar, Mandi Sadar, Mandi, Himanchal Pradesh-175001	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Atal Rajoo, Chairperson
Respondent by	Regional Director, NRC
Date of Hearing	04.11.2023
Date of Pronouncement	10.11.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Jagriti Teachers Training College, 1060/1057, Devdhar, NH-70, Talyahar, Mandi Sadar, Mandi, Himanchal Pradesh-175001** dated 09.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE-Regl015/4079/2021-Regulation Section (HP)-NRC/222999** dated 16.08.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution is not a multi-disciplinary institution as defined under clause 2(b) of NCTE Regulation, 2014. (ii). The institution vide letter dated 12th July 2023 has submitted an Affidavit and requested for extension of time for submission of reply till 19th July 2023. (iii). The institution has not submitted the reply/representation to the Final Show Cause Notice dated 23rd June 2023 till 24th July 2023, hence the deficiencies pointed out in the Final SCN still persists. (iv). The website of the institution is not updated as per clause 7(14) and 8(14) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Atal Rajoo, Chairperson of Jagriti Teachers Training College, 1060/1057, Devdhar, NH-70, Talyahar, Mandi Sadar, Mandi, Himanchal Pradesh-175001 appeared online to present the case of the appellant institution on 04.10.2023. In the appeal report, it is submitted that “(i). The institution was granted institution for B.Ed. Course in 2003 as per NCTE Regulations, 2002. At the time of grant of recognition and even when subsequent NCTE Regulation, 2005, 2007 and 2009 were notified, there was no requirement of an institution to be multidisciplinary /composite in nature. NCTE Regulations, 2014 for the first time provided for an institution to be composite in nature, which is prospective in nature. However, it is submitted that Clause 2(b) of NCTE Regulations, 2014 provided for an institution to be composite in nature and as per said definition, an institution running two teacher training programmes is a composite institution. It is submitted that our institution is running B.Ed. and D.El.Ed. programmes at approved by NRC. Therefore, there is no deficiency in this regard. (ii). The NCTE carried out inspection of our institution under Section 13 of NCTE Act, 1993 on 24.12.2021. As per mandatory requirement under Section 13(3) of the NCTE Act,



inspection report/result along with views of the NCTE is mandatorily required to be provided to the institution so as to ascertain the opinion of the institution and thereafter, recommend action to be taken by the institution as a result of inspection. The Hon'ble Supreme Court of India in the matter of National Council for Teacher Education v. Vaishnav Institute of Technology & Management, (2012) 5 SCC 139 has considered the scheme of NCTE Act together with Section 13 & 17 thereof and has held as under: - "22. Once recognition has been granted by the Regional Committee to an institution, the Council has to ensure that such recognised institution functions in accordance with the 1993 Act. To achieve that objective, the Council has to get inspection of recognised institution done periodically and, if such institution is found wanting in its functioning as required, then recommend to the institution the remedial action to be taken by it as a result of the inspection. 24. What is clear from the provisions of the 1993 Act is that post-recognition, an institution acquires a different position. On recognition by the Regional Committee under Section 14 and on affiliation being granted by the examining body, once the recognised institution starts functioning, the interest of teachers, employees and the students intervene. In order to ensure that the recognised institutions function in accordance with the 1993 Act, the 1997 Rules, Regulations and the conditions of recognition and, at the same time, the functioning of such recognised institutions is not disturbed unnecessarily, the provision for inspection and follow-up action pursuant thereto has been made in Section 13. 25. By Section 13, as a matter of law, it is intended that the Council ascertains whether the recognised institutions are functioning in accordance with the provisions of the 1993 Act or not. For that purpose, it empowers the Council to cause inspection of any such institution to be made by such persons as it may direct, and in such manner as may be prescribed. The Council may authorize the Regional Committee to carry out its function of inspection. But such inspection has to be made as prescribed in Rule 8 to find out whether such recognised institution is or is not functioning in accordance with the provisions of the 1993 Act. 27. On the inspection being completed as provided in sub-sections (1) and (2) of Section 13 of the 1993 Act read with Rule 8 of the 1997 Rules, the Council is required to communicate to the institution concerned its views with regard to the outcome of the inspection and, if deficiencies are found, to recommend to such institution to make up the deficiencies. The whole idea is that the Council as a parent body keeps an eye over the recognised institutions that they function in accordance with the 1993 Act and the Rules and the Regulations and Orders made or issued thereunder and, if any recognised institution is found wanting in its functioning, it is given an opportunity to rectify the deficiencies. 28. De-recognition or withdrawal of recognition of a recognised institution is a drastic measure. It results in dislocating the students, teachers and the staff. That is why, the

