



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-224/E-120858/2022 Appeal/5th Meeting, 2022
APPL13168**

Word Shikshak Prashikshan Mahavidhyalaya, Barmer, Mahabar Road, Barmer, Rajasthan- 344001 APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. Jagdish
Respondent by	Regional Director, WRC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF REFUSAL

The appeal of **Word Shikshak Prashikshan Mahavidhyalaya, Barmer, Mahabar Road, Barmer, Rajasthan- 344001** dated 21.04.2019 filed under Section 18 of NCTE Act, 1993 is against the Order No. NCTE/NRC/NRCAPP201616052/Bachelor of Education [B.Ed.]/RJ/2017-18/2; dated 19.04.2017. of the Western Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “The applicant institution has not submitted the reply of the SCN issued by the NRC on 11.02.2017 within the stipulated time.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Jagdish, Representative, Word Shikshak Prashikshan Mahavidhyalaya, Barmer, Mahabar Road, Barmer, Rajasthan- 344001 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal Memoranda it is submitted that “Sansthan has now all essential documents attach order copy Hon’ble High Court of Rajasthan S.B. Civil write petition no. 5505/2019.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appeal of the appellant institution dated 21.04.2019 preferred against the order No. NCTE/NRC/NRCAPP201616052/Bachelor of Education (B.Ed.)/RJ/2017-18/2 dated 19.04.2017 refusing recognition for conducting B.Ed. course on the grounds that “the applicant institution has not submitted the reply to the SCN issued by NRC on 11.02.2017 within the stipulated time” was disposed of by Appellate Order dated 29.09.2019.

Aggrieved by the said appellate order dated 29.09.2019, the appellant institution (petitioner) filed a **Writ Petition (C) No. 3361/2022** in the **Hon’ble High Court of Delhi at New Delhi**. The **Hon’ble Court by its order dated 21.03.2022** directed as under:

“The petitioner has approached this court seeking quashing of the order dated 19.4.2017 passed by the respondent No.2 as also the order dated 26.09.2019 by the Respondent No.1 rejecting the petitioner’s appeal for grant of recognition for running the B.Ed. course. Learned counsel for the petitioner submits that the petitioner’s appeal has been erroneously rejected by the respondent no.1 even after finding that all the necessary documents had been duly filed by the petitioner alongwith the appeal. He submits that this Courte has categorically held in a catena of decisions that documents filed alongwith appeal ought to be taken into consideration at the time of adjudication of the appeal. Issue notice. Mr. Jai Sahai Endlaw accepts notice on behalf of the respondent and does not deny that this aspect covered by various decisions of this Court. In the light of the aforesaid stand taken by the parties, no counter affidavit is called for and the writ petition is allowed by setting aside the order dated 26.09.2019. The matter is remanded back to the respondent no.1 for a fresh decision on the petitioner’s appeal dated 21.04.2019 by taking into consideration all the documents filed by the petitioner with its appeal. The said decision will be taken by the respondent no.1 within a period of three weeks by complying with the laid down procedure including granting an opportunity of hearing to the petitioner. Needless to state, if the petitioner is aggrieved by any orders passed by the respondent no.1, it will be open for the petitioner to seek legal recourse as permissible in law”.

The Appeal Committee further noted that the appellant institution was given a Show Cause Notice dated 11.02.2017 on the following grounds to submit reply within 21 days from the date of receipt of the SCN alongwith required supporting documents.

- a) The institution has not submitted any proof/evidence to prove that it is a composite institution as per Clause 2(b) of NCTE Regulations, 2014.
- b) The institution has not submitted the Non-Encumbrance Certificate issued by the Competent Authority indicating that the land is free from all encumbrances.
- c) The institution has not submitted the Land Use Certificate issued by the Competent Authority to use the land for educational purpose.
- d) The institution has submitted the approved Building Plan signed by the Competent Authority. However, the details with regard to the name of the course, name of the institution, Khasra No./Plot No., total land area, total built-up area and the measurements of the Multi-purpose hall as well as the other infrastructural facilities such as class rooms etc. have not been indicated thereon.

The Appeal Committee noted that as per appellate order dated 26.09.2019, the appellant during the course of presentation dated 28.08.2019 and in the Memoranda of Appeal had submitted (i) a copy of the No Objection Certificate dt. 12.04.2016 issued by the Commissioner for College Education Rajasthan, Jaipur for conducting B.A. course during the year 2016-17, 2017-18 and 2018-19 by Word College; (ii) a copy of the letter dt. 16.09.2016 issued by Jai Narain Vyas University granting affiliation for conducting B.A. course by Word College; (iii) a copy of Non-Encumbrance Certificate dt. 20.06.2019 issued by Tahsildar, Barmer; (iv) a copy of Land conversion certificate dt. 15.03.2018 issued by Sub-Divisional Officer, Ramsar and (v) a copy of Building Plan signed by a Government Engineer, Barmer.

Noting the submission and oral arguments advanced during the hearing by the appellant institution, the Appeal Committee observes that (i) the Khasra No. 474/297 mentioned in the Land Conversion Certificate issued by Sub-Divisional Officer, Ramsar is different with that of reflected in the application form i.e. 593/345; (ii) The above building plan of Khasra No. 472/297 submitted with appeal is different with that of submitted alongwith application. The details of Khasra no. do not match. Similarly NEC issued for Khasra No. 472/297 may not be accepted on the face of contradictory details of land mentioned in the application as it is issued for other land.

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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Word Shikshak Prashikshan Mahavidhyalaya, Barmer, Mahabar Road, Barmer, Rajasthan- 344001**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-124/E-253028/2022 Appeal/5th Meeting, 2022
APPLWRC202214339**

Yuva Rashtrasant Bhayyuji Maharaj B.Ed. Womens College, Vill - Kelapur, Sonbardi Road, Yavatmal, Pandharkawada, Yavat Mal, Maharashtra-445302 APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, WRC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Yuva Rashtrasant Bhayyuji Maharaj B.Ed. Womens College, Vill - Kelapur, Sonbardi Road, Yavatmal, Pandharkawada, Yavat Mal, Maharashtra-445302 dated 08/04/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **Without Order** dated 01.12.2021. of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds. "Show Cause notice dt.29.09.20 was issued to the institution and institution has not submitted the reply to the show cause till date."

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Yuva Rashtrasant Bhayyuji Maharaj B.Ed. Womens College, Vill - Kelapur, Sonbardi Road, Yavatmal, Pandharkawada, Yavat Mal, Maharashtra-445302 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal Memoranda it is submitted that "It is most respectfully submitted that the decision of Withdrawal of Recognition is based on wrong and incorrect facts i.e. the institution has not shifted from rented premises to its own premises and the show cause notice dt.29.09.20 has not been replied by the institution, whereas all the documents have already been supplied to WRC way back in the year 2011 & 2012. It is pertinent to mention that the copy of the Show Cause dt.29.09.20, was never received by our institution. The copy of the Show Cause Notice dt.29.09.20 was taken out by our institution from the website of NCTE somewhere in December 2021, after the name of our college was not reflected in the list of approved colleges for the academic session 2021-22 on the website of B.Ed. admission – State of Maharashtra. The institution got to know about such withdrawal order being passed on telephonic enquiry from the office of WRC, since the institution had failed to reply to the show cause notice. Furthermore the copy of the Withdrawal Order has still not been received by our institution whereas such decision as taken by the WRC is totally perverse and contrary to the record. Our institution immediately getting the knowledge of such withdrawal order being passed preferred W.P. 5498 of 2021, whereby the Hon'ble Court vide order dt.15.02.22 directed the institution to prefer an appeal as provided under section 18 of the Act and further observed that the delay in preferring the appeal ought to be considered by the Appellate Committee in the present facts and circumstances of the case. (Copy of the Order is attached herewith). It is pertinent to mention that due to wrong and arbitrary decision of WRC, the institution, which is running successfully since 2006, has not been able to participate in the counseling for the academic session 2021-22, and has suffered huge monetary losses and loss of reputation in the State of Maharashtra. The institution urges following grounds for reversing/setting aside the Withdrawal Order as passed: - 1. The Show cause notice dt. 29.09.20, has never been received by our institution till date. The copy of the same was obtained only from the Website of NCTE and that too in December 2021 while the counseling in the State of Maharashtra was going on. 2. The withdrawal order was never received by our institution, which otherwise would have been challenged within the time lines and the institution would have not suffered the huge monetary losses and the loss of reputation is irreparable. 3. The institution was served with the copy of the Show cause Notice dt. 05/14.03.2012, wherein response of the institution was solicited with

respect to the status of shifting in our own building and premises. The said show cause notice was duly replied with vide letter dt. 10.04.12 through speed post receipt dt. 18.04.12 clearly mentioning the factum of being shifted to our own building and premises, whereas the WRC failed to take cognizance of the same. Copy of the Show cause notice dt. 05/14.03.2012, reply dt. 10.04.12 alongwith postal receipt dated 18.04.12, are placed on record for ready reference. It is pertinent to mention that all documents were also attached with the said reply. 4. The institution had also addressed a letter to SNDT Women's University dt. 13.04.11 with regard to the change of address of the college with a copy marked to Regional Director, WRC. Copy of the letter alongwith postal receipt dt. 18.04.11 is attached herewith for ready reference. The above letter also supplements the fact that the institution has time and again informed the respective authorities. 5. Apart from the above 2 documents, it is pertinent to mention that the institution had submitted an affidavit with the WRC for accepting the Regulations, 2014, I that very affidavit also the institution had mentioned the new address of the college, whereas the WRC failed to appreciate that as well. Copy of the affidavit is attached here with for ready reference. 6. Moreover the institution has also submitted PAR regularly and the affidavit submitted along with the same also depicts that the New Address of the institution. Copy of the same is placed on record. 7. Furthermore it is important to mention that the WRC has failed to follow the Rules and regulations as envisaged and also the SOP issued by NCTE, which clearly states that prior to passing a Withdrawal Order, the regional committee ought to give two (2) show cause notices to the institution, since the same is a grave action and ought to be exercised with caution. The Hon'ble Supreme Court has also held in many judgments that passing a Withdrawal Order against any institution is a hard step and the regulating bodies ought to pass such orders with due diligence, whereas in the present case the WRC has failed to examine the documents on record and further failed to follow their own SOP. 8. It is submitted that WRC has withdrawn approx. 25 institutions (rented premises cases) in its 322-meeting held in November 2021, on the same lines that the institution have failed to reply to the show cause notices, whereas it is a matter of record that many of the institutions like ours have never received any show cause whatsoever. The Appellate Committee while remanding back the cases to the WRC has categorically observed that the WRC has made wrong statements while passing the Withdrawal Orders. The institution with folded hands and utmost respect prays that the Withdrawal Order as passed by the WRC be set aside and quashed in the interest of justice as the WRC has failed to appreciate the correct facts and documents available on record. The institution has a good name in the vicinity and is imparting quality education since 2006. You are requested to kindly take a lenient view and restore the

recognition granted to the institution with immediate effect so that institution can admit students for the year 2022-23 and do not suffer losses again.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the petitioner institution has filed a **Writ Petition (C) No. 5489/2021** in the **Hon’ble High Court of Judicature at Bombay Nagpur Bench, Nagpur** against the **impugned Withdrawal Order No. Nil (Without Order) dated 01.12.2021** issued by **WRC**. And Hon’ble Court vide order dated **15.02.2022** directed as under:

“The challenge raised in this writ petition is to the decision taken by the Western Regional Committee of the National Council of Teacher Education by which the recognition granted to the petitioner No.2 College for conducting the B.Ed. Course from academic session 2021-22 has been withdrawn. An objection was raised by the learned counsel for the respondent no.4 that remedy of filing an appeal under Section-18 of the National Council for Teacher Education Act, 1993 (for short, ‘the said Act’) is available for challenging the order passed under Section 17(1) of the said Act. In view of aforesaid, the writ petition is permitted to be withdrawn with liberty to the petitioners to avail the remedy provided under Section-18 of the said Act. The time taken in prosecuting the present writ petition shall be taken into consideration in case there is any delay in preferring such appeal. If such appeal is filed, the same shall be decided expeditiously in accordance with the time provided by Rule 111 of the National Council for Teacher Education Rules, 1997. All points raised in the writ petition are kept open”.

The Appeal Committee further noted that the main ground of impugned withdrawal is not submitting reply to the Show Cause Notice dated 29.09.2020. It is revealed from the regulatory file of the appellant institution that the said Show Cause Notice bearing No. WRC/APW02373/12331/B.Ed./316th/2020/210299 dated 29.09.2020 was issued by Speed Post/Regd. Post. The same has not been returned as UNDELIVERED to WRC. Hence the claim of not receiving the show cause notice by the appellant institution is not sustainable on the basis of lack of documentary evidence on record.

Noting the submissions and verbal arguments advanced during hearing by the appellant, the Appeal Committee is of the view that the WRC was justified in withdrawing the recognition of the appellant institution and therefore decided that the instant appeal deserved to be rejected and the impugned withdrawal order is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the WRC was justified in withdrawing the recognition of the appellant institution and therefore decided that the instant appeal deserved to be rejected and the impugned withdrawal order is confirmed

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Yuva Rashtrasant Bhayyuji Maharaj B.Ed. Womens College, Vill - Kelapur, Sonbardi Road, Yavatmal, Pandharkawada, Yavat Mal, Maharashtra-445302**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-125/E-253030/2022 Appeal/5th Meeting, 2022
APPLERC20214348**

MR Teachers Training Institute, 651, Kalerpar, Dawaguri Road, Dawaguri, Kotwali, Cooch Behar, West Bengal-736156 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G- 7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. Senaul Hoque
Respondent by	Regional Director, ERC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF REFUSAL

The appeal of **MR Teachers Training Institute, 651, Kalerpar, Dawaguri Road, Dawaguri, Kotwali, Cooch Behar, West Bengal-736156** dated 11/04/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.NO. ERCAPP3888 (**Without Order**) dated 16.03.2022. of the Eastern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "The institution not submitted reply till date"

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Senaul Hoque, Representative, MR Teachers Training Institute, 651, Kalerpar, Dawaguri Road, Dawaguri, Kotwali, Cooch Behar, West Bengal-736156 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal Memoranda it is submitted that "It is most humbly submitted that after the receipt of the show cause notice dt. 17.02.22, the institution had duly requested the office of ERC vide email dt. 04.02.22, for grant of extension of time to submit the reply till 10.03.22, however the said request was not acceded to and the application of the institution was refused by ERC in its 302nd meeting. Copy of the mail is placed on record for perusal. The institution vide letter dt. 04.03.22 requested the ERC to kindly review the decision taken by them as the institution is in the process of submitting the reply and same shall be submitted shortly. Copy of the letter and mail dt. 04.03.22 is also placed on record. The institution vide letter dt. 07.03.22, sent on 08.03.22 submitted its reply to the show cause notice dt. 17.01.22 and submitted all the documents as called for by the ERC. The copy of the letter alongwith documents are placed on record for kind perusal and consideration please. It is submitted that the institution has been diligently following up the matter with the office of ERC however a short delay in submitting the reply has occurred due some internal problem with respect to the management. The institute has sorted out all the problems and has even placed on record the memorandum of understanding as agreed upon by the management inter-se. The institution has all the requisite infrastructure and documents as per the NCTE act and regulations and undertakes to abide by the same in future as well. It is submitted that the institution had applied for grant of recognition in the year 2015 and till date the application of the institution has not been considered for final recognition. It is a humble request on part of the institution to kindly consider the reply and documents submitted by the institution on merits and remand back the case of the institution to ERC so that the application of the institution is processed further for grant of recognition. The institution with folded hands prays that a lenient view be taken and the case of the institution be remanded back to ERC for further processing. All the documents are submitted alongwith the present appeal for kind consideration please"

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the petitioner institution has filed a **Writ Petition (C) No. 5121/2022** in the **Hon'ble High Court of Delhi at New Delhi against the impugned Refusal**

Order No. Nil (Without Order/Minutes) dated 16.03.2022 issued by ERC. And Hon'ble Court vide order dated 25.04.2022 directed as under:

"The petitioner has approached this Court inter alia seeking a direction to the respondent no. 2 to consider its representation dated 03.03.2022, wherein the petitioner has sought a review of its decision to reject the petitioner's application seeking grant of recognition. Learned counsel for respondent no.1, who appears on advance notice, submits that the agenda for the meeting scheduled to be held tomorrow has already been finalised but assures the Court that the petitioner's appeal will be taken up and decided as expeditiously as possible. In the light of the aforesaid stand taken by the respondent no.1 the writ petition is disposed of by directing the respondents to take up the petitioner's appeal dated 11.04.2022 in the meeting which may be held immediately after the meeting scheduled for tomorrow and day after and decided within a period of six weeks from today by passing a reasoned and speaking order. This will however be subject to the petitioner submitting a physical copy of its appeal to the respondent no.1 within the next week".

The Appeal Committee Noted that the main ground of refusing recognition to the appellant institution is that the reply to Show Cause Notice dated 17.01.2022 was not submitted within the stipulated time to rectify the pointed-out deficiencies by furnishing the supporting documents.

The Appeal Committee noted that the appellant in the appeal alongwith Memoranda of Appeal has explained that they had requested ERC vide email dated 04.02.2022 for grant of extension of time to submit reply to SCN till 10.03.2022. A copy of formal letter dated 3.3.2022 from the appellant institution received in ERC on 11.3.2022 seeking therewith extension of time for 40 days to submit reply is lying in the Regulatory file. The appellant with this letter has claimed to have enclosed a copy of letter/email dated 04.02.2022. It has also been noted that a letter dated 7.3.2022 submitting reply to the SCN dated 17.1.2022 for both B.Ed. and D.El.Ed. courses alongwith required documents is found to be kept in the file.

The Appeal Committee noted from the contents of refusal order that the cognizance of the request of appellant institution dated 4.2.2022 for extension of time might have not been taken by the ERC to accept or reject it whereas they had timely asked for.

The Appeal Committee further noted that the appellant institution in the appeal alongwith Memoranda of Appeal has submitted the documents as a compliance of refusal grounds such as (i) copy of building plan approved by the competent authority; (ii) copy of Building Safety

Certificated dated 15.02.2022 issued by Assistant Engineer, PWD (Construction) Cooch Behar Division, Cooch Behar; (iii) copy of cash memo No. 948 dated 12.01.2022 for Rs. 67,400/- issued by Nilima Furniture Store for procuring furniture; (iv) Notarised copy of Certificate for Mutation issued by the prescribed authority U/s 50 of the West Bengal Land Reforms Act, 1955, Office of the Block Land and Land Reforms Officer, Cooch Behar, Govt. of West Bengal; (v) Notarised copy of Conversion Certificate No. 04/2015 & 12/2015 issued by Collector U/s 4C of WBLR Act & Sub-Divisional Land and Land Reforms Officer, Cooch Behar on 13.01.2015 & 26.06.2015; (vi) Copy of Revised Building Site Plan issued by Asstt. Engineer, PWD (Construction) Malda Div. and Revenue Officer, BL & LRO Office, Cooch Behar; (vii) Notarised copy of Building Completion Certificate issued by Asstt. Engineer, PWD (Construction), Malda Div. Malda and Pradhan, Dawaguri Gram Panchayat, Cooch Behar Block on 29.05.2015 and (viii) Notarised copy of permission letter for Practice Teaching issued by District Inspector of Schools, Secondary Education, Cooch Behar on 10.02.2020.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to ERC for revisiting the matter.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Committee observes that the appellant institution may be informed about

rejection or acceptance of his request for extension of time to submit reply to Show Cause Notice and the application could have been decided on merit to avoid any legal remedy. In these circumstances, the Appeal Committee concluded that the appeal deserved to be accepted and the matter is remanded back to the ERC with a direction to issue speaking order after considering the submitted documents to be sent them by the appellant and taken further appropriate action as per NCTE Regulations, 2014, guidelines and amendment issued from time to time. The appellant institution is directed to send the documents within 15 days from the receipt of order on appeal. The ERC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the appeal deserved to be accepted and the matter is remanded back to the ERC with a direction to issue speaking order after considering the submitted documents to be sent them by the appellant and taken further appropriate action as per NCTE Regulations, 2014, guidelines and amendment issued from time to time. The appellant institution is directed to send the documents within 15 days from the receipt of order on appeal. The ERC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, MR Teachers Training Institute, 651, Kalerpar, Dawaguri Road, Dawaguri, Kotwali, Cooch Behar, West Bengal-736156

2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-126/E-253035/2022 Appeal/5th Meeting, 2022
APPLERC20214349**

MR Teachers Training Institute, 651, Kalerpar, Dawaguri Road, Dawaguri, Kotwali, Cooch Behar, West Bengal-736156 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G- 7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. Senaul Hoque
Respondent by	Regional Director, ERC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF REFUSAL

The appeal of MR Teachers Training Institute, 651, Kalerpar, Dawaguri Road, Dawaguri, Kotwali, Cooch Behar, West Bengal-736156 dated 11.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No ERCAPP3888 (Without Order) dated 16.03.2022 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "The institution has not submitted the reply till date."

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Senaul Hoque, Representative, MR Teachers Training Institute, 651, Kalerpar, Dawaguri Road, Dawaguri, Kotwali, Cooch Behar, West Bengal-736156 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal memoranda it is submitted that "It is most humble submitted that after the receipt of the show cause notice dt. 17.01.2022, the institution had duly requested the office of ERC vide email dt. 04.02.2022, for grant of extension of time to submit the reply till 10.03.2022, however the said request was not acceded to and the application of the institution was refused by ERC in its 302th meeting. Copy of the mail is placed on record for perusal. The institution vide letter dt. 04.3.2022 requested the ERC to kindly review the decision taken by them as the institution is in the process of submitting the reply and same shall be submitted shortly. Copy of the letter and mail dt. 04.03.2022 is also placed on record. The institution vide letter dt. 07.03.2022, sent on 08.03.2022 submitted its reply to the show cause notice dt. 17.01.2022 and submitted all the documents as called for by the ERC. The copy of the letter alongwith documents are placed on record for kind perusal and consideration please. It is submitted that the institution has been diligently following up the matter with the office of ERC however a short delay in submitting the reply has occurred due some internal problem with respect to the management. The institution has sorted out all the problems and has even placed on record the memorandum of understanding an agreed upon by the management inter-se. The institution has all the requisite infrastructure and documents as per the NCTE Act and regulations and undertakes to abide by the same in future as well. It is submitted that the institution had applied for grant of recognition in the year 2015 and till date the application of the institution has not been considered for final recognition. It is a humble request on part of the institution to kindly consider the reply and documents submitted by the institution on merits and remand back the case of the institution to ERC so that the application of the institution is processed further for grant of recognition. The institution with folded hands prays that a lenient view be taken and the case of the institution be remanded back to ERC for further processing. All the documents are submitted alongwith the present appeal for kind consideration please."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the petitioner institution has filed a **Writ Petition (C) No. 5121/2022** in the **Hon'ble High Court of Delhi at New Delhi against the impugned Refusal Order No. Nil (Without Order) dated 16.03.2022 issued by ERC**. And Hon'ble Court vide order dated **25.04.2022** directed as under:

"The petitioner has approached this Court inter alia seeking a direction to the respondent no. 2 to consider its representation dated 03.03.2022, wherein the petitioner has sought a review of its decision to reject the petitioner's application seeking grant of recognition. Learned counsel for respondent no.1, who appears on advance notice, submits that the agenda for the meeting scheduled to be held tomorrow has already been finalised but assures the Court that the petitioner's appeal will be taken up and decided as expeditiously as possible. In the light of the aforesaid stand taken by the respondent no.1 the writ petition is disposed of by directing the respondents to take up the petitioner's appeal dated 11.04.2022 in the meeting which may be held immediately after the meeting scheduled for tomorrow and day after and decided within a period of six weeks from today by passing a reasoned and speaking order. This will however be subject to the petitioner submitting a physical copy of its appeal to the respondent no.1 within the next week".

The Appeal Committee Noted that the main ground of refusing recognition to the appellant institution is that the reply to Show Cause Notice dated 17.01.2022 was not submitted within the stipulated time to rectify the pointed-out deficiencies by furnishing the supporting documents.

The Appeal Committee noted that the appellant in the appeal alongwith Memoranda of Appeal has explained that they had requested ERC vide email dated 04.02.2022 for grant of extension of time to submit reply to SCN till 10.03.2022. A copy of formal letter dated 3.3.2022 from the appellant institution received in ERC on 11.3.2022 seeking therewith extension of time for 40 days to submit reply is lying in the Regulatory file. The appellant with this letter has claimed to have enclosed a copy of letter/email dated 04.02.2022. It has also been noted that a letter dated 7.3.2022 submitting reply to the SCN dated 17.1.2022 for both B.Ed. and D.El.Ed. courses alongwith required documents is found to be kept in the file.

The Appeal Committee noted from the contents of refusal order that the cognizance of the request of appellant institution dated 4.2.2022 for extension of time might have not been taken by the ERC to accept or reject it whereas they had timely asked for.

The Appeal Committee further noted that the appellant institution in the appeal alongwith Memoranda of Appeal has submitted the documents as a compliance of refusal grounds such as

(i) copy of building plan approved by the competent authority; (ii) copy of Building Safety Certificated dated 15.02.2022 issued by Assistant Engineer, PWD (Construction) Cooch Behar Division, Cooch Behar; (iii) copy of cash memo No. 948 dated 12.01.2022 for Rs. 67,400/- issued by Nilima Furniture Store for procuring furniture; (iv) Notarised copy of Certificate for Mutation issued by the prescribed authority U/s 50 of the West Bengal Land Reforms Act, 1955, Office of the Block Land and Land Reforms Officer, Cooch Behar, Govt. of West Bengal; (v) Notarised copy of Conversion Certificate No. 04/2015 & 12/2015 issued by Collector U/s 4C of WBLR Act & Sub-Divisional Land and Land Reforms Officer, Cooch Behar on 13.01.2015 & 26.06.2015; (vi) Copy of Revised Building Site Plan issued by Asstt. Engineer, PWD (Construction) Malda Div. and Revenue Officer, BL & LRO Office, Cooch Behar; (vii) Notarised copy of Building Completion Certificate issued by Asstt. Engineer, PWD (Construction), Malda Div. Malda and Pradhan, Dawaguri Gram Panchayat, Cooch Behar Block on 29.05.2015 and (viii) Notarised copy of permission letter for Practice Teaching issued by District Inspector of Schools, Secondary Education, Cooch Behar on 10.02.2020.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to ERC for revisiting the matter.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Committee observes that the appellant institution may be informed about rejection or acceptance of his request for extension of time to submit reply to Show Cause Notice and the application could have been decided on merit to avoid any legal remedy. In these circumstances, the Appeal Committee concluded that the appeal deserved to be accepted and the matter is remanded back to the ERC with a direction to issue speaking order after considering the submitted documents to be sent them by the appellant and taken further appropriate action as per NCTE Regulations, 2014, guidelines and amendment issued from time to time. The appellant institution is directed to send the documents within 15 days from the receipt of order on appeal. The ERC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the appeal deserved to be accepted and the matter is remanded back to the ERC with a direction to issue speaking order after considering the submitted documents to be sent them by the appellant and taken further appropriate action as per NCTE Regulations, 2014, guidelines and amendment issued from time to time. The appellant institution is directed to send the documents within 15 days from the receipt of order on appeal. The ERC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, MR Teachers Training Institute, 651, Kalerpar, Dawaguri Road, Dawaguri, Kotwali, Cooch Behar, West Bengal-736156**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**

3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-330/E-231365/2021 Appeal/5th Meeting, 2022
APPLWRC202114211**

Shri Dwarika Prasad Yadav College Sironj, Wo.02 Brij Colony, 15 Sironj, Vidisha, Madhya Pradesh-464228 APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, WRC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal **Shri Dwarika Prasad Yadav College Sironj, Wo.02 Brij Colony, 15 Sironj, Vidisha, Madhya Pradesh-464228** dated 29/11/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. **WRC/APW01976/223400/B.Ed./314th /2020/208759** dated 05.08.2020 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The Committee noted that the Show Cause Notice was issued to the institution on 06.06.2019 and reply received on 05.07.2019.

- After examination of the documents, it is observed that the faculty mentioned at Sr. No. 02, 03, 05, 06, 07, 08 in staff profile are not qualified as they do not have NET/Ph.D. as per amended Regulation dated 09.07.2017.

- Lecturer for Physical Education, Fine Arts and Performing Arts have not been appointed.”

II. SUBMISSIONS MADE BY APPELLANT: -

Shri Rabindra Nath Yadav, Professor and Sh. Ajad Singh Yadav, Representative, Shri Dwarika Prasad Yadav College Sironj, Wo.02 Brij Colony, 15 Sironj, Vidisha, Madhya Pradesh-464228 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal memoranda it is submitted that “Completed all eligible faculty members.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The appeal Committee noted that the appellant institution was granted recognition for B.Ed. course with an annual intake of 100 seats vide order dated 26.9.2005 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revise recognition order for 100 students (two units) was issued 31.05.2015.

The Appeal Committee noted that the appellant institution was given reasonable opportunities in the shape of issue of Show Cause Notices on 8.9.2016, 29.12.2017 and 06.06.2019 to submit its written representations for rectifying the pointed-out deficiencies in the stipulated time period.

The Appeal Committee further noted that the impugned withdrawal order came into operation due to not submitting the required documents substantiating the removal of short comings in the given timeline.

The Appeal Committee noted that it appeared that the contention of reply dated 27.10.2016 and 23.01.2018 submitting therewith faculty of one unit by the appellant institution was taken into consideration by the WRC in its 285th and 290th meeting, respectively. It seemed that had the appellant institution submitted the qualified faculties, the WRC would have granted/continued recognition for one unit.

The Appeal Committee noted that the appellant institution in the appeal alongwith memoranda of appeal has explained that the faculty duly approved by the affiliating body was

appointed before the advent of amendment of Regulations, 2017 regarding qualification of faculty to be appointed in teacher education institutions.

The Appeal Committee further noted that the appellant in the appeal has submitted documents as a compliance of the grounds of withdrawal as (i) a list of 08 faculty members approved by the Registrar, Barkatullah University, Bhopal alongwith minutes of Selection Committee and Notification dated 5.12.2015 issued By Barkatullah University, Bhopal regarding approval of the faculty and other supporting documents; (ii) copy of FDRs for Rs. 8 lakh and 4 lakhs issued by Union Bank of India; (iii) Notarised copy of BCC approved by Sub-Engineer, Municipal Council Sironj and (iv) a copy of No Dues Certificate regarding Loan issued by Tehsildar, Sironj.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Committee concluded that the instant appeal deserved to be accepted and therefore decided to remand back the case to WRC with a direction to consider the submitted documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations 2014, guidelines and amendments issued from time to time. The appellant is directed to submit the documents within 15 days from the date of receipt of order on appeal.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the instant appeal deserved to be accepted and therefore decided to remand back the case to WRC with a direction to consider the submitted documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations 2014, guidelines and amendments issued from time to time. The appellant is directed to submit the documents within 15 days from the date of receipt of order on appeal.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Shri Dwarika Prasad Yadav College Sironj, Wo.02 Brij Colony, 15 Sironj, Vidisha, Madhya Pradesh-464228**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-335/E-231852/2021 Appeal/5th Meeting, 2022
APPLSRC202114149**

Arulmigu Kalasalingam College of Education, 518, Sundarapandiam, Anand Nagar Watrap, Virudh Nagar, Tamilnadu-626126 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Arulmigu Kalasalingam College of Education, 518, Sundarapandiam, Anand Nagar Watrap, Virudh Nagar, Tamilnadu-626126 dated 30.09.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APSO3580/B.Ed./TN/2021/125177 dated 16.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The Committee considered the reply submitted by the institution on 17.03.2020 in response to the Final Show Cause Notice. The Committee found the

following deficiencies. The institution has submitted certified copy of land documents. This institution has submitted notarised copy of Non-Encumbrance in regional language. The institution has submitted photocopy of Building Plan in which approving authority seal in regional language, total built-up area, and multipurpose Hall not sufficient as per NCTE Regulation, 2014. The institution has submitted attested copy Building Completion Certificate in which Survey No. not mentioned and not approved by the competent authority. The institution has submitted a letter of faculty list Signed by the Registrar, Tamilnadu Teacher Education University vide dated 21.10.2016.

- (i) The Institution has not submitted faculty in 04 Perspective of Education and 01 Fine Arts.
- (ii) The Institution has not submitted latest copy of faculty list duly approved by affiliating body.

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Arulmigu Kalasalingam College of Education, 518, Sundarapandiam, Anand Nagar Watrap, Virudh Nagar, Tamilnadu-626126 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal memoranda it is submitted that “Satisfies all the requirements of NCTE.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 08.11.2006 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 05.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 03.12.2019 and 27.02.2020, respectively to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents in the stipulated time period to substantiate the removal of deficiencies for continuing recognition.

The Appeal Committee noted that the appellant institution in the appeal alongwith memoranda of appeal has submitted the documents as a compliance of grounds of withdrawal such as (i) Notarised copy of land documents registered in the office of Sub-Registrar; (ii) Notarised copy of NEC issued by Registration Department, Govt. of Tamilnadu; (iii) Copy of Building Completion Certificate signed by Rengapanaickerpalli Panchayat, Wartrap Pancyayat Union, Virudhu Nagar District; (iv) Copy of Notarised copy of Building Plan approved by Rural Development Department on 18.8.1997; (v) List of faculty approved by Registrar, Tamil Nadu Teachers Education University, Chennai

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Committee concluded that the instant appeal deserved to be accepted and therefore decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action as per NCTE Regulations,

2014, guidelines and amendments issued from time to time. The appellant institution is directed to submit the documents within 15 days from the date of receipt of order on appeal. The SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the instant appeal deserved to be accepted and therefore decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant institution is directed to submit the documents within 15 days from the date of receipt of order on appeal. The SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Arulmigu Kalasalingam College of Education, 518, Sundarapandiam, Anand Nagar Watrap, Virudh Nagar, Tamilnadu-626126**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-53/E-240739/2022 Appeal/5th Meeting, 2022
APPLNRC202214277**

Suraj Shiksha Samiti, Suraj Mahavidhalaya, Plot No. 79, 266 Khasra No. 79 Rampur Laulehra Saidpur, Ghazipur Uttar Pradesh-233223 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, NRC

Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF REFUSAL

The appeal of **Suraj Shiksha Samiti, Suraj Mahavidhalaya, Plot No. 79, 266 Khasra No. 79 Rampur Laulehra Saidpur, Ghazipur Uttar Pradesh-233223** dated 04.02.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **File No. NRC/ NCTE/NRCAPP-3761/ 235th Mtg. /2015/98209** dated 09.05.2018. of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “No reply to show cause and there was never any refusal from appellant.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Suraj Shiksha Samiti, Suraj Mahavidhalaya, Plot No. 79, 266 Khasra No. 79 Rampur Laulehra Saidpur, Ghazipur Uttar Pradesh-233223 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal Memoranda it is submitted that “The property was duly inspected in November 2013 and thereafter no communication was made by the department. There was no receiving of another Show Cause Notice at all because of which no reply could be addressed. All deficiency were removed and after that inspection was also conducted and the appellant never refused any inspection. Please allow the appeal and have the premises inspected as per rules.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned refusal order dated 09.05.2018 was issued after rendering opportunities to the appellant to submit written representation to furnish required documents for grant of recognition to the course applied for by letters/Show Cause Notices dated 19.02.2014. Appellant was also informed of the provision and guidelines for submitting appeal within a period of 60 days from the date of issue of impugned refusal order. The appellant has preferred a delayed appeal by almost 3 and half years against the impugned refusal order.

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

The Appeal Committee noted that the petitioner institution has filed a **Writ Petition (C) No. 1866/2022** in the **Hon'ble High Court of Delhi at New Delhi** against the **impugned Refusal Order No. File No. NRC/ NCTE/NRCAPP-3761/ 235th Mtg. /2015/98209** dated **09.05.2018** issued by **NRC**. And Hon'ble Court vide order dated **31.01.2022** directed as under:

"The petitioner has approached this Court assailing the order dated 09.05.2015, passed by the respondent no.2. At the very outset, learned counsel for the petitioner submits the instead of pressing the present petition, the petitioner will approach the respondent no.1 by way of statutory appeal under Section 18 of the National Council for Teacher Education Act, 1993 alongwith an application for condonation of delay. In the light of the aforesaid, the writ petition is disposed of as not pressed with liberty as prayed for. It is, however, made clear that this Court has not expressed any opinion on the merits of the petitioner's claim, and it will, therefore, be open for the appellate committee of respondent no. 1 to consider the petitioner's appeal and application for condonation of delay on its own merits. Needless to state, that in case the petitioner is still aggrieved by any order passed by the respondent, it will be open for the petitioner to seek legal recourse as permissible in law".

The Appeal Committee further noted that the appellant institution has not submitted any formal application for condonation of delay alongwith the appeal enumerating the reasons of filing inordinate delayed appeal. Even the appellant has not explained about the reasons of delay referred to in the given column of the Appeal Report/Memoranda of Appeal.

