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F.No.89-34/E-153328/2020 Appeal/10th Mtg.-2020/22nd July, 2020**NATIONAL COUNCIL FOR TEACHER EDUCATION**

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 10/09/2020

15/09

ORDER

WHEREAS the appeal of Aryan College of Education, Ring Road, Kalaburagi, Gulbarga, Karnataka dated 25/06/2019 is against the Order No. SRO/NCTE/APSO2315/B.Ed/KA/2019/104641 dated 23.05.2019 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed.Course on the grounds that "Certified copy of land document issued by competent authority not submitted; LUC issued by the competent authority not submitted; Photocopy of Building Plan submitted not approved by the competent authority; The institution has submitted photocopy of Building Plan not approved by Competent Authority; The name of institution, course, total land area, total built up area and earmarked area for each course being run in the same premises not mentioned; As per previous photocopy of building plan submitted, it is mentioned as proposed construction of residential school building. Original FDRs are not submitted towards the Endowment and Reserve Fund of Rs 12 Lakh in joint account of RD, SRC with 5 years validity; As per BCC, the land is in the name of Shri Sanjay Singh KotarpurShaha Bazar, Gulbarga. Approving Authority is in regional language."

AND WHEREAS Sh. Om Prakash, Member, Aryan College of Education, Ring Road, Kalaburagi, Gulbarga, Karnataka presented the case of the appellant institution on 22/07/2020. In the appeal and during online presentation the appellant submitted that "(i) land document issued by city municipality Gulbarga. (ii) LUC issued by Commissioner City Corporation Gulbarga. (iii) Building Plan approved by Commissioner City Corporation Gulbarga. (iv) Endowment and reserve fund of Rs. 12 lakhs with 5 years validity were enclosed with the appeal memoranda. Appellant further stated that English translation of required documents was also enclosed with the appeal memoranda."

AND WHEREAS Appeal Committee noted that appellant institution was granted revised recognition by an order dated 16/05/2015. The revised recognition order was conditional subject to the appellant institution complying to the revised Norms and Standards of NCTE, Regulations, 2014. The Norms and Standards prescribed under NCTE Regulations required additional facilities to be created by appellant institution as B.Ed. course which was earlier of one year duration was converted into a two years course. The appellant institution was issued a Show Cause Notice (SCN) dated 04/02/2019 to submit written representation within 30 days for non -submission of documents in support of compliance of the conditions mentioned in the revised recognition order.

AND WHEREAS Appeal Committee noted that as per Clause 8 (11) of the NCTE Regulation, 2014:-

"Whenever there are changes in the Norms and Standards for a programme in teacher education, the institution shall comply with the requirements laid down in the revised Norms and Standards immediately. However, the revised land area related norms shall not be applicable to the existing institutions, but the required built up area shall have to be increased by existing institutions to conform to the revised norms and the institutions not having land area as per the revised norms, shall not be allowed to expand by way of additional programmes or additional intake."

AND WHEREAS Appeal Committee, observed from the Appeal and Memoranda reply dated 21/02/2019 to the S.C.N. that the appellant institution has failed to submit evidence of having adequate built up area of 2000 sq. meters and the Non – Encumbrance Certificate dated 14/02/2014 submitted by appellant also pertains to land held in the name of Sh. Sanjay Singh who is one of the trustees. Appeal Committee noting that the appellant institution does not possess required built up area required for conducting B.Ed. Course and had also failed to rectify the deficiency even after 4 years of the issue of revised recognition order, decided to confirm the impugned order of withdrawal dated 23/05/2019.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and online presentation, Appeal Committee concluded to confirm the impugned withdrawal order dated 23/05/2019.

NOW THEREFORE, the Council hereby confirms the Order appealed against.

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


(T. Pritam Singh)
H.O.D.

1. The Principal, Aryan College of Education, 34/A, Station Bazar, Ring Road, Kalaburagi, Gulbarga – 585102, Karnataka.
2. The Secretary, Ministry of Human Resource Development, 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, Bengaluru.

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F.No.89-35/E-153353/2020 Appeal/10th Mtg.-2020/22nd July, 2020**NATIONAL COUNCIL FOR TEACHER EDUCATION**

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 10/09/2020

15/09

ORDER

WHEREAS the appeal of Loreto College, Middleton Row, Sir William Jones, Sarani, Calcutta, West Bengal dated 05/02/2020 is against the Order No. ER - 278.78/WB -S/E-1/99-B.Ed./2020/62269 dated 05/01/2020 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "As per the reply to SCN dated 02.09.2019 applicant sought some more to complete the building construction. Extension of such period is not permissible as per NCTE Act/Regulation/ Norms & Standard. No separate Building Completion Certificate (BCC) and building plan (BP) to run B.Ed. course submitted. Hence, B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2020-21."

AND WHEREAS Ms. Christine, Principal, Loreto College, Middleton Row, Sir William Jones, Sarani, Calcutta, West Bengal presented the case of the appellant institution online on 22/07/2020. In the appeal and during online presentation it was submitted that "The building of the college was constructed in 1912; The old building was brought down and the building housing the Department of B.Ed. was constructed in 1958. The Original Building Plan and Completion Certificate could not be traced inspite of detailed search. At that time, as far as is known to us, there was no concept of building Completion Certificate by the corporation. The college is a composite college. The same building houses classes for other courses in other rooms run by the college (Under graduation B.A./B.Sc. Honours and General, for example : English, Education, Economics, Geography, Political Science, Psychology, History and many more subjects and also M.A. course in English). We have approached the KMC PWD authorities for completion certificate of the building. the Construction work on a part of the building not related to the B.Ed. Department is just about completed. the fire Department has been approached for the Fire Safety Certificate. After this is obtained

only will KMC PWD Department give the Building Completion Certificate. We have a Provisional Certificate from the Fire Department. The Final Fire Safety Certificate will be available only after the Fire Department issues the certificate following an impending inspection. We have installed functional Fire Extinguishers, Smoke Detectors, Fire Alarm System, Water Hydrants, Sprinklers as per the Fire Department recommendations. We await the Fire Safety Certificate to enable KMC PWD to issue the Building Completion Certificate. Since the college is a composite college we have sent an approved building plan to NCTE along with our response to the show cause notice no. F.3-3/REGULATION/NCTE/ERC/2016-2019/59372 dated 21st February, 2019 vide our letter dated March 11, 2019.”