Council has been empowered under Section 13 to have a constant vigil on the functioning of a recognised institution. On the recommendation of the Council after inspection, if a recognised institution does not rectify the deficiencies and continues to function in contravention of the provisions of the 1993 Act or the Rules or the Regulations, the Regional Committee under Section 17 has full power to proceed for withdrawal of recognition in accordance with the procedure prescribed therein. 29. Sections 17 and 13 must be harmoniously construed. In exercise of its powers under Section 17, the Regional Committee may feel that inspection of a recognised institution is necessary before it can arrive at the satisfaction as to whether such a recognised institution has contravened any of the provisions of the 1993 Act or the Rules or the Regulations or the Orders made thereunder or breached the terms of the recognition. In that event, the route of inspection as provided under Section 13 has to be followed. If the Regional Committee has been authorized by the Council to perform its function of inspection, the Regional Committee may cause the inspection of recognised institution to be made as provided in Section 13 and prescribed in Rule 8. Where, however, the Regional Committee feels that the inspection of a recognised institution is not necessary for the proposed action under Section 17, obviously it can proceed in accordance with the law without following the route of inspection as provided under Section 13." However, in violation of provision contained in Section 13 and judgment of Hon'ble Supreme Court, the WRC has proceeded to withdraw the recognition of B.Ed. Course of our institution. 2. It is submitted that institute vide its letter dated 04.07.2023 sought 21 days' time w.e.f. 04.07.2023 and thereafter, submitted another letter dated 12.07.2023 to finalize the reply by 19th July, 2023. A copy of letters dated 04.07.2023 and 12.07.2023 along with affidavit dated 12.07.2023 are annexed as ANNEXURE-1. Accordingly, the institute vide its letter dated 18.07.2023 submitted pointwise reply and dispatched the same by speed post on 20.07.2023 which was received in the Office of NRC on 25.07.2023. A copy of reply letter dated 18.07.2023 along with tracking report is annexed as ANNEXURE-2. Thereafter, despite the fact that minutes of 405th meeting was finalized on 26.07.2023, however, our recognition of B.Ed. Course has been withdrawn without consideration of reply. (iii). It is submitted that the website of the institution is working and updated as per norms of NCTE and will be shown to the committee at the time of consideration of the appeal."

III. OUTCOME OF THE CASE

The Appeal Committee in its 14th Meeting, 2023 held online on 4th November, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.



The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 12.08.2005. Thereafter, a revised provisional recognition order was issued to the institution on dt. 27.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 50 (One basic unit). The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 16.08.2023.

The Appeal Committee in its 14th meeting held on 04.11.2023 gone through the submission made before the Appellate Authority, the Appeal Committee noted that the clause (b) of sub-regulation 2 of NCTE Regulation, 2014 provides as under: -

“...(b) “composite institution” means a duly recognized higher education institution offering undergraduate or post graduate programmes of study in the field of liberal arts or humanities or social sciences or sciences or commerce or mathematics, as the case may be at the time of applying for recognition of teacher education programmes, or an institution offering multiple teacher education programme.”

Since, the institution was running two teacher education courses prior to withdrawal of recognition. Therefore, the institution is covered under the above definition of “composite institution” and therefore, eligible to run.

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

- (i) A copy of list of faculties duly approved by the Registrar, Sardar Patel University, Mandi, (H.P.) as per provisions of NCTE Regulation, 2014 alongwith an Affidavit containing faculty name with their account no., pan no. and statement of salary disbursement.
- (ii) A copy of land documents alongwith Building Completion Certificate, Building Plan & Non-Encumbrance Certificate.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 16.08.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated 23.02.2017 passed in **W.P(C). no. 3231/2016** titled **“Rambha College of Education V/s NCTE”** wherein the Hon'ble

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

The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. The NRC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at its liberty to verify other documents from the concerned competent authority as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 16.08.2023 is set-aside and the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to NRC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating

University and also at is liberty to verify other documents from the concerned competent authority. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given in the order.

IV. DECISION: -

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Jagriti Teachers Training College, 1060/1057, Devdhar, NH-70, Talyahar, Mandi Sadar, Mandi, Himanchal Pradesh-175001
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 Himachal Pradesh.



IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 10/11/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-159/E-316523/2023 Appeal/14th Meeting, 2023
APPLNRC202314670**

Jagriti Teachers Training College, 1060/1057, Devdhar, NH-70, Talyahar, Mandi Sadar, Mandi, Himanchal Pradesh-175001	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Atal Rajoo, Chairperson
Respondent by	Regional Director, NRC
Date of Hearing	04.11.2023
Date of Pronouncement	10.11.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Jagriti Teachers Training College, 1060/1057, Devdhar, NH-70, Talyahar, Mandi Sadar, Mandi, Himanchal Pradesh-175001** dated 09.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE-Regl015/4079/2021-Regulation Section (HP)-NRC/222999** dated 16.08.2023 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “(i). The institution is not a multi-disciplinary institution as defined under clause 2(b) of NCTE Regulation, 2014. (ii). The institution vide letter dated 12th July 2023 has submitted an Affidavit and requested for extension of time for submission of reply till 19th July 2023. (iii). The institution has not submitted the reply/representation to the Final Show Cause Notice dated 23rd June 2023 till 24th July 2023, hence the deficiencies pointed out in the Final SCN still persists. (iv). The website of the institution is not updated as per clause 7(14) and 8(14) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Atal Rajoo, Chairperson of Jagriti Teachers Training College, 1060/1057, Devdhar, NH-70, Talyahar, Mandi Sadar, Mandi, Himanchal Pradesh-175001 appeared online to present the case of the appellant institution on 04.11.2023. In the appeal report, it is submitted that “(i). The institution was granted institution for B.Ed. Course in 2003 as per NCTE Regulations, 2002. At the time of grant of recognition and even when subsequent NCTE Regulation, 2005, 2007 and 2009 were notified, there was no requirement of an institution to be multidisciplinary /composite in nature. NCTE Regulations, 2014 for the first time provided for an institution to be composite in nature, which is prospective in nature. However, it is submitted that Clause 2(b) of NCTE Regulations, 2014 provided for an institution to be composite in nature and as per said definition, an institution running two teacher training programmes is a composite institution. It is submitted that our institution is running B.Ed. and D.El.Ed. programmes at approved by NRC. Therefore, there is no deficiency in this regard. (ii). The NCTE carried out inspection of our institution under Section 13 of NCTE Act, 1993 on 24.12.2021. As per mandatory requirement under Section 13(3) of the NCTE Act,



inspection report/result along with views of the NCTE is mandatorily required to be provided to the institution so as to ascertain the opinion of the institution and thereafter, recommend action to be taken by the institution as a result of inspection. The Hon'ble Supreme Court of India in the matter of National Council for Teacher Education v. Vaishnav Institute of Technology & Management, (2012) 5 SCC 139 has considered the scheme of NCTE Act together with Section 13 & 17 thereof and has held as under: - "22. Once recognition has been granted by the Regional Committee to an institution, the Council has to ensure that such recognised institution functions in accordance with the 1993 Act. To achieve that objective, the Council has to get inspection of recognised institution done periodically and, if such institution is found wanting in its functioning as required, then recommend to the institution the remedial action to be taken by it as a result of the inspection. 24. What is clear from the provisions of the 1993 Act is that post-recognition, an institution acquires a different position. On recognition by the Regional Committee under Section 14 and on affiliation being granted by the examining body, once the recognised institution starts functioning, the interest of teachers, employees and the students intervene. In order to ensure that the recognised institutions function in accordance with the 1993 Act, the 1997 Rules, Regulations and the conditions of recognition and, at the same time, the functioning of such recognised institutions is not disturbed unnecessarily, the provision for inspection and follow-up action pursuant thereto has been made in Section 13. 25. By Section 13, as a matter of law, it is intended that the Council ascertains whether the recognised institutions are functioning in accordance with the provisions of the 1993 Act or not. For that purpose, it empowers the Council to cause inspection of any such institution to be made by such persons as it may direct, and in such manner as may be prescribed. The Council may authorize the Regional Committee to carry out its function of inspection. But such inspection has to be made as prescribed in Rule 8 to find out whether such recognised institution is or is not functioning in accordance with the provisions of the 1993 Act. 27. On the inspection being completed as provided in sub-sections (1) and (2) of Section 13 of the 1993 Act read with Rule 8 of the 1997 Rules, the Council is required to communicate to the institution concerned its views with regard to the outcome of the inspection and, if deficiencies are found, to recommend to such institution to make up the deficiencies. The whole idea is that the Council as a parent body keeps an eye over the recognised institutions that they function in accordance with the 1993 Act and the Rules and the Regulations and Orders made or issued thereunder and, if any recognised institution is found wanting in its functioning, it is given an opportunity to rectify the deficiencies. 28. De-recognition or withdrawal of recognition of a recognised institution is a drastic measure. It results in dislocating the students, teachers and the staff. That is why, the