4. Noting the submissions and oral arguments advanced during hearing by the appellant, the Appeal Committee observed that the appellant has not submitted the satisfactory reasons for preferring appeal after the expiry of stipulated period. Hence, the Appeal Committee decided not to condone the unjustifiable and inordinate delay of almost 3 and half years.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the appellant has not submitted the satisfactory reasons for preferring appeal after the expiry of stipulated period. Hence, the Appeal Committee decided not to condone the unjustifiable and inordinate delay of almost 3 and half years and the appeal is not admitted.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Suraj Shiksha Samiti, Suraj Mahavidhalaya, Plot No. 79, 266 Khasra No. 79 Rampur Laulehra Saidpur, Ghazipur, Uttar Pradesh-233223**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-243/E-196223/2021 Appeal/5th Meeting, 2022
APPLWRC202114095**

Sneh Teachers Training College, 1262, Muhana, Sanganer, Newta Road, Balaji Bazar, Sanganer, Jaipur, Rajasthan – 302029 APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	*****
Respondent by	Regional Director, WRC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF REFUSAL

The appeal of **Sneh Teachers Training College, 1262, Muhana, Sanganer, Newta Road, Balaji Bazar, Sanganer, Jaipur, Rajasthan – 302029** dated 16.08.2021 filed under Section-18 of NCTE Act, 1993 is against the Order No. **Old App/RJ___/231/2017/169523** dated 23.03.2017 of the Western Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that “In cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications

be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Sneh Teachers Training College, 1262, Muhana, Sanganer, Newta Road, Balaji Bazar, Sanganer, Jaipur, Rajasthan – 302029 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal it is submitted that “Because large number of identical cases involving similar issue of State ban, were pending adjudication before the Hon’ble High Court of Delhi and all the said writ petitions were allowed by Hon’ble High Court vide order dated 18.10.2019 in W.P. (Civil) No. 8820 of 2019 titled as Sir Chhotu Ram Jat College of Education vs. National Council for Teacher Education & Anr. etc., whereby Hon’ble High Court of Delhi has been pleased to direct concerned Regional Committees to reconsider the applications of the petitioners without being burdened by the fact that various State Governments have imposed a ban on setting up of new institutions and granting recognition to new courses. moreover, applications will be considered by the NCTE on their own their merit as expeditiously as possible. the appellant was under the legitimate expectation that its application would be consider in just and reasonable manner and it would able to get recognition for conducting D.El.Ed. course/programme as the appellant is having adequate Financial Resources, Land, Accommodation, Library etc. as prescribed in the norms and standards and fulfils all such other conditions relating to infrastructural facilities as required for proper functioning of the institution for the purpose of Teacher Education course”

III. OUTCOME OF THE CASE

The appeal committee perused the relevant records and documents submitted by the appellant institution. The Appeal Committee noted that the appeal of the appellant institution dated 16/08/2021 filed U/S 18 of the NCTE Act, 1993 against the impugned order of NRC dt. 23.03.2017 returning application for conducting D.El.Ed. course on the grounds that “In cases where the institutions have submitted the applications by offline mode alongwith court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions alongwith all documents as they have not submitted the applications as per Clause 5, of NCTE

Regulations, 2014" was disposed of by Appellate Order dt. 22/10/2021 on the grounds of not condoning the inordinate delay of 4 years and 2 months. Thus, the appeal was not admitted.

The Appeal Committee further noted that the Appellate Authority in its said order had considered the order dt. 06.04.2021 passed by the Hon'ble High Court & Delhi in W.P.[C] No. 4068/2021 which is as under: -

"It is made clear that this Court has not expressed any opinion on the merits of the petitioner's case or on the question of limitation of filing of the appeal. Both the questions are left open to be decided by the Appellate Committee in accordance with law".

Taking into account the said court order, the Appellate Authority observed that "Court has not expressed any opinion on the merits of the petitioner case or on the question of limitation of filing of the appeal. Both the questions are left opened to be decided by the appellate committee in accordance with law". Accordingly, the appeal was decided and appellate order dt. 22/10/2021 issued.

Now the appeal committee noted that the appellant institution aggrieved by the appellate order dt. 22/10/2021 has filed a W.P. [C] No. 2760/2022 with Hon'ble High Court of Delhi at New Delhi against the impugned Refusal Order No. **Letter Old App/RJ____231/2017/169523** dt. 23.03.2017 and the Hon'ble Court vide order dt. 14.02.2022 has directed as under: -

"The petitioner has approached this Court assailing the order dated 22.10.2021 passed by the respondent no. 1 whereby its appeal against the rejection order passed by the respondent no. 2 has been dismissed on the ground of delay, without considering the fact that the petitioner's case is squarely covered by the decision dated 18.10.2019 in W.P.(Civil) No. 8820/2019 titled Sir Chhotu Ram Jat College of Education v. National Council for Teacher Education & Anr. Learned counsel for the petitioner submits that, once this Court had, on 06.04.2021 allowed the petitioner's writ petition by granting liberty to the petitioner to file an appeal before the Appellate Committee under section 18 of the NCTE Act, 1993, the respondents were enjoined to consider its appeal on merits, and that too when the same was filed within three months from the date this court had liberty to the petitioner to prefer an appeal. Issue notice. Learned counsel for the respondents accepts notice and is not in a position to dispute the fact that, the petitioners had filed its appeal along with an application for condonation of delay setting out the entire chronology in which the appeal was being filed at a belated stage, as also the fact that the petitioner had duly pointed that its case was squarely covered by the decision in Chotu Ram (supra). In the light of the aforesaid, I am of the view

that the cryptic order passed by the respondent no.1 rejecting the petitioner's appeal on the ground of delay is not sustainable. The respondent no.1 was bound to take into account the decision in Chotu Ram (supra), wherein it was held that the said decision was in rem. However, keeping in view the admitted position that the petitioner had preferred an appeal only after three months from the date of this Court's order, for which there is not justifiable explanation, the impugned order is set aside and remanded back to the respondent no.1 for reconsideration of the petitioner's appeal, subject to the petitioner paying costs of Rs.25,000/-. Learned counsel for the petitioner prays that instead of the cost being paid to the respondent, the same may be paid to any needy person who has suffered during the pandemic. It is accordingly directed that the cost of Rs. 25,000, be paid to Mrs. Priti Devi (Mobile:9315604574), a widow with two dependent children, who has lost her husband during the pandemic, by remitting the amount to her Kotak Mahindra Bank Account No. 5745470231, IFSC Code-KKBK0004618, CRN-457721571. Upon the receipt of proof of payment of cost through RTGS remittance, the respondent no.1 will decide the petitioner's appeal afresh by taking into account the fact that once, the order in Chotu Ram (supra) was held to be in rem, delay on the part of the petitioner in approaching the respondents, could not be a ground to reject its appeal. The petition stands disposed of in the aforesaid terms".

In view of the directions contained in the Court Order dt. 14.02.2022, submissions made and oral arguments advanced during hearing by the appellant Inst., the Appeal Committee concluded that the matter deserved to be remanded back to the WRC with a direction to consider the case and take appropriate action as per NCTE Regulations, guidelines and amendments issued from time to time. The appellant is directed to submit documents within 15 days from the date of receipt of order on appeal. The WRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the matter deserved to be remanded back to the WRC with a direction to consider the case and take appropriate action as per NCTE Regulations, guidelines and amendments issued from time to time. The appellant is directed to submit documents within 15 days from the date of receipt of order on appeal. The WRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Sneh Teachers Training College, 1262, Muhana, Sanganer, Newta Road, Balaji Bazar, Sanganer, Jaipur, Rajasthan – 302029**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**F. No. 89-79/E-246527/2021 Appeal/5th Meeting, 2022
APPLSRC202214314**

Venkateswara College of Education, D.No.5/145-67-A Kadiri, Ananatpur Andhra Pradesh-515591 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Venkateswara College of Education, D.No.5/145-67-A Kadiri, Ananatpur Andhra Pradesh-515591** dated 12.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APSO3654/B.Ed./AP/2021/129656** dated 29.12.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution was issued a Final Show Cause Notice (FSCN). The institution has submitted its reply on 01.04.2021. The Committee observed the reply submitted by the institution and found the following deficiencies. The institution was initially granted recognition on rented premises. The institution has submitted Lease Deed dated Lease Deed -28.05.2019. In favour of – Balaji Education Society, with a validity of 5 years commencing from 28.05.2019 to 27.08.2024 S. No.

433-4a, 433-4B, 433-4C, 433-4D, 435-1, 435-2A, 435-2B, 435-2C, 435-2D, 446-6, Extent- 0.78 Cents. The institution has not shifted to its own permanent premises as per records made available by the institution. The institution has submitted notarized copy of Building Plan in which Survey No. not mentioned, approving authority seal in regional language. No information provided regarding separate toilet for male and female student and for PWD. The institution did not submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulations, 2014 for B.Ed. course. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. The website of the institution is not uploaded with the information required under clause 7(14)(i), 8(14) and 10(3) of NCTE Regulation 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Venkateswara College of Education, D.No.5/145-67-A Kadiri, Ananatpur Andhra Pradesh-515591 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal it is submitted that “We wish to submit that our institution was established in the year 2007 with due recognition from SRC, NCTE. Our institution has taken land for 30 Years Registered Lease Deed registered on 04.12.2006 before the Sub-Registered on 04.12.2006 before the Sub-Registrar, Kadiri, The Lease period is from 04.12.2006 to 03.12.2036. There is no question of shifting our institution to Own building as it is already established under 30 Years registered leased land. Whereas SRC has raised a new point of deficiency in this regard. Further, our institution has taken additional land for playground purposes adjacent tot the present college building. The SRC has misconstrued it as 5 years lease deed and has taken decision to withdraw recognition of our institution by mistake. We are submitting herewith the original Certified copy of the land documents (Lease deed for 30 years) and English version with Notary attestation for consideration of Appeal Committee. We have submitted approved Building Plan to SRC wherein the Door No. 5-145 has been clearly mentioned in the Building Plan Title itself. The same Building Plan has been submitted to SRC whenever called for. Our institution is having total Built up area of 33060 square feet. We are submitting herewith the approved Building Plan for consideration of Appeal Committee. We submit that SRC has not called for any details of Administrative and Professional Staff during the Final Show Cause Notice. We would have sincerely submitted the details. Without seeking the documents, now SRC has made it as point of deficiency in Withdrawal Order. Our institution is having 8 members under non-teaching staff as per NCTE norms. We are

submitting herewith the details of Administrative and Professional Staff for consideration of Appeal Committee. Our institution has been making payment through bank account. From our college account the specified amount is being credited to staff account. Consolidated list of staff members with cheque is being given to bank and accordingly bank credits the amount to the respective account numbers. We are submitting herewith the Bank Account Statement for one year for consideration of Appeal Committee. Our institution has always been maintaining the website i.e., www.vcebed.in. All necessary information as required by NCTE norms have been uploaded on the website.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was initially granted recognition for B.Ed. course of one year duration with 100 seats vide order dt. 30.04.2007 and after promulgation & NCTE Regulations, 2014 giving thereby affidavit for its adherence a revised provisional recognition order for two years duration with an annual intake of 100 students (two units) was issued on 06.05.2015 with certain conditions to comply.

The Appeal Committee noted that on the request & the appellant institution the intake of seats were reduced from two units to one unit (50 seats) by SRC in its 342nd meeting held on 05th-06th July, 2017.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first Show Cause Notice and Final Show Cause Notice issued on 30.12.2019 and 15.03.2021, respectively for rectifying the short coming within stipulated time period.

The Appeal Committee noted that the impugned withdrawal order came into operation as the appellant institution could not cure the deficiencies and submit the required documents as asked for in the given opportunities.

The Appeal Committee further noted that the appellant in the appeal along with Memoranda of Appeal has made a compliance of the grounds of withdrawal order by submitting; (i) Certified true copy & lease deed (both Regional and English Translated Version) registered in the office of Sub-Registrar, Anantpur on 04-12-2006 for a period & 30 years; (ii) Copy of statement for appointment of administrative and professional staff alongwith their supporting educational

documents; (iii) Statement of Account issued by SBI for disbursement of salary to the staff through online made for last six months. However, the appellant explained that this ground was not contained in the SCN; (iv) Copy of Building Plan approved by the Competent Authority i.e. Commissioner, Kadiri Municipality Kadiri showing survey no. D. No. 5-145-67A and separate toilet facility for male and female.

The Appeal Committee noted that recognition granted in 2007 in accordance with the Regulations in vogue in which the lease was allowed.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

Nothing the submission and verbal arguments advanced during the hearing by the appellant institution, the Appeal Committee is in the view that the instant appeal deserved to be accepted and therefore decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take further appropriate action as per NCTE Regulation, 2014 guidelines and amendments issued from time to time. The appellant is directed to submit the documents to SRC within 15 days from the receipt of order on the appeal. The SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Venkateswara College of Education, D.No.5/145-67-A Kadiri, Ananatpur Andhra Pradesh-515591**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-80/E-246531/2022 Appeal/5th Meeting, 2022
APPLSRC202214296**

Rajiv Gandhi College of Education, Plot No. 6A, 6B Bidar Kolhar Industrial Area, Bidar Karnataka-585402 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Rajiv Gandhi College of Education, Plot No. 6A, 6B Bidar Kolhar Industrial Area, Bidar Karnataka-585402 dated 25.02.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS05783/B.Ed./{KA}/2021/129718 dated 30.12.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution was issued a Final Show Cause Notice on 31.08.2021. The institution failed to submit reply to the Final Show Cause Notice (FSCN).”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Rajiv Gandhi College of Education, Plot No. 6A, 6B Bidar Kolhar Industrial Area, Bidar Karnataka-585402 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal it is submitted that “We humbly submit that our institution has submitted reply to Show Cause notice twice i.e., on 11.02.2020 and 10.03.2021. It has been recorded in the withdrawal order also. Further, SRC has mentioned that Final Show Cause Notice was issued 31.08.2021. Whereas our institution has not received the Final Show Cause Notice. If we would have received, promptly we would have submitted the reply. We further wish to submit that our institution has submitted application for Shifting of Premises on 18.06.2016. We have paid inspection fee of Rs. 1,50,000/- vide DD No.888371 dated 09.06.2016. The SRC has also taken the amount in to account. Further, our institution has received written communication dated. 27.06.2016 intimating that inspection will be conducted within 10 to 30 days. Whereas inspection was not conducted and nobody from SRC came for inspection. It was kept pending till date by SRC. Under these circumstances, SRC has taken decision of withdraw of recognition wrongfully without conducting inspection for shifting of our institution. It is the mistake on the part of SRC which has not processed our application for shifting whereas decision of withdrawal of recognition has been taken. We are submitting herewith all the documents before the Appellate Authority for kind consideration. We are submitting herewith the Certified Copy of Land Documents, Approved Building Plan and Site Plan, Land Use Certificate issued by Tahsildar, Building Completion Certificate issued by the Government Engineer, Non-Encumbrance Certificate and English Version, Form A from the Bank Manager with attested FDR copies, website details, Affidavit and Staff List approved by the Registrar. Our institution is having all the necessary documents whereas our institution has been withdrawn recognition for the mistake of SRC. We humbly request the Appellate Authority to kindly consider the documents submitted and give relief to our institution.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for one yar duration with 100 seats on 06.12.2007 and after promulgation & NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition for

two-year duration with 100 students (two units was issued on 16.05.2015 with contain conditions to comply.

The Appeal Committee noted that the appellant was given reasonable opportunities in the shape & issuing show cause notice on 30.10.2019 and 31.08.2021 submit their written representations for reifying the pointed short comings in stipulated timeline.

The Appeal Committee noted that the impugned withdrawal order come into operation due to not submitting the reply to Final Show Cause Notice dt. 31.08.2021 in a given time period. The appellant in the Appeal Memoranda has explained that they did not receive the said show cause notice. The Appeal committee noted that said the SCN was sent to the appellant vide No. SRO/NCTE/APSO5783/B.Ed./(KA)/2021/128464 through speed post at the address given in the application and the same has not been returned UNDELIUBRED to SRC. Hence, the claim of not receiving the SCN by the appellant is not sustainable.

Nothing the submission and verbal arguments advanced during the hearing by the appellant institution, the Appeal Committee concluded that the SRC was justified in withdrawing recognition, therefore the instant appeal deserved to be rejected and the impugned withdrawal order is confirmed.

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

- 1. The Principal, Rajiv Gandhi College of Education, Plot No. 6A, 6B Bidar Kolhar Industrial Area, Bidar Karnataka-585402**

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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-81/E-246534/2022 Appeal/5th Meeting, 2022
APPLSRC202114310**

K.L.N B.Ed. College,176/2C Viraganoor, Kozhimeedu, Madurai, Tamilnadu-625009	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **K.L.N B.Ed. College,176/2C Viraganoor, Kozhimeedu, Madurai, Tamilnadu-625009** dated 08.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS07698/B.Ed./TN/2022/130156 dated 04.02.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution was issued a Final Show Cause Notice (FSCN). The institution has submitted its reply vide letter dated 16.12.2021. The Committee observed the reply submitted by the institution and found the following deficiencies. Vide representation / reply dt. 16.12.2021 submitted against the Final Show Cause Notice dated 30.11.2021 the institution mentioned that “the institution has

submitted fresh consolidated faculty list in the prescribed format for the approval of affiliating body TNTEU and we will submit the same to you in due course. Accordingly, the institution had failed in submission of an approval of faculty issued by the affiliating body even after issuance of two Show Cause Notices. The built-up area of the institution is 1635 square meters. Is not sufficient to run B.Ed. course with 2 units. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. The institution did not submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulations, 2014. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014. The institution did not submit form 'A' issued by the bank regarding maintenance of FDRs towards Endowment and Reserve Fund as required under clause 10 of NCTE Regulations, 2014."

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, K.L.N B.Ed. College,176/2C Viraganoor, Kozhimeedu, Madurai, Tamilnadu-625009 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal memoranda it is submitted that "We humbly submit that, the Tamilnadu Teachers Education University, Chennai has the long approval procedure for approving the Staff of an institution. We had made submission to the University requesting for approval of staff members appointed by our institution. The University has delayed the approval. Meanwhile SRC has given only 21 days' time for submission of reply. Under these circumstances, we honestly submitted to SRC that staff approval is pending with university and will be submitted shortly. SRC would have given our institution little more time, we would have submitted the approved staff list by the University. Now we have obtained the approved staff list and the same is submitted before the Appellate Authority for kind consideration. We humbly submit that our institution has two buildings of Block A and Block B whereas SRC has considered only one block and has mentioned as 1635 square meters. Whereas our institution is having total built up area of 2191.23 square meters which is more than NCTE prescribed norms. SRC has considered only one Building Plan. Now we have got the consolidated Building Plan for both Block A and Block B along with the approval from the President / Executive Officer, Viraganur Panchayat. We are submitting herewith the consolidated Building Plan for kind consideration. We humbly submit that we transfer the salary to the staff members with a cheque given to bank along with the list of name and account numbers.

Accordingly, the Bank will transfer the amount to their respective bank accounts. Further, we humbly submit that SRC has not asked our institution to submit the Bank Statement in the Final Show Cause Notice, but they have made it as deficiency for withdrawal of recognition. We are herewith submitting the bank statements and highlighting the debits of every month from the College Account for kind consideration. Our institution is having 8 non-teaching staff members as per NCTE norms. We are submitting herewith the Administrative and Professional staff details for kind consideration. Our institution is having website: www.klncollegeedu.in All the necessary information as required have been uploaded on the website. Our institution has been continuously renewing the FDRs. At present our institution is having total FDRs for Rs.25,00,222/-. We have submitted the FDR details to SRC from time to time. In spite of which SRC has made it as deficiency. We are submitting herewith the Form 'A' and FDR copies for kind consideration of Appeal Committee."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 12.11.2007 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 30.04.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 02.08.2021 and 30.11.2021, respectively to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents substantiating the removal of deficiencies to continue the granted recognition.

The Appeal Committee noted that the appellant institution in the appeal alongwith memoranda of appeal has submitted the documents as a compliance of grounds of withdrawal such as (i) Notarised copy of list of faculty approved by the Registrar, Tamil Nadu Teachers Education University, Chennai on 27.1.2022; (ii) copy of Form 'A' and FDRs for Rs. 9,37,224/- and Rs. 15,62,998/- issued by State Bank of India, Madurai; (iii) Notarised list Non-Teaching Staff

approved by the Correspondent and Principal of the college; (iv) Notarised downloaded copy of home page of website being maintained by the institution; (v) Notarised copy of statement of account for the period from 1st June 2021 to 31st Jan, 2022 showing disbursement of salary to the faculty members by online mode and (vi) Notarised copy of Building Plan approved by the President/Executive Officer, Viragnur, Panchayat on 28.2.2022.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Committee concluded that the instant appeal deserved to be accepted and therefore decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant institution is directed to submit the documents within 15 days from the date of receipt of order on appeal. The SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the instant appeal deserved to be accepted and therefore decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant institution is directed to submit the documents within 15 days from the date of receipt of order on appeal. The SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, K.L.N B.Ed. College, 176/2C Viraganoor, Kozhimeedu, Madurai, Tamilnadu-625009**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.

(17)



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-82/E-243108/2022 Appeal/5th Meeting, 2022
APPLSRC202114164**

SRI T V Venkataswamy College of Education, 128/120/2 Madhugiri, Gauri Bidanoor Road, Madhugiri Tumkur, Karnataka- 572132 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **SRI T V Venkataswamy College of Education, 128/120/2 Madhugiri, Gauri Bidanoor Road, Madhugiri Tumkur, Karnataka-572132** dated 14.10.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No **F.SRO/NCTE/APSO3481/B.Ed./{KA}/2022/128445 (Without Order)** dated 28.08.2021 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “LUC and Land documents self-certified. MP Hall size is low. Faculty list is not approved. BP is not approved. Affidavit is not submitted. Form ‘A’ and FDR is not submitted. Website information is not enclosed.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, **SRI T V Venkataswamy College of Education, 128/120/2 Madhugiri, Gauri Bidanoor Road, Madhugiri Tumkur, Karnataka-572132** appeared online to present the case of the appellant institution on 10/06/2022. In the appeal it is submitted that “LUC and Land Documents certified copy is enclosed. Latest MP Hall is certified in BCC and Building Plan as per NCTE Norms. Latest Faculty is approved by Competent Authority enclosed. Approved Building Plan is enclosed. Affidavit is submitted. Form ‘A’ and FDRs of 5 and 7 lakh is enclosed. Website information screen shot is enclosed.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 13.07.2000 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 30.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that a corrigendum for reducing grant of intake to 50 students (one unit) from the academic session 2015-16 was issued to the appellant institution on 03.11.2015.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 01.07.2019 and 20.12.2019, respectively to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents substantiating the removal of deficiencies to continue the granted recognition.

The Appeal Committee noted that the appellant institution in the appeal alongwith memoranda of appeal has submitted the documents as a compliance of grounds of withdrawal such as (i) Notarised copy of Building Completion Certificate dated 26.10.2021 issued by Chief Officer, Town Municipal Council, Madhugiri; (ii) Notarised copy of CLU issued by Chief Officer, Town Municipal Council, Madhugiri; (iii) Notarised true copy of land documents (Sale Deed) (both translated English version and Regional Language) registered in the office of Sub-Registrar,

Madhugiri on 1.9.1978; (iv) Notarised copy of list of faculty approved by the Registrar, Tumkur University, Tumkur on 10.02.2022; (v) Notarised copy of Form 'A' and FDRs for Rs. 07 lakh and Rs. 05 lakh issued by State Bank of India, Madhugiri on 08.12.202; (vi) Notarised copy of affidavit on non-judicial stamp paper of Rs. 200/- dated 18.10.2021 signed by Secretary, Madhugiri Education Society, Madhugiri giving details of possession of land by the institution; (vii) Notarised copy of NEC issued by Senior Sub-Registrar, Madhugiri, Govt. of Karnataka on 31.7.2019 (viii) Notarised downloaded copies from its website and (ix) Notarised copy of Building Plan issued by Chief Officer, Town Municipal Council, Madhugiri.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Committee concluded that the instant appeal deserved to be accepted and therefore decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant institution is directed to submit the documents within 15 days from the date of receipt of order on appeal. The SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the instant appeal deserved to be accepted and therefore decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant institution is directed to submit the documents within 15 days from the date of receipt of order on appeal. The SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, SRI T V Venkataswamy College of Education, 128/120/2 Madhugiri, Gauri Bidanoor Road, Madhugiri Tumkur, Karnataka-572132**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-83/E-246975/2022 Appeal/5th Meeting, 2022
APPLSRC202214313**

Loyola College of Education, Plot No 107 Village Rekurthy Post Malkapur Rekurthy Road Dist. Karimnagar, Telengana-505451 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OFS OF WITHDRAWAL

The appeal of **Loyola College of Education, Plot No 107 Village Rekurthy Post Malkapur Rekurthy Road Dist. Karimnagar, Telengana-505451** dated 10.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No **F.SRO/NCTE/APS07032/B.Ed./TS/2021/129775** dated 31.12.2021 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution was issued a Last Reminder Letter. The institution has submitted its reply vide letter

dated 05.03.2020. The Committee observed the reply submitted by the institution and found the following deficiencies. The institution has submitted faculty approval of 8 faculty vide letter 08.05.2019. The institution has not submitted faculty list in prescribed format approved by Affiliating University as NCTE Regulation 2014. The faculty strength is not enough for B.Ed. course (one unit) as per clause 5.3 of appendix of NCTE Regulation 2014. The website of the institute is not uploaded with the information required under clause 7(14)(i), 8(14) and 10(3) of NCTE Regulation 2014. The govt. of A.P. vide proceeding dated 12.07.1892 had providing the land for high school and junior college. The institute did not submit demarcated building plan for all the courses. Total build up area 3498.68 square meter is not enough for running high school, junior college, D.Ed., and B.Ed. course. The Building Plan and Site Plan submitted by the institution is not readable. The institution has submitted photocopy of FDRs Rs. 3 lakhs + Rs. 5 Lakhs total 8 lakhs instead of Form "A" issued by the respective Bank Manager towards creation of FDR of Rs. 7 Lakh and 5 Lakh, totalling Rs. 12 Lakh towards Endowment Fund & Reserve Fund into joint account for a duration of 5 years along with a copy of the FDRs."

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Loyola College of Education, Plot No 107 Village Rekurthy Post Malkapur Rekurthy Road Dist. Karimnagar, Telengana-505451 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal it is submitted that "We are submitting the faculty approved list in prescribed format approved by the affiliating University as NCTE Regulation 2014. We have been having regularly inspection and ratification of the required staff duly every year by the Satavahana University as NCTE Regulation 2014. We have been having regularly inspection and ratification of the required staff duly every year by the Satavahana University Karimnagar. We have one list of required 8 faculty members approval and ratified by the University. We also have other 3 teaching staff members namely lecturer in philosophy and General English, Physical Director, and another for performing Arts (whom University has refused to ratify as it is not their required need) but however, we the management appointed and approved. The list of non-teaching staff members is also enclosed for your information and understanding. It comes to 8+3+9 total staff. We are subjected to correction in case it is not enough for a single Unit (50 students) to run for a B.Ed. course programme. We have a website named www.loyolaeducation.org. It was not in active stage. Now we retrieved it. We also uploaded all the information required under clause 7(14)(i), 8(14) and 10(3) of NCTE Regulations 2014. You can

avail now at our website all the information about our Loyola College Education, Rekurthy, Karimnagar. Even though the Govt. of A.P vide proceeding dated 12.07.1892 had provided the land for high school and junior college, we have obtained in the course of time land used certificate from Tahsildar Government of Andhra Pradesh Revenue Department Karimnagar in 07.03.2012. We enclosed the order No. B5/534/82, dated 12.07.1982 and G.O. Ms. No.8 which says the land has been alienated to Loyola high school society authorities (Jesuit Province Society, Hyderabad) survey No. 107 (25.34 Acres) it can be used not only for Loyola High School and Junior college but also can be used for building all kind of Educational Institutions and run. We are here submitting the demarcated building plan for the entire course. This land survey no. 107 (25.34 Acres) belongs to Jesuit Province Society Hyderabad later on it has come under the Loyola Education and Development Society, B.Ed. college, measures 1 acre 16 Guntas 33 square yards. In these 33 cents was bought by JPS represented by Fr. Y. Inna Reddy s/o Chinnapa Reddy. The present B.Ed. building stands in the 33 cents land. The main road divided B.Ed. campus from other institutions. We are enclosing both documents for your consideration. As the Building completion certificate indicates we have B.Ed. ground floor 5160.00 square feet, B.Ed. first floor 4868.00 square feet, B.Ed. Second floor 4868.00 square feet and later added adjutant Seminar building Hall 4141.00 square feet put together Total built up area is 19,037.00 square feet when it is measured square meters. It comes to 1768.58 square meters. We feel it is more than sufficient for a single Unit of 50 students. We are also uploading the building completion certificate for your clarity. However, there is a wrong misconception to very many people that we run many institutions at the same building in the same campus which was not at all correct. We would like to send a video CD of different institutions namely Loyola High School, Junior College, and our B.Ed. college campuses. A. Loyola High School building is situated in a different site of the same survey number 107 of 25.34 acres. We have a main road running in between the land which separates Loyola High School and B.Ed. college campus building. You can have an idea with looking at the blueprint and the site plan which are enclosed. B. The D.Ed. College has been closed 5 years ago in the year 2016 and we are enclosing application of closure which we sent to the SCERT long ago. We were not running this course since then. C. Loyola Junior College was shifted to another place and campus of the alienated land of 25.34 acres. We received 5 acres of gift deed land from the Bishop of Warangal in the town area called Jyothi Nagar in Karimnagar in the year 2009. We enclose the survey no.1247 document for your understanding. It has its own land and campus and building. Our B.Ed. College Building is situated to the east of the main road which separates our B.Ed. building from other institutions. Accordingly, the site plan and Building Plan is enclosed for your

clarity and understanding. The institution has photocopy of FDRs Rs. 9,00,000/- Fixed deposit towards Endowment in the joint name of the correspondent, Loyola College of Education and the Regional Director, SRC, NCTE, Bangalore and Reserve Fund for the duration of 5 years from 05.01.2022 to 05.01.2027 in Indian Overseas Bank Secunderabad. The copy is enclosed for your information. In the same way Rs. 3,00,000/- was deposited in Andhra Bank in the year 05.09.2008 at St. John's school Branch, Karimnagar, which is called Union Bank of India now. The amount is totalling (Rs.9,00,000/- +Rs.3,00,000/-) Rs.12,00,000/- towards Endowment Fund & Reserve Fund into Joint account for duration of 5 years. We also enclosed Form 'A' from the respective Bank Managers towards the creation of FDRs 9 lakh and 3 lakhs. Hence, we humbly beg you and request you to consider our plea and appeal for the extension of NCTE recognition granted to Loyola college of Education., Rekurthy, Malkapur Post, Karnimnagar-505451, Telangana for conducting B.Ed. Programme. Ours is Loyola Jesuit Institutions named after St. Loyola and St. Xavier's having many colleges and schools in different states. We maintain real quality education, discipline and standard in all our institutions. Ours is the only catholic and minority College existing in Karimnagar with single unit with (50 students only). Kindly give us a chance to rectify and still anything is to be rectified in future before taking any drastic step towards out Loyola B.Ed. College, Rekurthy, Karimnagar, Telangana state. We are counting on your kind cooperation and consideration.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 14.04.2007 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 31.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that consequent upon the request, the appellant institution vide order dated 21.07.2017 was permitted to run B.Ed. course with 50 students (one unit).

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 20.02.2019 and 10.10.2019, respectively to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents substantiating the removal of deficiencies to continue the granted recognition.

The Appeal Committee noted that the Satavahana University vide order dated 11.03.2022 has granted provisional affiliation to the appellant institution for the academic year 2021-22 for offering B.Ed course with an annual intake of 50 students of one unit subject to the fulfilment of the following conditions and general rules of affiliation:-

a) All the teaching faculty may acquire NET/SLET qualification.

None of the submitted faculty approved by the Registrar, Satavahana University, Karimnagar on 22.02.2022 is having NET/SLET qualification except the faculty at Sl.No. 7 & 8. But these faculty members do not acquire the required percentage of M.Ed. degree. Moreover, another list of faculty of 03 members is not approved by the competent authority of the affiliating body.

The Appeal Committee further noted that the land is in favour of Headmaster of Loyola High School, Karimnagar, which is not permissible as per prevailing Regulations. The exclusive demarcated land should either be in the name of the Trust/Society or College to run the Teacher Education Programme.

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

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the appellant institution is still deficient on the above grounds. Hence the Committee reached the conclusion that the SRC was justified in withdrawing recognition and therefore the instant appeal deserved to be rejected and the impugned withdrawal order is confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Loyola College of Education, Plot No 107 Village Rekurthy Post Malkapur Rekurthy Road Dist. Karimnagar, Telengana-505451**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Telangana.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-84/E-247211/2022 Appeal/5th Meeting, 2022
APPLSRC202214316**

Shri Balaji College of Education, Arcot Road, Irumbedu 42, Arcot Road, Arni Tiruvannamalai, Tamilnadu-632317 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OFS OF WITHDRAWAL

The appeal of **Shri Balaji College of Education, Arcot Road, Irumbedu 42, Arcot Road, Arni Tiruvannamalai, Tamilnadu-632317** dated 14.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **408th Meeting of SRC 2022 (Minutes Based) APSO3032 (Without Order)** dated 02.03.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution was issued a Final Show Cause Notice (FSCN). The institution has submitted its reply on 20.09.2021. The Committee observed the reply submitted by the institution and found the following deficiencies. The institution submitted approvals of faculty (One Principal, 2. Professors, 2 Associate Professors, 19 Assistant Professors,

1 Physical director, 1 faculty for fine arts; Total 26). The institution also failed to submit supporting documents in terms of educational qualification of the faculty strength is not sufficient for B.Ed. (4 units) and M.Ed. (1 unit). The institution did not submit the bank statement showing disbursement of salary to faculty through bank account as stipulated under clause 10(2) of NCTE Regulations, 2014. The institution did not appoint faculty for Performing Arts.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Shri Balaji College of Education, Arcot Road, Irumbedu 42, Arcot Road, Arni Tiruvannamalai, Tamilnadu-632317 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal me it is submitted that “That the SRC vide its decision taken on the 408th meeting of the SRD held on 2nd March 2022 has withdrawn our recognition of our college observing deficiencies which were already clarified / ratified by our institution. A copy of the minutes of the 408th meeting of the SRC held on 2nd March 2022 is enclosed as Enclosure 1, since we have not received the withdrawal order so far. 2. That in order to appreciate various contentions and averments being raised hereinafter by the Appellant, it is necessary to state the following few relevant facts in brief. 3. That the SRC NCTE vide its order dated 31.01.2006 granted recognition to the appellant institution for running the B.Ed. course with annual intake of 100 students. Further, a revised recognition order dated 01.05.2015 with intake of 100 students, was issued to the appellant institution. A True Copy of the Recognition Order and Revised Order is being annexed herewith as Annexure 2 collectively. 4. That the SRC NCTE vide its order dated 26.11.2008 granted recognition to the appellant institution for running the M.Ed. course with annual intake of 50 students. Further, a revised recognition order dated 22.05.2015 with intake of 50 students, was issued to the appellant institution. A True Copy of the Recognition Order and Revised Order is being annexed herewith as Annexure 3 collectively. 5. That it is submitted that the SRC issued a First Show Cause notice dated 08.06.2021 and accordingly the institution has submitted reply dated 25.06.2021. True Copy of the Show Cause Notice dated 08.06.2021 is being annexed herewith as Annexure 4 and True Copy of the Reply dated 19.06.2021 is being annexed herewith as Annexure 4 and True Copy of the Reply dated 19.06.2021 is being annexed herewith as Annexure 5. 6. That it is submitted that the SRC failed to consider the reply submitted by the institution. 7. That it is submitted that the SRC issued a Final Show Cause Notice dated 31.08.2021 and accordingly the institution has submitted reply on 20.09.2021. True Copy of the Final Show Cause Notice dated 31.08.2021 is being annexed herewith as Annexure 7. 8. That it is submitted that despite the submission of all the documents,

the SRC decided to withdraw the recognition observing the following deficiencies: 1. The institution failed to submit supporting documents in terms of educational qualification of the faculty and experience certificate of the principal. 2. The Faculty strength is not sufficient for B.Ed. (4 units) and M.Ed. (1 unit). 3. The institution did not submit the bank statement showing disbursement of salary to faculty through bank account. 4. The institution did not appoint faculty for Performing Arts.