AND WHEREAS Appeal Committee noted that appellant institution was first granted recognition on 23/11/1998 for conducting B.Ed. Course. The recognition to conduct B.Ed. course was for B.Ed. Department in Loreto College. Revised recognition order under NCTE Regulations, 2014 was issued on 31/05/2015 for 1 unit of 50 seats. Appeal Committee further noted that appellant in reply to a general Show Cause Notice (SCN) dated 21/02/2019 submitted reply dated 11/03/2019. Appellant institution further apprised E.R.C. by its letter dated 16/08/2019 that the building of Loreto College which is a composite institution was constructed in 1912 and was brought down and reconstructed in 1958 Building Completion Certificate etc. is not available.

AND WHEREAS Appeal Committee noted that appellant institution is recognised to conduct B.Ed. course with an intake of one unit (50 seats). Appellant during online presentation submitted that the only change made by the college is that B.Ed. department has been shifted from 3rd floor to 4th floor which has identical built up area. Appeal Committee noted that appellant had informed ERC by its letter dated 16/08/2019 that construction work is going on in another part of building (not related to B.Ed. course) and the Municipal authority will issue Building Completion Certificate only after construction work is complete. Appellant informed that construction work being done in some other part of the composite college has not affected the B.Ed. course. Appellant submitted online copy of the part completion certificate dated 17/07/2020 issued by the

Kolkata Municipal Corp. and Fire Safety Certificate dated 10/02/2020 issued by Divisional Fire Officer, Government of West Bengal. Appellant is required to submit copy of these documents to ERC within 15 days of the issue of appeal order. Appeal Committee decided to remand back the case to ERC for revisiting the matter.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and online presentation made by appellant, Appeal Committee concluded to remand back the case to ERC for revisiting the matter.

NOW THEREFORE, the Council hereby remands back the case of Loreto College, Middleton Row, Sir William Jones, Sarani, Calcutta, West Bengal to the ERC, NCTE, for necessary action as indicated above.

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


(T. Pritam Singh)
H.O.D.

1. The Principal, Loreto College, Plot No.7, Middleton Row, Sir William Jones, Sarani, Calcutta – 700071, West Bengal.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.

(4)



F.No.89-37/E-153626/2020 Appeal/10th Mtg.-2020/22nd July, 2020
NATIONAL COUNCIL FOR TEACHER EDUCATION
 G-7, Sector-10, Dwarka, New Delhi-110 075

ORDER

Date: 10/09/2020

15/09

WHEREAS the appeal of Dr. Sashi Bhushan Institute of Education, Lakshirbond, Boalipar Bazar, Hailakandi, Assam dated 22/10/2019 is against the Order No. ER-275.14.46/(AS-S/N-21/97)/B.Ed./2019/61424 dated 28.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Faculty comprises 1+7 instead of 1+15 as per NCTE Regulations, 2014 for running 100 intake of B.Ed. course. Faculties are not appointed with distribution across different curricular areas mentioned in Norms & Standards (Appendix-4) for B.Ed. course under NCTE Regulations, 2014 and subsequent amendment dated 09.06.2017. Faculty in Bengali at sl. No.8 appointed after 09.06.2017 for Pedagogy subject does not possess NET/Ph.D. qualification as per Gazette Notification No.237 of NCTE published on 09.06.2017. Recognition granted to B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-2021."

AND WHEREAS Dr. Md. Sarwar Jahan, Principal, Dr. Sashi Bhushan Institute of Education, Lakshirbond, Boalipar Bazar, Hailakandi, Assam presented the case of the appellant institution on 22/07/2020. In the appeal and during personal presentation it was submitted that "Institution has been granted one Unit Intake (60) capacity vide Letter No. F.7-12/99-ERC/102 dated 13/01/2000 which was the first recognition to the Institution by the ERC, NCTE and the same revised vide Letter Memo No. ERC/7-9/2-1/1657 dated 15/06/2001 for the academic session 2000-2001 granting one unit intake (50) capacity for the Institution. On the other hand ERC, NCTE issued order granting one basic unit intake (50) capacity from the academic session 2015-2016 and the same was communicated vide Memo No ERC/NCTE/AS-S/N-21/97/B.Ed. (Revised order/2015/31941, dated 23/05/2015. ERC, NCTE erred in issuing Order dated 28/08/2019 and framed a concocted ground No.4(i) that "Faculty comprises 1+7 instead

of 1+15 as per NCTE Regulations, 2014 for running 100 intake of B.Ed. course." In fact as per recognition order dated 23.05.2015 the Institution was granted one basic unit (50). The ground as mentioned in 4(ii) of the ERCs order dated 28/08/2019 it is mentioned that "Faculties are not appointed with distribution across different curricular areas mentioned in Norms and Standards (Appendix-4) for B.Ed. course under NCTE Regulations, 2014 and subsequent amendment dated 09.06.2017" but in fact the Institution has appointed faculties proportionate with distribution across different curricular areas as mentioned in Norms and Standards (Appendix-4) for B.Ed. course in respect of one basic unit of 50 intake capacity. Explanation No. 3 That the ground No.4(iii) "Faculty in Bengali at Sl. No.8 appointed after 09.06.2017 for Pedagogy subject does not possess NET/Ph.D. qualification as per Gazette Notification No.237 of NCTE published on 09.06.2017." Institution has appointed qualified faculty in Bengali Pedagogy subject having NET/Ph.D. as per Norms and Standards (Appendix-4) for B.Ed. course under NCTE Regulations, 2014 and subsequent amendment dated 09.06.2017."