Council has been empowered under Section 13 to have a constant vigil on the functioning of a recognised institution. On the recommendation of the Council after inspection, if a recognised institution does not rectify the deficiencies and continues to function in contravention of the provisions of the 1993 Act or the Rules or the Regulations, the Regional Committee under Section 17 has full power to proceed for withdrawal of recognition in accordance with the procedure prescribed therein. 29. Sections 17 and 13 must be harmoniously construed. In exercise of its powers under Section 17, the Regional Committee may feel that inspection of a recognised institution is necessary before it can arrive at the satisfaction as to whether such a recognised institution has contravened any of the provisions of the 1993 Act or the Rules or the Regulations or the Orders made thereunder or breached the terms of the recognition. In that event, the route of inspection as provided under Section 13 has to be followed. If the Regional Committee has been authorized by the Council to perform its function of inspection, the Regional Committee may cause the inspection of recognised institution to be made as provided in Section 13 and prescribed in Rule 8. Where, however, the Regional Committee feels that the inspection of a recognised institution is not necessary for the proposed action under Section 17, obviously it can proceed in accordance with the law without following the route of inspection as provided under Section 13.” However, in violation of provision contained in Section 13 and judgment of Hon'ble Supreme Court, the WRC has proceeded to withdraw the recognition of B.Ed. Course of our institution. 2. It is submitted that institute vide its letter dated 04.07.2023 sought 21 days' time w.e.f. 04.07.2023 and thereafter, submitted another letter dated 12.07.2023 to finalize the reply by 19th July, 2023. A copy of letters dated 04.07.2023 and 12.07.2023 along with affidavit dated 12.07.2023 are annexed as ANNEXURE-1. Accordingly, the institute vide its letter dated 18.07.2023 submitted pointwise reply and dispatched the same by speed post on 20.07.2023 which was received in the Office of NRC on 25.07.2023. A copy of reply letter dated 18.07.2023 along with tracking report is annexed as ANNEXURE-2. Thereafter, despite the fact that minutes of 405th meeting was finalized on 26.07.2023, however, our recognition of B.Ed. Course has been withdrawn without consideration of reply. (iii). It is submitted that the website of the institution is working and updated as per norms of NCTE and will be shown to the committee at the time of consideration of the appeal.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 14th Meeting, 2023 held online on 4th November, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.



The Appeal Committee noted that the appellant institution was granted recognition for D.El.Ed. Course with an annual intake of 50 students vide order dated 08.01.2013. The recognition of the institution for D.El.Ed. programme was withdrawn by the NRC vide order dated 16.08.2023.

The Appeal Committee in its 14th meeting held on 04.11.2023 gone through the submission made before the Appellate Authority, the Appeal Committee noted that the clause (b) of sub-regulation 2 of NCTE Regulation, 2014 provides as under: -

“...(b) “composite institution” means a duly recognized higher education institution offering undergraduate or post graduate programmes of study in the field of liberal arts or humanities or social sciences or sciences or commerce or mathematics, as the case may be at the time of applying for recognition of teacher education programmes, or an institution offering multiple teacher education programme.”

Since, the institution was running two teacher education courses prior to withdrawal of recognition. Therefore, the institution is covered under the above definition of “composite institution” and therefore, eligible to run.

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

- (i) A copy of list of faculties alongwith an Affidavit containing faculty name with their account no., pan no. and statement of salary disbursement.
- (ii) A copy of land documents alongwith Building Completion Certificate, Building Plan & Non-Encumbrance Certificate.

The Appeal Committee noted that the institution has submitted staff list approved by the DIET, Principal as per provisions of NCTE Regulation, 2014. The Appellant institution put forward the contention that Himachal Board School Education Board has authorized DIET for approving the staff list. The Appeal Committee noted the same and hereby directs the NRC to verify the staff list from the concerned affiliating body.



The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 16.08.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated 23.02.2017 passed in W.P(C). no. 3231/2016 titled "Rambha College of Education V/s NCTE" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. The NRC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 16.08.2023 is set-aside and the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.



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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Jagriti Teachers Training College, 1060/1057, Devdhar, NH-70, Talyahar, Mandi Sadar, Mandi, Himanchal Pradesh-175001
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 Himachal Pradesh.



IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 10/11/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-207/E-320792/2023 Appeal/14th Meeting, 2023
APPLNRC202314724**

Eklavya Mahavidyalaya, Banda, Durendi Road, Banda, Uttar Pradesh-201001	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. Prakash Chandra, Principal
Respondent by	Regional Director, NRC
Date of Hearing	04.11.2023
Date of Pronouncement	10.11.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Eklavya Mahavidyalaya, Banda, Durendi Road, Banda, Uttar Pradesh-201001** dated 01.11.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NRC/NCTE/UP-1098-B.Ed./411th (Blended Mode) Meeting/2023/(223571-223577)** dated 07.10.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted certified Registered land documents issued by the concerned Revenue Authority. (ii). The institution has submitted building plan not approved by the concerned Govt. Engineer. (iii). As per building plan some part of built-up area is Tin shed and the temporary structure is not permissible NCTE Regulations, 2014. (iv). The institution has not submitted certified copy of site plan with demarcated land area for running different courses. (v). As per building plan demarcated built up area for B.Ed. course is only 1500 sqm which is not sufficient for B.Ed. two units. (vi). The institution has not submitted certified copy of site plan with demarcated land area for running different courses. (vii). The institution has not submitted latest fire safety certificate issue by concerned Govt. Authority. (viii). As per building completion certificate second floor built up area 698.80 sqm. RCC + Tin shed which is not as per NCTE Regulations, 2014. (ix). As per consolidated list and staff approval letter the institution has not appointed Assistant Professor Fine Art and Music. (x). The institution has not submitted FDRs Rs. 5 lacs and 7 lacs towards Reserve Fund and Endowment Fund. (xi). The institution has not adhered to the mandatory disclosure in the prescribed format and display up to date information on its official website as per NCTE Regulations 8(14) condition for grant of recognitions as per NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Prakash Chandra, Principal of Eklavya Mahavidyalaya, Banda, Durendi Road, Banda, Uttar Pradesh-201001 appeared online to present the case of the appellant institution on 04.11.2023. In the appeal report, it is submitted that “(i). It is most respectfully submitted that the decision of withdrawal of recognition is based on wrong and incorrect facts i.e., the institution has time and again complied with all the norms and regulations of NCTE Act. The certified land documents are once again submitted for kind consideration



please. (ii). Duly approved building plan was submitted alongwith the reply. The latest approved plan is submitted herewith. (iii). The institution has duly explained that the there is no tin shed in the premises and entire structure is permanent. (iv). Duly submitted. (v). the said fact is incorrect the institution has required as per the norms and regulations. Duly approved site plan, building plan and building completion certificate are submitted again for consideration. (vi). Duly submitted. (vii). Duly submitted again for consideration. (viii). The said fact is incorrect the institution has required land as per the norms and regulations. Duly approved site plan, building plan and building completion certificate are submitted again for consideration. (ix). The said fact is incorrect the institution has duly appointed Assistant Professor, Fine Art and Music. Copy enclosed. (x). The said fact is incorrect. The proof of submission alongwith reply and copies of the FDRs are submitted again for consideration. (xi). He said fact is incorrect. The institution had duly made all mandatory disclosures on its website and the proof of the same is attached herewith.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 14th Meeting, 2023 held online on 4th November, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 04.08.2004. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 07.10.2023.

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

- (i) A copy of faculty list (1+15) members dated 16.08.2023 approved by the Registrar, Bundelkhand University as per provisions of NCTE Regulation, 2014.
- (ii) A copy of land documents
- (iii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.
- (iv) A copy of land documents alongwith Building Completion Certificate, Land Use Certificate, Site Plan



The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 07.10.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be examined and verified by the **Northern Regional Committee, NCTE** and conduct inspection of the institution (If necessary) and accordingly take appropriate decision in the matter as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 07.10.2023 is set-aside as the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.



Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to the NRC, NCTE with the direction to examine/verify the documents submitted by the appellant institution to the Appeal Committee in light of NCTE Rules & Regulation, 2014 and conduct inspection of the institution (If necessary) and accordingly take appropriate decision in the matter. The Appellant is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action regarding the application submitted by the institution for shifting of the premises as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the matter to the Northern Regional Committee to examine/verify the documents submitted by the appellant institution to the Appeal Committee in light of NCTE Rules & Regulation, 2014 and conduct inspection of the institution (If necessary) and accordingly take appropriate decision in the matter. The Appellant Institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action regarding the application submitted by the institution for shifting of the premises as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time in terms of direction given herein above.

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to: -

1. **The Principal, Ekavya Mahavidyalaya, Banda, Durendi Road, Banda, Uttar Pradesh-201001**
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.