9. That is submitted that institution is herein submitting the following documents to show the fact that the above deficiencies pointed out by the SRC are not correct. 1. True copy of complete faculty list approved by Tamil Nadu Teachers Education University. Supporting documents in terms of educational qualification of the faculty and experience certificate of the principal. 2. Faculty strength of (15+1) for B.Ed. (2 units) and M.Ed. (1 units). At present, we are having B.Ed. (2 units) and M.Ed. (1 unit). We have received an order for additional intake of B.Ed. (2 units) with reference to SRCAPP1844/B.Ed.-AI/TN/2015/ 62186 dated 03.03.2015. However, we have not submitted the same to get affiliation from Tamil Nadu Teachers Education University for this additional intake of 2 units, since the admission dropped drastically because of the duration of the course is enhanced from 1 year to 2 years. We are not interested to continue to utilize the additional intake of 2 units. Hence, continuation orders may please be accorded only to 2 units of B.Ed. and 1 unit of M.Ed. Hence, we are submitting herewith the faculty list required for B.Ed. (2 units) and M.Ed. (1 unit). 3. The bank statement showing disbursement of salary to faculty through bank account 4. Form III for faculty of Performing Arts. True copy of the complete faculty list approved by the Tamil Nadu Teachers Education University for B.Ed. (2 units) and M.Ed. (1 unit), supporting documents in terms of educational qualification of the faculty and experience certificate of the principal, bank statement showing disbursement of salary to faculty through bank account and Form III for faculty of Performing Arts are being annexed herewith as Annexure-8. 10. That it is submitted that though appellant institution vide its reply letters submitted the desired documents to the SRC as asked by them vide Show Cause Notice, however, the SRC rejected the appeal of the Appellant institution. 11. That now the appellant institution is again enclosing with its appeal, the documents which were desired by the SRC through Show Cause Notices and submitted by the petitioner institution with its replies to the SRC. 12. That it is submitted that withdrawal order issued by the SRC is totally devoid of merit and is not as per statutory provisions, as mandated under NCTE Act, 1993. 13. That it is submitted that the petitioner institution does not lack infrastructural and instructional facilities required as per the NCTE norms. 14. That it appears that SRC proceeded in arbitrary manner without considering the documents properly. 15. That it is submitted that thus, the decision taken on the 408th meeting of the SRC held on 2nd March 2022 to withdraw the recognition is not

maintainable and the appeal committee is requested to revert the decision taken by SRC and direct the SRC to restore the recognition (B.Ed.-2 units and M.Ed.-1 unit) of Appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by desired by the SRC. 16. From the beginning to till date, the college is functioning with B.Ed. (only 2 units) and M.Ed. (1 unit). We have received an order for additional intake of B.Ed. (2 units) with reference to SRCAPP1844/B.Ed.-AI/TN/2015/ 62186 dated 03.03.2015. However, we have not submitted the same to get affiliation from Tamil Nadu Teachers Education University for this additional intake of 2 units, since the admission was dropped drastically because of the duration of the course in enhanced from 1 year to 2 years. Hence, we have not appointed separate staff as required by NCTE for B.Ed. additional intake and not admitted any students for B.Ed. additional intake till date. 17. Presently, the college is running with B.Ed. (2 units) and M.Ed. (1 unit) with required staff as per NCTE norms.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 31.01.2006 and for M.Ed. course of one year duration with an annual intake of 25 students vide order dated 26.11.2008 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order for conducting B.Ed. course of two years duration with an annual intake of 100 students (two units) and M.Ed. course for 50 eats (one unit) was issued on 01.05.2015 and 22.05.2015, respectively with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 08.06.2021 and 31.08.2021, respectively to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents substantiating the removal of deficiencies to continue the granted recognition.

The Appeal Committee further noted that the appellant institution by its letter dated 18.02.2016 had submitted required documents in response to SRC's letter dated 12.01.2016 for the existing B.Ed. (two units) and M.Ed. (one unit). Further in response to SRC's communication

dated 4.9.2019 and 8.06.2021, they had submitted another reply dated 25.06.2021 alongwith an affidavit dated 25.06.2021 signed by Secretary of the college furnishing the related documents including faculty of B.Ed. (two units) and M.Ed. (one unit) for consideration by the SRC. After considering reply of the appellant, a Final Show Cause Notice dated 31.08.2021 was issued in which it was stated that a revised recognition order was issued on 01.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students (two units) and a revised recognition order was issued on 22.05.2015 for M.Ed. course with an annual intake of 50 students (one unit) from the academic session 2015-16. It is not clear from the contents of SCN and that too from the withdrawal order itself as to whether the revised recognition for B.Ed. AI of two units was issued or not. Only a revised recognition order for B.Ed. existing two units is available in the file. The appellant institution had on each occasion requested to consider the documents for existing B.Ed. of 100 students (two units) only.

The Appeal Committee noted that the appellant institution in the appeal alongwith Memoranda of Appeal has explained that they are not running B.Ed. AI and the revised recognition order has also not been issued to this effect.

The Appeal Committee noted that the appellant institution in the appeal alongwith memoranda of appeal has submitted the documents as a compliance of grounds of withdrawal such as (i) Notarised copy of list of faculty (1+15) alongwith their supporting documents for two units approved by the Registrar, Tamil Nadu Teachers Education University, Chennai on 24.08.2021 and 16.09.2021 and (ii) Notarised copy of letter dated 21.12.2021 issued by the Branch Manager, Indian Bank certifying that as per the list of teaching faculty, administrative and professional staff provided by the college on monthly basis, the salary is paid to them through ECS Mode. List of B.Ed. and M.Ed. staff of 26 members with their account number is attached with the bank letter.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Committee concluded that the instant appeal deserved to be accepted and therefore decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant institution is directed to submit the documents within 15 days from the date of receipt of order on appeal. The SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the instant appeal deserved to be accepted and therefore decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant institution is directed to submit the documents within 15 days from the date of receipt of order on appeal. The SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Shri Balaji College of Education, Arcot Road, Irumbedu 42, Arcot Road, Arni Tiruvannamalai, Tamilnadu-632317**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-85/E-247215/2022 Appeal/5th Meeting, 2022
APPLSRC202214265**

Shri Balaji College of Education, Arcot Road, Irumbedu 42, Arcot Road, Arni Tiruvannamalai, Tamilnadu-632317 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Shri Balaji College of Education, Arcot Road, Irumbedu 42, Arcot Road, Arni Tiruvannamalai, Tamilnadu-632317** dated 14.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **408th Meeting of SRC 2022 (Minutes Based) APSO8906 (Without Order)** dated 02.03.2022 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “The institution was issued a Final Show Cause Notice (FSCN). The institution has submitted its reply on 20.09.2021. The Committee observed the reply submitted by the institution and found the following deficiencies. The institution submitted approvals of faculty (One Principal, 2. Professors, 2 Associate Professors, 19 Assistant Professors,

1 Physical director, 1 faculty for fine arts; Total 26). The institution also failed to submit supporting documents in terms of educational qualification of the faculty strength is not sufficient for B.Ed. (4 units) and M.Ed. (1 unit). The institution did not submit the bank statement showing disbursement of salary to faculty through bank account as stipulated under clause 10(2) of NCTE Regulations, 2014. The institution did not appoint faculty for Performing Arts.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Shri Balaji College of Education, Arcot Road, Irumbedu 42, Arcot Road, Arni Tiruvannamalai, Tamilnadu-632317 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal memoranda it is submitted that “That the SRC vide its decision taken on the 408th meeting of the SRD held on 2nd March 2022 has withdrawn our recognition of our college observing deficiencies which were already clarified / ratified by our institution. A copy of the minutes of the 408th meeting of the SRC held on 2nd March 2022 is enclosed as Enclosure 1, since we have not received the withdrawal order so far. 2. That in order to appreciate various contentions and averments being raised hereinafter by the Appellant, it is necessary to state the following few relevant facts in brief. 3. That the SRC NCTE vide its order dated 31.01.2006 granted recognition to the appellant institution for running the B.Ed. course with annual intake of 100 students. Further, a revised recognition order dated 01.05.2015 with intake of 100 students, was issued to the appellant institution. A True Copy of the Recognition Order and Revised Order is being annexed herewith as Annexure 2 collectively. 4. That the SRC NCTE vide its order dated 26.11.2008 granted recognition to the appellant institution for running the M.Ed. course with annual intake of 50 students. Further, a revised recognition order dated 22.05.2015 with intake of 50 students, was issued to the appellant institution. A True Copy of the Recognition Order and Revised Order is being annexed herewith as Annexure 3 collectively. 5. That it is submitted that the SRC issued a First Show Cause notice dated 08.06.2021 and accordingly the institution has submitted reply dated 25.06.2021. True Copy of the Show Cause Notice dated 08.06.2021 is being annexed herewith as Annexure 4 and True Copy of the Reply dated 19.06.2021 is being annexed herewith as Annexure 4 and True Copy of the Reply dated 19.06.2021 is being annexed herewith as Annexure 5. 6. That it is submitted that the SRC failed to consider the reply submitted by the institution. 7. That it is submitted that the SRC issued a Final Show Cause Notice dated 31.08.2021 and accordingly the institution has submitted reply on 20.09.2021. True Copy of the Final Show Cause Notice dated 31.08.2021 is being annexed

herewith as Annexure 7. 8. That it is submitted that despite the submission of all the documents, the SRC decided to withdraw the recognition observing the following deficiencies: 1. The institution failed to submit supporting documents in terms of educational qualification of the faculty and experience certificate of the principal. 2. The Faculty strength is not sufficient for B.Ed. (4 units) and M.Ed. (1 unit). 3. The institution did not submit the bank statement showing disbursement of salary to faculty through bank account. 4. The institution did not appoint faculty for Performing Arts.

9. That it is submitted that institution is herein submitting the following documents to show the fact that the above deficiencies pointed out by the SRC are not correct. 1. True copy of complete faculty list approved by Tamil Nadu Teachers Education University. Supporting documents in terms of educational qualification of the faculty and experience certificate of the principal. 2. Faculty strength of (15+1) for B.Ed. (2 units) and M.Ed. (1 unit). At present, we are having B.Ed. (2 units) and M.Ed. (1 unit). We have received an order for additional intake of B.Ed. (2 units) with reference to SRCAPP1844/B.Ed.-AI/TN/2015/ 62186 dated 03.03.2015. However, we have not submitted the same to get affiliation from Tamil Nadu Teachers Education University for this additional intake of 2 units, since the admission dropped drastically because of the duration of the course is enhanced from 1 year to 2 years. We are not interested to continue to utilize the additional intake of 2 units. Hence, continuation orders may please be accorded only to 2 units of B.Ed. and 1 unit of M.Ed. Hence, we are submitting herewith the faculty list required for B.Ed. (2 units) and M.Ed. (1 unit). 3. The bank statement showing disbursement of salary to faculty through bank account 4. Form III for faculty of Performing Arts. True copy of the complete faculty list approved by the Tamil Nadu Teachers Education University for B.Ed. (2 units) and M.Ed. (1 unit), supporting documents in terms of educational qualification of the faculty and experience certificate of the principal, bank statement showing disbursement of salary to faculty through bank account and Form III for faculty of Performing Arts are being annexed herewith as Annexure-8. 10. That it is submitted that though appellant institution vide its reply letters submitted the desired documents to the SRC as asked by them vide Show Cause Notice, however, the SRC rejected the appeal of the Appellant institution. 11. That now the appellant institution is again enclosing with its appeal, the documents which were desired by the SRC through Show Cause Notices and submitted by the petitioner institution with its replies to the SRC. 12. That it is submitted that withdrawal order issued by the SRC is totally devoid of merit and is not as per statutory provisions, as mandated under NCTE Act, 1993. 13. That it is submitted that the petitioner institution does not lack infrastructural and instructional facilities required as per the NCTE norms. 14. That it appears that SRC proceeded in arbitrary manner without considering the documents properly. 15. That it is submitted that thus, the

decision taken on the 408th meeting of the SRC held on 2nd March 2022 to withdraw the recognition is not maintainable and the appeal committee is requested to revert the decision taken by SRC and direct the SRC to restore the recognition (B.Ed.-2 units and M.Ed.-1 unit) of Appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by desired by the SRC. 16. From the beginning to till date, the college is functioning with B.Ed. (only 2 units) and M.Ed. (1 unit). We have received an order for additional intake of B.Ed. (2 units) with reference to SRCAPP1844/B.Ed.-AI/TN/2015/ 62186 dated 03.03.2015. However, we have not submitted the same to get affiliation from Tamil Nadu Teachers Education University for this additional intake of 2 units, since the admission was dropped drastically because of the duration of the course in enhanced from 1 year to 2 years. Hence, we have not appointed separate staff as required by NCTE for B.Ed. additional intake and not admitted any students for B.Ed. additional intake till date. 17. Presently, the college is running with B.Ed. (2 units) and M.Ed. (1 unit) with required staff as per NCTE norms.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 31.01.2006 and for M.Ed. course of one year duration with an annual intake of 25 students vide order dated 26.11.2008 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order for conducting B.Ed. course of two years duration with an annual intake of 100 students (two units) and M.Ed. course for 50 seats (one unit) was issued on 01.05.2015 and 22.05.2015, respectively with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 08.06.2021 and 31.08.2021, respectively to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents substantiating the removal of deficiencies to continue the granted recognition.

The Appeal Committee further noted that the appellant institution by its letter dated 18.02.2016 had submitted required documents in response to SRC's letter dated 12.01.2016 for the existing B.Ed. (two units) and M.Ed. (one unit). Further in response to SRC's communication dated 4.9.2019 and 8.06.2021, they had submitted another reply dated 25.06.2021 alongwith an affidavit dated 25.06.2021 signed by Secretary of the college furnishing the related documents including faculty of B.Ed. (two units) and M.Ed. (one unit) for consideration by the SRC. After considering reply of the appellant, a Final Show Cause Notice dated 31.08.2021 was issued in which it was stated that a revised recognition order was issued on 01.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students (two units) and a revised recognition order was issued on 22.05.2015 for M.Ed. course with an annual intake of 50 students (one unit) from the academic session 2015-16. It is not clear from the contents of SCN and that too from the withdrawal order itself as to whether the revised recognition for B.Ed. AI of two units was issued or not. Only a revised recognition order for B.Ed. existing two units is available in the file. The appellant institution had on each occasion requested to consider the documents for existing B.Ed. of 100 students (two units) only.

The Appeal Committee noted that the appellant institution in the appeal alongwith Memoranda of Appeal has explained that they are not running B.Ed. AI and the revised recognition order has also not been issued to this effect.

The Appeal Committee noted that the appellant institution in the appeal alongwith memoranda of appeal has submitted the documents as a compliance of grounds of withdrawal such as (i) Notarised copy of list of faculty (10 members) alongwith their supporting documents for one unit approved by the Registrar, Tamil Nadu Teachers Education University, Chennai on 24.08.2021 and 16.09.2021 and (ii) Notarised copy of letter dated 21.12.2021 issued by the Branch Manager, Indian Bank certifying that as per the list of teaching faculty, administrative and professional staff provided by the college on monthly basis, the salary is paid to them through ECS Mode. List of B.Ed. and M.Ed. staff of 26 members with their account number is attached with the bank letter.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. © 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 15/12/2020, passed in W.P. © 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Committee concluded that the instant appeal deserved to be accepted and therefore decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant institution is directed to submit the documents within 15 days from the date of receipt of order on appeal. The SRC at a liberty to verify the authenticity of the documents from the concerned issuing authority.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the instant appeal deserved to be accepted and therefore decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant institution is directed to submit the documents within 15 days from the date of receipt of order on appeal.

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




Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Shri Balaji College of Education, Arcot Road, Irumbedu 42, Arcot Road, Arni Tiruvannamalai, Tamilnadu-632317**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-88/E-245039/2022 Appeal/5th Meeting, 2022
APPLNRC202214295**

Global Institute of Education and Research, 73/85 Farrukhnagar, Hailymandi Road, Farrukhnagar Gurgaon, Haryana-122506 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, NRC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF REFUSAL

The appeal of Global Institute of Education and Research, 73/85 Farrukhnagar, Hailymandi Road, Farrukhnagar Gurgaon, Haryana-122506 dated 24.02.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No File No. NRC/NCTE/NRCAPP-6182-B.Ed./357th (Virtual) Emergent Meeting/2021/216821 dated 29.12.2021. of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted the reply of the Final Show Cause Notice which was issued on 16.09.2021 till date."

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Global Institute of Education and Research, 73/85 Farrukhnagar, Hailymandi Road, Farrukhnagar Gurgaon, Haryana-122506 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal Memoranda it is submitted that "Due to corona-2019, we fail to submit documents at time, as institute was closed in these days."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the impugned refusal order came into operation due to not submitting reply to Show Cause Notices issued on 02.08.2021 and 10.09.2021. The appellant institution was given reasonable opportunities to rectify the pointed out deficiencies but they failed to do so on each occasion.

The Appeal Committee noted that the reasons explained in the Memoranda of Appeal by the appellant institution for not submitting reply to SCNs are not convincing as it was a lean period of COVID19 when the Final Show Cause notice was issued.

Noting the submissions and verbal arguments advanced during hearing by the appellant institution, the Appeal Committee concluded that the NRC was justified in refusing recognition and therefore the instant appeal deserved to be rejected and the impugned refusal order is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the NRC was justified in refusing recognition and therefore the instant appeal deserved to be rejected and the impugned refusal order is confirmed.

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



Deputy Secretary (Appeal)

Copy to :-

- 1. The Principal, Global Institute of Education and Research, 73/85 Farrukhnagar, Hailymandi Road, Farrukhnagar Gurgaon, Haryana-122506**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
F. No. 89-89/E-247743/2022 Appeal/5th Meeting, 2022
APPLNRC202214322**

SW Daya Shankar Patel Mahavidyalaya, 18 Maholi Sitapur, Uttar Pradesh-261141 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, NRC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **SW Daya Shankar Patel Mahavidyalaya, 18 Maholi Sitapur, Uttar Pradesh-261141** dated 19.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **NRCAPP-14241** dated 03.06.2016 of the Northern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “Minutes of 253rd Meeting of the NRC held from 30th May to 3rd June 2016 (Part-I). Non-submission of NOC from the affiliating body as required under clause 5(3) of the NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, SW Daya Shankar Patel Mahavidyalaya, 18 Maholi Sitapur, Uttar Pradesh-261141 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal memoranda it is submitted that “1. That the online application is for B.Ed./D.El.Ed. for course recognition, triplicate copies of all documents have to be submitted to the North Regional Committee office. 2. That the North Regional Committee has come to know from the website of the 247th meeting in which the application has been sent to the State Government for recommendation. Self. NOC from Dayashankar Patel Mahavidyalaya State Govt. is received. NOC to the Northern Regional Committee again. The copy of the same has been submitted on 25.01.2016. 3. That the self in the letter NRCAPP-14241 D.El.Ed. Dayashankar Patel College instead of Late. Daya Shankar Patel Mahavidyalaya has written that the letter has not been received by the Uttar Kshetri Samitis Errorvansh Mahavidyalaya. But when the North Regional Committee 247th meeting is known from the website, the college manager is giving reply all the time. 4. That the manager has completely prepared the college building as per the NCTE norms, but due to non-receipt of the letter of the North Regional Committee, the institute has lost the session. 5. That the college manager has been sending letters to the North Regional Committee, National Council for Teacher Education for many times, but till now no response in being received. 6. That your office NRC / NCTE has been informed personally and through correspondence that the decision should be taken as per rules by keeping the letter in the North Regional Committee meeting. Otherwise, the photocopy of the decision taken should be given. But there is no response from the Northern Regional Committee yet. 7. That the manager of the Northern Regional Committee office personally has also given notice. Share HD Correspondence for processing the pending file and. 8. That the letter of NRC / NCTE has not been given by the manager even when asked personally. Due to which instead of 60 days, 4 years have been spent in seeking letters from the North Regional Committee. 9. That there has been a delay of two years due to Covid-19, 10. That due to non-receipt of the copy of the letter of the North Regional Committee, the appeal reply is being made in the National Council of Teacher Education (NCTE Section 18) with effect from 10.02.2022.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned refusal/rejection order dated 03.06.2016 was

issued after rendering reasonable opportunity to the appellant to submit required documents. Appellant was also informed of the provisions and guidelines for submitting appeal within a period of 60 days from the date of issue of impugned refusal/rejection order. The appellant has preferred a delayed appeal by more than 5 years and 7 months against the impugned refusal/rejection order.

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

3. Appeal Committee observed that the reasons adduced in the Appeal Memoranda by the appellant for preferring delayed appeal after the expiry of stipulated period are not convincing. Hence, the Appeal Committee decided not to condone the unjustifiable and inordinate delay of more than 4 years.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the inordinate and unjustifiable delay is not condoned and the instant appeal not admitted.

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


Deputy Secretary (Appeal)

Copy to :-

- 1. The Principal, SW Daya Shankar Patel Mahavidyalaya, 18 Maholi Sitapur, Uttar Pradesh-261141**

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.

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**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-90/E-247744/2022 Appeal/5th Meeting, 2022
APPLNRC202214321**

SW Daya Shankar Patel Mahavidyalaya, 18 Maholi Sitapur, Uttar Pradesh-261141 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, NRC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **SW Daya Shankar Patel Mahavidyalaya, 18 Maholi Sitapur, Uttar Pradesh-261141** dated 19.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **NRCAPP-14558** dated 06.08.2016 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “Minutes of 255th Meeting of the NRC held from 02nd to 06th August, 2016. The institution was given show cause notice vide letter dt. 28.06.2016 with direction to submit the reply within 30 days. The institution did not submit any reply of show cause notice.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, SW Daya Shankar Patel Mahavidyalaya, 18 Maholi Sitapur, Uttar Pradesh-261141 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal it is submitted that “1. That the on-line application is for B.Ed./D.El.Ed. for course recognition, triplicate copies of all documents have to be submitted to the North Regional Committee office. That the North Regional Committee has come to know from the web-side of the 253rd Part-II meeting that the following:- The institution has not submitted any proof/evidence to prove that it is a composite institution as per clause 2(b) of NCTE Regulations, 2014. The Institution has not submitted the certified the Registrar/Sub-Registrar of the District. The Institution has not submitted the approved Building plan name of the course, address of the institution Khasra No/Plot., total land area, total built – up area and the other infrastructural facilities such as classrooms etc. Point No. 1. North Regional Committee Office NRCAPP-14241 D.El.Ed. & NRCAPP – 14558 B.Ed. of the file of same institution is applied, which is a composite institution as per NCTE Regulation 2014 clause 2(b). Still the Institute has submitted the Composite Institute Certificate on the date 14.07.2016 Point no. 2. The certified copy of the Institutes land deed from the Revenue Department has been submitted by the manager along with the online application and on the date 14.07.2016 again. Point No. 3. The Institute Manager has submitted the original map along with on-line and again with date blueprint map, certified by Pradhan, Engineer and Manager stamp Personally. That in the letter NRCAPP-142441 D.El.Ed. Daya Shankar Patel College instead of Late. Daya Shankar Mahavidyalay has written that the letter has not been received by the Uttar Kshetris Samities Errorvansh Mahavidyalay. But when the North Regional Committee 247th meeting is known from the web-side, the college manager is giving reply all the time. That the manger has completely prepared the college building as per the NCTE norms, Committee, the institute has lost the session. That the college manager has been sending letters to the North Regional Committee, National Council for Teacher Education for many times, but till now no response is being received. That your office of NRC/NCTE has been informed personally and through correspondence that the decision should be taken as per rules by keeping Otherwise the photocopy of the decision taken should be given. But there is no response from the north Regional Committee yet. That the manager has given cognizance of correspondence and personally also to bring the pending papers in the North Regional Committee office in the process. That the letter of when asked personally. Due to which instead of 60 days, 4 years have become a person in seeking letter from the Northern Regional Committee. That there has been a delay of two years

due to Kovid-19. That due to non-receipt of the copy of the letter of the North Regional Committee, the appeal is being made to the National Council of Teacher Education (NCTE Section 18) from the date 10.02.2016 of reply.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned refusal/rejection order dated 06.08.2016 was issued after rendering reasonable opportunity to the appellant in the shape of issue of Show Cause Notice dated 28.06.2016 to submit written representation for submitting required documents in the stipulated time. Appellant was also informed of the provisions and guidelines for submitting appeal within a period of 60 days from the date of issue of impugned refusal/rejection order. The appellant has preferred a delayed appeal by more than 5 years and 5 months against the impugned refusal/rejection order.

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

3. Appeal Committee observed that the reasons adduced in the Appeal Memoranda by the appellant for preferring delayed appeal after the expiry of stipulated period are not convincing. Hence, the Appeal Committee decided not to condone the unjustifiable and inordinate delay of more than 4 years.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council

concluded that the inordinate and unjustifiable delay is not condoned, and the instant appeal not admitted.

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


Deputy Secretary (Appeal)

Copy to :-

- 1. The Principal, SW Daya Shankar Patel Mahavidyalaya, 18 Maholi Sitapur, Uttar Pradesh-261141**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-91/E-248716/2022 Appeal/5th Meeting, 2022
APPLSRC202214323**

Sri Raghavendra College of Education, 29, Chikabanavara Pipeline Road, Yeshawanthpura Bangalore, Karnataka-560090 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	10/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal Sri Raghavendra College of Education, 29, Chikabanavara Pipeline Road, Yeshawanthpura Bangalore, Karnataka-560090 dated 21.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No F.SRO/NCTE/APS02057/B.ED./{KA}/ 2021/129842 dated 07.01.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution submitted a copy of letter dt. 28.10.2016 issued by the Registrar, Bangalore University. Whereby 12 faculty (including Principal) have been approved with the condition to clear Ph.D./NET/SLET within two years. The conditional appointment is not permissible under NCTE Regulations. Further, the strength of faculty is not

enough to run B.Ed. course (2 units) as per Appendix 4 of NCTE Regulations. The institution has also not submitted latest approval of faculty issued by the affiliating University. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. The institution did not submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulations, 2014. The website of the institution is not uploaded with the information required under clause 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014. The institution did not submit Affidavit regarding land & building in original. The building plan submitted by the institution is not approved by the competent authority. The institution has not submitted a BCC. The institution did not submit Encumbrance Certificate issued by the competent authority. The institution did not submit details of other programmes being run in the campus.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Sri Raghavendra College of Education, 29, Chikabanavara Pipeline Road, Yeshawanthpura Bangalore, Karnataka-560090 appeared online to present the case of the appellant institution on 10/06/2022. In the appeal it is submitted that “1. That the SRC vide its order dated 07.01.2022 has refused our recognition for conducting B.Ed. course, without following due procedure and without considering the documents of the appellant institution. A copy of refusal order dated 07.01.2022 of SRC is enclosed as Enclosure-I. That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief. That NCTE has been established under the NCTE Act, 1993 which came into force w.e.f. 01.07.1995 with a view to achieve planned and coordinated development of the teacher education system in the country. Thereafter NCTE framed NCTE Rules 1997 for granting or refusing recognition to an institution/course and to regulate such recognized institution/course. That thereafter, SRC processed the application of appellant institution and having been satisfied with the adherence of norms and fulfilment of infrastructural and instructional facilities by the appellant institution, the SRC issued the order dated 24.12.2005 granting recognition to appellant institution for conducting the B.Ed. course from academic session 2005-06. A copy of order dated 24.12.2005 issued by the SRC is enclosed as Enclosure-II. That therefore, in supersession of its previous Regulations, NCTE published NCTE (Recognition Norms and Procedure) Regulations, 2014 which came into force with effect from 01.12.2014 in terms whereof, the duration of B.Ed. course was increased from 1 to 2 years and accordingly, SRC issued order dated 16.05.2015 with

intake of 50 students only. A copy of the order dated 16.05.2015 issued by SRC is enclosed as Enclosure-III. That thereafter, the appellant institution vide its letter dated 02.12.2015 request the SRC that the appellant institution was recognized for 100 seats ad it wants to be continued with same. A copy of appellant institution letter dated 02.12.2015 is enclosed as Enclosure-IV. That thereafter, SRC considered the request of the appellant institution and issued the corrigendum dated 03.02.2016 thereby granting recognition to appellant institution for conducting the B.Ed. course with an annual intake of 100 students from the academic session 2015-16, subject to fulfilment of conditions prescribed therein. A copy of order dated 03.02.2016 issued by SRC is enclosed as Enclosure-V. That thereafter, appellant institution submitted its response to the aforesaid order dated 03.02.2016 issued by the SRC, which was considered by the SRC in its 314th meeting held on 27-28th May 2016, and after constitution of the same, the SRC issued the letter dated 13.06.2016 in respect of causing inspection of appellant institution. That thereafter, the visiting team constituted by the SRC, visited the appellant institution on 14.10.2016 and carried out inspection and thereafter submitted its report to SRC which was considered by the SRC in its 248th meeting held from 5-6 December 2017 wherein the SRC decided to issue show cause notice and thereafter, issued the show cause notice dated 13.12.2017 pointing out the deficiencies pertaining to Building Plan, Building Completion Certificate and Faculty List. A copy of show cause notice dated 13.12.2017 issued by the SRC is enclosed as Enclosure-VI. That though, appellant institution was having the adequate faculty, however, in terms of the directions of SRC, the appellant institution sought approval of additional faculty from the affiliating university so as to pacify the SRC. As you may aware that approval of faculty is a long process which is purely within the administrative control of the affiliating university. That it is relevant to state that before appellant institution could obtain the approval of faculty from the affiliating university, the SRC issued final show cause notice dated 13.11.2019 observing that the appellant institution has not submitted the reply to show cause notice dated 13.12.2017. It is also relevant to state that through the said final show cause notice dated 13.11.2019, SRC pointed out additional deficiencies/directions to be complied by the appellant institution. A copy of final show cause notice dated 13.11.2019 issued by SRC is enclosed as Enclosure-VII. That thereafter, the appellant institution vide it letter dated 05.12.2019 sent through speed post on 07.12.2019 submitted its point wise compliance to final show cause notice dated 13.11.2019 issued by the SRC. It is relevant to state that alongwith the said letter, the appellant institution submitted a copy of all the documents/information, as were sought by the SRC in the final show cause notice dated 03.11.2019. A true copy of the reply dated 05.12.2019 and speed post receipt dated 07.12.2019 is enclosed as Enclosure-VIII. That however,

notwithstanding the reply of the appellant institution, the SRC issued the withdrawal order dated 07.01.2022 withdrawing recognition of the appellant institution for conducting the B.Ed. course from the academic session 2021-22 onwards. That it is submitted that in response to the 1st direction/deficiency, the appellant institution is submitting the attested certified copy of the land documents duly signed by the office of Sub Registrar, which is enclosed with this letter as Enclosure-IX. That it is submitted that in response to the 2nd direction/deficiency, the appellant institution is submitting the copy of land use certificate issued by the competent authority, which is enclosed with this letter as Enclosure-X. In response to the 3rd direction/deficiency, the appellant institution is submitting the copy of the encumbrance certificate issued with this letter as Enclosure-XI. That it is submitted that in response to the 4th direction/deficiency, the appellant institution is submitted the attested copy of the approved building plan, earmarked in respect of each course, which is enclosed with this letter as Enclosure-XII. That it is submitted that in response to the 5th direction-deficiency, the appellant institution is submitting the attested copy of the map showing survey number of land, which is enclosed with this letter s Enclosure-XIII. That it is submitted that in response to the 6th direction/deficiency, the appellant institution is submitting the Building Completion Certificate of the building wherein the classes of B.Ed. course have already being run. A copy of Building Completion Certificate is enclosed with this letter as Enclosure-XIV. That it is submitted that in response to the 7th direction/deficiency, the appellant institution is submitting the Staff List, duly approved by the Registrar of the affiliating body, which is enclosed with this letter as Enclosure-XV. That it is submitted that in response to the 8th direction/deficiency, the appellant institution submitting the Original FDRs of Rs. 7 Lakhs and 5 lakhs to SRC along with the Form A issued by the Bank, which are enclosed with this letter as Enclosure-XVI. That it is submitted that so far as the 9th & 10th directions/deficiencies are concerned, the appellant institution was already in compliance thereof and had already submitted the details pertaining to teacher education programme, names of teachers, name of the institution, name of the course, year of starting and details pertaining to affiliating university. It is submitted that however, the said details are being refurnished with this letter and are enclosed as Enclosure-XVII. That it is submitted that in response to the 11th direction/deficiency, the appellant institution is providing the details pertaining to Survey Number, Land Area, Built Up Area, copies of attested Maps etc., which are enclosed with this letter as Enclosure-XVIII. That it is submitted that in response to the 12th direction/deficiency, the appellant institution is providing the details pertaining to domain of the website being run by the institution which www.srce.in. That it is submitted that withdrawal order issued by the SRC is totally devoid of merit and is not as per statutory provisions, as mandated under NCTE Act, 1993. That it

is submitted that the appellant institution does not lack infrastructural and instructional facilities required as per the NCTE norms. It appears that SRC proceeded in arbitrary manner without considering the documents properly. That it is submitted that SRC has taken the impugned decision without observing that the appellant vide its earlier replies, have already submitted the documents as desired by the SRC vide its show cause notices issued from time to time, and if any document was further required to be submitted on the part of the institution, the institution ought to have been provided an opportunity for submitting the same. That it is submitted that the SRC failed to observe that the appellant institution is running since the year 2005 and recognition to it, was granted by the SRC only after considering the eligibility of the appellant institution. That it is submitted that the SRC failed to observe that appellant institution ought to have given an opportunity before taking a drastic decision of withdrawal of recognition as it will cause irreparable loss to the appellant institution. That the Appellant Institution is hereby preferring its statutory appeal under section 18 of NCTE Act, 1993. In view of the above, the appeal committee is requested to accept the appeal of the Appellant institution, so that the same be considered by it on merits. That it is submitted that thus, the withdrawal order dated 07.01.2022 of SRC is not maintainable and the appeal committee is requested to revert the decision taken by SRC and direct the SRC to restore the recognition of Appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by the SRC. That in view of the aforesaid, it is submitted that unless this Committee quash and set aside the impugned order by the SRC, the SRC will not revive the application of the appellant institution and consider the documents submitted by the appellant thoroughly. Thus, in these circumstances, this Hon'ble committee may please to quash and set aside the impugned order issued by the SRC."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 24.12.2005 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 16.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that a corrigendum for reducing grant of intake to 50 students (one unit) from the academic session 2015-16 was issued to the appellant institution on 03.02.2016.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 13.12.2017 and 13.11.2019, respectively to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents substantiating the removal of deficiencies to continue the granted recognition.