AND WHEREAS Appeal Committee noted that impugned order dated 28/08/2019 itself mentions that revised recognition order dated 23/05/2015 was issued for an intake of 50 seats (one unit). Therefore, first ground of withdrawal of recognition which mentions that institution is required to appoint 1 + 15 faculty for 100 intake is neither factually correct nor justified. Regional Committee was required to assess the distribution across different curricular area of the faculty considering the number of required faculty for one unit only. Appellant during the course of appeal hearing on 22/07/2020 further apprised Appeal Committee that faculty at serial no. 8 of the previous list sent to ERC who was assessed to be not qualified for lack of Ph.d./NET has been replaced by appointing a qualified faculty having NET/Ph.D.

Appeal Committee decided that appellant institution is required to submit to ERC, within 15 days of the issue of Appeal order, details of faculty appointed with the approval of affiliating body. Appeal Committee further decided to remand back the case to ERC for revisiting the matter.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and online presentation made by appellant, Appeal Committee concluded to remand back the case to ERC for revisiting the matter.

NOW THEREFORE, the Council hereby remands back the case of Dr. Shashi Bhushan Institute of Education, Lakshirbond, Boalipar Bazar, Hailakandi, Assam to the ERC, NCTE, for necessary action as indicated above.

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


(T. Pritam Singh)
H.O.D.

1. The Principal, Dr. Shashi Bhushan Institute of Education, Lakshirbond, 76, Boalipar Bazar, Hailakandi – 788155, Assam.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Assam, Dispur.



F.No.89-39/E-153845/2020 Appeal/10th Mtg.-2020/22nd July, 2020
NATIONAL COUNCIL FOR TEACHER EDUCATION
 G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 10/09/2020

ORDER

15/09

WHEREAS the appeal of J.B. Shah Girls (P.G.) College, Jhunjhunu, Mandawa Road, Jhunjhunu, Rajasthan dated 11/02/2020 is against the Order No. NCTE/NRCAPP201615406/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-2018/2; dated 18.04.2017 and 08.02.2018 of the Northern Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that “the institution has not submitted the certified registered land documents issued by the Registering Authority or civil authority concerned. The institution has not submitted the approved Building Plan signed by the Competent Govt. Authority indicating 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. The institution has not submitted the Non-Encumbrances certificate issued by the Competent Authority indicating that the land is free from all encumbrances; Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.”

AND WHEREAS Dr. Yogita Sharma, Principal, J.B. Shah Girls (P.G.) College, Jhunjhunu, Mandawa Road, Jhunjhunu, Rajasthan presented online the case of the appellant institution on 22/07/2020. In the appeal and during personal presentation it was submitted that “the petitioner has submitted an online application on 30/05/2016 (online copy) for recognition of B.A. B.Ed./B.Sc. B.Ed. course, thereafter he forwarded a hard copy in the office of NRC – NCTE on 10/06/2016 in the prescribed form in three copies, process fee and FDR alongwith the requisite documents. That the respondent entertained the application of the petitioner and allotted Application code number.

Petitioner is already running U.G & P.G. Courses since 1982 and has submitted an application for grant of NOC before the university. The University acted upon his application and issued NOC in favour of the institution. Thereafter, the NRC – NCTE issued a SCN dated 03/03/2017, whereby pointed out certain deficiencies pertaining to land documents. After receiving copy of SCN dated 03/03/2017, we submitted a detail reply annexing the asked for documents thereto. That the petitioner was under bonafide impression that the petitioner has already forwarded all the documents alongwith reply to SCN, which clearly demonstrate that the petitioner institution doesn't possesses any deficiency and his file shall be considered for Clause 7 (13), but he was shocked and surprised to receive the impugned order dated 18/04/2017, whereby the file was rejected. That being aggrieved of the order dated 18/04/2017, the petitioner preferred a statutory appeal under Sec. 18, before the appellate authority. The appeal of petitioner was taken on board on 16/10/2017, wherein the petitioner has categorically asserted that the institution having 36700 sqm. of land which Kh. No. are 4381/1543 and 4382/1544 situated in village Jhunjhunu is in the name of "Shri Madan Shah Education Society" and in support of his contention. Petition has submitted the documents i.e. copy of lease of land for 99 years issued by Distt. Collector, Jhunjhunu and duly registered in the office of Sub-Registrar, Jhunjhunu (ii). Copy of allotment letter and letter for extension of period of lease deed issued by the District Collector, Jhunjhunu, (iii) copy of Zamabandi (Khatauni) issued by Revenue Deptt., Govt. of Rajasthan (iv) Copy of approved building map form Tehsildar, Jhunjhunu and cop of Non – Encumbrance Certificate issued by the Tehsildar. The appellate committee minutely examining the documents and thereafter, pleased to remand back the matter to NRC – NCTE for further action. Petitioner institution, doesn't consist any deficiency, which was examined by the appellate authority in appeal, based upon the file has remanded back to NRC – NCTE for further action, but NRC – NCTE again issued a SCN dated 14/12/2017, on the same ground which were mentioned in previous SCN dated 03/03/2017. Petitioner on receiving copy of SCN dated 14/12/2017 again submitted reply on 26/12/2017 through Courier. It is submitted that the contents of present SCN and previous SCN dated 03/03/2017 are similar and the petitioner has submitted the reply, further the appellate authority admitted that the petitioner having all the documents

pertain to land in question further, the petitioner has already submitted the certified land documents, Building plan duly signed by the Competent Authority and proof of composite institution."