The Appeal Committee noted that the appellant institution in the appeal alongwith memoranda of appeal has submitted the documents as a compliance of grounds of withdrawal such as (i) Notarised true copy of translated English version of Land documents (Gift Deed) executed on 25.3.2003 in favour of Shri Raghavendra Education Society or Sri Raghvendra Institution registered in the office of Sub-Registrar, Bengaluru North Taluk alongwith Regional Language; (ii) Notarised copy of CLU dated 13.02.2006 issued by Tahsildar, Bangalore North Taluk; (iii) Notarised English version of NEC dated 14.1.2022 issued by Sub-Registrar, Senior Sub-Registrar, Peenya, Bengaluru, Govt. of Karnataka; (iv) Notarised copy of Building Completion Certificate issued by Junior Executive Engineer (Housing), Dasarahalli Municipality, Bangalore; (v) Notarised copy of list of faculty (1+15 members) approved by the Registrar, Bangalore University, Bangalore on 19.01.2022; (v) Notarised copy of Form 'A' and FDRs for Rs. 4,21,458/-, 3 lakh and 5 lakhs issued by Union Bank of India; (vi) Notarised copy of Home page of institute's website; (vii) Notarised copy of statement of account of Union Bank of India showing disbursement of salary to the staff; and (viii) Notarised copy of building plan issue by President, Chikkabanavara, Gram Panchayat, Bengaluru, North Taluk.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. © 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 15/12/2020, passed in W.P. © 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Committee concluded that the instant appeal deserved to be accepted and therefore decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant institution is directed to submit the documents within 15 days from the date of receipt of order on appeal. The SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the instant appeal deserved to be accepted and therefore decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant institution is directed to submit the documents within 15 days from the date of receipt of order on appeal. The SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Sri Raghavendra College of Education, 29, Chikabanavara Pipeline Road, Yeshawanthpura Bangalore, Karnataka-560090

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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-92/E-248934/2022 Appeal/5th Meeting, 2022
APPLSRC202214320

St. Justins College of Education, 161 Munichalari, Madurai, Kamarajar Salai, Maduari South, Madurai, Tamilnadu-625009 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **St. Justins College of Education, 161 Munichalari, Madurai, Kamarajar Salai, Maduari South, Madurai, Tamilnadu-625009** dated 15.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No **F.SRO/NCTE/AOS00443/B.Ed./{TN}/2021/129618** dated 27.12.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The Institution did not submit a certified copy of land documents. The Institution is required to submit certified copy of land documents issued by concerned Tehsildar/Revenue officer. (If the same are in regional languages the institution is also required to submit notarised copy of English version of land documents). The institution did not submit a copy

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of land use certificate. The institution is required to submit an attested/notarised copy of land use certificate issued by the competent authority. The institution did not submit a copy of non-encumbrance certificate issued by the competent authority. The institution is required to submit an attested/notarised copy of non-encumbrance certificate issued by the competent authority. The institution did not submit a copy of approved building plan. The institution is required to submit an attested/notarised copy of the approved building plan (If institution is running more building plan for each of the recognised teacher education programme, it shall be required to submit an exclusive earmarked building plan for each of the recognized teacher education programme. The institution did not submit an attested/notarised copy of site plan showing all the plot/survey/No. mentioned in the land documents in one location along with land area build up area. The institute did not submit a copy of building completion certificate. The institute is required to submit an attested/notarised copy of building completion certificate issued by the competent authority. The institute did not submit staff list as per the prescribed format duly approved by the registrar of the affiliating body. The institutions required to submit staff list duly approved by the registrar of the affiliating body as per the prescribed format. (In case the institution is running more than one teacher education programme, it is required to submit staff list duly approved by the affiliating body for each of the recognized teacher education programme being run by the institution). The institution did not submit original FDRS to the SRC NCTE. The institution is required to submit a "form a" issued by the102submit102tive bank manager towards creation of FDR of 7 lakh and 5 lakh, totalling Rs 12 lakh towards endowment fund & reserve fund into joint account for a duration of 5 years along with a copy of the FDRS. Details of teacher education programme(s) being run by the institution in the same campus details of 1) Name & Address of the teacher education programme. 2) Recognition order No & Date. 3) Course 4). Intake. Details of other programme(s) (If any) being run by the institution in the same campus. 1. Name of the institution & course. 2. Name of the course. 3. Intake/Unit(s). 4. Year of starting. 5. Affiliating body. Details of total land & build up area for all the recognized teacher Education programme/other programme (If any) being run by the institution in the same campus. 1. Name of the programme. 2. S./No. 3. Land area. 4. Build up area. The institution did not submit domain name of the website being run by the institution. The institution submits an affidavit clearly stating status about land & building and management (society/trust) at the time of recognition and its present status giving following details. 1. Details of land & building available at the time of recognition with the institution. 2. Details of land & building now available with the institution. 3. Status of management at the time of recognition and its present status"

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, St. Justins College of Education, 161 Munichalari, Madurai, Kamarajar Salai, Maduari South, Madurai, Tamilnadu-625009 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “The institution submitted a certified copy of land documents. The institution is required to submit certified copy of land documents issued by concerned Tehsildar/Revenue officer. (If the same are in regional languages the institution is also required to submit notarized copy of English version of land documents). The institute submitted a copy of land use certificate. The institute is required to submit an attested/notarized copy of land use certificate issued by the competent authority. The institution submitted a copy of non-encumbrance certificate issued by the competent authority. The institution is required to submit an attested/notarized copy of non-encumbrance certificate issued by the competent authority. The institution submitted a copy of approved building plan. The institution is required to submit an attested/notarized copy of the approved building plan (If institution is running more building plan for each of the recognized teacher education programme, it shall be required to submit an exclusive earmarked building plan each of the recognized teacher education programme. The institution submitted an attested/notarized copy of site plan plot/survey/no. mentioned in the land documents in one location long with land areal and build up area. The institution submitted a copy of building completion certificate. Institution is required to submit an attested/notarized copy of building completion certificate issued by the competent authority. The institution submitted staff list as per the prescribed format duly approved by the registrar of the affiliating body. The institution is required to submit staff list duly approved by the registrar of the affiliating body as per the prescribed format. (In case the institution is running more than one teacher education programme, it is required to submit staff list duly approved by the affiliating body for each of the recognized teacher education programme being run by the institution). The institution submitted original FDRS to the SRC NCTE. The institution is required to submit a “form a” issued by the respective bank manager towards creation of FDR of 7 lakh and 5 lakh, totalling Rs 12 lakh towards endowment fund & reserve fund into joint account for a duration of 5 years along with a copy of the FDRS. The institution submitted details of teacher education programme(s) being run by the institution in the same campus details of i) Name & Address of the teacher education programme; ii) Recognition order No & Date; iii) Course; iv) Intake; v). The institution submitted details of other programme(s) (If any) being run by the institution in the same campus; a) Name of the institution & course; b) Name of the course; c) Intake/unit(s); d) Year of starting; e) Affiliating body; f) The institution submitted details of total land & built up area for all the

recognized Teacher Education programme/other programme (If any) being run by the institution in the same campus; i) Name of the programme; ii) Sy./No.; iii) Land area; iv) Built up area. The institution submitted domain name of the website being run by the institution. The institution submits an affidavit clearly stating status about land & building and management (society/trust) at the time of recognition and its present status giving following details. Details of land & building available at the time of recognition with the institution. Details of land & building now available with the institution. Status of management at the time of recognition and its present status.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats (Additional Intake) on 28.04.2009 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 13.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 03.05.2019 and 08.11.2019, respectively to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents substantiating the removal of deficiencies to continue the granted recognition.

The Appeal Committee noted that the appellant institution is running B.Ed. with two units, B.Ed. (Additional Intake) and M.Ed. (One Unit). The submitted faculty approved by the affiliating body is not sufficient for undertaking the said teacher education programmes as per prevailing Regulations. It has also been noted that the appellant in the appeal has submitted that the recognition granted for Additional Intake of B.Ed. vide order dated 13.05.2015 needs to be cancelled. In this respect, no evidence has found that the appellant has ever requested SRC to cancel the additional intake of B.Ed.

The Appeal Committee observed that the appellant institution has filed online appeal so casually. They have not properly submitted their explanation contesting each ground of withdrawal with supporting documents. It is not clear from the list of documents for B.Ed. as to whether the salary to the teaching and non-teaching staff is being disbursed through bank or not.

The appeal Committee further noted that the appellant institution has not submitted the Building Completion Certificate containing the land and total built up area for all the programmes being run by the appellant approved by the Govt. Competent Authority in the prescribed format. Even the approving authority of the submitted Building Plan and Site Plan is in regional language. However, these were not the grounds of withdrawal.

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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

- 1. The Principal, St. Justins College of Education, 161 Munichalari, Madurai, Kamarajar Salai, Maduari South, Madurai, Tamilnadu-625009**
- 2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**

3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-93/E-248942/2022 Appeal/5th Meeting, 2022
APPLSRC202214319**

St. Justins College of Education, 161 Munichalari, Madurai, Kamarajar Salai, Maduari South, Madurai, Tamilnadu-625009 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **St. Justins College of Education, 161 Munichalari, Madurai, Kamarajar Salai, Maduari South, Madurai, Tamilnadu-625009** dated 16.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No **F.SRO/NCTE/APS06134/M.ED./{TN}/ 2021/129598** dated 27.12.2021 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “The institution failed to submit faculty list for M.Ed. programme as per NCTE Regulations 2014. The institution did not submit Form ‘A’ issued by the bank regarding maintenance of FDRs towards endowment and reserve fund for M.Ed. programme. The

institution did not submit proof of disbursement of salary to faculty and non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, St. Justins College of Education, 161 Munichalari, Madurai, Kamarajar Salai, Maduari South, Madurai, Tamilnadu-625009 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “Now we submitted the faulty list for M.Ed. programme as per NCTE regulations 2014 with notary sign. Now we submitted the Form ‘A’ issued by the Indian Overseas Bank endowment and reserve fund for M.Ed. programme with notary sign. Now we submitted the proof of disbursement of salary to faculty and non-teaching staff through bank account as required under clause 10(2) of NCTE regulations 2014 with notary sign”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for M.Ed. course of one year duration with an annual intake of 25 seats on 09.08.2007 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 50 students (one unit) was issued on 25.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 03.05.2019 and 08.11.2019, respectively to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents substantiating the removal of deficiencies to continue the granted recognition.

The Appeal Committee noted that the appellant institution is running B.Ed. with two units, B.Ed. (Additional Intake) and M.Ed. (One Unit). The submitted faculty approved by the affiliating body is not sufficient for undertaking the said teacher education programmes as per prevailing

Regulations. It has also been noted that the appellant in the appeal has submitted that the recognition granted for Additional Intake of B.Ed. vide order dated 13.05.2015 needs to be cancelled. In this respect, no evidence found that the appellant had ever requested SRC to cancel the109ubmit109nnal intake of B.Ed.

The Appeal Committee observed that the appellant institution has filed online appeal so casually. They have not properly submitted their explanation contesting each ground of withdrawal with supporting documents. It is not clear from the list of documents for B.Ed. as to whether the salary to the teaching and non-teaching staff is being disbursed through bank or not.

The appeal Committee further noted that the appellant institution has not submitted the Building Completion Certificate containing the land and total built up area for all the programmes being run by the appellant approved by the Govt. Competent Authority in the prescribed format. Even the approving authority of the submitted Building Plan and Site Plan is in regional language. However, these were not the grounds of withdrawal.

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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

- 1. The Principal, St. Justins College of Education, 161 Munichalari, Madurai, Kamarajar Salai, Maduari South, Madurai, Tamilnadu-625009**

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



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-95/E-249519/2022 Appeal/5th Meeting, 2022
APPLERC202214329**

R S Teachers Training College, Plot No. 332, 333, 334, 338, 339, Village Katras Bazar, Street No. 239, Baghmara, Dhanbad Jharkhand-828114 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, ERC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of R S Teachers Training College, Plot No. 332, 333, 334, 338, 339, Village Katras Bazar, Street No. 239, Baghmara, Dhanbad Jharkhand-828114 dated 31.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-302.20/ERCAPP1178/B.Ed./2022/65134** dated 03.03.2022 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “Certified copy of fire safety certificate duly signed by competent authority has not been submitted. The institution has not submitted individual affidavit on Rs 10/- non- judicial stamp paper for the newly appointed

faculty i.e., faculty mentioned at S1. No. 1,2,3,8,9,12,13 and 15 of approved faculty list dated 11.08.2021 along with their educational qualifications/testimonials/Ph. D certificates as required under NCTE regulation. The institution has not submitted experience certificate with educational qualifications/testimonials/Ph.D. Certificate and individual affidavit on Rs. 10/- non-judicial stamp paper in respect of newly appointed Principal (Dr. Mousumi Chaudhari). The institutional website has not been maintained and updated as per NCTE Regulations.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, R S Teachers Training College, Plot No. 332, 333, 334, 338, 339, Village Katras Bazar, Street No. 239, Baghmara, Dhanbad Jharkhand-828114 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “The institution has already been submitted “Original copy of the fire safety certificate” along with the reply by the institution vide letter No. RSTTC/2021/14 dated /5.03.2021, enclosed in Serial No. 8 of the said letter along with Affidavit on Non-judicial of Rs. 100/- to the ERC, NCTE, Bhubaneswar and e-mail on erc@ncte-india.org also on dated 06.03.2021 since the original copy of the certificate has been submitted, this is in better footing than certified copy. As such the certified copy is not needed. Whereas, safeguard against fire hazard has been provided in all parts of the building of the institution and subsequently after proper inspection by the fire safety department got the fire certificate which is submitted earlier in original. That, the institute was asked to show cause in the notice vide letter No. F.ERC/292.23/ERCAPP1178/B.Ed.2021/64048 dated 29th April, 2021. (i) “Fresh faculty list duly approved by the concerned affiliating body to be submitted” and nothing else. As per the instruction mentioned therein, the Institute submitted accordingly the faculty list duly approved by the concerned affiliating body vide letter no. RSTTC/2021/32 dated 16.08.2021 so far the matter regarding the deficiency as mentioned therein the institution has already submitted the required documents vide letter no. RSTTC/2022/06 dt. 24.03.2022 with Affidavit on Rs 10/- non-judicial stamp paper for the newly appointed faculty i.e. faculty mentioned at S1. No. 1,2,3,8,9,12,13 and 15 of approved faculty list dated 11.08.2021 along with their educational qualifications/testimonials/Ph.D. certificates. So far the matter regarding the deficiency as mentioned in S1. No. (iii), the institute has already submitted the required documents vide letter no. RSTTC/2022/06 dt. 24.03.2022 with Affidavit on Rs 10/- non-judicial stamp paper for the newly appointed Principal along with experience certificate with educational qualifications/testimonials/Ph.D. certificate as the same was not demanded earlier in the show

cause notice vide letter No. F.ERC/292.23/ERCAPP1178/B.Ed.2021/64048 dated 29.04.2021 Firstly, it is submitted that such deficiency was not mentioned in the show cause notice earlier vide letter No. A) That, prior to this withdrawal order dated 03.03.2022 the notice was issued by the ERC, Bhubaneswar, vide letter No. F.ERC-292.23/ERCAPP1178/B.Ed./2021/64048 dated 29th April, 2021 was wrongly issued under Section 14 of the NCTE Act 1993, as per page-letter as below – “Hence, final show cause notice under section 14 of the NCTE Act, 1993 be issued to the institution to submit reply within 20 days from the date of issue of who cause notice”. B) That, the deficiencies as 17(1) of the NCTE Act, 1993, it was never raised in show cause notice issued by the ERC, NCTE, Bhubaneswar to the institution prior to this letter F.No.ER-302.20/ERCAPP1178?B.Ed./2022/65134 dated 03.03.2022 C) That, the Regional Committee had asked vide letter No. F.ERC/292.23/ERCAPP1178?B.Ed.2021?64048 dated 29.04.2021 to remove only two (2) deficiencies as mentioned therein, but while passing the order vide letter No. F.No.ER-302.20/ERCAPP1178/B.Ed./2022/65134 dated 03.03.2022 the committee pointed out 04 (Four) deficiencies, which is contradictory to their own stand.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 31.08.2013 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 31.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 05.03.2020 and 29.04.2021, respectively to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents substantiating the removal of deficiencies to continue the recognition.

The Appeal Committee noted that the Final Show Cause Notice was issued to the appellant institution on the following grounds:-

- a) Fresh faculty list duly approved by the concerned affiliating body to be submitted.
- b) Valid Fire Safety Certificate issued by the competent authority to be submitted.

The Appeal Committee further noted that the appellant institution in the Memoranda of Appeal has explained that the grounds of withdrawal are different from that of Final Show Cause Notice. They were not given an opportunity to submit their written representation on the new grounds of withdrawal, which is required as per NCTE Act. Appeal Committee also noted from the Appellate Order dated 16.12.2020 that the ERC took a decision to withdraw the recognition without waiting for the expiry of time allowed to appellant institution to submit its representation.

The Appeal Committee observes that the appellant institution may be given a reasonable opportunity to submit their written representation on new grounds of withdrawal.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. © 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 15/12/2020, passed in W.P. © 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to ERC for revisiting the matter.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Committee concluded that the instant appeal deserved to be accepted and therefore decided to remand back the case to ERC with a direction to consider the matter and take appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant institution is directed to submit the documents within 15 days from the date of receipt of order on appeal. The ERC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the instant appeal deserved to be accepted and therefore decided to remand back the case to ERC with a direction to consider the matter and take appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant institution is directed to submit the documents within 15 days from the date of receipt of order on appeal. The ERC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, R S Teachers Training College, Plot No. 332, 333, 334, 338, 339, Village Katras Bazar, Street No. 239, Baghmara, Dhanbad Jharkhand-828114
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 Jharkhand.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-100/E-249576/2022 Appeal/5th Meeting, 2022
APPLSRC202214333**

Sri Sarada College of Education for Women, Village Ariyakulam, 17 Palayamkottai, Rani Mangammal Salai Palayamkottai, Tirunelveli, Tamilnadu-627011 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Sri Sarada College of Education for Women, Village Ariyakulam, 17 Palayamkottai, Rani Mangammal Salai Palayamkottai, Tirunelveli, Tamilnadu-627011** dated 02.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APS03723/B.Ed./{TN}/2022/ (130831-130835)** dated 14/03/2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution did not submit latest approval of faculty issued by the affiliating body. The institution

also failed to submit supporting documents in terms of educational qualification of the faculty and experience certificate of the principal. The institution failed in submission of the bank statement of all individual faculty and institutions bank statement duly certified by the concerned bank showing disbursement of salary through bank account to faculty as required under clause 10(3) of NCTE regulation, 2014. The institution has submitted a notarized copy of building plan not approved by the competent authority. Hence it is approved by private engineer. The institution has submitted a photocopy of bcc in which multi-purpose hall are is not mentioned.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Sri Sarada College of Education for Women, Village Ariyakulam, 17 Palayamkottai, Rani Mangammal Salai Palayamkottai, Tirunelveli, Tamilnadu-627011 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “Now we are having latest approved faculty list issued by the Registrar, TNTEU, Chennai. Copy enclosed. Now we are having bank statement for disbursement of salary through bank account to staff members. Duly certified by the concerned bank. Name of the bank: Tamilnadu Mercantile Bank LTD, Ariyakulam Branch copy enclosed. Now we are having notarized building plan approved by the competent authority. Copy enclosed. Now we are having bcc in which multipurpose hall area is mentioned. Copy enclosed.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 13.07.2006 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 13.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 11.11.2021 and 28.12.2021, respectively to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents substantiating the removal of deficiencies to continue the granted recognition.

The Appeal Committee noted that the submitted copy of building plan in the Appeal alongwith Memoranda of Appeal is not approved by the Competent Authority. The seal of the approving authority is in regional language. Secondly, the building completion certificate showing the area of multipurpose hall approved by the Govt. Competent Authority is not submitted. Further, the supporting documents of educational qualifications of the submitted faculty and experience certificate of the Principal is not submitted in the appeal.

Noting the submission and verbal arguments advanced during hearing by the appellant, the Appeal Committee observes that the appellant institution is still deficient on the above grounds.

In these circumstances, the Appeal Committee concluded that the SRC was justified in withdrawing recognition & the appellant and therefore the instant appeal deserved to be rejected and impugned withdrawal order is confirmed.

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

- 1. The Principal, Sri Sarada College of Education for Women, Village Ariyakulam, 17 Palayamkottai, Rani Mangammal Salai Palayamkottai, Tirunelveli, Tamilnadu-627011**
- 2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**
- 3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**

4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



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**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-101/E-250159/2022 Appeal/5th Meeting, 2022
APPLSRC202214326**

Amirtham College of Education, Plot No.85, Vengudi, Walajabad, Mettu Street, Kancheepuram, Tamilnadu-631605 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mr. R. Solomon Charles
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Amirtham College of Education, Plot No.85, Vengudi, Walajabad, Mettu Street, Kancheepuram, Tamilnadu-631605** dated 25.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APS05162/B.Ed./{TN}/2021/130084** dated 02/02/2022 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution submitted a copy of lease deed dt. 09.02.2018 executed between private parties and the same is not acceptable and allowed as per provisions laid down under clause 8(4) (i) of NCTE regulations. 2014. Other documents such as LUC, NEC, Building Plan, BCC etc. cannot be accepted on the face of deficiency in land documents. The size of seminar hall/multipurpose hall is only 15.066.6 sq.ft (1665 sq.ft.) which do not fulfil the minimum

[Signature]

requirement laid down under clause 6(ii) (b) of Appendix 4 of NCTE Regulation, 2014. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE regulations, 2014 and as directed to be submitted vide final show cause notice dt.08.10.2021. The institution did not submit details of administrative and professional staff as required under clause 5.3 of appendix 4 of NCTE Regulations, 2014. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Solomon Charles, Representative, Amirtham College of Education, Plot No.85, Vengudi, Walajabad, Mettu Street, Kancheepuram, Tamilnadu-631605 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “It is based on building completion certificate (bcc) format in (NCTE website) point no: 3 that land must be in the name of the institution (or) the college that is why we submitted the relevant document dated 09.02.2018. it is not a lease building, it is our own land area and own building only in the name of Amirtham Educational and Charitable Trust, and also we have received your NCTE approval order in the year 2010 orders for your perusal and clarifications. As per visited our institution on 23.09.2010 and issued the recognition order dated 10-12-2010. And issued the recognition order dated 10-12-2010. As per the NCTE recognition order also issued on 05/05/2015. For reply to the show cause notice, we have submitted all the land documents to the NCTE. As it is not under the private parties, it is between the Amirtham Educational Trust and Amirtham College of Education, we strongly, declare that we have own building only. So the other documents such as LUC, NEC, Building Plan, BCC tec. Are acceptable. We deeply regret that it is mentioned by (typing error)/ seminar hall sq.feet (25),(66.6). 1665 but we have enough spacious multipurpose hall sq.feet (25), (104), (2600) with all needed facilities, so the size of multipurpose hall is more than sufficient with enough space, all requirements according to the NCTE regulations. All supporting documents are attached here for your reference. We hereby rectified the deficiencies of salary disbursement to teaching & non-teaching faculties and we are forwarding the relevant documents. We are submitting the relevant documents for the administrative and professional staff as per the NCTE norms. Uploading of the information in our college website is maintained clearly. Under the clauses 7(14) (i), 8(14) and 10(3) of NCTE regulations 2014, we have rectified the deficiencies and we are submitting the relevant documents.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 13.07.2006 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 13.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 11.11.2021 and 28.12.2021, respectively to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents substantiating the removal of deficiencies to continue the granted recognition.

The Appeal Committee noted that the appellant institution granted recognition in 2006 and it is observed from the submitted land document in the appeal (sale deed) that the land is in favour of Amirtham Educational and Charitable Trust whereas as per clause 8(4)(iii) of NCTE Regulations, 2014, the society/trust sponsoring the institution is required to transfer and vest the title of the land and building in the name of the institution within a period of six months from the date of issue of formal recognition order.

The Appeal Committee further noted that the submitted CLU by the appellant in the appeal does not mention about non-agriculture land as required. The type of land in the submitted NEC is mentioned as "Agriculture Land". The area of multipurpose hall shown in the building plan is not legible. Even it is not mentioned in the submitted BCC.

Noting the submission and Verbal arguments advanced during hearing; the Appeal Committee observes that the appellant institution is still deficient on the above grounds.

In these Circumstances, the Appeal Committee concluded that the SRC was justified in withdrawing recognition and therefore the instant appeal deserved to be rejected and the impugned withdrawal order is confirmed.

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Amirtham College of Education, Plot No.85, Vengudi, Walajabad, Mettu Street, Kancheepuram, Tamilnadu-631605**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-102/E-250447/2022 Appeal/5th Meeting, 2022
APPLSRC202214337**

Ravoof & Vazir Khans Memorial College of Education, Plot No. 68-83, Chapuram Panchayat, Srika, Street 278/3, Srikakulam, Andhra Pradesh-532001 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Ravoof & Vazir Khans Memorial College of Education, Plot No. 68-83, Chapuram Panchayat, Srika, Street 278/3, Srikakulam, Andhra Pradesh-532001** dated 06.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APS07944/B.ED./AP/2021/129769** dated 31.12.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution has not submitted latest staff list duly approved by the Registrar of the affiliating body as per the prescribed format as per provisions of the NCTE Regulations, 2014. The institution did not

submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulations, 2014 for B.Ed. course. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014. The Institution has submitted notarised photocopy of Certificate in which diverted area not mentioned in replay of LUC/CLU. The institution has submitting notarized photocopy of Building Plan in Multipurpose not mentioned. Moreover, the building plan does not show the detail of separate toilet facilities for male & female students for staff, and for PWD as per NCTE Regulation 2014 and appendix 4. The institution has submitting notarized photocopy of Building Plan not approved by competent authority. The Institution has submitted original FDR Rs.3 Lakhs & 5 Lakhs against the requirement of FDR of Rs. 7 lakh and 5 lakh, totalling Rs.12 lakh towards endowment Fund & Reserve Fund into joint account for a duration of 5 years along with a copy of the FDRs as per NCTE Regulation submitted form 'A' in original towards proof of joint FDRs with the institution and Regional Director, SRC."

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Ravoo & Vazir Khans Memorial College of Education, Plot No. 68-83, Chapuram Panchayat, Srika, Street 278/3, Srikakulam, Andhra Pradesh-532001 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that "Submitting an approved staff list duly ratified and approved by the Registrar, Dr. B.R. Ambedkar University, Srikakulam. Notarized copy enclosed. Submitting an administrative and professional staff list. Notarized copy enclosed. Submitting Teaching staff and non-teaching and bank statement for disbursement of salary. Notarized copy enclosed. www.rvkmce.com The link is duly operational. Submitting notarized copy of the same. Submitting a copy of Land usage Certificate issued by the Mandal Revenue Officer, Srikakulam A.P. with survey number 278/3 and mentioned for educational purpose. Submitting notarized copy. Submitting the building plan and showing multipurpose hall, toilets for male & female students for staff and PWD persons. Submitting notarized copy of Building plan. Submitting an attested/notarized copy of the approved Building Plan and approved (Resolution No: 10) by the Sarpanch, Gram Panchayat, Balanga Rural (Chapuram), it was mentioned in the Telugu regional language back side of the plan and the same translated in English (Only One Unit). Submitting notarized copy. We are submitted The Original

FDRs to The Regional Director, SRC, NCTE. The additional FDR of Rs. 4 lakhs as well as form A also submitted along with the appeal.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 26.10.2007 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 06.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 11.11.2021 and 28.12.2021, respectively to submit its written representations for rectifying the pointed out short comings in the given time period.

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

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents substantiating the removal of deficiencies to continue the granted recognition.

The Appeal Committee noted that the appellant institution In the appeal alongwith Memoranda of Appeal has submitted the required documents as a compliance of grounds of withdrawal order such as; (i) Notarized copy of list of faculty approved by the Registrar, Dr. B.R. Ambedkar University Etcherla (A.P.) and Dean-College Development Council, Dr. B.R. Ambedkar University, Etcherla (A.P.); (ii) List of appointment of administrative and professional staff; (iii) Statement of Account issued by Indian Bank alongwith bank account no. of staff for disbursement of their salary to teaching and non-teaching faculty through bank; (iv) Notarized screenshot of homepage of institute's website; (v) Notarized copy of CLU issued by Mandal Revenue Officer, Sri Kakulan on 05/06/2007; (vi) Notarized copy of land tile certificate showing location and land area of the institution; (vii) Copy of Form 'A' containing details of FDRs issued by Branch Manager,

Indian Bank for Rs. 2 Lakh each, 5 lakh and 3 lakh alongwith its copies of FDRs and (viii) Notarized copy of Building Plan approved by the competent authority i.e., Sarpanch, Gram Panchayat, Balaga Rural containing separate toilet facilities for male and female staff and PWD women. The building plan also shows the area & multipurpose hall.

Noting the submission and verbal arguments advanced during hearing the Appeal Committee concluded that the instant appeal deserved to be accepted and decided to remand back the case to SRC with a direction to consider the submitted documents to be sent there by the appellant and take appropriate action as per NCTE Regulations, 2014. Guidelines and amendments issued from time to time. The appellant institution is directed to submit documents within 15 days from the date of receipt of order on appeal. SRC is at a liberty to verify the authenticity & the documents from the issuing authority.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. © 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 15/12/2020, passed in W.P. © 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the instant appeal deserved to be accepted and decided to remand back the

case to SRC with a direction to consider the submitted documents to be sent there by the appellant and take appropriate action as per NCTE Regulations, 2014. Guidelines and amendments issued from time to time. SRC is at a liberty to verify the authenticity & the documents from the issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Ravoo & Vazir Khans Memorial College of Education, Plot No. 68-83, Chapuram Panchayat, Srika, Street 278/3, Srikakulam, Andhra Pradesh-532001**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-103/E-2050441/2022 Appeal/5th Meeting, 2022
APPLNRC202214336**

Baba Shirdi Nath Education College Khata No.1882/35, Village Basana, Street Mokhara Road, Post Office Basana, Rohtak, Haryana-124022 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, NRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF REFUSAL

The appeal of **Baba Shirdi Nath Education College Khata No.1882/35, Village Basana, Street Mokhara Road, Post Office Basana, Rohtak, Haryana-124022** dated 05.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **NRC/NCTE/NRCAPP-8114-B.Ed./365th/217734** dated 26.03.2022 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “The institution has submitted photocopy of the land documents in the name of Adarsh D.Ed. College, whereas the proposed name of the College of Baba Shirdi Nath Education College. Further, the institution has submitted a copy of land documents which is registered on 24.11.2021 in the name of Baba Shirdi Nath College (Gift Deed)

which is registered after the date of online application and the same is not acceptable as per rules. Non encumbrances issued by the competent Government Authority indicating that the land is free from al encumbrances not submitted. Photocopy of building completing certificate submitted by the institution is not in the prescribed format.”

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Vijay Kumar Bhatt, Director, Baba Shirdi Nath Education College Khata No.1882/35, Village Basana, Street Mokhara Road, Post Office Basana, Rohtak, Haryana-124022 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “a) In the above order NRC/NCTE totally ignored the fact Baba Shirdi Nath Educational Society appellant here furnish complete postal address V.P.O Basana the Kalanaur Dist. Rohtak Haryana poses more than sufficient land for purposed B.Ed. College i.e. in 2012 (Annexur-1 Proof Attached). It is made clear that a separate land and building for the Adarsh D.Ed. College and purposed Baba Shirdi Nath Education College both run and managed by the Baba Shirdi Nath Education Society (Annexur-2 Proof Attached). Non encumbrances issued by the competent Government Authority indicating that the land is free from all encumbrances submitted. Building completion certificate approved by the concerned competent Government Authority submitted (Annexure-4 Proof Attached) The NRC totally wrong and against facts.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the application of the appellant institution submitted to NRC for grant of recognition to Baba Shirdi Nath Education College, Rohtak, Haryana on 31.12.2012 for conducting B.Ed. course was refused on the grounds of not submitting required documents in stipulated time period despite giving reasonable opportunities in the shape of Show Cause Notice issued on 12.08.2021 and Final Show Cause notice on 29.01.2022.

The Appeal Committee noted that the appellant institution has still not submitted in the appeal, the Non-Encumbrance Certificate issued by the Competent Government Authority indicating that the land is free from al encumbrances. A copy of request letter dt.01/02/2022 from Chairman, Baba Shirdi Nath Education society to Tahsildar, Rohtak for issuing NEC is submitted

in which on the back side of the letter it is stated that the land is being used for educational purpose not with respect to NEC. Secondly, the building completion certificate in the prescribed format containing details & land and built-up area & the college to run the instant course duly approved by the competent authority not submitted.

Noting the submission and verbal arguments advanced during hearing, the Appeal Committee concluded that the NRC was justified in refusing recognition & the appellant and therefore the instant appeal deserved to be rejected and impugned refusal order is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the NRC was justified in refusing recognition & the appellant and therefore the instant appeal deserved to be rejected and impugned refusal order is confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

- 1. The Principal, Baba Shirdi Nath Education College Khata No.1882/35, Village Basana, Street Mokhara Road, Post Office Basana, Rohtak, Haryana-124022**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana.



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**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-107/E-250605/2022 Appeal/5th Meeting, 2022
APPLSRC202214334**

Ruben College of Education, 45/2, Thadikkarankonam, Thovalai, Kanyakumari, Tamilnadu-629851	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OFS OF WITHDRAWAL

The appeal of **Ruben College of Education, 45/2, Thadikkarankonam, Thovalai, Kanyakumari, Tamilnadu-629851** dated 28.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APS03280/B.Ed./TN/2022/130790** dated 14.03.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution was issued a Final Show Cause Notice (FSCN) the institution failed in submission of its reply with all relevant documents asked under Final Show Cause Notice dated 31.08.2021 till date.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Ruben College of Education, 45/2, Thadikkarankonam, Thovalai, Kanyakumari, Tamilnadu-629851 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “1. That the SRC vide its order dated 14th March, 2022 has withdrawn our recognition observing deficiencies which were already clarified/ratified by our institution. The withdrawal order is enclosed herewith as ENCLOSURE 1. 2. That in order to appreciate various contentions and averments being raised hereinafter by the Appellant, it is necessary to state the following few relevant facts in brief. 3. That SRC NCTE vide its order dated 07.07.2005 has granted recognition to the appellant institution for running the B.Ed. course in the appellant institution with annual intake of 100 students. A True Copy of the Recognition Order is being enclosed as ENCLOSURE 2. 4. That it is submitted that firstly the SRC the institution responded to the reply dated 07.12.2020. A True Copy of the Show cause Notice dated 21.09.2020 is being enclosed as ENCLOSURE 3 and true copy of the reply dated 07.12.2020 is being enclosed as ENCLOSURE 4. 5. That it is submitted that the SRC failed to consider the reply submitted by the institution. 6. That it is submitted that the SRC issued a final cause notice dated 31.08.2021 and accordingly the institution responded to the reply dated 13/09/2021. A True Copy of the Final Show cause Notice dated 31/08/2021 is being enclosed as ENCLOSURE 5 and True Copy of the Reply dated 13/09/2021 is being enclosed as ENCLOSURE 6. 7. That it is submitted that despite of the submission of all the documents the SRC decided to withdraw the recognition observing the notarized copy of land document of English Translation. 2. The institution has not submitted notarized copy of land use Certificate with land area. 3. The institution has not submitted notarized copy of Non-Encumbrance Certificate of English Translation. 4. The institution has not submitted notarized copy not submitted notarized copy of Building Completion Certificate neither approved by the competent nor in the prescribed format. 6. The institution submitted notarized copy of Form A, for FDR of Rs. 5 Lakhs has been matured. The institution has not submitted original FORM A and FDRs towards another course 7. The proforma of faculty is not approved/signed by the affiliating body 8. The original affidavit has not been submitted. 9. The website of the institution is not updated. 10. The institution is required to submit latest consolidated staff list duly approved by the Registrar of the Affiliating University. 11. The institution shall be required to submit an affidavit clearly stating status about land & building and Management. 8. That it is submitted that institution is herein submitting the following documents to show the fact that the above deficiencies pointed

out by the SRC are not correct. 1. Notarized copy of land document in Regional Language and Notarized copy of English Translation. 2. Notarized copy of Land Use Certificate with land area. 3. Notarized copy of Non – Encumbrance in Regional Language and Notarized copy of English Translation. 4. Notarized copy of approved and readable building plan. 5. Notarized copy of Building Completion Certificate approved by the competent authority in the prescribed format. 6. Notarized copy of Form A and renewed FDRs of both B.Ed. & M.Ed., courses. 7. The original affidavit clearly stating status about land & building and Management. 8. The updated screen shot of the updated website. 9. Latest consolidated staff list duly approved by the Registrar of the Affiliating University. / Notarized copy of land document in Regional Language and Notarized copy of English Translation. Notarized copy of Land Use Certificate with land area. Notarized copy of Non-Encumbrance in Regional Language and Notarized copy of English Translation. Notarized copy of Building Completion Certificate approved by the competent authority in the prescribed format. Notarized copy of Form A and renewed FDRs of both B.Ed. & M.Ed., courses. The original affidavit clearly stating status about land updated website. Latest consolidated staff list duly approved by the Registrar of the Affiliating University are being enclosed appellant institution vide its reply letters submitted the desired notices, however, the SRC rejected the appeal of the Appellant institution. 10. That now the appellant institution is again enclosing with its appeal, the documents which were desired by the SRC through show cause notice and submitted by the petitioner institution with its replies to the SRC. 11. That it is submitted that the decision taken by the SRC to issue withdrawal order is totally devoid of merit and is not as per statutory provisions, as mandated under NCTE Act, 1993. 12. That it is submitted that the petitioner institution does not lack instructional facilities required as per the NCTE norms. 13. That it appears that SRC proceeded in arbitrary manner without considering the documents properly. 14. That is submitted that thus, the withdrawal order dated 14/03/2022 of SRC is not maintainable and the appeal committee is requested to revert the decision taken by SRC and direct the SRC to restore the recognition of Appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by the SRC.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 07.07.2005 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised

provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 18.03.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 21.09.2020 and 31.08.2021, respectively to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing reply to Final Show Cause Notice with all relevant documents within the stipulated time which substantiated the removal of deficiencies to continue the granted recognition. The appellant during hearing submitted that they sent reply to Final Show Cause notice vide letter dated 13.09.2021 through ordinary post. On being asked by the Appeal Committee to the appellant to submit any proof of having sent the reply by post, they expressed their inability to furnish as they admitted that they do have the same in their record.

Noting the submissions and verbal arguments advanced during hearing by the appellant, the Appeal Committee observes that the appellant has not submitted of having sent the reply to SCN through post in the appeal alongwith Memoranda of Appeal. Hence, the claim of the appellant institution for submitting reply vide letter dated 13.09.2021 is not tenable.

In these circumstances, the Appeal Committee concluded that the SRC was justified in withdrawing recognition and therefore the instant appeal deserved to be rejected and the impugned withdrawal order is confirmed.

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Ruben College of Education, 45/2, Thadikkarankonam, Thovalai, Kanyakumari, Tamilnadu-629851**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-108/E-250607/2022 Appeal/5th Meeting, 2022
APPLSRC202214335**

Ruben College of Education, 45/2, Thadikkarankonam, Thovalai, Kanyakumari, Tamilnadu-629851 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Ruben College of Education, 45/2, Thadikkarankonam, Thovalai, Kanyakumari, Tamilnadu-629851** dated 28.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APS09171/M.Ed./TN/2022/130723** dated 14.03.2022 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “The institution was issued a Final Show Cause Notice (FSCN) the institution failed in submission of its reply with all relevant documents asked under Final Show Cause Notice dated 31.08.2021 till date.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Ruben College of Education, 45/2, Thadikkarankonam, Thovalai, Kanyakumari, Tamilnadu-629851 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “1. That the SRC vide its order dated 14th March, 2022 has withdrawn our recognition observing deficiencies which were already clarified/ratified by our institution. The withdrawal order is enclosed herewith as ENCLOSURE 1. 2. That in order to appreciate various contentions and averments being raised hereinafter by the Appellant, it is necessary to state the following few relevant facts in brief. 3. That SRC NCTE vide its order dated 20.10.2008 has granted recognition to the appellant institution for running the M.Ed. course in the appellant institution with annual intake of 25 students and revised provisional recognition order was issued on 22.05.2015 for 50 students. A True Copy of the Recognition Order is being enclosed as ENCLOSURE 2. 4. That it is submitted that firstly the SRC the institution responded to the reply dated 21.09.2020 and accordingly the institution responded to the reply dated 07.12.2020 A True Copy of the Show cause Notice dated 21.09.2020 is being enclosed as ENCLOSURE 3 and true copy of the reply dated 07.12.2020 is being enclosed as ENCLOSURE 4. 5. That is it submitted that the SRC failed to consider the reply submitted by the institution. 6. That it is submitted that the SRC issued a final cause notice dated 31.08.2021 and accordingly the institution responded to the reply dated 13/09/2021. A True Copy of the Final Show cause Notice dated 31/08/2021 is being enclosed as ENCLOSURE 5 and True Copy of the Reply dated 13/09/2021 is being enclosed as ENCLOSURE 6. 7. That it is submitted that despite of the submission of all the documents the SRC decided to withdraw the recognition observing the following deficiencies: 1. The institution has not submitted notarized copy of land document of English Translation. 2. The institution has not submitted notarized copy of Land Use Certificate with land area. 3. The institution has not submitted notarized copy of Non-Encumbrance Certificate of English Translation. 4. The institution has not submitted notarized copy of approved and readable building plan. 5. The institution has not submitted notarized copy of Building Completion Certificate neither approved by the competent nor in the prescribed format. 6. The institution submitted notarized copy of Form A, for FDR of Rs. 5 Lakhs has been matured. The institution has not submitted original FORM A and FDRs towards another course 7. The proforma of faculty is not approved/signed by the affiliating body 8. The original affidavit has not been submitted. 9. The website of the institution is not updated. 10. The institution is required to submit latest consolidated staff list duly approved by the Registrar of the Affiliating University. 11.

The institution shall be required to submit an affidavit clearly stating status about land & building and Management. 8. That it is submitted that institution is herein submitting the following documents to show the fact that the above deficiencies pointed out by the SRC are not correct.

1. Notarized copy of land document in Regional Language and Notarized copy of English Translation.
2. Notarized copy of Land Use Certificate with land area.
3. Notarized copy of Non – Encumbrance in Regional Language and Notarized copy of English Translation.
4. Notarized copy of approved and readable building plan.
5. Notarized copy of Building Completion Certificate approved by the competent authority in the prescribed format.
6. Notarized copy of Form A and renewed FDRs of both B.Ed. & M.Ed., courses.
7. The original affidavit clearly stating status about land & building and Management.
8. The updated screen shot of the updated website.
9. Latest consolidated staff list duly approved by the Registrar of the Affiliating University. / Notarized copy of land document in Regional Language and Notarized copy of English Translation. Notarized copy of Land Use Certificate with land area. Notarized copy of Non-Encumbrance in Regional Language and Notarized copy of English Translation. Notarized copy of Building Completion Certificate approved by the competent authority in the prescribed format. Notarized copy of Form A and renewed FDRs of both B.Ed. & M.Ed., courses. The original affidavit clearly stating status about land updated website. Latest consolidated staff list duly approved by the Registrar of the Affiliating University are being enclosed appellant institution vide its reply letters submitted the desired notices, however, the SRC rejected the appeal of the Appellant institution.
10. That now the appellant institution is again enclosing with its appeal, the documents which were desired by the SRC through show cause notice and submitted by the petitioner institution with its replies to the SRC.
11. That it is submitted that the decision taken by the SRC to issue withdrawal order is totally devoid of merit and is not as per statutory provisions, as mandated under NCTE Act, 1993.
12. That it is submitted that the petitioner institution does not lack instructional facilities required as per the NCTE norms.
13. That it appears that SRC proceeded in arbitrary manner without considering the documents properly.
14. That it is submitted that thus, the withdrawal order dated 14/03/2022 of SRC is not maintainable and the appeal committee is requested to revert the decision taken by SRC and direct the SRC to restore the recognition of Appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by the SRC.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for M.Ed. course on 20.10.2008 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 50 students (one unit) was issued on 22.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunity in the shape of final show cause notice issued on 31.08.2021 to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing reply to Final Show Cause Notice with all relevant documents within the stipulated time which substantiated the removal of deficiencies to continue the recognition. The appellant during hearing submitted that they sent reply to Final Show Cause notice vide letter dated 13.09.2021 through ordinary post. On being asked by the Appeal Committee to the appellant to submit any proof of having sent the reply by post, they expressed their inability to furnish as they admitted that they do have the same in their record.

Noting the submissions and verbal arguments advanced during hearing by the appellant, the Appeal Committee observes that the appellant has not submitted of having sent the reply to SCN through post in the appeal alongwith Memoranda of Appeal. Hence, the claim of the appellant institution for submitting reply vide letter dated 13.09.2021 is not tenable.

In these circumstances, the Appeal Committee concluded that the SRC was justified in withdrawing recognition and therefore the instant appeal deserved to be rejected and the impugned withdrawal order is confirmed.

IV. DECISION:-

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Ruben College of Education, 45/2, Thadikkarankonam, Thovalai, Kanyakumari, Tamilnadu-629851**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-109/E-251034/2022 Appeal/5th Meeting, 2022
APPLSRC202214342**

Aadya Shri Nijalingeshwar Shikshan Samsthes Bharatratna Dr. S Radhakrishnan B.Ed. Mahavidyalaya Sanke, 3892/B Sankeshwar, Gadhinglaj Road, Hukkeri, Belgaum, Karnataka- 591313 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. C. S. Patil
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Aadya Shri Nijalingeshwar Shikshan Samsthes Bharatratna Dr. S Radhakrishnan B.Ed. Mahavidyalaya Sanke, 3892/B Sankeshwar, Gadhinglaj Road, Hukkeri, Belgaum, Karnataka-591313** dated 11.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APS03259/B.Ed./{KA}/2022/130243** dated 10.02.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution has submitted a faculty list comprising 8 faculty but the same is not approved by the affiliating body, further the strength of faculty is not enough even for 1 unit of B.Ed.

[Signature]

course as per appendix 4 of NCTE regulations, 2014. The institution did not submit a "Form A" issued by the respective bank manager and re-validation of FDRS of Rs 5 & 7 lakhs. The institution submitted documents regarding LUC, NEC etc. which are in regional language. The institute has not submitted English notarized version of LUC/NEC etc. The building plan submitted by the institution is neither approved nor legible. The institution did not submit an attested/notarized copy of building completion certificate issued by the competent authority."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. C. S. Patil, Representative, Aadya Shri Nijalingeshwar Shikshan Samsthes Bharatratna Dr. S Radhakrishnan B.Ed. Mahavidyalaya Sanke, 3892/B Sankeshwar, Gadhinglaj Road, Hukkeri, Belgaum, Karnataka-591313 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that "Due to clerical mistake institution did not submit approved faculty list and the institution has approved faculty list. Approved by the affiliation body as per the norms. The approved letter no: RCU/Belagavi/CDC/2021-22/247. At the time of submission instead of submitting "Form A" we submitted only FD certificates with letter issued by the bank the bank manager refused give "from a" so we did not submit "form A". Now we are submitting Form 'A'. At the time of submission, we did not have English version copies, so we submitted regional language documents. But now we have English version notarized documents regarding to LUC, NEC. Accordingly submitting it. The building plan submitted by the institution was also approved but it was in regional language. Now we are submitting approved and legible plan of building. The institution at the time of submission submitted notarized completion certificate issued by the competent authority but it was in regional language. Now we are submitting notarized copy of building completion certificate issued by the competent authority."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 21.12.2005 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised

provisional recognition order of two years duration with an annual intake of 50 students (one unit) was issued on 16.05.2015 with certain conditions to comply within stipulated time period.

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

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

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

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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

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

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



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-110/E-251079/2022 Appeal/5th Meeting, 2022
APPLSRC202214340**

Peet Memorial Training College, 2331, Mavelikara, Mavelikara Road, Alappuzha, Kerala- 690101	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Peet Memorial Training College, 2331, Mavelikara, Mavelikara Road, Alappuzha, Kerala-690101** dated 30.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APSO0399/B.Ed./KL/2022/ (130846-130850)** dated 14.03.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution was issued a Final Show Cause Notice (FSCN). The institution has submitted its reply on 24.02.2020. The Committee observed the reply submitted by the institution and found the following deficiencies. The institution has submitted faculty list but not approved by Affiliating Body as per NCTE Regulation 2014. The institution has submitted faculty for B.Ed.

Programme 150 students 10 faculty against the requirement of 22 faculty as per NCTE Regulation 2014. The institution has submitted faculty for M.Ed. Programme 50 students 05 faculty against the requirement of 10 faculty as per NCTE Regulation 2014. Two Professors for M.Ed. course not appointed. The institution also failed to submit supporting documents in terms of educational qualification of the faculty and experience certificate of the Principal. The institution has submitted attested copy of Building Plan in which total Built-up area, survey Nos. are not mentioned, not approved by competent authority. The institution has not submitted Building Completion Certificate. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Peet Memorial Training College, 2331, Mavelikara, Mavelikara Road, Alappuzha, Kerala-690101 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “We had applied to the University of Kerala to provide us with the approved staff list in Dec 2019 itself. However, on account of a large number of pending applications for the same, we were asked to wait till February 2020 which is why we had submitted the list approved by the Manager and the Principal the previous time. Further delay in receiving the endorsed list from the University was caused due to the Covid pandemic situation. We have now procured the approved staff list from the University of Kerala. Please find attached the staff list approved by the University of Kerala. As per order F.No./SRC/NCTE/AOS00399, the NCTE has granted us permission for conducting B.Ed. programme for 2 years duration with an intake of 150 students (3 Units). However, as per the Government of Kerala order dated 16.01.2016, (GO (rt) N.128/2016/H.Edn) we have been granted permission for an intake of only 50 students (1 Unit). This is the reason why include in our response to the final show cause notice that was served in February 2020. Please find attached details of the faculty members for the B.Ed. Course (1 Unit – 50 students), and also documents in support of the educational qualifications of the faculty members. The Government Order regarding the student intake for the B.Ed. Course and the Experience certificate of the Principal are also herewith attached. Our institution website has undergone an absolute revision and has been revamped as per NCTE specifications. All requisite NCTE document and information have been uploaded on the

Website. The revised hyperlink for each specification is provided separately as an attachment titled Hyperlinks of College Website. As required under clause 10(2) of NCTE Regulations 2014, we are hereby submitting the proof of disbursement of salary to faculty & non-teaching staff. Please find the document among attachments. The building plan mentioning the total built up area and survey numbers that has been approved by the competent authority is submitted herewith for your kind consideration. Please find the document among attachments. We would like to bring to the NCTE's notice that the main building of Peet Memorial Training College is housed in a building that was built by the CSI Missionaries around one hundred and twenty years back. The Municipality of Mavelikara, the competent authority to issue the Building Completion Certificate came into existence much later. When we contacted the Municipality for the Building Completion Certificate, they pointed this out, and informed us that a Building Completion Certificate cannot be provided in cases as these and assured us that they would provide us with an Age Certificate instead that certifies and verifies the age of the main building. Please find attached the Age Certificate issued by the Municipality of Mavelikara that has been duly certified by a Notary. We have come across a few disparities regarding the information provided about the student intake of our college on the NCTE Website., which we would like to bring to your immediate notice. The NCTE website says that we have an annual intake of 150 students (3 Units) for the B.Ed. course, while the Government of Kerala has granted us sanction for an intake of 50 students only. Likewise, the NCTE website states that we have an intake of 50 students in the Aided stream for the M.Ed. Course, whereas the Government of Kerala has sanctioned us an intake of only 25 students for the M.Ed. course and that too, under the Unaided stream. The Government order for both the course have been attached herewith, and we request that the requisite corrections be made on the NCTE website as well. As per the intimation received from NCTE, we have been notified that our responses to a final show cause notice issued by NCTE on 13.02.2020 are unsatisfactory and that the NCTE has hence decided to withdraw the recognition granted to the college for conducting B.Ed. & M.Ed. programme with effect from the next academic session. With regard to the above we would like to offer these clarifications as an appeal, for your kind perusal. We would also like to humbly bring to the NCTE's notice that Peet Memorial Training College, Mavelikara is one of the pioneering teacher education institution in the state of Kerala that has consistently strived for excellence, that has continually brought out exemplary academic results and which has been instrumental in the crafting of competent teachers for the country since the last sixty years. Ours is also the only Government Aided institution in the district of Alappuzha that is a beacon of hope to several teacher aspirants with excellent academic credentials hailing from financially underprivileged families. We therefore

request the NCTE to kindly consider our submission on the basis of the documents that we have submitted and reinstate the recognition granted to the institution at the earliest.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 22.03.2000 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 150 students (three units) was issued on 26.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunity in the shape of final show cause notice issued on 22.02.2020 to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents which substantiated the removal of deficiencies to continue the recognition.


The Appeal Committee noted that the appellant institution in the appeal has submitted that the Government of Kerala has granted an intake of 50 students for conducting B.Ed. course where the SRC granted revised recognition in 2015 for 150 students (three units). This is the matter between State Govt. and the appellant institution for not obtaining the sanction of required number of seats as per NCTE Regulations. This may be resolved amicably. The Appeal Committee further noted that the appellant institution has never requested SRC for reduction of intake or brought to the notice of not granting required number of students by the State Govt. Hence, the claim for not submitting the required faculty approved by the affiliating body is not tenable. Secondly, the submitted copy of building plan is neither notarised nor approved by the Govt. competent authority. Thirdly, the building completion certificate in the prescribed format duly approved by the Govt. competent authority not submitted. No documentary proof of maintaining website by the appellant as required under clause 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014 is submitted in the appeal.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Commission is of the view that the appellant institution is still deficient on the above grounds. In these circumstances, the Appeal Committee concluded that the SRC was justified in withdrawing recognition of the appellant institution and therefore, the instant appeal is rejected and impugned order is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition of the appellant institution and therefore, the instant appeal is rejected and impugned order is confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

- 1. The Principal, Peet Memorial Training College, 2331, Mavelikara, Mavelikara Road, Alappuzha, Kerala-690101**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Kerala.



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**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-111/E-251080/2022 Appeal/5th Meeting, 2022
APPLSRC202214341**

Peet Memorial Training College, 2331, Mavelikara, Mavelikara Road, Alappuzha, Kerala- 690101	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Peet Memorial Training College, 2331, Mavelikara, Mavelikara Road, Alappuzha, Kerala-690101** dated 11.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order **F.SRO/NCTE/APSO4020/M.Ed./KL/2022/ (130851-130855)** dated 14.03.2022 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “The institution was issued a Final Show Cause Notice (FSCN). The institution has submitted its reply on 24.02.2020. The Committee observed the reply submitted by the institution and found the following deficiencies. The institution has submitted faculty list but not approved by

Affiliating Body as per NCTE Regulation 2014. (i) The institution has submitted faculty for B.Ed. Programme 150 students 10 faculty against the requirement of 22 faculty as per NCTE Regulation 2014. (ii) The institution has submitted faculty for M.Ed. Programme 50 students 05 faculty against the requirement of 10 faculty as per NCTE Regulation 2014. (iii) Two Professors for M.Ed. course not appointed. The institution also failed to submit supporting documents in terms of educational qualification of the faculty and experience certificate of the Principal. The institution has submitted attested copy of Building Plan in which total Built-up area, survey Nos. are not mentioned, not approved by competent authority. The institution has not submitted Building Completion Certificate. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Peet Memorial Training College, 2331, Mavelikara, Mavelikara Road, Alappuzha, Kerala-690101 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “May we kindly bring it your notice that the sanctioned intake for the M.Ed. programme running under the self-financing stream is only 25 as per the University order (No. Ac. BII/03/8964/2016) dated 27/2/2016, though the NCTE has granted sanction for an intake of 50 students. However, as per the NCTE requirements, we have updated our M.Ed. Faculty list, in March 2022. We have also made fresh appointments to cater to NCTE requirements, and as such the M.Ed. department now has 2 professors, 2 associate professors and 6 assistant professors. Please find attached the copies of the certificates of the faculty members. The University Order regarding the student's intake for the M.Ed. course is also attached.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for M.Ed. course of one year duration with an annual intake of 25 seats on 26.08.2005 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised

provisional recognition order of two years duration with an annual intake of 50 students (one unit) was issued on 20.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of show cause notice and final show cause notice issued on 13.03.2019 and 20.01.2020 to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents which substantiated the removal of deficiencies to continue the recognition.

The Appeal Committee noted that the appellant institution in the appeal has submitted that the Government of Kerala has granted an intake of 25 students for conducting M.Ed. course where the SRC granted revised recognition in 2015 for 50 students (one unit). This is the matter between State Govt. and the appellant institution for not obtaining the sanction of required number of seats as per NCTE Regulations. This may be resolved amicably. The Appeal Committee further noted that the appellant institution has never requested SRC for reduction of intake or ever brought to the notice of not granting required number of students by the State Govt. Hence, the claim for not submitting the required faculty approved by the affiliating body is not tenable. However, the submitted list of faculty for 10 members on plain papers is neither in the prescribed format nor approved by the competent authority of the concerned Affiliating Body. Secondly, the submitted copy of building plan is neither notarised nor approved by the Govt. competent authority. Thirdly, the building completion certificate in the prescribed format duly approved by the Govt. competent authority not submitted. No documentary proof of maintaining website by the appellant as required under clause 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014 is submitted in the appeal.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Commission is of the view that the appellant institution is still deficient on the above grounds. In these circumstances, the Appeal Committee concluded that the SRC was justified in withdrawing recognition of the appellant institution and therefore, the instant appeal is rejected and impugned order is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition of the appellant institution and therefore, the instant appeal is rejected and impugned order is confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Peet Memorial Training College, 2331, Mavelikara, Mavelikara Road, Alappuzha, Kerala-690101**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Kerala.



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**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-112/E-251054/2022 Appeal/5th Meeting, 2022
APPLNRC202214343**

KMC COLLEGE OF EDUCATION, 208/1B3, Angalakurichi, Valparai main road, Angalkurichi, Pollachi, Coimbatore, Tamilnadu, 642007 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. P. Rajendran
Respondent by	Regional Director, NRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **KMC COLLEGE OF EDUCATION, 208/1B3, Angalakurichi, Valparai main road, Angalkurichi, Pollachi, Coimbatore, Tamilnadu, 642007** dated 12.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order **F.SRO/NCTE/APSO3680/B.Ed./{TN}/2022/130521 (Without Order)** dated 28.02.2022 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution was issued a Final Show Cause Notice (FSCN). The institution has submitted its reply on 13.01.2022. The Committee observed the reply submitted by the institution and found the following deficiencies. The institution has not submitted consolidated staff list duly

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approved by the registrar of the affiliating body as per the prescribed format approved after issuance of this notice/last reminder. The institution has not submitted the request documents regarding proof of disbursement of salary to faculty and non-teaching staff through bank account as per direction of the appellate authority. The institution did not submit details along with an issued by the bank regarding maintenance of FDRs towards endowment and reserve funds for both courses. The building plan submitted by the institution shows the size of multipurpose hall as 128.39 sq.mtr. which is less than the requirement laid down in NCTE regulations, 2014. The institution did not submit English translated copy of non-encumbrance certificate. The institution did not submit details of administrative and professional staff as required under clause 5.3o of appendix 4 and 6.3(a) of appendix 5 of NCTE regulations 2014 for B.Ed., course.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. P. Rajendran, Representative, KMC COLLEGE OF EDUCATION, 208/1B3, Angalakurichi, Valparai main road, Angalkurichi, Pollachi, Coimbatore, Tamilnadu, 642007 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “Consolidated of staff list duly approved by the TNTEUS register, format is attached. Proof of this disbursement of salary to faculty and non-teaching staff through bank account details is attached. Maintenance of FDRs towards endowment and reserve fund for both courses details are attached. The details of the multipurpose hall approved building plan size as 221.14 sq.mtr. (31.892 x6.934) is also attached. The English translated copy of non-encumbrance certificate is attached. Administrative and professional staff list as required of NCTEs regulations details is attached.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 01.08.2006 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 01.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee noted that a corrigendum for reducing intake to 50 students (one unit) was issued by SRC on 16.05.2015.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of show cause notice and final show cause notice issued on 07.05.2019 and 13.10.2020 to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents which substantiated the removal of deficiencies to continue the recognition.

The Appeal Committee noted that the faculty members in the submitted list at Sl.No. 1 to 3 do not secure the required minimum percentage of marks in B.Ed. & M.Ed. Secondly, the seal of the approving authority of Building Plan is in regional language. It may not be ascertained whether the said authority is competent to approve the building plan or not.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Commission is of the view that the appellant institution is still deficient on the above grounds. In these circumstances, the Appeal Committee concluded that the SRC was justified in withdrawing recognition of the appellant institution and therefore, the instant appeal is rejected and impugned order is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition of the appellant institution and therefore, the instant appeal is rejected and impugned order is confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

- 1. The Principal, KMC COLLEGE OF EDUCATION, 208/1B3, Angalakurichi, Valparai main road, Angalkurichi, Pollachi, Coimbatore, Tamilnadu, 642007**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-113/E-251052/2022 Appeal/5th Meeting, 2022
APPLNRC202214344**

Sanskriti College of Education, 115/1, Kanakpur, Dhadiyal Road, Kashipur, Udham Singh Nagar, Uttarakhand-244713	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant	Sh. Deepak Sharma
Respondent by	Regional Director, NRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF REFUSAL

The appeal of Sanskriti College of Education, 115/1, Kanakpur, Dhadiyal Road, Kashipur, Udham Singh Nagar, Uttarakhand-244713 dated 12.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No.F./NRC/NCTE/NRCAPP-2902-B.Ed./364th (Vol.I) (Blended Mode)/2022/1217487 dated 03.03.2022 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “Non-encumbrance certificate is submitted but not issued by the competent Government authority whereas it is issued by the Advocate. The proceeding year of NEC was from 24.01.2010 to 23.01.2022. Building safety

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submitted by the institution has no details of the Plot/Khasra No. of the institution. Fire safety certificate submitted by the institution has no details of the Plot/Khasra No. of the institution. For the submitted differently abled friendly Building Certificate Plot/Khasra No. is not mentioned. Building plan has no details of Plot/Khasra No. Building Completion Certificate is issued by Panchayat Vikas Adhikari, Vikas Khand Kashipur, Udham Singh Nagar submitted by the institution is not in proper format and Plot/Khasra No., total land area, built up area are not mentioned.”

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Deepak Sharma, Representative, Sanskriti College of Education, 115/1, Kanakpur, Dhadiyal Road, Kashipur, Udham Singh Nagar, Uttarakhand-244713 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “The Receipt regarding request for issuance of Non-Encumbrance Certificate issued by Sub-Registrar, Kashipur along with Non-Encumbrance certificate dated 05.04.2022 issued by the competent authority is attached. Thus, there is no deficiency in respect of NEC. The institution had submitted building safety certificate issued by the competent authority. The fresh building safety certificate issued by the competent authority containing details regarding name of the institution, Plot/Khasra No. etc. is attached. Thus, there is no deficiency in respect of building safety certificate. The institute had submitted fire safety certificate dated 26.01.2022 issued by the competent authority. The fresh fire safety certificate dated 14.03.2022 issued by the competent authority containing name of the institution, Plot/Khasra No. etc. is attached. Thus, there is no deficiency in respect of fire safety certificate. The institute had submitted certificate regarding institution being differently abled friendly issued by the competent authority. The fresh differently abled certificate dated 21/22.03.2022 issued by the competent authority containing name of the institution, Plot/Khasra No. etc. is attached. Thus, there is no deficiency in respect of differently abled certificate. The building plan approved by the competent authorities containing the name of the institution along with details of Plot/Khasra No. is attached. Thus, there is no deficiency in respect of building plan. The show cause notice dated 01.02.2022 issued by NRC did not contain any deficiency regarding building completion certificate. However, notwithstanding the same, the Refusal Order dated 03.03.2022 has been issued also on the ground of Building Completion Certificate which is not justified. It is submitted that the competent authority has issued the Building Completion Certificate in respect of the building of the institute in the proforma prescribed by NCTE which contains the plot number, total land area as well as total built-up area. A copy of building

completion certificate issued by the competent authority in the proforma prescribed by NCTE is attached.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the recognition was refused by NRC due to not removing deficiencies by submitting relevant documents despite giving reasonable opportunities in the shape of issue of show cause notice and final show cause notice on 18.12.2013 and 01.02.2022, respectively to submit written representation for rectifying the short comings.

The Appeal Committee further noted that the appellant institution in the appeal alongwith Memoranda of appeal has submitted the documents as a compliance of refusal grounds, such as (i) copy of NEC dated 5.4.2022 for 13 proceeding year issued by Sub-Registrar, Kashipur, (U.S. Nagar); (ii) copy of Building Safety Certificate indicating Plot/Khasara No. 115/1, Udham Singh Nagar, Uttarakhand issued by Adhishashi Abhiyanta, PWD, Kashipur, (U.S. Nagar) on 22.03.2022; (iii) copy of Fire Safety Certificate/NOC dated 14.03.2022 indicating Plot/Khasara No. 115/1, Udham Singh Nagar, Uttarakhand issued by the office of Chief Fire Officer, Janpad, Udham Singh Nagar; (iv) copy of Differently Abled Certificate indicating Plot/Khasara No. 115/1, Udham Singh Nagar, Uttarakhand issued by Adhishashi Abhiyanta, PWD, Kashipur, (U.S. Nagar) on 22.03.2022; (v) copy of BCC in the prescribed format containing details of land and built up area etc. issued by Village Development Officer, Kashipur (U.S. Nagar) dated nil and copy of blue print of building plan containing details of plot/khasara no. issued by Village Development Officer, Kashipur (U.S. Nagar) and Nagar Palika Parishad, Jaipur (U.S. Nagar) dated nil.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Committee is of the view that the case deserved to be remanded back to NRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The NRC is at liberty to verify the authenticity of submitted documents from the concerned issuing authority. The appellant institution is directed to submit documents within 15

days from the date of receipt of order on appeal. NRC is at a liberty to verify the documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the case deserved to be remanded back to NRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The NRC is at liberty to verify the authenticity of submitted documents from the concerned issuing authority. The appellant institution is directed to submit documents within 15 days from the date of receipt of order on appeal. NRC is at a liberty to verify the documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Sanskriti College of Education, 115/1, Kanakpur, Dhadiyal Road, Kashipur, Udham Singh Nagar, Uttarakhand-244713
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 Uttarakhand.



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**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-116/E-251299/2022 Appeal/5th Meeting, 2022
APPLSRC202214331**

Vinayaga Education College, 34/2A, 35/2, 35/3, Karuppur, Vinayaga Nager, Keelapaluvur, Ariyalur, Perambalur, Tamilnadu-621707 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Vinayaga Education College, 34/2A, 35/2, 35/3, Karuppur, Vinayaga Nager, Keelapaluvur, Ariyalur, Perambalur, Tamilnadu-621707** dated 28.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APS07280/B.Ed./TN/2022/130159** dated 04.02.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The NCTE in its withdrawal order has raised another issue against the appellant/institution in point no.5(1) as the appellant/institution has submitted proforma of 16 faculty (B.Ed.) and 10 faculty (M.Ed.) signed by the registrar wherein approval date is not mentioned over it. The appellant/institution is bound

[Signature]

to reply to this issue and wanted to explain it to the council regarding the issue. The NCTE in its withdrawals order in point no. 5(1) said that one Mrs. S. Rajalakshmi is not qualified to be appointed as she has not completed her net qualification under the NCTE regulations, 2014. The NEC submitted by the appellant/institution shows the nature of land as "Agricultural" The NCTE in its withdrawal order has raised an issue against the appellant/institution in point no. 5(2) that the NEC document submitted by the appellant/institution states that the property/nature of the land is mentioned as agriculture land. The appellant/institution is bound to reply to this issue and wanted to explain it to the council regarding the issue. The appellant/institution did not submit the proof of disbursement of salary to the faculty and no teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014 The NCTE its withdrawal order has raised an issue against the appellant/institution in pint no.5(3) as the appellant/institution did not submit the proof of disbursement of salary to the faculty and non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. The appellant/institution is bound to reply to this issue and wanted to explain it to the council regarding the issue. The NCTE has raised an issue in point no. 5(4) as the appellant/institution has not submitted the details of administrative and professional staff as required under clause 5.3 of appendix 4 of NCTE regulations, 2014. The website of the appellant/institution is not uploaded with the information required under clause 7(14), 8(14), and 10(3) of NCTE Regulation, 2014 the NCTE in its withdrawal order has raised an issue against the appellant/institution is not uploaded with the information required under clauses 7(14), 8(14), and 10(3) of NCTE Regulation,2014. The appellant/institution is bound to reply to this issue and wanted to explain it to the council regarding the issue. Prayer submitted by the appellant/institution."

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Vinayaga Education College, 34/2A, 35/2, 35/3, Karuppur, Vinayaga Nager, Keelapaluvur, Ariyalur, Perambalur, Tamilnadu-621707 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that "The appellant/institution has now updated the list of its faculty and replaced much staff who are qualified as per the rules framed by the NCTE regulations, 2014. The appellant/institution has also sent the details of all the faculty regarding B.Ed. and M.Ed. courses to TNTEU and also it has received approval from the concerned department. The new list along with the approval date mentioned in it and signed by the TNTEU registrar has been submitted herewith this appeal for the council's kind

perusal. Being the issue said by the NCTE the appellant/institution has removed Mrs. S. Rajalakshmi from the B.Ed. degree faculty and has replaced with the new faculty who is qualified under the NCTE regulations, 2014. The details of the new faculty list are submitted along with this appeal for your council's kind perusal. That the NEC document which has been submitted by the appellant/institution regarding the nature of land whereas it has been mentioned as agriculture land is a flaw made by the registration department. The registration department has not updated properly as to what type of land. Hence regarding this issue, the appellant/institution to obey the rules framed by the NCTE regarding the type of land to be used has approached the concerned land registration department to rectify the mistake and update the proper nature of the land. The land registration new UPDATED NON-encumbrance certificate has mentioned the nature of land 'DRY LAND'. The NEC given by the department dated on has been submitted to the council along with this appeal for your kind perusal. The appellant/institution has submitted all the necessary document along with appeal regarding the disbursement of salary to the faculty and non-teaching staff through bank account. The appellant/institution has not at all failed regarding the disbursement of salary to the faculty and non-teaching staff so far. The appellant/institution along with this appeal has submitted the new updated bank statement regarding the disbursement of salary to the faculty and non-teaching staff for the council's kind perusal. As per the clause 5.3 of appendix 4 of NCTE regulation, 2014 there must be one librarian (50 of marks in Bachelor of Library Science, one UDC/office superintendent, one computer operator cum storekeeper and two helpers. As per the rules framed by the NCTE, the appellant/institution has obeyed and has appointed the above-mentioned administrative staff and professional staff based on the rules framed by the NCTE regulations, 2014. The details of the staff are also submitted herewith this appeal for the council's kind perusal. All the certificates regarding their qualification are also submitted here with appeal. The appellant/institution has not disobeyed as mentioned above as the appellant/institution has not at all uploaded its website link in any of the clauses as it has not updated its website with latest information. The appellant/institution has created its website link with the help of one Sathya techno soft India private ltd company and also has updated the website recently with all needed latest facilities and all the information regarding appellant/institution about the courses offered and other necessary information such as details of the all the staffs, appellant/institution's infrastructure, contacts etc. So that it could easily be accessed. The website link created by the appellant/institution fulfils all the rules framed by the NCTE. The website link is updated recently, and the appellant/institution has also paid the appropriate amount for the update the documents related to the website created by the appellant/institution are files herewith this appeal for your kind

perusal. The appellant/institution has submitted all the necessary documents regarding the website link to all the corresponding regional committee. Website link: - <https://www.vinayagaeducation.com>. It is humbly prayed to the national council for teacher education (southern regional committee) that the appellant/institution has followed all the rules and regulation mention by the NCTE and is obligated to follow the regulations enacted. The appellant/institution has also submitted all the necessary supporting documents regarding all the issue raised against it in its withdrawal order and also to prove its honesty before the respected council. The appellant/institutions bound to reply to the council as when needed. Hence it humbly prayed by the appellant that the national council for teacher education may kindly set aside the withdrawal order no. (F.SRO/NCTE/APS07280/B.Ed./TB/2022/130159) passed against the appellant/institution and appropriate relief may be granted to appellant/institution. ”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 22.09.2008 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 30.04.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of show cause notice and final show cause notice issued on 21.09.2020 and 03.11.2021 to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents which substantiated the removal of deficiencies to continue the recognition.

The Appeal Committee noted that the faculty at Sl.No. 2 & 7 do not secure the minimum percentage of marks Professional Degrees. Secondly, the type of land in NEC is written as Dry Land. It does not clarify whether the land is agricultural or non-agricultural. No proof of maintaining the website as required under NCTE Regulations is submitted in the appeal alongwith Memoranda of Appeal.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Commission is of the view that the appellant institution is still deficient on the above grounds. In these circumstances, the Appeal Committee concluded that the SRC was justified in withdrawing recognition of the appellant institution and therefore, the instant appeal is rejected and impugned order is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition of the appellant institution and therefore, the instant appeal is rejected and impugned order is confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

- 1. The Principal, Vinayaga Education College, 34/2A, 35/2, 35/3, Karuppur, Vinayaga Nager, Keelapaluvur, Ariyalur, Perambalur, Tamilnadu-621707**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-117/E-251304/2022 Appeal/5th Meeting, 2022
APPLSRC202214332

Vinayaga Education College, 34/2A, 35/2, 35/3, Karuppur, Vinayaga Nager, Keelapaluvur, Ariyalur, Perambalur, Tamilnadu-621707 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC

Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal of Vinayaga Education College, 34/2A, 35/2, 35/3, Karuppur, Vinayaga Nager, Keelapaluvur, Ariyalur, Perambalur, Tamilnadu-621707 dated 28.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS09767/M.Ed./TN/2022/130160 dated 04.02.2022 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that "The NCTE in its withdrawal order has raised another issue against the appellant/institution in point no.5(1) as the appellant/institution has submitted proforma of 16 faculty (B.Ed.) and 10 faculty (M.Ed.) signed

by the registrar wherein approval date is not mentioned over it. The appellant/institution is bound to reply to this and wanted to explain it to the council regarding the issue. The NCTE in its withdrawals order in point no. 5(1) said that one Mrs. S. Rajalakshmi is not qualified to be appointed as she has not completed her net qualification under the NCTE regulations, 2014. The NEC submitted by the appellant/institution shows the nature of land as "Agricultural" The NCTE in its withdrawal order has raised an issue against the appellant/institution in point no. 5(2) that the NEC document submitted by the appellant/institution states that the property/nature of the land is mentioned as agriculture land. The appellant/institution is bound to reply to this issue and wanted to explain it to the council regarding the issue. The appellant/institution did not submit the proof of disbursement of salary to the faculty and no teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014 The NCTE its withdrawal order has raised an issue against the appellant/institution in pint no.5(3) as the appellant/institution did not submit the proof of disbursement of salary to the faculty and non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. The appellant/institution is bound to reply to this issue and wanted to explain it to the council regarding the issue. The NCTE has raised an issue in point no. 5(4) as the appellant/institution has not submitted the details of administrative and professional staff as required under clause 5.3 of appendix 4 of NCTE regulations, 2014. The website of the appellant/institution is not uploaded with the information required under clauses 7(14), 8(14) and 10(3) of NCTE Regulation, 2014. The NCTE in its withdrawal order has raised an issue against the appellant/institution in point no.5(5) website of the appellant/institution is not uploaded with the information required under clauses 7(14), 8(14), and 10(3) of NCTE Regulation, 2014. The appellant/institution is bound to reply to this and wanted to explain it to the council regarding the issue."