AND WHEREAS Appeal Committee noted that appellant institution preferred a S.B. Civil Writ Petition No. 1660/2020 before the Hon'ble High Court of Judicature for Rajasthan at Jaipur Bench and the same was disposed of vide order dated 30/01/2020. The Hon'ble Court issued following direction to the respondent:-

"The Counsel for the petitioner prays to withdraw this petition with liberty to file an appeal before the NCTE with the prayer that the delay in filing the appeal may be condoned. The prayer is allowed. The writ petition is allowed to be withdrawn with liberty to the petitioner to file an appeal before the NCTE with directions to the NCTE to decide the appeal on merits ignoring the limitation period."

AND WHEREAS Appeal Committee noted that the application dated 30/05/2016 seeking B.A. B.Ed./B.Sc. B.Ed. course was first refused by NRC by an order dated 18/04/2017 on the ground that applicant institution has not submitted certified registered land documents, approved building plan, B.C.C., Non Encumbrance Certificate. Appellant institution preferred appeal dated 01/07/2017 against the refusal order dated 18/04/2017 and Appellate Authority by its order dated 16/10/2017 remanded back the case with directions to the appellant to forward all the documents to NRC within 15 days of the appeal order.

AND WHEREAS Appeal Committee noted that appellant institution after issue of 1st Appeal order dated 16/10/2017 submitted to NRC on 27/10/2017 copies of Building Plan, N.E.C., C.L.U. and lease deed for land. Appeal Committee further noted that appellant at no stage had forwarded originally certified copy of the land documents for which NRC issued a Show Cause Notice dated 14/12/2017. As regards building plan Appeal Committee noted that Building plan submitted by appellant by its letter dated

26/10/2017 was approved by Assistant Engineer, Dir. II, Jhunjhunu and it has a mention that proposed plan is for B.A. B.Ed./B.Sc. B.Ed. on ground floor.

AND WHEREAS Appeal Committee noted that appellant institution has neither replied to Show Cause Notice (SCN) dated 14/12/2017 nor submitted originally certified copy of land documents to NRC and what it had been submitting is zerox of the certified copy of the land documents. Appeal Committee noted that as per Clause 8 (5) of the NCTE Regulation, 2014 applicant is required to submit certified copy of land ownership or lease documents issued by registering authority. Appeal Committee, noting that appellant institution had failed to submit certified copy of land documents even after being given repeated opportunities, decided to confirm the impugned refusal order dated 08/02/2018.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded to confirm the impugned refusal order dated 08/02/2018.

NOW THEREFORE, the Council hereby confirms the Order appealed against.

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


(T. Pritam Singh)
H.O.D.

1. The Secretary, J.B. Shah Girls (P.G.) College, Jhunjhunu, Mandawa Road, Jhunjhunu – 333001, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, 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, Jaipur.

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F.No.89-40/E-153846/2020 Appeal/10th Mtg.-2020/22nd July, 2020**NATIONAL COUNCIL FOR TEACHER EDUCATION**

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 10/09/2020

ORDER

15/09

WHEREAS the appeal of C.D. Girls Degree College, Chinhat, ChinhatTiraha, Lucknow, Uttar Pradesh dated 11/02/2020 is against the Order No. Minutes of 311 Meeting of NRC held on 16/01/2020 and 17.01.2020 wherein a decision to refuse recognition for conducting for (ITEP) Pre-Primary to Primary/100 Course on the grounds that "The applications of the institutions has not been submitted within the prescribed time limit as enclose 7(2) (b) of NCTE Regulations, 2014. Therefore, the applications is liable to be summarily rejected. The Committee desired that while rejecting these applications a second check must be done regarding the delay. Hence, the Committee decided that the applications from S. No. 1 to 44 be rejected accordingly."

AND WHEREAS Sh. Ashok Dev, Manager, C.D. Girls Degree College, Chinhat, ChinhatTiraha, Lucknow, Uttar Pradesh presented the case of the appellant institution on 22/07/2020. In the appeal and during personal presentation it was submitted that "The institution submitted online application on 31/07/2019. The printout of online application was sent to NRC NCTE Office on 13/08/2019 through speed post receipt no. - EU917434782IN. The hard copy of the application was delivered by the postal department in NRC NCTE Office on 16/08/2019. The tracking receipt is enclosed. As per NCTE Regulation the last date was 15/08/2019 for online application made on 31/07/2019. 15th August 2019 was National Holiday. The hard copy of application was delivered on 16/08/2019 in NRC NCTE Office within the time limit which was not considered by NRC NCTE."

AND WHEREAS Appeal Committee noted that NCTE Regulation, 2014 provide that printout of online application alongwith necessary documents should be submitted by applicant institution within 15 days of the date of online application. Submission of printout of application through 'speed post' is a permissible mode. In the present case appellant has submitted evidence of having despatched the printout of application on

13/08/2019 through speed post and the said printout was received in the office of NRC on 16/08/2019. The date of despatch of application through 'speed post', if within 15 days, is to be reckoned as within permissible limit. Moreover, 15th August is observed as National holiday and the next working day is to be considered as within time limit.

AND WHEREAS Appeal Committee further noted that NRC as per minutes of 311th Meeting had desired that while rejecting the application, a second check must be done regarding delay. Appellant has preferred appeal based on the minutes of 311th meeting of NRC. Appeal Committee also did not find any order issued under Section 14 or 15 of the NCTE, Act and as such is not aware of the final decision taken and order issued in this regard. Appeal Committee still decided that delay in receipt of hard copy on 16th August, 2019 (15th August being National Holiday) should not be valid reason to reject the application and NRC is required to revisit the matter.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that delay in receipt of hard copy on 16th August, 2019 (15th August being National Holiday) should not be valid reason to reject the application and NRC is required to revisit the matter.

NOW THEREFORE, the Council hereby remands back the case of C.D. Girls Degree College, Chinhat, ChinhatTiraha, Lucknow, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

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


(T. Pritam Singh)
 H.O.D.

1. **The Manager, C.D. Girls Degree College, Chinhat, ChinhatTiraha, Lucknow – 226028, Uttar Pradesh.**
2. The Secretary, Ministry of Human Resource Development, 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, Lucknow.



F.No.89-41/E-153651/2020 Appeal/10th Mtg.-2020/22nd July, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 10/09/2020

ORDER

15/9

WHEREAS the appeal of C.D. Girls College of Education, Chinhat, Satrikh Road, Lucknow, Uttar Pradesh dated 11/02/2020 is against the Order No. Minutes of 311 Meeting of NRC held on 16/01/2020 and 17.01.2020 wherein decision to refuse recognition for conducting for (ITEP) Pre-Primary to Primary/100 Course on the grounds that "The applications of the institutions has not been submitted within the prescribed time limit as enclose 7(2) (b) of NCTE Regulations, 2014. Therefore, the applications is liable to be summarily rejected. The Committee desired that while rejecting these applications a second check must be done regarding the delay. Hence, the Committee decided that the applications from S. No. 1 to 44 be rejected accordingly."

AND WHEREAS Sh. Ashok Dev, Manager, C.D. Girls College of Education, Chinhat, Satrikh Road, Lucknow, Uttar Pradesh presented the case of the appellant institution on 22/07/2020. In the appeal and during personal presentation it was submitted that "The institution submitted online application on 31/07/2019. The printout of online application was sent to NRC NCTE Office on 13/08/2019 through speed post receipt no - EU917434796IN. The hard copy of the application was delivered by the postal department in NRC NCTE Office on 16/08/2019. The tracking receipt is enclosed. As per NCTE Regulation the last date was 15/08/2019 for online application made on 31/07/2019. 15th August 2019 was National Holiday. The hard copy of application was delivered on 16/08/2019 in NRC NCTE Office within the time limit which was not considered by NRC NCTE."

AND WHEREAS Appeal Committee noted that NCTE Regulation, 2014 provide that printout of online application alongwith necessary documents should be submitted by applicant institution within 15 days of the date of online application. Submission of printout of application through 'speed post' is a permissible mode. In the present case appellant has submitted evidence of having despatched the printout of application on

13/08/2019 through speed post and the said printout was received in the office of NRC on 16/08/2019. The date of despatch of application through 'speed post', if within 15 days, is to be reckoned as within permissible limit. Moreover, 15th August is observed as National holiday and the next working day is to be considered as within time limit.

AND WHEREAS Appeal Committee further noted that NRC as per minutes of 311th Meeting had desired that while rejecting the application, a second check must be done regarding delay. Appellant has preferred appeal based on the minutes of 311th meeting of NRC. Appeal Committee also did not find any order issued under Section 14 or 15 of the NCTE, Act and as such is not aware of the final decision taken and order issued in this regard. Appeal Committee still decided that delay in receipt of hard copy on 16th August, 2019 (15th August being National Holiday) should not be valid reason to reject the application and NRC is required to revisit the matter.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that delay in receipt of hard copy on 16th August, 2019 (15th August being National Holiday) should not be valid reason to reject the application and NRC is required to revisit the matter.

NOW THEREFORE, the Council hereby remands back the case of C.D. Girls College of Education, Chinhat, Satrikh Road, Lucknow, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

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


(T. Pritam Singh)
H.O.D.

1. The Manager, C.D. Girls College of Education, Chinhat, Satrikh Road, Lucknow – 226028, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, 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, Lucknow.



F.No.89-42/E-153950/2020 Appeal/10th Mtg.-2020/22nd July, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 10/09/2020

ORDER

15/09

WHEREAS the appeal of Shri Tungabhadra College of Education, Taikere, Chickmagalur, Karnataka dated 21/12/2019 is against the Order No. APSO2025/B.Ed./KA/2019 dated 18.02.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the faculty list given is not in format and not approved. Most of the FDRs given have expired in validity."

AND WHEREAS Sh. Krishnamurthy, Director, Shri Tungabhadra College of Education, Taikere, Chickmagalur, Karnataka presented online the case of the appellant institution on 22/07/2020. In the appeal and during online presentation it was submitted that "Institute is in possession of the duly approved faculty list in the format as provided by NCTE, However, due to negligence of the principal the same could not submitted. The same will be submitted at the a time of hearing. The management was not aware of any such deficiency. The new FDRs have already been made and already submitted to the SRC on 02.04.2019."

AND WHEREAS Appeal Committee noted that impugned withdrawal order dated 18/02/2019 while mentioning the decision taken in 370th Meeting of SRC held on 7 – 8th February, 2019 had misquoted that Revised Provisional Recognition Order (RPRO) was for 2 units. Appeal Committee noted that R.P.R.O. dated 26/05/2015 was for one unit (50 seats). Whereas SRC had issued a corrigendum dated 05/04/2016 permitting the institution to conduct the programme with two units (100 intake), the appellant institution had requested SRC by its letter dated 11/11/2016 (received in the office SRC on 14/11/2016) to give permission for only one unit (50 seats).

AND WHEREAS Appeal Committee noted that appellant with its appeal memoranda had submitted copies of (a) list of faculty (1 + 10) approved by affiliating university, (b) FDRs for Rs. 7 lakh and 5 lakh. Appeal Committee decided that appellant institution is required to submit originals of the above documents to SRC within 15 days of the issue of appeal order. Appeal Committee further decided that SRC is required to revisit the case in toto considering the earlier request made by appellant institution for reduction in the intake from 100 seats to 50 seats.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made by the appellant online on 22/07/2020, Appeal Committee concluded that appellant institution is required to submit originals of the above documents to SRC within 15 days of the issue of appeal order. Appeal Committee further concluded that SRC is required to revisit the case in toto considering the earlier request made by appellant institution for reduction in the intake from 100 seats to 50 seats.

NOW THEREFORE, the Council hereby remands back the case of Shri Tungabhadra College of Education, Tarikere, Taikere, Chickmagalur, Karnataka to the SRC, NCTE, for necessary action as indicated above.

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


(T. Pritam Singh)
H.O.D.

1. The Principal, Shri Tungabhadra College of Education, Tarikere, Taikere, Chickmagalur – 577228, Karnataka.
2. The Secretary, Ministry of Human Resource Development, 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, Bengaluru.

(10)



F.No.89-43/E-153953/2020 Appeal/10th Mtg.-2020/22nd July, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 10/09/2020

ORDER

15/09

WHEREAS the appeal of Adarsh Tagore Shikshak Prashikshan College, Nadbai, Bharatpur, Rajasthan dated 12/02/2020 is against the Letter No. New Appl./RF/Raj./NRCAPP-6289/2013-14/50242 dated 19.06.2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations. The NRC noted that the NCTE vide letter dated 20.03.2013 made it clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow

setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants.”

AND WHEREAS Appeal Committee noted that appellant institution filed a S.B. Civil Writ Petition No. 16207/2019 in the High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble High Court in its order dated 18/10/2019 had allowed the petitioner to prefer appeal which shall be decided on merits ignoring the limitation period.

AND WHEREAS Sh. Vinod Kumar Garg, Vice President, Adarsh Tagore ShikshakPrashikshan College, Nadbai, Bharatpur, Rajasthan presented the case of the appellant institution on 22/07/2020. In the appeal and during personal presentation it was submitted that “Northern Regional Committee has acted in an arbitrary manner while deciding to return the application of the petitioner Institute. National Council for Teacher Education is having final statutory competence to decide the issue of grant of recognition for permission to a particular teacher training course. While considering the relevant aspects and while doing so the regional committee is not required to proceed only on the basis of recommendations of the state government. Recommendations of the state government regarding the revenant Course was not required to be relied on. Petitioner institution is having a fundamental right to establish the institution to impart higher education under Article 19 (1) (g) of the Constitution of India. The provisions of section 14 & 15 of the National Council for Teacher Education Act, 1993 also provides statutory right to the petitioner Institute to submit applications for grant of recognition/permission for the teacher education courses. the above mentioned fundamental right as well as the statutory right cannot be defeated by the state government while imparting general ban on opening of new institutions. National Council for Teacher Education is under statutory obligation to process the applications of new teacher education Institutions for grant of recognition, cannot refuse to process the application only on the basis of general negative recommendations of the state government in total defiance to the statutory mandate as provided under section 14 of the National Council for Teacher Education Act, 1993. It is submitted that as per the

provisions of section 14 and 15 of the National Council for Teacher Education Act before rejection of application of the concerned teacher education institution, reasonable opportunity of hearing is required to be provided but in the instant case the respondent Northern regional committee did not provide the reasonable opportunity of hearing to the petitioner which renders the decision of the northern regional committee to return the application of the petitioner illegal and arbitrary. Honourable Supreme Court in the recent decision delivered in the case of State of Rajasthan v. LBS B.Ed. College and Ors. has clarified the role of the National Council for Teacher Education vis a vis the role of the state Government for grant of recognition to the teacher training institutions in the following manner. E. Yet again, another two-Judge Bench in Maa Vaishno Devi Mahila Mahavidyalaya v. State of Uttar Pradesh 2013 2 SCC 617 opined that Regulations framed under the Act clearly show that upon receiving an application for recommendation, the NCTE shall send a copy of the application with its letter inviting recommendations/comments of the State Government on all aspects within a period of 30 days. To such application, the State is expected to respond with its complete comments within a period of 60 days. In other words, the opinion of the State on all matters that may concern it in any of the specified fields are called for. The Court observed that this is the stage where the State and its Department should play a vital role and they must take all precautions to offer proper comments supported by due reasoning. Once these comments are sent and the State Government gives its opinion which is considered by the NCTE and examined in conjunction with the report of the experts, it may grant or refuse recognition. It needs no special emphasis to say that final authority rests with the NCTE. It is the clear legal position. In course of hearing, we have been apprised that the NCTE has granted recognition to some of the institutions. As the recognition has already been granted, the controversy with regard to the said institutions shall stand closed. NCTE shall take into consideration the recommendations and views of the State despite the fact that it has the final." It is evident from the above mentioned verdict of the Hon'ble Supreme Court delivered in the case of the LBS B.Ed. college which provide the guidelines to the National Council for Teacher Education for processing of the applications of the teacher education institutions that the National Council for Teacher Education has wrongly construed the

legal provisions while deciding to return the application of the petitioner Samiti and therefore the decision taken by the Northern Regional Committee Of The National Council for Teacher Education to return the application of the petitioner institution is required to be quashed and set aside by this Hon'ble Court and the Northern Regional Committee of the National Council for Teacher Education is also required to be directed to process the application of the petitioner Samiti and to grant recognition to the institute of the petitioner institute for the two years D.El.Ed. course for the forthcoming academic session."

AND WHEREAS Appeal Committee noted that relevant regulatory file of NRC is not available. Appeal Committee further noted that NRC by impugned letter dated 19.06.2013 returning the application no. NRCAPP – 5391 to the appellant institution returned in original the application alongwith the FDRs of Rs. 5 lakh and 3 lakh. The application processing fee was also returned to the appellant institution by NRC.

AND WHEREAS it has been brought to the notice of the Committee in the meeting held on 22/02/2019 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the


academic year 2010-11 till the next academic year, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. The Committee also noted that in view of the NRC returning the application in original to the appellant, with a request to the NCTE to refund the processing fee also, virtually no application existed after 19/06/2013. In view of this position, the Committee concluded that (i) No appeal lies against a non-existent application. (ii) N.R.C. was justified in returning the application at the particular time. The appeal deserves to be rejected and the decision of the N.R.C. confirmed. The appellant institution is however, free to apply afresh as and when NCTE issues Notification inviting application for Teacher Education courses.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above, the Committee concluded that (i) No appeal lies against a non-existent application. (ii) N.R.C. was justified in returning the application at the particular time. The appeal deserves to be rejected and the decision of the N.R.C. confirmed. The appellant institution is, however, free to apply afresh as per extant NCTE Regulations, as and when NCTE issues Notification inviting fresh applications for the course.

NOW THEREFORE, the Council hereby confirms the Order appealed against.

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


(T. Pritam Singh)
H.O.D.

1. **The Secretary, Adarsh Tagore ShikshakPrashikshan College, Plot No. 346, Kumher Road, Nadbai, Bharatpur – 321602, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, 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, Jaipur.



F.No.89-44/E-154132/2020 Appeal/10th Mtg.-2020/22nd July, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 10/09/2020

ORDER

15/09

WHEREAS the appeal of C.M.M. B.Ed. College, Mudbi, Basavakalyan, Bidar, Karnataka dated 09/02/2020 is against the Order No. SRO/NCTE/APSO2276/B.Ed/KA/2019/3008 dated 10.12.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "The institution was issued Final Show Cause Notice on 15.07.2019. But the institution has not yet submitted its reply till date. Hence, the Committee decided to withdraw the recognitions granted CMM B.Ed College, Mudbi, Basavakalyan -585437, Bidar District, Karnataka for conducting B.Ed courses w.e.f. the next academic session under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above."

AND WHEREAS Dr. Babu Rao Mudbi, President, C.M.M. B.Ed. College, Mudbi, Basavakalyan, Bidar, Karnataka presented online the case of the appellant institution on 22/07/2020. In the appeal and during online presentation, it was submitted that institution did not receive any show cause notice dt. 14.10.2016 as stated in the withdrawal order. It is submitted the institution was only served with final show cause notice dt. 15.07.2019. However, the same was concealed by the earlier principal namely Sh. Raj Kumar Kamle for ulterior motives. The Management removed him from the job in the last week of August and came to know about the final show cause only in 2nd week of September when the record maintained by the earlier principal was looked/searched. By that time, the time mentioned in the final show cause was already over and till second week of September institution was not aware of the deficiencies which are to be fulfilled. It is submitted that the institution has always replied to all the letters received by them. However the show cause dt. 14.10.2016 was not received and the non-reply of final show cause due to the ulterior motive of the earlier principal. The institution was given revised recognition order on 01.07.2015. and the institution vide reply dt. 30.07.2015

duly complied with the requirements as mentioned therein. Copy of the letter is attached for ready reference. The institution apart from the reply dt. 30.07.2015 submitted certain documents vide letter dt. 02.11.2015. The withdrawal order as passed is perverse and based on wrong facts. It is submitted that the institution after getting notice of the final show cause from the records maintained by earlier principal, made all efforts to comply all the directions and standards of NCTE Act and the same being technical in nature took some time and hence could not submit on time. It is humbly submitted that the institution has all the requisite documents and approvals as mentioned in the final show cause, originals and photocopies of the same shall be placed before the Appeal Committee at the time of hearing. It is humbly submitted that the institution is imparting quality education since 2004 and has very good reputation and hence it is requested to kindly restore the recognition of the institution."

AND WHEREAS Appeal Committee noted that appellant institution was issued a Revised Provisional Recognition order (RPRO) dated 01/07/2015 for conducting B.Ed. course with an intake of 2 units. The R.P.R.O. dated 01/07/2015 was subject to fulfilment of certain terms and conditions prescribed in the NCTE Regulation, 2014. Appeal Committee noted that a Show Cause Notice (SCN) dated 14/10/2016 was issued to appellant institution as decided in the 321st Meeting of SRC held on 28th – 30th September, 2016. The minutes of Regional Committee are placed in public domain through website and as such the appellant's statement that it did not receive the S.C.N. or the points of deficiency were not known to him does not hold logical. Even otherwise the appellant institution of its own was required to fulfil and report compliance of the Terms and Conditions of the R.P.R.O. issued under NCTE Regulations, 2014.


AND WHEREAS Appeal Committee further noted that a final S.C.N. dated 15/07/2019 was issued wherein the deficiencies pointed in earlier S.C.N. dated 14/10/2016 were reproduced in para 4. The appellant was given 21 days time to submit reply to this S.C.N. Appeal Committee observed from the regulatory file that appellant had not submitted any reply to both the SCNs till impugned order of withdrawal dated 10/12/2019 was issued. Appeal Committee noted that there are several anomalies in

the building plan and proposed built up area mentioned in these building plans vis-à-vis the building completion certificates. The appellant had not availed the opportunities given to it by issue of 2 Show Cause Notices. Even a belated reply to these SCNs if given before issue of impugned withdrawal order would have helped to clarify the deficiency. The documents submitted by appellant with the appeal memoranda are partially in vernacular language, not fully legible and incomplete. Appellant institution having been given enough opportunities, Appeal Committee decided to confirm the impugned order of withdrawal dated 10/12/2019.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and online presentation made by appellant, Appellant Committee concluded to confirm the impugned order of withdrawal dated 10/12/2019.

NOW THEREFORE, the Council hereby confirms the Order appealed against.

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


(T. Pritam Singh)
H.O.D.

1. The President, C.M.M. B.Ed. College, Mudbi, Basavakalyan, Bidar – 585437, Karnataka.
2. The Secretary, Ministry of Human Resource Development, 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, Bengaluru.



F.No.89-45/E-154176/2020 Appeal/10th Mtg.-2020/22nd July, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 10/09/2020

ORDER

15/09

WHEREAS the appeal of Guru Hargovind Singh Shiksha Mahavidyalaya, Bagota, Chhattarpur, Madhya Pradesh dated 02/08/2019 is against the Order No. WRCAPP201660250/223/282nd/2017/192337 dated 01.11.2017 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "In response to complaint received on 24/05/2017, the case was referred to the Collector/SDM, Chhattarpur. Since there were two conflicting reports from the same SDM, both the reports were referred to the Collector/SDM. The SDM, Chhattarpur had confirmed that the first report dated 13/06/2017 should be considered as the valid report. Since, this report is negative with regard to documents, infrastructure etc., Recognition is withdrawn with immediate effect."

AND WHEREAS Sh. Krishan Partap Singh, President and Sh. C. S. Sahu, Representative, Guru Hargovind Singh Shiksha Mahavidyalaya, Bagota, Chhattarpur, Madhya Pradesh presented the case of the appellant institution on 22/07/2020. In the appeal and during personal presentation it was submitted that "appeal against the withdrawal order has been filed with some delay as appellant had suffered serious illness (T.B.) and doctors advised him total bed rest. Re-inspection may be conducted considering sympathetically the problems."

AND WHEREAS Appeal Committee noted that after grant of recognition by an order dated 05/05/2017 for B.Ed. course to the appellant institution, a complaint from one Shri Pawan Partap Singh was received alleging that Sh. Krishan Partap Singh had obtained the zerox copy of the land owned by complainant and fabricated it with a purpose to obtain minority certificate and recognition for B.Ed. & D.Ed. course.

Appellant institution was asked by a letter dated 08/06/2017 of WRC to submit parawise comments on the points raised by the complainant. District Education Officer was also requested by WRC to enquire into the matter by a letter dated 08/06/2017. Sub Divisional Officer, Chattarpur by its letter no. 451/2017 dated 13/06/2017 clearly stated that the land sale deed papers submitted by the appellant were fabricated and it is proposed to initiate a criminal case against the fabricator. S.D.O. Chattarpur by its letter no. 661/2017 dated 31/08/2017 further confirmed the report submitted by earlier S.D.O. by its letter no. 451/2017 dated 13/06/2017. Following confirmation of the allegations, WRC decided to withdraw recognition granted to the appellant institution by an order dated 01/11/2017. Appeal Committee further noted that impugned withdrawal order issued by Speed Post addressed to appellant institution was received back undelivered with following remarks of the postal authority.

“इस नाम का कोई महाविद्यालय नहीं है। वापिस

Sd/- 8/11/2017.”


AND WHEREAS Appeal Committee noted that impugned order of withdrawal dated 01/11/2017 was issued and returned undelivered. Appellant institution if it so desired was required to prefer appeal with a period of 60 days. Appellant institution failed to prefer timely appeal and the medical certificate submitted by Sh. Krishna Partap Singh is dated 01/07/2018 advising him rest on Medical grounds from 11/07/2018 to 10/05/2019. Appellant during the course of appeal hearing on 22/07/2020 was asked to show evidence in support of the genuineness of land documents submitted for seeking recognition. Appellant was not prepared to show the original of land documents such as (i) sale deed, (ii) Change of Land Use Certificate and (iii) Non-Encumbrance Certificate.

AND WHEREAS Appeal Committee observed that neither the appellant has been able to establish that land documents submitted with its application are genuine nor the reason for delay in preferring appeal are convincing. Appeal Committee, therefore, decided to confirm the impugned order of withdrawal dated 01/11/2017 issued by WRC.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and online presentation made by appellant, Appellant Committee concluded to confirm the impugned order of withdrawal dated 01/11/2017 issued by WRC.

NOW THEREFORE, the Council hereby confirms the Order appealed against.

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


(T. Pritam Singh)
H.O.D.

1. The President, Guru Hargovind Singh Shiksha Mahavidyalaya, 1815/5/3, Bagota, Chhatarpur – 471405, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, 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, Bhopal.