II. SUBMISSIONS MADE BY APPELLANT: -

Representative, Vinayaga Education College, 34/2A, 35/2, 35/3, Karuppur, Vinayaga Nager, Keelapaluvur, Ariyalur, Perambalur, Tamilnadu-621707 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that "The appellant/institution has now updated the list of its faculty and has replaced much staff who are qualified as per the rules framed by the NCTE regulations, 2014. The appellant/institution has also sent the details of all the faculty regarding B.Ed. and M.Ed. courses to TNTEU and also it has received approval from the concerned department. The new list along with the approval date

mentioned in it and signed by the TNTEU registrar has been submitted herewith this appeal for the council's kind perusal. Obeying the issue said by the NCTE the appellant/institution has removed Mrs. S. Rajalakshmi from the B.Ed. degree faculty and has replaced with the new faculty who is qualified under the NCTE regulations, 2014. The details of the new faculty list are submitted along with this appeal for your council's kind perusal. That the NEC document which been submitted by the appellant/institution regarding the nature of land whereas it has been mentioned as agriculture land is a flaw made by the registration department. The registration department has not updated properly as to what type of land. Hence regarding this issue, the appellant/institution to obey the rules framed by the NCTE regarding the type of land to be used has approached the concerned land registration department to rectify the mistake and update the proper nature of the land. The land registration new UPDATED NON-encumbrance certificate and mentioned the nature of land 'DRY LAND'. The NEC given by the department dated on has been submitted to the council along with this appeal for your kind perusal. The appellant/institution has submitted all the necessary document along with appeal regarding the disbursement of salary to the faculty and non-teaching staff through bank account. The appellant/institution has not at all failed regarding the disbursement of salary to the faculty and non-teaching staff so far. The appellant/institution along with this appeal has submitted the new updated bank statement regarding the disbursement of salary to the faculty and non-teaching staff for the council's kind perusal. As per the clause 5.3 of appendix 4 of NCTE regulation, 2014 there must be one librarian (50 of marks in Bachelor of Library Science, one UDC/office superintendent, one computer operator cum storekeeper and two helpers. As per the rules framed by the NCTE, the appellant/institution has obeyed and has appointed the above-mentioned administrative staff and professional staff based on the rules framed by the NCTE regulations, 2014. The details of the staff are also submitted herewith this appeal for the council's kind perusal. All the certificates regarding their qualification are also submitted here with appeal. The appellant/institution has not disobeyed as mentioned above as the appellant/institution has not at all uploaded its website link in any of the clauses as it has not updated its website with latest information. The appellant/institution has created its website link with the help of one Sathya techno soft India private ltd company and also has updated the website recently with all needed latest facilities and all the information regarding appellant/institution about the courses offered and other necessary information such as details of the all the staffs, appellant/institution's infrastructure, contacts etc. So that it could easily be accessed. The website link created by the appellant/institution fulfils all the rules framed by the NCTE. The website link is updated recently, and the appellant/institution has also paid the appropriate amount for the update the documents

related to the website created by the appellant/institution are files herewith this appeal for your kind perusal. The appellant/institution has submitted all the necessary documents regarding the website link to all the corresponding regional committee. Website link: - <https://www.vinayagaeducation.com>. It is humbly prayed to the national council for teacher education (southern regional committee) that the appellant/institution has followed all the rules and regulation mentioned by the NCTE and is obligated to follow the regulations enacted. The appellant/institution has also submitted all the necessary supporting documents regarding all the issue raised against it in its withdrawal order and also to prove its honesty before the respected council. The appellant/institutions bound to reply to the council as when needed. Hence it humbly prayed by the appellant that the national council for teacher education may kindly set aside the withdrawal order no. (F.SRO/NCTE/APSO9767/M.Ed./TN/2022/130160) passed against the appellant/institution and appropriate relief may be granted to appellant/institution.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for M.Ed. course of one year duration with an annual intake of 25 seats on 16.07.2009 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 50 students (one unit) was issued on 22.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of show cause notice and final show cause notice issued on 26.02.2019 and 03.11.2021 to submit its written representations for rectifying the pointed out shortcomings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents which substantiated the removal of deficiencies to continue the recognition.

The Appeal Committee noted that the faculty at Sl.No. 3 & 9 do not secure the minimum percentage of marks Professional Degrees. Secondly, the type of land in NEC is written as Dry Land. It does not clarify whether the land is agricultural or non-agricultural. No proof of maintaining the website as required under NCTE Regulations is submitted in the appeal alongwith Memoranda of Appeal.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Commission is of the view that the appellant institution is still deficient on the above grounds. In these circumstances, the Appeal Committee concluded that the SRC was justified in withdrawing recognition of the appellant institution and therefore, the instant appeal is rejected and impugned order is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition of the appellant institution and therefore, the instant appeal is rejected and impugned order is confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

- 1. The Principal, Vinayaga Education College, 34/2A, 35/2, 35/3, Karuppur, Vinayaga Nager, Keelapaluvur, Ariyalur, Perambalur, Tamilnadu-621707**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-118/E-251605/2022 Appeal/5th Meeting, 2022
APPLSRC202214345**

Rajiv Gandhi College of Education, 413/2, 413/4, 414/2, 414/5, Kammampali Post, Kuppam Road, Krishnagir Tamilnadu-635120 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC

Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal of **Rajiv Gandhi College of Education, 413/2, 413/4, 414/2, 414/5, Kammampali Post, Kuppam Road, Krishnagir Tamilnadu-635120** dated 12.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No **404th Mtg, 2022 of SRC (minutes Based)** dated 17.11.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “Land and Building Completion Certificate pending document regarding”

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. V.V. Moorthy, Chairman, Rajiv Gandhi College of Education, 413/2, 413/4, 414/2, 414/5, Kammampali Post, Kuppam Road, Krishnagir Tamilnadu-635120 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “We would like to humbly submit that our institution has the best infrastructure, more than needed land facility and staff approval. Hence, we request you to consider granting of permanent recognition.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 17.12.2007 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 30.04.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of show cause notice and final show cause notice issued on 28.03.2019 and 15.11.2019 to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents which substantiated the removal of deficiencies to continue the recognition.

The Appeal Committee noted that the appellant institution in the appeal alongwith Memoranda of Appeal has submitted documents in compliance with the grounds of withdrawal such as (i) Notarised certified true copy of Sale Deed registered in the office of Sub-Registrar (both English and Regional Language) in favour Sri Balaji Educational Trust; (ii) Notarised copy of certificate issued by V. Parthiban, Advocate & Notary declaring that the Registered Sale Deed dated 02.05.2007 bearing doc. No. 1125/2007 of Joint I SRO, Krishnagiri in favour of K. Sarasu and Registered sale deed dated 30.03.2012 bearing doc. No. 1239/2012 of joint I SRO, Krishnagiri in favour of Sri Balaji Educational Trust are one and the same i.e. land in S.Nos. 413/2, 413/4, 414/2 and 414/5 of Kattinayanapalli Revenue Village, Krishnagiri Taluk and District; (iii)

Notarised copy of CLU issued by Tahsildar, Krishnagiri on 24.9.13; (iv) Notarised copy of NEC issued by Registration Department, Govt. of Tamilnadu; (v) Notarised copy of Building Completion Certificate issued by Assistant Engineer (RD), Panchayat Union, Krishnagiri; (vi) Notarised copy of list of faculty approved by the Registrar, Tamil Nadu Teachers Education University on different dated i.e. 30.09.2019, 21.11.2017 and 09.07.2020; (vii) copy of letter granting permission to remove middle wall from the existing 2nd floor of the building issued by President, Kattinayanapalli Panchayat, Krishnagiri Panchayat Union and (viii) Notarised copy of building plan showing the area of Multipurpose Hall issued by the competent authority at the back side of the plan i.e. President, Village Panchayat.

Noting the submission and verbal arguments advanced during hearing the Appeal Committee concluded that the instant appeal deserved to be accepted and decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action as per NCTE Regulations, 2014, Guidelines and amendments issued from time to time. The appellant institution is directed to submit documents within 15 days from the date of receipt of order on appeal. SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. © 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 15/12/2020, passed in W.P. © 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the instant appeal deserved to be accepted and decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action a per NCTE Regulations, 2014, Guidelines and amendments issued from time to time. The appellant institution is directed to submit documents within 15 days from the date of receipt of order on appeal. SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Rajiv Gandhi College of Education, 413/2, 413/4, 414/2, 414/5, Kammampali Post, Kuppam Road, Krishnagir Tamilnadu-635120
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-119/E-251493/2022 Appeal/5th Meeting, 2022
APPLNRC202214354**

Saraswati Devi Mahila Mahavidhyalaya, 137, Tikulaahiya, Nichlaul, Maharajganj, Uttar Pradesh- 273304 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, NRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF REFUSAL

The appeal of **Saraswati Devi Mahila Mahavidhyalaya, 137, Tikulaahiya, Nichlaul, Maharajganj, Uttar Pradesh-273304** dated 20.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No **F.No.NRC/NCTE/NRCAPP-564/241st Meeting/2015/12165-68** dated 20.08.2015 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “No reply of SCN submitted by the institution after LOI.”

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Pawan Kumar Dubey, Deputy Director, Saraswati Devi Mahila Mahavidhyalaya, 137, Tikulahiya, Nichlaul, Maharajganj, Uttar Pradesh-273304 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “Appeal against refusal of recognition of the Institution to run B.Ed. course, vide F.No.NRC/NCTE/NRCAPP-5764/241st Meeting/2015/121565-68 Dated 20 August 2015. Sir/Madam, 1. That in terms of section 14(1) of the NCTE Act, 1993, Brij Bihari Dubey Educational Trust, Street No – Near Bhagat Chauraha, Village -Kajakpur, Post office-Taramandal, Tahsil/Taluka Sadar, Town/City-Gorakhpur, District-Gorakhpur-273001, State – Uttar Pradesh had submitted an application to the Northern Regional Committee of NCTE for grant of recognition/permission for starting B.Ed. course in the proposed institution i.e. Saraswati Devi Mahila Mahavidyalaya, Plot No. – 137, Village-Taluka – Nichlaul, Town/City -Nichlaul, District – Maharajganj – 273304, State – Uttar Pradesh. The NRC, NCTE on the basis of the scrutiny of the documents submitted by the Institution, input received from the visiting team report and videography in its 233rd meeting (1st sitting held from 18th February, 2015 (Part-1) observed that the above institution has adequate financial resources, accommodation, library and laboratory as prescribed in the norms and standards and that it fulfils all such other conditions relating to infrastructural and instructional and instructional facilities required for proper functioning of the institution for a teacher education course and hence a letter of intent was issued vide letter no. F.NRC/NCTE/NRCAPP-5764/233rd meeting (Part-1)/2015/88319-320 dated 25 Feb 2015, under clause 7(13) of the NCTE regulations, 2014. That as per provision of clause 7(13) of the NCTE regulations, 2014. The process of appointment of qualified staff as per policy of State Government or University Grant Commission or University may be initiated by the institution and affiliating body will provide all assistance to the institution to ensure that the staff or faculty is appointed as per National Council for Teacher Education norms within two months. The institution shall submit the list of faculty, as approved by the affiliating body, to the regional committee. In this regard as per decision taken by NRC in its 199th meeting, it is clarified that the above implies that there exists a provision of nomination of expert/experts for the selection committee by the affiliating university, the same by adhered to. In the absence of such a provision in the act/statutes of the affiliating university, the institution shall select faculty members by employing a transparent, objective, and judicious process and shall get the list of selected teachers approved by the affiliating university. This approved list, along with details of educational qualifications and teaching experience, shall

be submitted by the institution to the regional committee. In view of above, before grant of formal recognition under regulation 7(16) of the NCTE Regulations, 2014 is considered, Inter-Alia, the following documents are required to be submitted by the institution: - A. The institution shall submit particulars of the staff duly approved by the University/Affiliating body as per prescribed format available on the NRC, NCTE website. B. Advertisement given for recruitment of faculty and staff. C. Recommendations of the selection committee for appointment of teaching & non-Teaching staff as per the norms of the affiliating body. D. An affidavit on Rs. 100/-stamp paper to the effect that the institution has selected staff as per NCTE/state/university norms. E. The regional committee shall arrange for inspection of these premises, verification of documents and check adherence to these conditions by 29th February 2016 etc. That the institution had to comply to the above requirements before the case for formal recognition is considered under clause 7(16) of the NCTE Regulations, 2014. That vide letter no. F.NO.NRC/NCTE/NRCAPP-5764/241st meeting/2015/121565-68 dated 20 August 2015, a refusal order was passed and thereby the Northern Regional Committee refused the recognition of the institution due to the reason that no reply of SCN submitted by the institution after LOI. That it is submitted that the said institution, i.e., Saraswati Devi Mahila Mahavidyalaya was earlier affiliating to Deendayal Upadhyay Gorakhpur University, Gorakhpur which was changed and now it is affiliated to Siddharth University, Kapilyastu, Siddharth Nagar, Uttar Pradesh. That due to the said reason, the full compliance of the requirements asked by the NCTE like details of the faculty and other requirements were not fulfilled. However, now the said institution is in full adherence to the requirements of the NCTE and hence it is prayed that the institution may be given recognition to run the B.Ed. course. That necessary documents in this regard are annexed with appeal.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned refusal/rejection order dated 20.08.2015 was issued after rendering reasonable opportunity to the appellant to submit required documents. Appellant was also informed of the provisions and guidelines for submitting appeal within a period of 60 days from the date of issue of impugned refusal/rejection order. The appellant has preferred a delayed appeal by more than 6 years and 6 months against the impugned refusal/rejection order.

2. Appeal Committee noted that according to Section 18 (1) of the NCTE Act, 1993, any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed. According to the provisions of

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

3. Appeal Committee observed that the reasons adduced in the Appeal Memoranda by the appellant for preferring delayed appeal after the expiry of stipulated period are not convincing. Hence, the Appeal Committee decided not to condone the unjustifiable and inordinate delay of more than 4 years.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the inordinate and unjustifiable delay is not condoned and the instant appeal not admitted.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Saraswati Devi Mahila Mahavidhyalaya, 137, Tikulahiya, Nichlaul, Maharajganj, Uttar Pradesh-273304**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-120/E-251940/2022 Appeal/5th Meeting, 2022
APPLSRC202214346**

Hemadri B.Ed College, 31, Arekalalli, Srinivasapura Road, Arekalalli, Kolar, Karnataka- 563101 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Hemadri B.Ed College, 31, Arekalalli, Srinivasapura Road, Arekalalli, Kolar, Karnataka-563101 dated 12.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No F.SRO/NCTE/APS02423/B.Ed./KA/2022/130884 dated 15.03.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institute submitted a Performa of 8 Faculty but the same is not approved/signed by the Registrar of University. Further the strength of faculty is not sufficient for one unit of B.Ed. course as required under NCTE Regulations, 2014. Approval given by the Registrar; Bengaluru North University vide letter dt. 26.12.2019 is conditional for 5 faculty is not qualified as per NCTE

[Signature]

Regulations, 2014 (amended vide notification dt. 09.06.2017). The Building Plan and BCC submitted by the institute shows the size of M.P. Hall as 1520 sq. ft. which is less than the requirements of NCTE Regulations. The institute failed in submission of bank statements of faculty showing disbursement of salary through bank account as required under clause 10(3) of NCTE Regulations, 2014 and directed to submit vide Final Show Cause Notice dt. 02.02.2022.”

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Srinivasa Shetty. J, Principal, Hemadri B.Ed College, 31, Arekalalli, Srinivasapura Road, Arekalalli, Kolar, Karnataka-563101 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “Latest Approval Faculty list submitted. Latest approval faculty list submitted. Latest Building Plan and BCC submitted Multipurpose Hall CLARIFIED. Latest 1-year Bank Statement Submitted.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 25.11.2004 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 16.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of show cause notice and final show cause notice issued on 04.01.2018 and 02.02.2022 to submit its written representations for rectifying the pointed out shortcomings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents which substantiated the removal of deficiencies to continue the recognition.

The Appeal Committee noted that the appellant institution by letter dated 16.02.2022 informed the SRC while submitting reply to SCN alongwith relevant documents that they are running one unit of B.Ed. course.

The Appeal Committee noted that the appellant institution in the appeal alongwith Memoranda of Appeal has submitted documents in compliance with the grounds of withdrawal such as (i) Notarised copy of list of faculty approved by the Registrar, Bangaluru North University, Kolar on 26.03.2022; (ii) Notarised copy of BCC showing built up area of Multipurpose Hall approved by the Assistant Executive Engineer, PWD, Sub-Division, Kolar; (iii) Notarised copy of CLU dated 01.02.2022 issued by Tahsildar, Kolar Taluk; (iv) Notarised copy of Building Plan indicating the area of Multipurpose Hall approved by the Assistant Executive Engineer, PWD, Sub-Division, Kolar; (v) Notarised copy of bank statement of college for the period from 3.3.2021 to 3.3.2022 issued by Bank of Baroda for disbursement of salary to the staff and (vi) Notarised copy of affidavit on Rs. 100/- non-judicial stamp paper indicating details of land.

Noting the submission and verbal arguments advanced during hearing the Appeal Committee concluded that the instant appeal deserved to be accepted and decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action a per NCTE Regulations, 2014, Guidelines and amendments issued from time to time. The appellant institution is directed to submit documents within 15 days from the date of receipt of order on appeal. SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the instant appeal deserved to be accepted and decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action as per NCTE Regulations, 2014, Guidelines and amendments issued from time to time. The appellant institution is directed to submit documents within 15 days from the date of receipt of order on appeal. SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Hemadri B.Ed College, 31, Arekalalli, Srinivasapura Road, Arekalalli, Kolar, Karnataka-563101**
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.

(S2)



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-121/E-252326/2022 Appeal/5th Meeting, 2022
APPLSRC202214356**

Pasumpon Muthuramalinga Thevar College, 3, Vadugapatti, Madurai Main Road, Usilampatti, Madurai, Tamilnadu-625532 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Pasumpon Muthuramalinga Thevar College, 3, Vadugapatti, Madurai Main Road, Usilampatti, Madurai, Tamilnadu-625532** dated 20.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No **F.SRO/NCTE/SRCAPP14728/B.P.Ed./{TN}/2022/130773** dated 14.03.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.P.Ed. Course on the grounds that “The institution has submitted faculty approval letter dt.28.02.2017. It had also submitted a copy of letter dated 01.03.2021 written to the Registrar, TNPESU seeking approval of 5 faculty, but

[Handwritten signature]

approval has not been submitted. The institute had failed in submission of approval of consolidated faculty list latest approved by the affiliation body. The institute also did not submit the Performa of faculty approved by the university. The institution also failed to submit supporting documents in terms of educational qualification of the faculty and experience certificate of the principal. The building plan is not approved by the competent authority. As per building plan indoor sports facility, gymnasium, multi-purpose plan field, 400 sqm. Track is not available as require in appendix 5 of NCTE Regulations, 2014. As per the building plan the building is neither disabled friendly nor the fire hazard been provided as required under appendix 5 of NCTE Regulations 2014. As per the building plan separate hostels for boys and girls for outstation students been provided as required under appendix 5 of NCTE regulations, 2014. The institution failed in submission of the bank statement of all individual faculty and institutions bank statement duly certified by the concerned bank showing disbursement of salary through bank account to faculty as required under clause 10(3) of NCTE Regulation, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. K. Ramkumar, Principal, Pasumpon Muthuramalinga Thevar College, 3, Vadugapatti, Madurai Main Road, Usilampatti, Madurai, Tamilnadu-625532 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “The management has appointed faculty as per the NCTE Regulation 2014. One principal and 15 assistant professors are all qualified by NCTE norms and as per Tamilnadu sports and Physical Education University norms. All the necessary documents and experience certificates of all faculty members are originally verified by the TNSPEU and got approval from registrar, TNSPEU and also, we submit the copy of consolidated faculty list to your good office. The building plan is approved by the competent authority, the President, Vadugappatti village on dt.08.02.2016 and revised building plan also approved by the President, Vadugapatti village on 13.03.2020 also notarized copy enclosed. In our college indoor facility gymnasium, multipurpose plan field, 400 sq.mt track is available. It also mentions in building plan as well. As in site plan the inspection team originally visited our college and verified all the above facilities, they submitted the true version of building plan to your good office. As per the building act we have provided fire extinguishers, ramp for disabled is available. Also copy of building plan is enclosed. As per the NCTE norms appendix 5, we have separate hostel for boys and girls students it all should be earmarked in the building plan

copy of building plan is enclosed. Salary of our faculty members through ECS only. Copy of the bank statement is enclosed.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.P.Ed. course of two years duration with an annual intake of 100 seats (two sections of 50 students each) 1 unit from the academic sessions 2017-18 on 07.04.2017.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of show cause notice and final show cause notice issued on 24.09.2020 and 30.11.2021 to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents which substantiated the removal of deficiencies to continue the recognition.

The Appeal Committee noted that the appellant institution in the appeal alongwith Memoranda of Appeal has submitted documents in compliance with the grounds of withdrawal such as (i) Notarised copy of list of faculty approved by the Registrar, Tamil Nadu Physical Education and Sports University, Chennai on 28.02.2017; (ii) Notarised copy of Building Plan and Site Plan showing sports facility and multipurpose hall etc. approved by the competent authority along with Notarised English Translated copy of Certificate regarding approval of the Building Plan issued by the President, Vadugapatti Village, Usilampatti Panchayat Union; (iii) Notarised copy of No Objection Certificate issued by District Officer, Fire & Rescure Services, Madurai District and (iv) Notarised copy of Statement of Account for the period 1.4.2019 to 2.11.2021 issued by Canara Bank for disbursement of salary to the staff through bank.

Noting the submission and verbal arguments advanced during hearing the Appeal Committee concluded that the instant appeal deserved to be accepted and decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action a per NCTE Regulations, 2014, Guidelines and amendments

issued from time to time. The appellant institution is directed to submit documents within 15 days from the date of receipt of order on appeal. SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the instant appeal deserved to be accepted and decided to remand back the case to SRC with a direction to consider the submitted documents to be sent them by the appellant and take appropriate action a per NCTE Regulations, 2014, Guidelines and amendments issued from time to time. The appellant institution is directed to submit documents within 15 days from the date of receipt of order on appeal. SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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




Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Pasumpon Muthuramalinga Thevar College, 3, Vadugapatti, Madurai Main Road, Usilampatti, Madurai, Tamilnadu-625532**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



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**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-13/E-235284/2022 Appeal/5th Meeting, 2022
APPLSRC0202114214**

St. Stephens College of Education for Women, Hosanna Mount Kadavur, 52/2A, 52/2B1 Chatrapati, New Natham Road, Chatrapati, Madurai Tamilnadu-625014 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. W.S. Milton Jaganathan (Director)
Respondent by	Regional Director, SRC
Date of Hearing	11.06.2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **St. Stephens College of Education for Women, Hosanna Mount Kadavur, 52/2A, 52/2B1 Chhatrapati, New Natham Road, Chhatrapati, Madurai Tamilnadu-625014** dated 06.12.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. APSO3698 dated 16.11.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “Land document not submitted. 2. LUC not submitted. 3. FDRs not submitted. 4. Form ‘A’ not submitted. 5. Affidavit not submitted.”

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II. SUBMISSIONS MADE BY APPELLANT:-

Dr. W.S. Milton Jaganathan (Director), St. Stephens College of Education for Women, Hosanna Mount Kadavur, 52/2A, 52/2B1 Chatrapati, New Natham Road, Chhatrapati, Madurai Tamilnadu-625014 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that “Land document submitted. 2. Land Use Certificate submitted. 3. Building plan submitted. 4. Form ‘A’ submitted. 5. Affidavit submitted.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that online appeal dated 06.12.2021 is against an order of Southern Regional Committee (SRC) dated 16.11.2021. However, copy of impugned withdrawal order has not been furnished by the appellant.

2. The Appellant during the course of appeal hearing on 23.03.2022 submitted that certified copies of required documents were submitted to SRC by the appellant institution well before consideration of the case by SRC vide its letter dated 08.04.2021 by Regd/Speed Post. The appellant has enclosed a postal receipt No. ET843201015IN IVR:6984843201015 as a proof of sending the above documents to Regional Director, SRC on 10.04.2021.

Appeal Committee considering the above documentary evidences submitted by the appellant in the appeal interinely decided to get the above claim/submissions verified from SRC as to whether the reply to aforementioned SCN alongwith required documents were actually received or not. A copy of letter dated 08.04.2021 need to be forwarded to SRC alongwith the postal receipt for the said purpose. The SRC may also get it verified from the Postal Authority the delivery of the documents sent through said Postal Receipt Number.

The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the SRC vide Interim Appellate Order dated 18.04.2022 was asked to provide the clarification on the points mentioned above. Accordingly, the SRC vide letter dated 07.06.2022 has informed that *“the reply of the institution was submitted vide letter dated 08.04.2021 received in e-office (Receipt No. 184167) but the hard copy of the same is not traced out”*.

In these circumstances, the Appeal Committee reached the conclusion that the case is deserved to be remanded back to the SRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant is directed to send the documents within 15 days from the of receipt of order on appeal. The SRC is at a liberty to verify the authenticity of the documents from concerned issuing authority.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the case is deserved to be remanded back to the SRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant is directed to send the documents within 15 days from the of receipt of order on appeal. The SRC is at a liberty to verify the authenticity of the documents from concerned issuing authority.



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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, St. Stephens College of Education for Women, Hosanna Mount Kadavur, 52/2A, 52/2B1 Chatrapati, New Natham Road, Chhatrapati, Madurai Tamilnadu-625014**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-21/E-236373/2022 Appeal/5th Meeting, 2022
APPLSRC202114246**

Don Bosco College of Education, Chittapur Yadgir, 584, Head post office, ambedkar circle, Chittapur Yadgir, Karnataka-585202 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Fr. Augusty TA (Vice Principal)
Respondent by	Regional Director, SRC
Date of Hearing	11.06.2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Don Bosco College of Education, Chittapur Yadgir, 584, Head Post Office, Ambedkar Circle, Chittapur Yadgir, Karnataka-585202** dated 02.01.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS03075/B.Ed./{KA}/2021/129711 dated 30.12.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution was issued a Final Show Cause Notice on 12.10.2020. The institution failed to submit reply to the Final Show Cause Notice (FSCN).”

II. SUBMISSIONS MADE BY APPELLANT: -

Fr. Augusty TA (Vice Principal), Don Bosco College of Education, Chittapur Yadgir, 584, Head post office, Ambedkar Circle, Chittapur Yadgir, Karnataka-585202 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that “We had already responded to the Final Show Cause Notice of 12.10.2020 on 06.11.2020 @ 15.19 time by registered post. (Post (No EK668874768IN IVR 6975668874768) to Regional Director, Southern Regional Committee, NCTE, G-7 sector- 10 (Near Sector- 10 Metro Station), Dwarka New Delhi-110055.) We have not got the acknowledgement of the same too. We have not received any other communication after that from NCTE Southern Regional Committee. We have asked the post office to investigate and see where the post is received by NCTE, and the investigation is on since we have not yet got the acknowledgement. We have not got Form ‘A’ from bank for the FDR in order to get Form ‘A’ from bank we need to produce the original FDRs already sent to NCTE. But NCTE has not given us the original FDRs saying that it cannot be handed over to the person but will be sent by post. So far NCTE has not sent us the original of FDRs, for us to procure form a from bank. We have not also got any official communication regarding this matter in the official email ID. We have waited also for getting the official order from NCTE with order number and not got it so far. Hence, we have not failed to reply to the Final Show Cause Notice of 12.10.2020. We have written three times regarding this issue to Southern Regional Committee in our official email Id and got no reply so far. We have also called the regional office several times and got not reply. Please come to the aid of our institution and help us to settle our issue.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution in the appeal alongwith memoranda of appeal claimed to have submitted reply to both the Show Cause Notices issued on 06.03.2019 and Final Show Cause Notice on 12.10.2020 by its letter dated 27.03.2019 and 06.11.2020 by Speed Post/Regd. Post enclosing therewith Postal Receipt No. 6975663905052 dated 27.03.2019 and Receipt No. 6975668874768 dated 06.11.2020, respectively. The appellant also sent second reply enclosing therewith additional documents of building plan through Regd. Post of which the Postal Receipt No. 6975662764058 dated 30.03.2019 is also submitted in the appeal.

Appeal Committee considering the above documentary evidences submitted by the appellant in the appeal interinely decided to get the above claim/submissions verified from SRC as to whether the reply to aforementioned SCNs was actually received or not. A copy of letters dated 27.3.2019 and 6.11.2020 need to be forwarded to SRC for the said purpose. The SRC may also get it verified from the Postal Authority the delivery of the documents sent through said Postal Receipt Numbers.

The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the SRC vide Interim Appellate Order dated was asked to provide the clarification on the points mentioned above. Accordingly, the SRC vide letter dated 08.06.2022 has informed that *"the reply of the institution was submitted on 27.3.2019 and is available in e-office (Receipt No. 112426) but the hard copy of the same is not traced out. However, the letter dated 6.11.2020 is not found in e-office as well as in hard copy"*.

In these circumstances, the Appeal Committee reached the conclusion that the case is deserved to be remanded back to the SRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant is directed to send the documents within 15 days from the of receipt of order on appeal. The SRC is at a liberty to verify the authenticity of the documents from concerned issuing authority.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the case is deserved to be remanded back to the SRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The appellant is directed to send the documents within 15 days from the of receipt of order on appeal. The SRC is at a liberty to verify the authenticity of the documents from concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Don Bosco College of Education, Chittapur Yadgir, 584, Head Post Office, Ambedkar Circle, Chittapur Yadgir, Karnataka-585202**
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.



55

**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-150/E-256912/2022 Appeal/5th Meeting, 2022
APPLSRC202114242**

Sa-Ya-Gosh College of Education, 218,219,220, Pudumariamman Koli, Sa-Ya-Gosh Nagar, Dharampuri, Dharmapuri, Tamilnadu-635205 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Sa-Ya-Gosh College of Education, 218,219,220, Pudumariamman Koli, Sa-Ya-Gosh Nagar, Dharampuri, Dharmapuri, Tamilnadu-635205** dated 22.11.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No **F.SRO/NCTE/APS08017/M.Ed./{TN}/2021/125270** dated 23.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “**Further the SRC also given the last opportunity for submission of written representation/reply by way of last Reminder letter dated 21.09.2020 and the institution failed to submit the reply to the last reminder letter**”

[Handwritten signature]

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative, Sa-Ya-Gosh College of Education, 218,219,220, Pudumariamman Koli, Sa-Ya-Gosh Nagar, Dharampuri, Dharmapuri, Tamilnadu-635205 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “We would like to humbly submit that our institution has the best infrastructure, more than needed land facility and staff approval. Hence, we request you to consider granting of permanent recognition.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for M.Ed. course of one year duration with an annual intake of 25 seats on 21.10.2008 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 50 students (one unit) was issued on 22.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of show cause notice and final show cause notice issued on 15.03.2019 and 18.03.2020 to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents which substantiated the removal of deficiencies to continue the recognition.

The Appeal Committee noted that the main ground of withdrawing recognition of the appellant institution is not to submit the reply to the last reminder letter dated 21.09.2020 and the appellant in their explanation submitted in the Memoranda of Appeal has not contested this ground. However, the appellant during hearing verbally submitted that the reply was sent through post. He on being asked failed to submit the proof of having sent the reply through post. Even they categorically admitted this fact during hearing. Hence, merely stating that they sent the reply through post has no locus standing in the court of law.

Noting the submission and verbal arguments during hearing by the Appellant institution, The Appeal Committee concluded that the SRC was justified in withdrawing recognition and therefore the instant appeal deserved to be rejected and the impugned withdrawal order is confirmed.

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Sa-Ya-Gosh College of Education, 218,219,220, Pudumariamman Koli, Sa-Ya-Gosh Nagar, Dharampuri, Dharmapuri, Tamilnadu-635205**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-151/E-256912/2022 Appeal/5th Meeting, 2022
APPLSRC202114241**

Sa-Ya-Gosh College of Education, 218,219,220, Pudumariamman Koli, Sa-Ya-Gosh Nagar, Dharampuri, Dharmapuri, Tamilnadu-635205 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Sa-Ya-Gosh College of Education, 218,219,220, Pudumariamman Koli, Sa-Ya-Gosh Nagar, Dharampuri, Dharmapuri, Tamilnadu-635205** dated 19.11.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No **F.SRC/NCTE/APSO4318/B.Ed./TN/2021/125193** dated 16.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “**Further the SRC also given the last opportunity for submission of written representation/reply by way**

Wv

of last Reminder letter dated 21.09.2020 and the institution failed to submit the reply to the last reminder letter”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative, Sa-Ya-Gosh College of Education, 218,219,220, Pudumariamman Koli, Sa-Ya-Gosh Nagar, Dharampuri, Dharmapuri, Tamilnadu-635205 appeared online to present the case of the appellant institution on 11/06/2022. In the appeal memoranda it is submitted that “We would like to humbly submit that our institution has the best infrastructure, more than needed land facility and staff approval. Hence, we request you to consider granting of permanent recognition.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 26.07.2006 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 05.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of show cause notice and final show cause notice issued on 15.03.2019 and 10.08.2020 to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents which substantiated the removal of deficiencies to continue the recognition.

The Appeal Committee noted that the main ground of withdrawing recognition of the appellant institution is not to submit the reply to the last reminder letter dated 21.09.2020 and the appellant in their explanation submitted in the Memoranda of Appeal has not contested this ground. However, the appellant during hearing verbally submitted that the reply was sent through post. He on being asked failed to submit the proof of having sent the reply through post. Even

they categorically admitted this fact during hearing. Hence, merely stating that they sent the reply through post has no locus standing in the court of law.

Noting the submission and verbal arguments during hearing by the Appellant institution, The Appeal Committee concluded that the SRC was justified in withdrawing recognition and therefore the instant appeal deserved to be rejected and the impugned withdrawal order is confirmed.

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Sa-Ya-Gosh College of Education, 218,219,220, Pudumariamman Koli, Sa-Ya-Gosh Nagar, Dharampuri, Dharmapuri, Tamilnadu-635205**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-77/E-246051/2022 Appeal/5th Meeting, 2022
APPLSRC202214309**

Sri Venkateshwara College of Education, 5/152, 5/153 Cuddapah, Ravindra Nagar, Cuddapah Andhra Pradesh-516003 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Sri Venkateshwara College of Education, 5/152, 5/153 Cuddapah, Ravindra Nagar, Cuddapah Andhra Pradesh-516003** dated 08/03/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS00006/B.Ed./{AP}/2021/128707 dated 04.10.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution was issued a Last Reminder (Letter) on 01.07.2021. The institution failed to submit reply to the Last Reminder (Letter). This institution not submitted land document. This institution not submitted LUC. This institution not submitted BCC.

This institution not submitted Building Plan and Site Plan. This institution not submitted faculty. This institution not submitted FDRs & Form "A".

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. V. V. Sambasiva Rao (Principal), Sri Venkateshwara College of Education, 5/152, 5/153 Cuddapah, Ravindra Nagar, Cuddapah Andhra Pradesh-516003 appeared online to present the case of the appellant institution on 27/04/2022. In the appeal memoranda it is submitted that "Now submitted land document. LUC submitted. BCC submitted. Building Plan and Site Plan submitted. Faculty list submitted. FDRs & Form "A" submitted NEC submitted."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the recognition of the appellant institution was withdrawn on the grounds of not submitting reply to the last reminder letter issued on 1.7.2021 whereas the appellant institution has explained that they had submitted the reply by its letter dated 13.7.2021 sent through courier receipt No. H98623089 to RD, NCTE, New Delhi. As an evidence of having sent the reply, a copy of Courier receipt dated 13.7.2021 has been furnished by the appellant in the appeal.

In view of the above submissions and oral arguments advanced during hearing, the Appeal Committee interinely decided to seek clarification form SRC as to whether the reply sent by the appellant was received or not. A copy of the letter dated 13.7.2021 alongwith courier receipt may be forwarded to Regional Office, SRC for reference and providing the clarification at the earliest to the Appeal Committee so that the instant appeal may be disposed of accordingly within the prescribed time limits.

The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the SRC vide Interim Appellate Order dated 26.05.2022 was asked to provide the clarification on the points mentioned above. Accordingly, the SRC vide letter dated 07.06.2022 has informed that *"the reply was not received by SRC. The SRC had no other alternative except to withdraw the recognition of all institution for non-filing of reply"*.

In these circumstances, the Appeal Committee concluded that the SRC was justified in withdrawing recognition of the appellant institution and therefore the instant appeal deserved to be rejected and impugned order is confirmed.

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Sri Venkateshwara College of Education, 5/152, 5/153 Cuddapah, Ravindra Nagar, Cuddapah Andhra Pradesh-516003**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-67/E-244903/2022 Appeal/5th Meeting, 2022
APPLNRC202214303**

Institute For Higher Education, Guldhar, Plot No.117 Sanjay Nagar, Meerut Road Ghaziabad, Uttar Pradesh-201002 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, NRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal of **Institute for Higher Education, Guldhar, Plot No.117 Sanjay Nagar, Meerut Road Ghaziabad, Uttar Pradesh-201002** dated 28/02/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/UP-1087-B.Ed., Up-2709-B.Ed. (Add.) & Up-2725-M.Ed./342nd (Virtual) Meeting /2021 /215744 dated 23.09.2021 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Additional Course on the grounds that "First Show Cause Notice was issued on 09.10.2020. The institution has not submitted the reply of first SCN. Further, Final Show Cause Notice was issued on 08.02.2021. The Institution has not submitted the reply of Final SCN. The institution is still deficient on the following grounds: i) The

[Signature]

Rent Deed of the institution for 30 years is notarized instead of issued by Registrar / Sub- Registrar of the concerned area. ii) The institution has not submitted affidavit to comply with provisions of NCTE Regulations 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Tanuj Sharma (Registrar), Institute for Higher Education, Guldhar, Plot No.117 Sanjay Nagar, Meerut Road Ghaziabad, Uttar Pradesh-201002 appeared online to present the case of the appellant institution on 27/04/2022. In the appeal memoranda it is submitted that “That the earlier the appellant / institution was conducting courses in the rented premises, however, thereafter the appellant / institution had purchased its own land and hence submitted an application for shifting of premises for conducting B.Ed. Course (File No. UP-1087 & UP-2709) vide letter dated 21.06.2016 alongwith requisite fee vide Demand Draft of Rs. 1,500,000/-. The aforementioned application was submitted in the office of the respondent / NRC on 22.06.2016. [Copies of sale deed / land document, letter dated 21.06.2016 with demand draft of Rs. 1,500,000/-. That the application for shifting of premises was not considered by the respondent and therefore the appellant / institution again made a reminder / request for shifting of premises of institution for conducting B.Ed. Course vide letter date 16.04.2018. It is pertinent to mention here that the VT has been constituted by the respondent / NRC, but the inspection was not made by the VT members. Therefore, the appellant requested the respondent for the inspection of the institution, so that the institution could be shifted at new premises. The aforementioned letter was received by the respondent / NRC, on 20.04.2018. That the thereafter, the appellant / institution again made request for considering its application for shifting of premises for conducting B.Ed. course vide letter dated 30.05.2019.

2. That the appellant / institution duly submitted the affidavit for compliance of the norms of new NCTE Regulations, 2014 vide letter dated 15.01.2015 for conducting B.Ed. course (File Code No. NRC/NCTE/F-3/UP-1087/11669) and after submitting the affidavit, NCTE issued the revised recognition order 21.05.2015. That after the issuance of impugned withdrawal order dated 23.09.2021 the appellant / institution represented the respondent / NRC vide letters dated 22.10.2021 and 20.12.2021 and stated that the appellant has complied with all the norms of the NCTE Regulations, 2014. The appellant / institution already replied to the Show Cause Notice and clearly stated that the institution does not wish to start the M.Ed. course. So far as the B.Ed. course is concerned, the appellant / institution has already submitted the compliance affidavit and

the appellant had also made application for shifting of premises, which is pending at the end of the respondent and hence, the appellant / institution is not under any fault, as such issuance of the impugned withdrawal order dated 23.09.2021 is illegal, arbitrary and unconstitutional and the same is a violation of principles of natural justice in the facts and circumstances of the present case.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the recognition to the appellant institution for M.Ed. course with an annual intake of 25 students was granted on 1.6.2009 and due to non-submission of an affidavit for adherence of NCTE Regulations, 2014, the revised recognition order was not issued. It may be pertinent to mention that the appellant in the Memoranda of Appeal has mentioned the name of Teacher Education Programme as B.Ed. for which the instant appeal is made.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities under the laid down provision in the shape of First Show Cause Notice and Final Show Cause Notice issued on 9.2.2020 and 8.2.2021, respectively to submit its written representations for rectifying the short comings in the stipulated time period.

The Appeal Committee noted that the main ground of withdrawing recognition is that the appellant institution neither submitted reply to First Show Cause Notice nor the Final Show Cause Notice whereas the appellant in the appeal has submitted that they replied to the First Show Cause Notice within stipulated time by its letter dated 6.11.2020 received in NRC on 6.11.2020. As an evidence of having submitted the reply, a copy of duly receipted letter by NRC affixing office stamp on the face of the letter has been submitted alongwith Memoranda of Appeal. The appellant in the said reply intimated to NRC that they did not intend to start M.Ed. course that's why the affidavit for adherence of NCTE Regulations, 2014 for the course not submitted. Consequently, they requested to cancel the process of grant of M.Ed. course and return the FDRs. It is further submitted by the appellant that the show cause notice was issued for M.Ed. course only. No show cause notice has been issued in respect of B.Ed. course.

Noting the submission and oral arguments advanced during hearing, Appeal Committee intermely decided to seek clarification from NRC as to whether the said reply was received or not. Also clarified on other points mentioned above. The NRC may be requested to furnish the clarification at the earliest so that the instant appeal may be disposed of by the Appeal Committee within prescribed time limit. A copy of the reply/letter dated 6.11.2020 may be forwarded to NRC for their reference and further necessary action as indicated above.

The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the NRC vide Interim Appellate Order dated 26.05.2022 was asked to provide the clarification on the points mentioned above. Accordingly, the NRC vide letter dated 07.06.2022 enclosing therewith case-wise clarification in which they have informed that *"the reply of the institution dated 6/11/2020 received in NRC Office vide diary No. E-168518 dated 6/11/2020"*.

In these circumstances, the Appeal Committee reached the conclusion that the case is deserved to be remanded back to the NRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The NRC is at a liberty to verify the authenticity of documents from the concerned issuing authority.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to NRC for revisiting the matter.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the case is deserved to be remanded back to the NRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The NRC is at a liberty to verify the authenticity of documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Institute for Higher Education, Guldhar, Plot No.117 Sanjay Nagar, Meerut Road Ghaziabad, Uttar Pradesh-201002**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-68/E-244961//2022 Appeal/5th Meeting, 2022
APPLSRC202214302**

Fathima Memorial Training College, Pallimukku, Kollam, Kerala, Vadakkevila KC27/1510, Vadakkevila Pallimukku Kollam, Kerala-691010 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Fathima Memorial Training College, Pallimukku, Kollam, Kerala, Vadakkevila KC27/1510, Vadakkevila Pallimukku Kollam, Kerala-691010 dated 28/02/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No F.SRO/NCTE/APS00700/EL.E./KL/2021/129836 dated 07.01.2022 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “The institution was issued a Final Show Cause Notice (FSCN). The institution has submitted its reply

vide letter dated 19.08.2019, 24.12.2019, 03.01.2020 and 05.10.2020. The Committee observed the reply submitted by the institution and found the following deficiencies: -

- The institution has submitted staff list of 10 faculty for B.Ed., M.Ed., and D.El.Ed. Programme. The faculty strength is not sufficient to run the courses as per minimum requirement laid down under NCTE regulations, 2014. The institution failed to submit latest staff list duly approved by the Registrar of the affiliating body as per the prescribed format as per provisions of the NCTE Regulations 2014.
- The institution has submitted the Form 'A' for one programme only. The institution is not maintaining Endowment and Reserve Funds for all programme as required under NCTE Regulations 2014.
- The Building Plan submitted by the institution is not readable. Moreover, the size of Multipurpose Hall is not mentioned in the building plan. The building plan is also not approved by the competent authority.
- The institution did not submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulations, 2014 for B.Ed. course.
- The institution did not submit proof of disbursement of salary for faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014.
- The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Anitha N. (Principal), Fathima Memorial Training College, Pallimukku, Kollam, Kerala, Vadakkevila KC27/1510, Vadakkevila Pallimukku Kollam, Kerala-691010 appeared online to present the case of the appellant institution on 27/04/2022. In the appeal memoranda it is submitted that "Staff List duly endorsed by the Director, The State Council of Education Research and Training (SCERT) Government of Kerala follows. Form 'A' for D.El.Ed. programme Rs. 12 lakhs (7+5) follow. New Drawings submitted 2000 square feet Multipurpose Hall drawings submitted. Details of Administrative and Professional Staff follows. The proof of disbursement of salary for faculty & non-teaching staff through bank account is follows. All the information regarding under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014 has been uploaded on the website."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the recognition of the appellant institution was withdrawn by the impugned order as per the decision taken by SRC in its 405th meeting held on 13th – 14th December, 2021 on the grounds of not submitting required documents as asked to be furnished in the final show cause notice whereas the appellant in the letter dated 22.2.2022 submitted alongwith memoranda of appeal has explained that they had submitted all the required details/documents well before the withdrawal order by letter No. FMTC/2410/2021 dated 10.12.2021. As an evidence of having submitted the said documents, a Speed Post Receipt dated 11.12.2021 has been enclosed with the above letter.

In view of the above submission, the Appeal Committee interinely decided to seek clarification from SRC as to whether the letter dated 10.12.2021 alongwith the documents was received or not enabling the Appeal Committee to dispose of the instant Appeal within the prescribed time limits sent through Speed Post. A copy of said letter dated 10.12.2021 alongwith Speed Post Receipt dated 11.12.2021 may be forwarded to SRC for reference/verification and further necessary action in the matter in a time bound manner.

The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the SRC vide Interim Appellate Order dated 26.05.2022 was asked to provide the clarification on the points mentioned above. Accordingly, the SRC vide letter dated 07.06.2022 informed that *"It is correct that the reply was received on 14.12.2021. The meeting was also held on 13th – 14th December, 2021. It might be received after the decision taken by the Committee"*.

In these circumstances, the Appeal Committee reached the conclusion that the case is deserved to be remanded back to the SRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The SRC is at a liberty to verify the authenticity of documents from the concerned issuing authority.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the case is deserved to be remanded back to the SRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The SRC is at a liberty to verify the authenticity of documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Fathima Memorial Training College, Pallimukku, Kollam, Kerala, Vadakkevila KC27/1510, Vadakkevila Pallimukku Kollam, Kerala-691010

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



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-59/E-243769//2022 Appeal/5th Meeting, 2022
APPSRC202214289**

Fathima Memorial Training College, Pallimukku, Kollam, Kerala, Vadakkevila KC27/1510, Vadakkevila Pallimukku Kollam, Kerala-691010 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Fathima Memorial Training College, Pallimukku, Kollam, Kerala, Vadakkevila KC27/1510, Vadakkevila Pallimukku Kollam, Kerala-691010** dated 17/02/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS00421/B.Ed.-AI/KL/ 2021/129836 dated 07.01.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution has submitted staff list of 10 faculty for B.Ed., M.Ed., and D.El.Ed. Programme. The faculty strength is not sufficient laid down under NCTE regulations, 2014. The institution failed to submit latest staff list duly

approved by the Registrar of the affiliating body as per the prescribed format as per provisions of the NCTE Regulations 2014. The Building Plan submitted by the institution is not readable. Moreover, the size of Multipurpose Hall is not mentioned in the building plan. The building plan is also not approved by the competent authority. The institution did not submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulations, 2014 for B.Ed. course. The institution did not submit proof of disbursement of salary for faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Anitha N. (Principal), Fathima Memorial Training College, Pallimukku, Kollam, Kerala, Vadakkevila KC27/1510, Vadakkevila Pallimukku Kollam, Kerala-691010 appeared online to present the case of the appellant institution on 27/04/2022. In the appeal memoranda it is submitted that “B.Ed. staff list for 2 units total 16 facilities list approved by the Registrar, University of Kerala since submitted. Please also refer our letter dated 10.12.2021. New Drawings submitted 2000 square feet Multipurpose Hall drawings submitted. Details of Administrative and Professional Staff follows. The proof of disbursement of salary for faculty & non-teaching staff through bank account is follows. All the information regarding under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014 has been uploaded on the website.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the recognition of the appellant institution was withdrawn by the impugned order as per the decision taken by SRC in its 405th meeting held on 13th – 14th December, 2021 on the grounds of not submitting required documents as asked to be furnished in the final show cause notice whereas the appellant in the letter dated 22.2.2022 submitted alongwith memoranda of appeal has explained that they had submitted all the required details/documents well before the withdrawal order by letter No. FMTC/2410/2021 dated 10.12.2021. As an evidence of having submitted the said documents, a Speed Post Receipt dated 11.12.2021 has been enclosed with the above letter.

In view of the above submission, the Appeal Committee interinely decided to seek clarification from SRC as to whether the letter dated 10.12.2021 alongwith the documents was received or not enabling the Appeal Committee to dispose of the instant Appeal within the prescribed time limits sent through Speed Post. A copy of said letter dated 10.12.2021 alongwith Speed Post Receipt dated 11.12.2021 may be forwarded to SRC for reference/verification and further necessary action in the matter in a time bound manner.

The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the SRC vide Interim Appellate Order dated 26.05.2022 was asked to provide the clarification on the points mentioned above. Accordingly, the SRC vide letter dated 07.06.2022 informed that *"It is correct that the reply was received on 14.12.2021. The meeting was also held on 13th – 14th December, 2021. It might be received after the decision taken by the Committee"*.

In these circumstances, the Appeal Committee reached the conclusion that the case is deserved to be remanded back to the SRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The SRC is at a liberty to verify the authenticity of documents from the concerned issuing authority.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the case is deserved to be remanded back to the SRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The SRC is at a liberty to verify the authenticity of documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Fathima Memorial Training College, Pallimukku, Kollam, Kerala, Vadakkevila KC27/1510, Vadakkevila Pallimukku Kollam, Kerala-691010**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Kerala.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-60/E-243803//2022 Appeal/5th Meeting, 2022
APPLSRC202214290**

Fathima Memorial Training College, Pallimukku, Kollam, Kerala, Vadakkevila KC27/1510, Vadakkevila Pallimukku Kollam, Kerala-691010 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal of **Fathima Memorial Training College, Pallimukku, Kollam, Kerala, Vadakkevila KC27/1510, Vadakkevila Pallimukku Kollam, Kerala-691010** dated 18/02/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS04145/M.Ed./KL/2021/129836 dated 07.01.2022 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that "The institution has submitted staff list of 10 faculty for B.Ed., M.Ed., and D.El.Ed. Programme. The faculty strength is not sufficient laid down under NCTE regulations, 2014. The institution failed to

submit latest staff list duly approved by the Registrar of the affiliating body as per the prescribed format as per provisions of the NCTE Regulations 2014. The Building Plan submitted by the institution is not readable. Moreover, the size of Multipurpose Hall is not mentioned in the building plan. The building plan is also not approved by the competent authority. The institution did not submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulations, 2014 for B.Ed. course. The institution did not submit proof of disbursement of salary for faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Anitha N. (Principal), Fathima Memorial Training College, Pallimukku, Kollam, Kerala, Vadakkevila KC27/1510, Vadakkevila Pallimukku Kollam, Kerala-691010 appeared online to present the case of the appellant institution on 27/04/2022. In the appeal memoranda it is submitted that “Staff List for 1 unit consisting of 10 facilities duly approved by the University follows. Form ‘A’ for FDR’s Rs. 7 Lakh & 5 Lakh (12 Lakhs) already forwarded. Copy follows. New Drawings submitted 2000 square feet Multipurpose Hall drawings submitted. Details of Administrative and Professional Staff follows. The proof of disbursement of salary for faculty & non-teaching staff through bank account is follows. All the information regarding under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014 has been uploaded on the website.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the recognition of the appellant institution was withdrawn by the impugned order as per the decision taken by SRC in its 405th meeting held on 13th – 14th December, 2021 on the grounds of not submitting required documents as asked to be furnished in the final show cause notice whereas the appellant in the letter dated 22.2.2022 submitted alongwith memoranda of appeal has explained that they had furnished all the required details/documents well before the withdrawal order by letter No. FMTC/2410/2021 dated 10.12.2021 sent through Speed Post. As an evidence of having submitted the said documents, a Speed Post Receipt dated 11.12.2021 has been enclosed with the above letter.

In view of the above submission, the Appeal Committee interinely decided to seek clarification from SRC as to whether the letter dated 10.12.2021 alongwith the required documents was received or not enabling the Appeal Committee to dispose of the instant Appeal within the prescribed time limits. A copy of said letter dated 10.12.2021 alongwith Speed Post Receipt dated 11.12.2021 may be forwarded to SRC for reference/verification and further necessary action in the matter in a time bound manner.

The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the SRC vide Interim Appellate Order dated 26.05.2022 was asked to provide the clarification on the points mentioned above. Accordingly, the SRC vide letter dated 07.06.2022 informed that *"It is correct that the reply was received on 14.12.2021. The meeting was also held on 13th – 14th December, 2021. It might be received after the decision taken by the Committee"*.

In these circumstances, the Appeal Committee reached the conclusion that the case is deserved to be remanded back to the SRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The SRC is at a liberty to verify the authenticity of documents from the concerned issuing authority.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the case is deserved to be remanded back to the SRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The SRC is at a liberty to verify the authenticity of documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Fathima Memorial Training College, Pallimukku, Kollam, Kerala, Vadakkevila KC27/1510, Vadakkevila Pallimukku Kollam, Kerala-691010**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**
3. **Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Kerala.**



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-78/E-246355//2022 Appeal/5th Meeting, 2022
APPLSRC202214311**

Siddhartha College of Physical Education, 44 Chinthagunta, 134/A C Gollapalli, 2nd Street Chandra Giri, Andhra Pradesh-517505 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC

Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal of **Siddhartha College of Physical Education, 44 Chinthagunta, 134/A C Gollapalli, 2nd Street Chandra Giri, Andhra Pradesh-517505** dated 09/03/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRC/NCTE/SRCAPP2133/B.P.Ed./{AP}/2022/130523 (Without Order) dated 28.02.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.P.Ed. Course on the grounds that "The institution was issued a Final Show Cause Notice on 22.02.2021. The institution failed to submit reply alongwith the requisite documents / information to the Final Show Cause

Notice (FSCN). The institution not submitted land document certified copy. The institution not submitted NEC. The institution not submitted Land Use Certificate. The institution not submitted Building Completion Certificate. The institution not submitted Building Plan & Site Plan. The institution not submitted FDRs & Form 'A'. The institution not submitted Faculty List. The institution not submitted Affidavit."

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. R. Madhu (Management Member), Siddartha College of Physical Education, 44 Chinthagunta, 134/A C Gollapalli, 2nd Street Chandra Giri, Andhra Pradesh-517505 appeared online to present the case of the appellant institution on 27/04/2022. In the appeal memoranda it is submitted that "Certified Land Document submitted. NEC submitted. Land Use Certificate submitted. Building Completion Certificate submitted. Building Plan & Site Plan submitted. FDRs & Form 'A' submitted. Faculty List submitted. Affidavit submitted."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the recognition of the appellant institution was withdrawn on the grounds of not submitting reply to the Final Show Cause Notice issued on 22.2.2021 whereas the appellant institution during hearing on 27.4.2022 informed vide email dated 27.4.2022 that they had replied to Final Show Cause Notice submitting therewith the required documents by letter dated 8.3.2021 sent through Courier on 8.3.2021 to RD, SRC. As an evidence of having sent the replied/documents, a courier receipt no. H66482409 has been enclosed with the said letter.

In view of the above submissions and oral arguments advanced during hearing, the Appeal Committee interinely decided to seek clarification form SRC as to whether the said letter dated 8.3.2021 as a reply to Final Show Cause Notice sent through courier by the appellant was received or not so that the instant appeal of the appellant institution may be disposed of by the Appeal Committee accordingly within the prescribed time limits. Copy of the said letter alongwith courier receipt may be forwarded to the SRC for reference further necessary action/verification.

The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the SRC vide Interim Appellate Order dated 26.05.2022 was asked to provide the clarification on the points mentioned above. Accordingly, the SRC vide letter dated 07.06.2022 has informed that *"the institution has not filed any reply alongwith documents dated 08.03.2021 to the Regional Director (SRC), however, institution has filed application for extension of time only, as such plea taken by the institution before Appellate Committee is untenable"*.

In these circumstances, the Appeal Committee concluded that the SRC was justified in withdrawing recognition of the appellant institution and therefore the instant appeal deserved to be rejected and impugned order is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition of the appellant institution and therefore the instant appeal deserved to be rejected and impugned order is confirmed. The above decision is being communicated on behalf of the Appeal Committee.



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Siddartha College of Physical Education, 44 Chinthagunta, 134/A C Gollapalli, 2nd Street Chandra Giri, Andhra Pradesh-517505**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**
3. **Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh.**



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-36/E-239350//2022 Appeal/5th Meeting, 2022
APPLSRC202214265**

M.V.M Chellamuthu Alagu Rathinam College of Education, 633/3a, Chettinayakkanpatty Village, Collectorate Dindigul, Tamilnadu-624004 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **M.V.M Chellamuthu Alagu Rathinam College of Education, 633/3a, Chettinayakkanpatty Village, Collectorate Dindigul, Tamilnadu-624004** dated 29/01/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APS08484/B.Ed./{TN}/2021/129833** dated 07.01.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution was issued a Final Show Cause Notice on 06.12.2019. The institution failed to submit reply of the Final Show Cause Notice (FSCN).”

1. *"The Institution is required to submit certified copy of land documents issued by concerned Tehsildar/Revenue Officer. (If the same are in Regional Language the institution is also required to submit notarised copy of English version of Land Documents.)"*
2. *The institution has not submitted a copy of Land Use Certificate. The institution is required to submit an attested/notarised copy of Land Use Certificate issued by Competent Authority.*
3. *The institution has not submitted a copy of Non-Encumbrance Certificate issued by the Competent Authority. The institution is required to submit an attested/notarised copy of Non-Encumbrance Certificate issued by the Competent Authority.*
4. *The institution has not submitted a copy of approved building plan. The institution is required to submit an attested/notarised copy of the approved Building Plan (if institution is running more than one Teacher Education programme, it shall be required to submit a n exclusive earmarked building plan for each of the recognised Teacher Education programme).*
5. *An attested/notarised copy of site plan showing all the plot/Survey No. mentioned in the land documents in one location alongwith land area and built-up area.*
6. *The institution has not submitted a copy of Building Completion Certificate. The institution is required to submit an attested/notarised copy of Building Completion Certificate issued by Competent Authority.*
7. *The institution has not submitted Staff list as per the prescribed Format duly approved by Registrar of the affiliating body. The institution is required to submit Staff list duly approved by the Registrar of the affiliating body as per the prescribed Format.*
8. *The institution has not submitted original FDRs to the SRC, NCTE. The institution is required to submit a "Form A" issued by the respective Bank Manager towards creation of FDRs of Rs. 7 lakh and 5 lakh, totalling Rs.12 lakh towards Endowments Fund & Reserve Fund into joint account for a duration of 5 years alongwith a copy of the FDRs.*
9. *Details of Teacher Education programme (s) being run by the Institution in the same campus.*
10. *Details of other programme (s) (if any) being run by the institution in the same campus.*
11. *Details of total land & built-up area for all the recognised Teacher Education programme/other programme (if any) being run by the Institution in the same campus.*
12. *Domain name of the website being run by the institution.*

13. The institution shall be required to submit an Affidavit clearly stating status about land & building and Management (Society/Trust) at the time of recognition and its present status."

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. A. Vences Cyril (Principal), M.V.M Chellamuthu Alagu Rathinam College of Education, 633/3a, Chettinayakkanpatty Village, Collectorate Dindigul, Tamilnadu-624004 appeared online to present the case of the appellant institution on 26/04/2022. In the appeal memoranda it is submitted that "That the SRC in its 405th meeting dated 13th and 14th december,2021 has withdrawn the RECOGNITION of our college observing deficiencies which were already clarified/ratified by our institution. a copy of the minutes of the meeting of 405th of SRC NCTE dated 13th and 14th december,2021 is enclosed as encloser 1. 2.That in order to appreciate various contentions and averments being raised here in after by the Appellant, it is necessary to state the following few relevant facts in brief. 3. That SRC NCTE vide its order dated 15th November 2007 granted recognition to the appellant institution for running the B.Ed. course in the appellant institution with annual intake of 100 students. A True Copy of the Recognition Order is being enclosed as ENCLOSURE 2. 4. That it is submitted that firstly the SRC issued a Show Cause notice dated 08 March,2019 and accordingly the institution responded to the reply dated 28 March 2019. A True Copy of the Show cause Notice dated 08 March,2019 is being enclosed as ENCLOSURE 3 and A True Copy of the Reply dated 28 March 2019 is being enclosed as ENCLOSURE 4. 5. That it is submitted that the SRC failed to consider the reply submitted by the institution. 6. That it is submitted that the SRC issued a Final Cause Notice dated 05th November 2019 and accordingly the institution responded to the reply dated 22 November 2019. A True Copy of the Final Show cause Notice dated 05th November 2019 is being enclosed as ENCLOSURE 5 AND A True Copy of the Reply dated 22 November 2019 is being enclosed as ENCLOSURE 6. 7. That it is submitted that despite of the submission of all the documents the SRC decided to withdraw the recognition observing the following deficiencies: 1. The institution has not submitted a certified copy of land documents. 2. The institution has not submitted a copy of Land Use Certificate. 3. The institution has not submitted a copy of Non - Encumbrance Certificate 4. The institution has not submitted a copy of approved building plan. 5. An attested/notarised copy of site plan 6. The institution has not submitted a copy of Building Completion Certificate. 7. The institution is required

to submit Staff list as per the prescribed Format. 8. The institution has not submitted original FDRs to the SRC, NCTE The institution is required to submit a "Form A" 9. Details of Teacher Education programme (s) being run by the Institution in the same campus 10. Details of other programme(s) (if any) being run by the institution in the same campus 11. Details of total land & built-up area for all the recognised Teacher Education programme/other programme 12. Domain name of the website being run by the institution 13. The institution shall be required to submit an Affidavit 8. That it is submitted that institution is herein submitting the following documents to show the fact that the above deficiencies pointed out by the SRC are not correct. 1. Certified copy of the land documents issued by concerned authority 2. True copy of Land use certificate issued by Tahsildar 3. True copy of Non-Encumbrance certificate issued by competent authority 4. True copy of approved building plan 5. True copy of Site Plan 6. True copy of Building Completion Certificate 7. True copy of Approved staff list as per the prescribed format dully approved by the registrar of TNTEU, Chennai. 8. True copy of FDRs of 7 Lakhs and 5 Lakhs, Form A issued by the Manager, Central Bank of India, Dindigul Branch. 9. Details of Teacher education programmes being run by the institution in the same campus. 10. Details of the other programmes being run by the institution in the same campus 11. Details of Total land and built-up area for all the recognition teacher education programme run in the same campus. 12. Domain name of the website being the rule by the institution. 13. An affidavit with all necessary particulars. A Certified copy of the land documents issued by concerned authority, True copy of Land use certificate issued by Tahsildar, True copy of Non Encumbrance certificate issued by competent authority, True copy of approved building plan, True copy of Site Plan, True copy of Building Completion Certificate, True copy of Approved staff list as per the prescribed format dully approved by the registrar of TNTEU, Chennai, True copy of FDR's of 7 Lakhs and 5 Lakhs, Form-A issued by the Manager, Central Bank of India, Dindigul Branch, Details of Teacher education programmes being run by the institution in the same campus, Details of the other programmes being run by the institution in the same campus, Details of Total land and built up area for all the recognition teacher education programme run in the same campus, Domain name of the website being the rule by the institution, An affidavit with all necessary particulars are being enclosed herewith as ENCLOSURE 7 COLLY. 9. That it is submitted that though appellant institution vide its reply letters submitted the desired documents to the SRC as asked by them vide show cause notices, however, the SRC rejected the appeal of the Appellant institution. 10. That now the appellant institution is again enclosing with its appeal, the documents which were desired by the SRC through show cause notices and submitted by the petitioner institution with its replies to the SRC. 11. That it is submitted that the decision taken by the SRC to

issue withdrawal order is totally devoid of merit and is not as per statutory provisions, as mandated under NCTE Act, 1993. 12. That it is submitted that the petitioner institution does not lack instructional facilities required as per the NCTE norms. 13. That it appears that SRC proceeded in arbitrary manner without considering the documents properly. 14. That it is submitted that thus, the decision taken by the SRC to issue the withdrawal order as per the 405th meeting of SRC held on 13th and 14th December, 2021 is not maintainable and the appeal committee is requested to revert the decision taken by SRC and direct the SRC to restore the recognition of Appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by the SRC. 15. That there has been a delay on the part of the institution in filing the appeal is because of the lockdown due to the pandemic covid-19. Kindly condone the delay and excuse us for late submission.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the recognition of the appellant institution was withdrawn by SRC vide impugned withdrawal order dated 07.01.2022 on the ground of non-submitting reply to Final Show Cause Notice dated 06.12.2019 whereas the appellant has explained in the memoranda of appeal that they had submitted reply to said FSCN by letter dated 22.11.2029 addressed to Regional Director SRC Dwarka, sent through Speed Post. As an evidence of having sent reply to said Show Cause Notice, the appellant has furnished a copy of the Speed Post receipt dated 22.11.2019 in the appeal alongwith memoranda of Appeal.

In view of the above submission, the Appeal Committee interinely decided to seek clarification from SRO as to whether the aforementioned reply was received in SRO or not. A copy of letter dated 22.11.2019 alongwith Speed Post Receipt dated 22.11.2019 may be forwarded to SRO for verification. The SRO may be requested to furnish the information in a time bound manner so that the instant appeal may be disposed of within the prescribed time limit.

The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the SRC vide Interim Appellate Order dated 26.05.2022 was asked to provide the clarification on the points mentioned above. Accordingly, the SRC vide letter dated 08.06.2022 informed that *“reply of the institute was submitted vide letter dated 22/11/2019 received in e-office (receipt no. 142958) but the hard copy of the same could not be traced out”*.

In these circumstances, the Appeal Committee reached the conclusion that the case is deserved to be remanded back to the SRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to SRC for revisiting the matter.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the case is deserved to be remanded back to the SRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The SRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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




Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, M.V.M Chellamuthu Alagu Rathinam College of Education, 633/3a, Chettinayakkanpatty Village, Collectorate Dindigul, Tamilnadu-624004**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-58/E-243697/2022 Appeal/5th Meeting, 2022
APPLSRC202214288**

CHAND BI BI COLLEGE OF EDUCATION FOR WOMEN, Buland Parwaz Colony, Gulbarga 5-470/15/71/D/1, Gunj, Near Ring Road Gulbarga Karnataka-585101 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, SRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **CHAND BI BI COLLEGE OF EDUCATION FOR WOMEN, Buland Parwaz Colony, Gulbarga 5-470/15/71/D/1, Gunj, Near Ring Road Gulbarga Karnataka-585101** dated 18/02/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/AOS00073/B.Ed./{KA}/2021/129846 dated 07.01.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution submitted self-attested copies of land documents instead of certified / notarized. The institution is required to submit the certified / notarized copies of land documents. The institution

submitted a copy of building plan but the same is neither approved by the competent authority nor it is legible to ascertain the size of rooms, halls, labs, library etc. The institution submitted a copy of letter dated. 28.10.2015 issued by the Registrar Karnataka State Women's University, Vijayapura. Regarding approval of 06 faculty only. The institution did not submit the latest approval of faculty issued by the University. The faculty strength is not enough for 02 units of B.Ed. course as stipulated under clause 5.1 of Appendix 4 of NCTE Regulations, 2014. The institution is required to submit consolidated staff list duly approved by the Registrar of the affiliating body as per the prescribed Format approved after issuance of this notice / last reminder. (In case the institution is running more than one teacher education programme, it is required to submit staff list duly approved by the Affiliating body for each of the recognized teacher education programme being run by the institution.) Also, the institution is required to submit the bank statement of last 06 months showing disbursement of salary to faculty through bank account as stipulated under clause 10(2) of NCTE Regulations, 2014. As per the building plan the multipurpose hall is not available and is in violation of clause 6(ii)(b) of appendix 4 of NCTE regulations, 2014. For 'A' under: prescribed format and FDRs towards Endowment and Reserve Funds as required under clause 10(1) of NCTE Regulations, 2014 have not been submitted. Website of the institution is not functional with upload the information required under clauses 8(6), 8(14) and 10(3) of NCTE Regulations 2014. The institution did not submit documents related to registration and byelaws of trust / society. The institution is required to submit consolidated staff list duly approved by the Registrar of the affiliating body as per the prescribed Format Approved after issuance of this notice / last reminder. (In case the institution is running more than one teacher education programme, it is required to submit staff list duly approved by the affiliating body for each of the recognized teacher education programme being run by the institution). The institution shall be required to submit an affidavit clearly stating status about land & building and Management (Society / Trust) at the time of recognition and its present status giving following details."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Rukshinda Hina Akbari (Principal), CHAND BI BI COLLEGE OF EDUCATION FOR WOMEN, Buland Parwaz Colony, Gulbarga 5-470/15/71/D/1, Gunj, Near Ring Road Gulbarga Karnataka-585101 appeared online to present the case of the appellant institution on 27/04/2022. In the appeal memoranda it is submitted that "The institution is submitting a notarized copy of land documents. The institution is submitting a copy of building plan with sizes as per NCTE Norms

approved by the Secretary Gram Panchayat at KAPNOOR competent authority and the copy is notarized. The institution is submitting a copy of staff list which is approved by the Registrar Karnataka State AKKAMAHADIVI WOMENS UNIVERSITY Vijayapura. Of the affiliating university. The staff list (16) is appropriate for 02 units as prescribed by NCTE. The institution is submitting a bank statement of last 02 months of 06 staffs who are drawing a consolidated salary and earlier the staff were given salaries through cash. In future the salaries will be given through bank. The other 10 staff are under govt. aided and are drawing salaries directly credited by the RBI in personal accounts. Copies of HRMS Enclosed. In a building plan a well-built multipurpose hall available with an area of 2048 square feet in ground floor. FDRs details submitted towards Endowment and Reserve Funds in Form 'A' under prescribed format. The information of the college is uploaded as the website is functional as prescribed by NCTE. Documents related to registration and byelaws of trust are submitting. An approved staff list of 16 members duly signs by the Registrar Karnataka State Akkamahadevi Women's University Vijayapura. With notarized. An affidavit stating the status about land and building and management at the time of recognition and its present status is submitted."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the recognition of the appellant institution was withdrawn by SRC vide impugned withdrawal order dated 07.01.2022 on the ground of non-submitting reply to Final Show Cause Notice dated 30.11.2019 whereas the appellant has stated in the appeal that they had submitted reply to said FSCN by letter dated 7.12.2021 through Speed Post. As an evidence of having sent reply/letter to SRC for the said Show Cause Notice, the appellant has furnished a copy of the Speed Post receipt dated 7.12.2021 in the appeal alongwith memoranda of Appeal.

In view of the above submission, the Appeal Committee interinely decided to seek clarification from SRO as to whether the aforementioned reply was received in SRO or not. A copy of letter dated 7.12.2021 alongwith Speed Post Receipt dated 7.12.2021 may be forwarded to SRO for verification. The SRO may be requested to furnish the clarification in a time bound manner so that the instant appeal may be disposed of within the prescribed time limit.

The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the SRC vide Interim Appellate Order dated 26.05.2022 was asked to provide the clarification on the points mentioned above. Accordingly, the SRC vide letter dated 08.06.2022 has informed that *"the reply dated 7.12.2021 has not been received in hard form by the SRC. Non-filing of reply to final show cause notice the SRC has no other alternative except to withdraw the recognition and accordingly the withdrawal order dated 07.1.2022 has been issued by SRC"*.

In these circumstances, the Appeal Committee concluded that the SRC was justified in withdrawing recognition of the appellant institution and therefore the instant appeal deserved to be rejected and impugned order is confirmed.

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, CHAND BI BI COLLEGE OF EDUCATION FOR WOMEN, Buland Parwaz Colony, Gulbarga 5-470/15/71/D/1, Gunj, Near Ring Road Gulbarga Karnataka-585101**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-61/E-244426/2022 Appeal/5th Meeting, 2022
APPLNRC202214292**

Institute for Higher Education, Guldhar, Plot No.117 Sanjay Nagar, Meerut Road Ghaziabad, Uttar Pradesh-201002 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, NRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Institute for Higher Education, Guldhar, Plot No.117 Sanjay Nagar, Meerut Road Ghaziabad, Uttar Pradesh-201002 dated 22/02/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/UP-1087-B.Ed., Up-2709-B.Ed. (Add.) & Up-2725-M.Ed./342nd (Virtual) Meeting/2021/215744 dated 23.09.2021 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "First Show Cause Notice was issued on 09.10.2020. The institution has not submitted the reply of first SCN.

Further, Final Show Cause Notice was issued on 08.02.2021. The institution has not submitted the reply of Final SCN. The institution is still deficient on the following grounds:

- The Rent Deed of the institution for 30 years is notarized instead of issued by Registrar/Sub-Registrar of the concerned area.
- The institution has not submitted affidavit to comply with the provisions of NCTE Regulations 2014.

Hence, NRC decided to withdraw the recognition of both B.Ed. & M.Ed. course under Section 17 of the NCTE Act, 1993 from the end of the academic session next following the date of communication of withdrawal order i.e., 2022-2023. A detailed withdrawal order be issued to the institution for respective course”

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Tanuj Sharma (Registrar), Institute For Higher Education, Guldhar, Plot No.117 Sanjay Nagar, Meerut Road Ghaziabad, Uttar Pradesh-201002 appeared online to present the case of the appellant institution on 27/04/2022. In the appeal memoranda it is submitted that “That the earlier the Appellant / institution was conducting course in the rented premises, however, thereafter the Appellant / Institution had purchased its own land and hence submitted an application for shifting of premises for conducting B.Ed. Course (File No. Up-1087 & Up-2709) vide letter dated 21.06.2016 along with requisite fee vide Demand Draft of Rs. 1,500,000/-. The application was submitted in the office of the respondent/NRC on 22.06.2016. [Copies of sale deed / land document, letter dated 21.06.2016 with Demand Draft of Rs. 1,50,0000/-. That the application for shifting of premises was not considered by the respondent and therefore the appellant / institution again made a reminder / request for shifting of Premises of institution for conducting B.Ed. Course vide letter date 16.04.2018. It is pertinent to mention here that the VT has been constituted by the respondent / NRC, but the inspection was not made by the VT members. Therefore, the appellant requested the respondent for the inspection of the institution, so that the institution could be shifted at new premises. The aforementioned letter was received by the respondent / NRC, on 20.04.2018. That the thereafter, the Appellant / institution again made request for considering its application for shifting of premises for conducting B.Ed. Course vide letter dated 30.05.2019. That the appellant / institution duly submitted the affidavit for compliance of the norms of new NCTE, Regulation, 2014 vide letter dated 15.01.2015 for conducting B.Ed. Course (File Code No. NRC/NCTE/F-3/UP-1087/11669) and after submitting

the affidavit, NCTE issued the revised recognition order 21.05.2015. That after the issuance of impugned withdrawal order dated 23.09.2021 the Appellant / Institution represented the respondent / NRC, vide letters dated 22.10.2021 and 20.12.2021 and stated that the appellant has complied with all the norms of the NCTE Regulation, 2014. The Appellant / Institution already replied to the Show Cause Notice and clearly stated that the institution does not wish to start the M.Ed. Course. So far as the B.Ed. Course is concerned, the Appellant / Institution has already submitted the compliance affidavit and the Appellant had also made application for shifting of premises, which is pending at the end of the respondent and hence, the Appellant / Institution is not under any fault, as such issuance of the impugned withdrawal order dated 23.09.2021 is illegal, arbitrary and unconstitutional and the same is a violation of principles of natural justice in the facts and circumstances of the present case.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the recognition to the appellant institution for M.Ed. course with an annual intake of 25 students was granted on 1.6.2009 and due to non-submission of an affidavit for adherence of NCTE Regulations, 2014, the revised recognition order was not issued. It may be pertinent to mention that the appellant in the Memoranda of Appeal has mentioned the name of Teacher Education Programme as B.Ed. for which the instant appeal is made.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities under the laid down provision in the shape of First Show Cause Notice and Final Show Cause Notice issued on 9.2.2020 and 8.2.2021, respectively to submit its written representations for rectifying the short comings in the stipulated time period.

The Appeal Committee noted that the main ground of withdrawing recognition is that the appellant institution neither submitted reply to First Show Cause Notice nor the Final Show Cause Notice whereas the appellant in the appeal has submitted that they replied to the First Show Cause Notice within stipulated time by its letter dated 6.11.2020 received in NRC on 6.11.2020. As an evidence of having submitted the reply, a copy of duly receipted letter by NRC affixing office stamp on the face of the letter has been submitted alongwith Memoranda of Appeal. The appellant in the said reply intimated to NRC that they did not intend to start M.Ed. course that's why the affidavit for adherence of NCTE Regulations, 2014 for the course not submitted. Consequently,

they requested to cancel the process of grant of M.Ed. course and return the FDRs. It is further submitted by the appellant that the show cause notice was issued for M.Ed. course only. No show cause notice has been issued in respect of B.Ed. course.

Noting the submission and oral arguments advanced during hearing, Appeal Committee intermely decided to seek clarification from NRC as to whether the said reply was received or not. Also clarified on other points mentioned above. The NRC may be requested to furnish the clarification at the earliest so that the instant appeal may be disposed of by the Appeal Committee within prescribed time limit. A copy of the reply/letter dated 6.11.2020 may be forwarded to NRC for their reference and further necessary action as indicated above.

The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the NRC vide Interim Appellate Order dated 26.05.2022 was asked to provide the clarification on the points mentioned above. Accordingly, the NRC vide letter dated 07.06.2022 enclosing therewith case-wise clarification in which they have informed that *"the reply of the institution dated 6/11/2020 received in NRC Office vide diary No. E-168518 dated 6/11/2020"*.

In these circumstances, the Appeal Committee reached the conclusion that the case is deserved to be remanded back to the NRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The NRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to NRC for revisiting the matter.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the case is deserved to be remanded back to the NRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The NRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Institute for Higher Education, Guldhar, Plot No.117 Sanjay Nagar, Meerut Road Ghaziabad, Uttar Pradesh-201002**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-277/E-199625/2022 Appeal/5th Meeting, 2022
APPLNRC202114132**

Savita Devi Mahavidyalaya, Mohiuddinpur Delhi Meerut Road, Meerut, Uttar Pradesh- 250205 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, NRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OFS OF WITHDRAWAL

The appeal of **Savita Devi Mahavidyalaya, Mohiuddinpur Delhi Meerut Road, Meerut, Uttar Pradesh-250205** dated 18/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. 322nd (Virtual) Meeting dated 07.12.2020. of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds. "The original file of the Institution along with related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, were carefully considered by the NRC and the Committee made following observations: - The Institution has not submitted reply of two consecutive show cause notices issued on 27.03.2018 and subsequently on 09.10.2021 and Committee decided as under:

per

- The recognition of B.Ed. & its Additional Intake and M.Ed. courses to be withdrawn from the academic session 2021-2022. Hence, NRC decided to withdraw the recognition of B.Ed. & and its additional intake and M.Ed. courses under Section-17 of the NCTE Act, 1993 from the end of the academic session next following the date of communication of withdrawal order i.e., 2021-2022, A detailed withdrawal order be issued to the institution for respective courses.”

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. Sanjay Verma (Chairman), Savita Devi Mahavidyalaya, Mohiuddinpur Delhi Meerut Road, Meerut, Uttar Pradesh-250205 appeared online to present the case of the appellant institution on 26/04/2022. In the appeal Memoranda it is submitted that “1. It is submitted that the show cause notice dated 27.03.2018 (as referred in the decision taken by NRC to withdraw the recognition of B.Ed. Course), was never received by the institution. Thus, the institution is not aware about the said show cause notice at all. In fact, in the 2nd show cause notice dated: 09.10.2020 also, there is no reference whatsoever of the earlier show cause notice dated 27.03.2018. Further, as per the SOP notified by the NCTE, the proforma of 2nd show cause notice under Section- 17 is given in “Annexure-E” and as per the said proforma, in case the Regional Committee is issuing 2nd Show Cause Notice under Section 17, then “SECOND SHOW CAUSE NOTICE U/S 17” has to be specifically/mandatorily mentioned at the top of such show cause. A bare perusal of the show cause notice dated 09.10.2020. shows that the said show cause notice neither contains any reference to the alleged earlier show cause notice dated 27.03.2018 nor there is any mention of “SECOND SHOW CAUSE NOTICE U/S 17” at the top of the said show cause notice. Therefore, the allegation of non-submission of reply to the alleged 1st show cause notice dated 27.03.2018. is incorrect and therefore, the same cannot be taken as the basis of withdrawal of recognition. So far as the show cause notice dated 09.10.2020 is concerned, the institution vide its letter dated 11.11.2020 submitted pointwise reply to the said show cause notice alongwith all relevant documents. Subsequently, when the institution learnt about the decision being taken by the NRC in its meeting held on 07.12.2020 on the basis that the reply to the show cause notice was not received, the representative of the institution rushed to the NCTE and submitted a copy of the said reply dated 11.11.2020 alongwith all relevant documents by hand again on 09.12.2020. A copy of the reply dated 11.11.2020 is enclosed as ANNEXURE-1 and the institution will also produce the pointwise compliance in respect of the said show cause notice dated 09.10.2020. at the time of hearing of the appeal. It is submitted that 2nd provision of Section 17 of NCTE Act, 1993, provides as under

regarding the effective date of coming into force of a withdrawal under: - "provided further that the order withdrawing or refusing recognition passed by the Regional Committee shall come into forced only with effect from the end of the academic session next following the date of communication of such order." Further, Section 17(2) of NCTE Act, 1993 specifically mandates that every withdrawal under passed by regional committee under Section 17 (1) "shall be published in the Official Gazette for general information." It is submitted that NRC vide its decision taken in 322nd (Virtual) Meeting held on 7th December, 2020 has withdrawn recognition of B.Ed. course of our institution, starting as under:- "Hence, NRC decided to withdraw the recognition of B.Ed. & its Addition Intake and M.Ed. courses under section 17 of the NCTE Act,1993 from the end of the academic session next following the date of communication of withdrawal order i.e. 2021-2022, A detailed withdrawal order be issued to the institution for respective courses." The aforesaid decision of NRC to withdraw recognition of B.Ed. Course from the present academic year 2021-22 is contrary to the provision contained in 2nd proviso to section 17 (1) of NCTE Act, 1993. As per the said provision, the withdrawal can be effective only from the end of the academic session next following the date of communication of such order i.e., w.e.f. the end of the present academic session 2021-22. Further, the withdrawal order has also not been published on Official Gazette as mandated under Section 17 (2) of NCTE Act, 1993."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the recognition of the appellant institution was withdrawn on the basis of not submitting reply to Show Cause Notices issued on 27.03.2018 and 09.10.2021 whereas the appellant in the memoranda of appeal has explained that they had submitted reply by letter dated 11.11.2020 to first show notice issued on 27.03.2018. The appellant has further stated that the said reply was submitted to **NRC BY Hand** on 09.12.2020.

Appeal Committee noted that only a copy of letter dated 11.11.2020 duly affixed a Stamp of NRC office with receiving date as 09.12.2020 on the face of the letter is found to be enclosed with the memoranda of appeal without enclosures.

In view of the above submission, the Appeal Committee interimly decided to seek clarification from NRC as to whether the letter dated 11.11.2020 as a reply to SCN dated 27.03.2018 was received or not enabling the Appeal Committee to dispose of the instant Appeal within the prescribed time limits. A copy of said letter dated 11.11.2020 is forwarded to NRC for reference and further necessary action in the matter in a time bound manner.

The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the NRC vide Interim Appellate Order dated 26.05.2022 was asked to provide the clarification on the points mentioned above. Accordingly, the NRC vide letter dated 07.06.2022 enclosing therewith case-wise clarification in which they have informed that *"the institution letter dated 11/11/2020 received in NRC office vide diary No. E-171649 dated 10/12/2020. The above reply has been found in E-office."*

In these circumstances, the Appeal Committee reached the conclusion that the case is deserved to be remanded back to the NRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The NRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to NRC for revisiting the matter.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the case is deserved to be remanded back to the NRC with a direction to consider the

submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The NRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Savita Devi Mahavidyalaya, Mohiuddinpur Delhi Meerut Road, Meerut, Uttar Pradesh-250205**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-69/E-244963/2022 Appeal/5th Meeting, 2022
APPLNRC202214305**

Institute for Higher Education, Guldhar, Plot No.117 Sanjay Nagar, Meerut Road Ghaziabad, Uttar Pradesh-201002 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, NRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Institute for Higher Education, Guldhar, Plot No.117 Sanjay Nagar, Meerut Road Ghaziabad, Uttar Pradesh-201002 dated 02/03/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/UP-1087-B.Ed., Up-2709-B.Ed. (Add.) & Up-2725-M.Ed./342nd (Virtual) Meeting/2021 /215744 dated 23.09.2021 of the Northern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that "First Show Cause Notice was issued on 09.10.2020. The institution has not submitted the reply of first SCN. Further, Final Show Cause Notice was issued on 08.02.2021. The Institution has not submitted the reply of Final SCN. The institution is still deficient on the following grounds: i) The Rent Deed of the

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institution for 30 years is notarized instead of issued by Registrar / Sub- Registrar of the concerned area. ii) The institution has not submitted affidavit to comply with provisions of NCTE Regulations 2014.”

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Tanuj Sharma (Registrar), Institute for Higher Education, Guldhar, Plot No.117 Sanjay Nagar, Meerut Road Ghaziabad, Uttar Pradesh-201002 appeared online to present the case of the appellant institution on 27/04/2022. In the appeal memoranda it is submitted that “That the earlier the appellant / institution was conducting courses in the rented premises, however, thereafter the appellant / institution had purchased its own land and hence submitted an application for shifting of premises for conducting B.Ed. Course (File No. UP-1087 & UP-2709) vide letter dated 21.06.2016 alongwith requisite fee vide Demand Draft of Rs. 1,500,000/-. The aforementioned application was submitted in the office of the respondent / NRC on 22.06.2016. [Copies of sale deed / land document, letter dated 21.06.2016 with demand draft of Rs. 1,500,000/-. That the application for shifting of premises was not considered by the respondent and therefore the appellant / institution again made a reminder / request for shifting of premises of institution for conducting B.Ed. Course vide letter date 16.04.2018. It is pertinent to mention here that the VT has been constituted by the respondent / NRC, but the inspection was not made by the VT members. Therefore, the appellant requested the respondent for the inspection of the institution, so that the institution could be shifted at new premises. The aforementioned letter was received by the respondent / NRC, on 20.04.2018. That the thereafter, the appellant / institution again made request for considering its application for shifting of premises for conducting B.Ed. course vide letter dated 30.05.2019.

2. That the appellant / institution duly submitted the affidavit for compliance of the norms of new NCTE Regulations, 2014 vide letter dated 15.01.2015 for conducting B.Ed. course (File Code No. NRC/NCTE/F-3/UP-1087/11669) and after submitting the affidavit, NCTE issued the revised recognition order 21.05.2015. That after the issuance of impugned withdrawal order dated 23.09.2021 the appellant / institution represented the respondent / NRC vide letters dated 22.10.2021 and 20.12.2021 and stated that the appellant has complied with all the norms of the NCTE Regulations, 2014. The appellant / institution already relied to the Show Cause Notice and clearly stated that the institution does not wish to start the M.Ed. course. So far as the B.Ed. course is concerned, the appellant / institution has already submitted the compliance affidavit and

the appellant had also made application for shifting of premises, which is pending at the end of the respondent and hence, the appellant / institution is not under any fault, as such issuance of the impugned withdrawal order dated 23.09.2021 is illegal, arbitrary and unconstitutional and the same is a violation of principles of natural justice in the facts and circumstances of the present case.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the recognition to the appellant institution for M.Ed. course with an annual intake of 25 students was granted on 1.6.2009 and due to non-submission of an affidavit for adherence of NCTE Regulations, 2014, the revised recognition order was not issued.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities under the laid down provision in the shape of First Show Cause Notice and Final Show Cause Notice issued on 9.2.2020 and 8.2.2021, respectively to submit its written representations for rectifying the short comings in the stipulated time period.

The Appeal Committee noted that the main ground of withdrawing recognition is that the appellant institution neither submitted reply to First Show Cause Notice nor the Final Show Cause Notice whereas the appellant in the appeal has submitted that they replied to the First Show Cause Notice within stipulated time by its letter dated 6.11.2020 received in NRC on 6.11.2020. As an evidence of having submitted the reply, a copy of duly receipted letter by NRC affixing office stamp on the face of the letter has been submitted alongwith Memoranda of Appeal. The appellant in the said reply intimated to NRC that they did not intend to start M.Ed. course that's why the affidavit for adherence of NCTE Regulations, 2014 for the course not submitted. Consequently, they requested to cancel the process of grant of M.Ed. course and return the FDRs. It is further submitted by the appellant that the show cause notice was issued for M.Ed. course only. No show cause notice has been issued in respect of B.Ed. course.

Noting the submission and oral arguments advanced during hearing, Appeal Committee intermely decided to seek clarification from NRC as to whether the said reply was received or not. Also clarified on other points mentioned above. The NRC may be requested to furnish the



clarification at the earliest so that the instant appeal may be disposed of by the Appeal Committee within prescribed time limit. A copy of the reply/letter dated 6.11.2020 may be forwarded to NRC for their reference and further necessary action as indicated above

The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the NRC vide Interim Appellate Order dated 26.05.2022 was asked to provide the clarification on the points mentioned above. Accordingly, the NRC vide letter dated 07.06.2022 enclosing therewith case-wise clarification in which they have informed that *"the reply of the institution dated 6/11/2020 received in NRC Office vide diary No. E-168518 dated 6/11/2020"*.

In these circumstances, the Appeal Committee reached the conclusion that the case is deserved to be remanded back to the NRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The NRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 15/12/2020, 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 court order, the Appeal Committee set aside the impugned order and decided to remand back the case to NRC for revisiting the matter.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the case is deserved to be remanded back to the NRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The NRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Institute for Higher Education, Guldhar, Plot No.117 Sanjay Nagar, Meerut Road Ghaziabad, Uttar Pradesh-201002**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-63/E-244434/2022 Appeal/5th Meeting, 2022
APPLNRC202214252**

L.T.R. Institute of Technology, Vill and Post Kurali Baghpat Road Meerut, Kurali 615A 615B Kuruli, Baghpat, Meerut Uttar Pradesh-250501 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, NRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal of **L.T.R. Institute of Technology, Vill and Post Kurali Baghpat Road Meerut, Kurali 615A 615B Kurali, Baghpat, Meerut Uttar Pradesh-250501** dated 10/01/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. Minutes of 337th Virtual Meeting of the NRC, NCTE 2021 (Minutes Based) dated 09.07.2021 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The latest / current faculty list approved & signed each page by concerned affiliating body in original with the details of their

[Signature]

teaching subject, date of birth, date of selection, date of joining, academic qualifications, teaching experience, Net/ Ph.D. (NCTE's GOI dated 09.06.2017), salary structure and related documents duly attested by authorized management representative not submitted. And notarized original affidavit of Rs. 100/- on non-judicial stamp paper by the management and Rs. 10/- non-judicial stamp paper by each selected / appointed faculty in the NCTE prescribed proforma are required to be submitted. Details of salary disbursed to the faculty along with six months Bank statement and account number of each faculty member has not been submitted. Copies of valid Fixed Deposit Receipts Nationalised / Scheduled Bank toward Endowment & Reserve Fund in the joint operation mode with RD, NRC, NCTE & Management alongwith duly field Bank Form "A" in original, verified / signed by the Manager of the Bank as per NCTE Regulations, 2014 has not been submitted. Downloaded copies of documents from the website of the institution with hyperlinks of the same as per provision of 7(14) of the NCTE Regulations, 2014 has not been submitted. Building Completion Certification signed by the Competent Government Authority has not been submitted."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Prateek Kansal (Chairman), L.T.R. Institute of Technology, Village and Post Kurali Baghpat Road Meerut, Kurali 615A 615B Kurali, Baghpat, Meerut Uttar Pradesh- 250501 appeared online to present the case of the appellant institution on 27/04/2022. In the appeal memoranda it is submitted that "All documents were complete but due to miscommunication we had not submitted documents."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the recognition of the appellant institution was withdrawn on the grounds (contained in Minutes) of not submitting reply to Final Show Cause Notice issued on 8.2.2021 whereas the appellant institution during hearing on 27.4.2022 informed that they had neither received Final Show Cause Notice nor the Withdrawal Order from NRC-NCTE. When they came to know the status of their college, they immediately submitted the documents in NCTE. It was further informed by letter dated 7.5.2022 alongwith an affidavit that they had received a notice on 9.10.2020 which was replied on 23.10.2020. After that they had not received any more notice.

In view of the submissions and verbal arguments advanced during hearing, the Appeal Committee interinely decided to seek clarification form NRC as to whether the letter Final Show Cause Notice and Withdrawal Order was issued and despatched at the correct address of the appellant or not. If so, the delivery report of both the communications issued by NRC to the appellant may be provided to the Appeal Committee at the earliest so that the instant appeal may be disposed of accordingly within the prescribed time limits.

The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the NRC vide Interim Appellate Order dated 26.05.2022 was asked to provide the clarification on the points mentioned above. Accordingly, the NRC vide letter dated 07.06.2022 enclosing therewith case-wise clarification in which they have informed that "*As per application form submitted by the institution the correct name and address of the institution is LTR Institute of Technology, Village – Kurali, Baghpat Road, Distt. – Meerut. The Final SCN and withdrawal order was issued to the institution to aforesaid address only.*"

The Appeal Committee noted that the Final Show Cause Notice dated 08/02/2021 was issued vie F.No.NRC/NCTE/UP-1153-B.Ed./322nd (Virtual) Meeting (Part-2)/2020/213049-50 and Withdrawal Order dated 16/07/2021 vide F.No.NRC/NCTE/UP-1153/337th Meeting/2021/214614-19 at the above address.

In these circumstances, the Appeal Committee concluded that the NRC was justified in withdrawing recognition of the appellant institution and therefore the instant appeal deserved to be rejected and impugned order is confirmed.

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, L.T.R. Institute of Technology, Vill and Post Kurali Baghpat Road Meerut, Kurali 615A 615B Kurali, Baghpat, Meerut Uttar Pradesh-250501**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-31/E-232223/2022 Appeal/5th Meeting, 2022
APPLNRC202114220**

Ram Singh Mahavidyalaya, Plot No. 232 233 Kh and 232D Bhagya Nagar, Kutupur Laigoan, Bhongoan, Mainpuri Uttar Pradesh-206302 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, NRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Ram Singh Mahavidyalaya, Plot No. 232 233 Kh. and 232D Bhagya Nagar, Kutupur Laigoan, Bhongoan, Mainpuri Uttar Pradesh-206302** dated 14/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/NRCAPP-7879/337th Meeting/2021/214581-86 dated 16.07.2021 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution is deficient on supplying the latest approved and signed faculty list. The institution has to supply to six-month bank statement and account number of each faculty. Copies of valid fixed deposit in the joint operation

[Signature]

mode. Download copies from the website and the hyperlink. Building Completion Certificate signed from the competent authority.

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. Gajraj Singh (Deputy Manager), Ram Singh Mahavidyalaya, Plot No. 232 233 Kh and 232D Bhagya Nagar, Kutupur Laigoan, Bhongoan, Mainpuri Uttar Pradesh-206302 appeared online to present the case of the appellant institution on 26/04/2022. In the appeal memoranda it is submitted that “That the appellant / institution is well established institution and is having adequate facilities for conducting B.Ed. course. The institution is also having its own website. [Copies of List of facilities and screen shot of website are annexed with appeal memorandum as Annexure-8 (Colly)]. The bank statement of six-month and account number of each faculty has been attached with appeal memorandum. That it is also pertinent to mention here that in compliance of the NCTE Regulations, 2014 the appellant / institution has submitted FDRs of Rs. 5+3+412 lakh. It is important to note that as per NCTE Regulation, 2009, the FDR Nos. 683388 and 683390 of Rs. 5 lakhs and Rs. 3 lakhs respectively had already been deposited to the respondent on 24.02.2014. After completion of maturity period, FDRs have been renewed on your instructions and FDR Nos. 40336014301 and Nos. 40336014301 of Rs. 5 lakhs and Rs. 3 lakhs respectively have been prepared on 11.08.2021. Moreover, the FDR No. 35831304834 dated 13.06.2016 is already deposited in the office of the respondent. Thus, the FDRs of Rs. 5+3+412 lakh are deposited in the office of respondent. [Copies of Affidavit, FDRs, Form A and details of account are annexed with Appeal Memorandum as annexure-7 (Colly)]. That the Appellant / Institution is well established institution and is having adequate facilities for conducting B.Ed. course. The institution is also having its own website. [Copies of list of facilities and screen shot of website are annexed with Appeal Memorandum as annexure-8 (Colly)]. That the appellant is having adequate financial resources, accommodation, land, library, and laboratory as prescribed in the norms and standards and fulfils all such other conditions relating to infrastructural facilities as required for proper functioning of the institution for the purpose of teacher education course. [Copies of land documents and Building Completion Certificate on the non-judicial stamp paper of Rs. 100 are annexed with appeal memorandum as annexure-6 (Colly)].”



III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that Hon'ble Supreme Court of India Civil Original Jurisdiction Miscellaneous Application No. 665 of 2021 in SMW(C) No. 3 of 2020 vide Order dated 23.09.2021 directed as under:

In computing the period of limitation for any suit, appeal, application or proceeding, the period from 15.03.2020 till 02.10.2021 shall stand excluded. Consequently, the balance period of limitation remaining as on 15.03.2021, if any, shall become available with effect from 03.10.2021. In cases where the limitation would have expired during the period between 15.03.2020 till 02.10.2021, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 03.10.2021. In the event the actual balance period of limitation remaining, with effect from 03.10.2021, is greater than 90 days, that longer period shall apply. The period from 15.03.2020 till 02.10.2021 shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings. The Government of India shall amend the guidelines for containment zones, to state. "Regulated movement will be allowed for medical emergencies, provision of essential goods and services, and other necessary functions, such as, time bound applications, including for legal purposes, and educational and job-related requirements."

Appeal Committee noted that the recognition of the appellant institution was withdrawn on the grounds of not submitting reply to First Show Cause Notice dated 04.11.2020 and Final Show Cause Notice dated 22.01.2021 issued on certain grounds such as List of approved faculty, disbursement of salary, valid FDRs and Form 'A', website and Building Completion Certificate.

The representative of appellant institution who attended the hearing on 26.04.2022 has informed that they had not received any of the Show Cause Notices. It is further, stated in the Memoranda of Appeal that they even did not receive copy of impugned withdrawal order dated



16.07.2021 issued in compliance with the decision of 337th NRC (Virtual) Meeting held on 8th to 9th July, 2021.

In view of the above, the Appeal Committee interinely decided that the clarification from NRC may be sought on the point as to whether the aforementioned Show Cause Notices including the withdrawal order were issued or not. If issued, the proof of dispatch with delivery reports etc. need to be provided to Appeal Committee as expeditiously as possible, so that the instant appeal may be disposed of within the prescribed time limit.

The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the NRC vide Interim Appellate Order dated 26.05.2022 was asked to provide the clarification on the points mentioned above. Accordingly, the NRC vide letter dated 07.06.2022 enclosing therewith case-wise clarification has informed that "*the withdrawal order was issued to institution & society vide dispatch no. 214582 & 214583 dated 16/07/2021. The Speed Post no. of the same are ED716608265IN & ED716608637IN dated 16/07/2021. SCN was issued to the institution vide dispatch no. 210331 dated 4/11/2020, Speed Post No. ED449997446IN dated 4/11/2020. Final SCN was issued to the institution vide dispatch no. 212739 dated 22/01/2021 Speed Post No. ED671448473IN*".

In these circumstances, the Appeal Committee concluded that the NRC was justified in withdrawing recognition of the appellant institution and therefore the instant appeal deserved to be rejected and impugned order is confirmed.

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Ram Singh Mahavidyalaya, Plot No. 232 233 Kh. and 232D Bhagya Nagar, Kutupur Laigoan, Bhongoan, Mainpuri Uttar Pradesh-206302**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 12/07/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-94/E-249360/2022 Appeal/5th Meeting, 2022
APPLWRC202214328**

Vivekanand Girls T.T. College, 1657/1529, Village-Palpur, Harsoli Road Kotkasim, Alwar Rajasthan-301702 APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant
Respondent by	Regional Director, WRC
Date of Hearing	11/06/2022
Date of Pronouncement	12/07/2022

ORDER

I. GROUND OF REFUSAL

The appeal of **Vivekanand Girls T.T. College, 1657/1529, Village-Palpur, Harsoli Road Kotkasim, Alwar, Rajasthan-301702** dated 27/03/2022 filed under Section 18 of NCTE Act, 1993 against the Order No. F.NO. NRCAPP3884/346th/2021/218652 dated 11.12.2021. of the Western Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that “The original file of the Institution alongwith other related documents were carefully considered and examined by WRC in the light of NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time and the Committee observed as under: -

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- The institution has not submitted reply to Show Cause Notice dated 06.09.2021 withing stipulated time.

In view of the above, the Committee decided that application of the institution be refused u/s 14/15 (3) (b) of the NCTE Act for D.El.Ed. programme.”

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Narpal Singh Yadav (Secretary), Vivekanand Girls T.T. College, 1657/1529, Village-Palpur, Harsoli Road Kotkasim, Alwar, Rajasthan-301702 appeared online to present the case of the appellant institution on 26/04/2022. In the appeal Memoranda it is submitted. “That NCTE, New Delhi had issued a public notice on 27.11.2012 through which application for grant of recognition for various Teacher Education course had been invited from all stake holders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. Copy of public notice is annexed and marked as Annexure-4. 2. That this institution has applied online for grant of recognition of D.El.Ed. course (02 units) to NCTE from 2013-14 on 25.12.2012. the hard copy was submitted in the office of NRC, NCTE, Jaipur on 31.12.2012. Copy of receipt letter, challan for processing fees and online application is annexed and marked as Annexure-5. 3. That NRC, NCTE had returned the application for grant of recognition of D.El.Ed. (02 units) submitted by this institution vide letter 07.06.2013. Copy of returning letter is annexed and marked as Annexure-6. 4. That being aggrieved from the action of NRC, NCTE, this institution has filed a S.B. Civil Writ No. 4950/2016 in the Hon’ble High Court of Rajasthan, Jaipur. Hon’ble Court had passed an order on 23.04.2016 in which court had directed the petitioner to move an application before NRC, NCTE for grant of recognition of D.El.Ed. course (02 units) and directed to NRC, NCTE to decide the recognition application in accordance with Regulations 2014. Copy of order of Hon’ble High Court is annexed and marked as Annexure-7. 5. That in compliance to the order of Hon’ble High Court of Rajasthan dated 23.04.2016 this institution has submitted the required documents and processing fees in the office of NRC, NCTE on 26.05.2016. Copy of receipt letter is annexed and marked as Annexure-8. 6. That instead of processing the application of this institution for granting recognition for D.El.Ed. course (02 units), NRC, NCTE had again returned the application of this institution for grant of recognition of D.El.Ed. course (02 units) on 15.03.2017 on arbitrary, unjustified, illegal, and unconstitutional basis. Copy of returning letter is annexed and marked as Annexure-9. 7. That being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 17842/2018 in Hon’ble High Court of Rajasthan, Jaipur. Hon’ble High Court has passed an order on 10.08.2018 and directed to petitioner to file an appeal u/s 18 of NCTE



Act. 1993 and Appellate Authority is directed to dispose the appeal filed by the petitioner within 03 months. Copy of the order of Hon'ble High Court is annexed and marked as Annexure-10. 8. That in compliance to the order of Hon'ble Court, this institution had submitted an Appeal u/s 18 of NCTE Act, 1993 to the Appeal Authority, NCTE, New Delhi. Appellate Authority had accepted the Appeal of the Institution and directed to NRC, NCTE for taking further action as per NCTE, Regulations 2014 and in accordance with the decisions of the Appellate Authority in similar cases. Copy of Appeal Order dated 31.10.2018 is annexed and marked as Annexure-11. 9. That in compliance to the order of Appellate Authority dated 31.10.2018, this institution had submitted required documents along with copy of Appeal Order to NRC, NCTE on 05.11.2018. Copy of receipt letter is annexed and marked as Annexure-12. 10. That the matter of recognition of D.El.Ed. course of this institution was considered by the NRC, NCTE in its 299th Meeting (held from 1-5 April 2019) vide item no. 61. NRC, NCTE had pointed out certain deficiencies. Copy of the minutes is annexed and marked as Annexure-13. 11. That this institution had submitted all required documents to NRC, NCTE on 03.05.2019 in compliance to the removal of the deficiencies pointed out by the NRC, NCTE. Copy of receipt letter is annexed and marked as Annexure-14. 12. That the matter of recognition of D.El.Ed. course of this institution was considered by the WRC, NCTE in its 319th Meeting (held from 20-21 October 2020) vide item no. 7. WRC, NCTE had pointed out certain deficiencies. Copy of the minutes is annexed and marked as Annexure-15. 13. That this institution had submitted all required documents to WRC, NCTE on 06.11.2020. in compliance to the removal of the deficiencies pointed out by the WRC, NCTE. Copy of receipt letter is annexed and marked as Annexure-16. 14. That the matter of recognition of D.El.Ed. course of this institution was considered by the WRC, NCTE in its 339th Meeting (held from 28-30 July 2021) vide item no. 01. WRC, NCTE had pointed out certain deficiencies. Copy of the minutes is annexed and marked as Annexure-17. 15. That this institution had submitted all required documents to WRC, NCTE on 13.08.2021 through speed post in compliance to the removal of the deficiencies pointed out by the WRC, NCTE. Copy of receipt letter is annexed and marked as Annexure-18. 16. That the reply submitted by this institution on 13.08.2021 through speed post was delivered to WRC, NCTE office on 23.08.2021. Copy of delivery report of Post Office is annexed and marked as Annexure-19. Thus, it is very clear from the documents that this institution had submitted the reply of show cause notice to WRC, NCTE with in stipulated time, which was delivered to WRC, NCTE on 23.08.2021. WRC, NCTE had not considered the reply of this institution and rejected the application of this institution on the ground that institution had not submitted the reply of Show Cause Notice within stipulated time. Rejection of the application of

this institution for grant of recognition for D.El.Ed. course (02 units) by the WRC, NCTE is on purely illegal, unlawful, unjustified, and unconstitutional basis against the provisions of NCTE Act and Regulations.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the petitioner institution has filed a **Writ Petition (C) No. 1628/2022** in the **Hon’ble High Court of Delhi at New Delhi against the impugned Refusal Order No. F.NO. NRCAPP3884/346th/2021/218652 dated 11.12.2021 issued by WRC**. And Hon’ble Court vide order **dated 23.03.2022** directed as under:

“The petitioner has approached this Court assailing the refusal order dated 11.12.2021 passed by respondent no. 2 primarily on the ground that had not submitted any reply to the Show Cause Notice dated 06.09.2021. Learned counsel for the petitioner submits that a reply to the said Show Cause Notice was duly submitted through speed post and therefore, the finding arrived at by the respondent no. 2 is wholly perverse. He therefore prays that the interim order be set aside, and the matter be remanded back to respondent no. 2 for reconsideration on merits. On the other hand, Mr. Govind Manoharan learned counsel for the respondents, who, appears on advance notice vehemently opposes the petition on the ground of maintainability. He submits that the petitioner ought to avail the statutory remedy of appeal available to it under Section 18 of the NCTE Act. In the light of this plea, learned counsel for petitioner after some arguments submits that instead of pressing the present petition, the petitioner would be satisfied if it is granted two weeks’ time to file an appeal before respondent no. 1 with a direction to said respondent to decide the same in a time bound manner. The court is granting only 8 weeks’ time to the respondent no. 1 to decide the appeal as against the 90 days’ time prescribed in the regulations only after noticing the fact that this is the third time when the petitioner has been compelled to approach this Court on account of repeated Show Cause Notices having been issued by respondent no. 2.”

The Appeal Committee noted that the impugned refusal order was issued on the ground of not submitting reply to final show cause notice issued on 6.9.2021 whereas the appellant in the appeal alongwith memoranda of appeal has stated that the reply to said show cause notice was submitted by its letter dated 13.8.2021 sent through Speed Post, based on the decision taken in 339th WRC’s meeting held on 28th to 30th July, 2021. As an evidence of having sent the reply/letter,

a Speed Post Receipt placed on the face of the letter and its delivery report of Department of Post India has been enclosed with the Memoranda of Appeal.

In view of the above submission, the Appeal Committee interrimly decided to seek clarification from WRC as to whether the letter dated 13.8.2021 as a reply to SCN dated 6.9.2021 was received or not enabling the Appeal Committee to dispose of the instant Appeal within the prescribed time limits. A copy of said letter dated 13.8.2021 alongwith Speed Post Receipt and delivery report may be forwarded to WRC for reference and further necessary action in the matter in a time bound manner.

The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the WRC vide Interim Appellate Order dated 26.05.2022 was asked to provide the clarification on the points mentioned above. Accordingly, the RD, WRC vide his remarks dated 8.6.2022 given on the face of the letter dated 27th May, 2022 informed that *"the reply submitted on the basis of minutes uploaded on the website by the institute vide letter dt. 13.8.2021 which was received in e-office on 2.9.2021"*.

In these circumstances, the Appeal Committee concluded that the case is deserved to be remanded back to the WRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The WRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the case is deserved to be remanded back to the WRC with a direction to consider the submitted reply/documents to be sent them by the appellant and take further appropriate action as per NCTE Regulations, 2014, guidelines and amendments issued from time to time. The WRC is at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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




Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Vivekanand Girls T.T. College, 1657/1529, Village-Palpur, Harsoli Road Kotkasim, Alwar, Rajasthan-301702**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan.