



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

DATE: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-116/E-251128/2022 Appeal/8th Meeting, 2022  
APPLSRC202214331**

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

<b>Representative of Appellant</b>	<b>Mr. Sekar, Admin Officer</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**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 17 of NCTE Act, 1993 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 institution was issued a Show Cause Notice (SCN). The institution has submitted its reply vide dated 09.10.2020. The Committee observed the reply submitted by the institution and found the following deficiencies.

1. The institution submitted proforma of 16 faculty (B.Ed.) & 10 faculty (M.Ed.) signed by the Registrar, TTEU but the date of approval is not mentioned over it. Further, faculty namely Mrs. S Rajalakshmi is not qualified to be appointed as she is not NET qualified as required under NCTE Regulation, 2014 (amended vide notification dt. 09.06.2017).
2. The NEC submitted by the institution shows the nature of land as "Agricultural".
3. The institution did not submit proof of disbursement of salary of faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014.
4. The institution did not submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulation, 2014.
5. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulation, 2014.

Hence, the Committee decided to withdraw the recognition granted to Vinayaga Education College, P.B. No. 1851, Vinayaganagar, Karuppur, Keelapuluvur Post, Ariyalur Taluk, Perambalur-621707, Tamilnadu for conducting B.Ed & M.Ed programmed with effect from the academic session i.e. 2022-2023 onwards under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above".

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The Administrative Officer of Vinayaga Education College, 34/2A, 35/2, 35/3, Karuppur, Vinayaga Nager, Keelapuluvur, Ariyalur, Perambalur, Tamilnadu-621707** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-

1. 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.

2. 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.
3. 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.
4. 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.
5. 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.
6. 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 crated 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>.

7. 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/APSO7280/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. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 22.09.2008. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 23.01.2015. A provisional revised recognition order was issued on 30.04.2015 to the institution for conducting B.Ed programme of two years duration with an annual intake of 100 students (Two basic units) from the academic session 2015-16.

The Appeal committee noted that the appellant institution was aggrieved by the appeal order dated 12.07.2022 and the appellant institution had moved to the Hon'ble Delhi





High Court by the way of W.P.C. No. 13658/2022 titled Vinayaga Education College V/s National Council for Teacher Education & Anr. The Hon'ble Court vide order dated 26.09.2022 issued following directions:-

***"... (i) Appellate order dated 12<sup>th</sup> July, 2022 is set-aside and appeal before the Appellate Authority is restored;***

***(ii) Appellate Authority shall consider documents furnished by Petitioner along with the appeal, including but not limited to – Land Use Certificate (LUC), Building Plan (BP) Encumbrance Certificate (EC), etc. and seek clarifications, if necessary. They shall also be free to conduct a fresh inspection themselves or through SRC, if deemed appropriate.***

***(iii) Appellate Authority shall thereafter pass an appropriate order, in accordance with law and dispose of the appeal as expeditiously as possible, but not later than three months from today..."***

In compliance of Court order dated 26.09.2022 passed by Hon'ble Delhi High Court in W.P.C. No. 13658/2022 titled Vinayaga Education College V/s National Council for Teacher Education & Anr, Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7<sup>th</sup> November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of approved faculty list (1+15) for B.Ed. programme.
- (ii) A copy of land documents such as Certificate of Encumbrance of Property and Land Use Certificate.
- (iii) A copy of statement of Salary Disbursement.
- (iv) A screenshot of Website.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 04.02.2022. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

***"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand***



***is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner."***

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 04.02.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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

#### **IV. DECISION: -**

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



**appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.**

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



**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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-117/E-251304/2022 Appeal/8th Meeting, 2022  
APPLSRC202214332**

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

<b>Representative of Appellant</b>	<b>Mr. Sekar, Admin Officer</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**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 17 of NCTE Act, 1993 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 institution was issued a Show Cause Notice (SCN). The institution has submitted its reply vide dated 09.10.2020. The Committee observed the reply submitted by the institution and found the following deficiencies.

1. The institution submitted proforma of 16 faculty (B.Ed) & 10 faculty (M.Ed) signed by the Registrar, TTEU but the date of approval is not mentioned over it. Further, faculty namely Mrs. S Rajalakshmi is not qualified to be appointed as she is not NET qualified as required under NCTE Regulation, 2014 (amended vide notification dt. 09.06.2017).
2. The NEC submitted by the institution shows the nature of land as "Agricultural".
3. The institution did not submit proof of disbursement of salary of faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014.
4. The institution did not submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulation, 2014.
5. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulation, 2014.

Hence, the Committee decided to withdraw the recognition granted to Vinayaga Education College, P.B. No. 1851, Vinayaganagar, Karuppur, Keelapuluvur Post, Ariyalur Taluk, Perambalur-621707, Tamilnadu for conducting B.Ed & M.Ed programmed with effect from the academic session i.e. 2022-2023 onwards under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above".

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The Administrative Officer of Vinayaga Education College, 34/2A, 35/2, 35/3, Karuppur, Vinayaga Nager, Keelapuluvur, Ariyalur, Perambalur, Tamilnadu-621707** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-

1. 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.

2. 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 she 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.
3. 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.
4. 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.
5. 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, ne 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.





6. 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 crated 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>.
7. 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/APS09767/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. Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course with an annual intake of 50 students vide order dated 16.07.2009. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 23.01.2015. A provisional revised recognition order was issued on 22.05.2015 to the institution for conducting M.Ed programme of two years duration with an annual intake of 50 students (One unit) from the academic session 2015-16.

The Appeal committee noted that the appellant institution was aggrieved by the appeal order dated 12.07.2022 the appellant institution had moved to the Hon'ble Delhi High Court by the way of W.P.C. No. 12892/2022 titled Vinayaga Education of College V/s National Council for Teacher Education & Anr. The Hon'ble Court vide order dated 06.09.2022 issued following directions:-

***"...(i) Appellate order dated 12<sup>th</sup> July, 2022 is set-aside and appeal before the Appellate Authority is restored;***

***(ii) Appellate Authority shall consider documents furnished by Petitioner along with the appeal, including but not limited to – Land Use Certificate (LUC), Building Plan (BP) Encumbrance Certificate (EC), etc. and seek clarifications, if necessary. They shall also be free to conduct a fresh inspection themselves or through SRC, if deemed appropriate.***

***(iii) Appellate Authority shall thereafter pass an appropriate order, in accordance with law and dispose of the appeal as expeditiously as possible, but not later than three months from today..."***

In compliance of Court order dated 06.09.2022 passed by Hon'ble Delhi High Court in W.P.C. No. 12892/2022 titled Vinayaga Education College V/s National Council for Teacher Education & Anr, Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7<sup>th</sup> November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of approved faculty list (10) for M.Ed. programme
- (ii) A copy of land documents such as Certificate of Encumbrance of Property and Land Use Certificate.
- (iii) A copy of statement of Salary Disbursement.



(iv) A screenshot of Website.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 04.02.2022. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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

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

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

**In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 04.02.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.**

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to SRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The



Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

**IV. DECISION: -**

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

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

  
**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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-175/E-258506/2022 Appeal/8th Meeting, 2022  
APPLSRC202214307**

Indhira College of Education, 1, Pandur, VGR Gardens, Thiruvallur, Thiruvallur, Tamilnadu-631203. <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.  <b>RESPONDENT</b>
--	------------------	--

<b>Representative of Appellant</b>	<b>Mr. K. Angayar Kanan, Chief Executive Officer</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND OFS OF WITHDRAWAL**

The appeal of **Indhira College of Education, 1, Pandur, VGR Gardens, Thiruvallur, Thiruvallur, Tamilnadu-631203** dated 12.02.2022 filed under Section 17 of NCTE Act, 1993 against the Order No. **F.SRO/NCTE/APSO3642/B.Ed./TN/2021/29838** 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 (FSCN). The institution has submitted its reply vide letter dated 29.10.2019. The Committee observed the reply submitted by the institution and found the following deficiencies.

1. The institution submitted a copy of letter dt. 09.12.2016 regarding approval of 13 faculties for B.Ed course issued by the Registrar, TTEU. The institution also submitted copy of letters dt. 16.09.2017 and 02.12.2016 issued by the Registrar, TTEU regarding approval of Principal and 7 Assistant Professors for M.Ed. course.  
The institution did not submit latest approval of affiliating University for B.Ed and M.Ed courses.  
The faculty strength is not enough for both B.Ed and M.Ed courses as required under Appendix 4 and 5 of NCTE Regulation, 2014.  
The institution did not submit approval of affiliating body regarding faculty for D.El.Ed course.
2. The institution submitted Encumbrance Certificate but the same belongs to “House Site” and “Agricultural Land”. This is not permissible under rules.
3. The institution has submitted certified/ notarised copy of the Lease deed.
4. The institution is required to submit an attested/notarized copy of Land Use Certificate issued by the Competent Authority.
5. The institution submitted copy of building plan but shown the amenities only for B.Ed. course in which multi-purpose hall area is not sufficient as per NCTE Norms. The institution did not submit building plan showing all facilities for M.Ed and D.El.Ed courses with demarcated built-up area for all the courses being run in the premise.
6. The institution has not submitted a notarised/attested copy of Site Plan approved by the Competent Authority.
7. The institution has submitted a photocopy of BCC has submitted which is not legible as per NCTE Regulations.
8. 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.
9. The institution has not submitted a “Form A” issued by the respective Bank Manager towards creation of FDR of Rs. 7 lakh and 5 lakh, totalling Rs. 12 lakh along with copy of FDRs.
10. The institution did not submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 and 5 of NCTE Regulation, 2014.
11. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulation, 2014.
12. The institution did not submit registration certificate, bye laws etc. related to the managing society/ trust.

Hence, the Committee decided to withdraw the recognition granted to Indhira College of Education, Pandur, Thiruvallar Taluk, District-631203, Tamilnadu for





conducting B.Ed., M.Ed., & D.T.Ed. programme with effect from the academic session i.e. 2022-2023 onwards under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above.”

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The Chief Executive Officer of Indhira College of Education, 1, Pandur, VGR Gardens, Thiruvallur, Thiruvallur, Tamilnadu-631203** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-

1. The latest approval of the affiliating university was submitted.
2. Land conversion certificate submitted instead of encumbrance certificate to show the land does not come under house site and agriculture land.
3. Notarized copy of lease was submitted.
4. Notarized copy of the land use certificate issued by the competent authority submitted.
5. The building plan rectified building plan showing amenities for B.Ed. & M.Ed. course with demarcation was submitted at a later stage.
6. Attested copy of the site plan approved by the competent authority December 2019.
7. Photocopy of the legible building completion certificate was also submitted.
8. Disbursement of salary to faculty and non-teaching staff members through bank account is regularly disbursed.
9. The institution submitted a Form A issued by the respective bank manager towards creation of FDR of Rs. 7 lakh and 5 lakh, totalling Rs. 12 lakhs along with copy of FDRs.
10. Details of admin and professional staff members were also submitted.
11. The website of the institution has been uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014.
12. Trust also was submitted.

## **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 was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 22.11.2005. Thereafter, promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dated 02.03.2015 for its willingness for adherence



of provisions of new Regulations. A revised provisional recognition order was issued to the institution on 12.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16.

The appeal committee noted that the appellant institution moved a writ petition before the Hon'ble High Court of Delhi bearing W.P.C. no. 13944/2022 titled Indhira College of Education (B.Ed.) V/s National Council for Teacher Education & Anr. The Hon'ble Court vide its order dated 27.09.2022 issued following direction upon the Appellate Authority:-

***“...5. The Appellate Authority of NCTE may also endeavour to dispose of the Petitioner's appeal as expeditiously as possible and will in any event do so not later than three months from today...”***

*In compliance of court order dated 27.09.2022 passed by Hon'ble Delhi High Court in W.P.C. no. 13944/2022 titled Indhira College of Education (B.Ed.) V/s National Council for Teacher Education & Anr, the instant matter was taken up by the Appellate Appeal Committee wherein the committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7<sup>th</sup> November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:*

- (i) A copy of approved staff list (1+15) for B.Ed. programme.
- (ii) A copy of Land Use Certificate
- (iii) A copy of Encumbrance Certificate.
- (iv) A copy of Lease deed with sale deed document.
- (v) A copy of Site Plan
- (vi) A copy of Building Completion Certificate
- (vii) A copy of disbursement of salary through bank.
- (viii) A copy of Form 'A' and fixed deposit.
- (ix) A copy of Administrative staff particulars.
- (x) A copy of Website details
- (xi) A copy of trust deed.

The institution has submitted an order passed by SCERT with respect to D.El.Ed. course regarding closure of the said programme.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 07.01.2022. The



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

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 07.01.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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



**IV. DECISION: -**

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

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

  
**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, Indhira College of Education, 1, Pandur, VGR Gardens, Thiruvallur, Thiruvallur, Tamilnadu-631203**
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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-176/E-258506/2022 Appeal/8th Meeting, 2022  
APPLSRC202214308**

Indhira College of Education, 1, Pandur, VGR Gardens, Thiruvallur, Thiruvallur, Tamilnadu-631203. <b>APPELLANT</b>	<b><u>Vs</u></b>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.  <b>RESPONDENT</b>
--	------------------	--

<b>Representative of Appellant</b>	<b>Mr. K. Angayar Kanan, Chief Executive Officer</b>
<b>Respondent by</b>	<b>Regional Director, NRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND OFS OF WITHDRAWAL**

The appeal of Indhira College of Education, 1, Pandur, VGR Gardens, Thiruvallur, Thiruvallur, Tamilnadu-631203 dated 12.02.2022 filed under Section 17 of NCTE Act, 1993 against the Order No. F.SRO/NCTE/APS07731/M.Ed./TN/2021/29839 dated 07.01.2022 of the Northern

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 vide letter dated 29.10.2019. The Committee observed the reply submitted by the institution and found the following deficiencies:-

1. The institution submitted a copy of letter dt. 09.12.2016 regarding approval of 13 faculties for B.Ed course issued by the Registrar, TTEU. The institution also submitted copy of letters dt. 16.09.2017 and 02.12.2016 issued by the Registrar, TTEU regarding approval of Principal and 7 Assistant Professors for M.Ed. course.  
The institution did not submit latest approval of affiliating University for B.Ed and M.Ed courses.  
The faculty strength is not enough for both B.Ed and M.Ed courses as required under Appendix 4 and 5 of NCTE Regulation, 2014.  
The institution did not submit approval of affiliating body regarding faculty for D.El.Ed course.
2. The institution submitted Encumbrance Certificate but the same belongs to "House Site" and "Agricultural Land". This is not permissible under rules.
3. The institution has submitted certified/ notarised copy of the Lease deed.
4. The institution is required to submit an attested/notarized copy of Land Use Certificate issued by the Competent Authority.
5. The institution submitted copy of building plan but shown the amenities only for B.Ed. course in which multi-purpose hall area is not sufficient as per NCTE Norms. The institution did not submit building plan showing all facilities for M.Ed and D.El.Ed courses with demarcated built-up area for all the courses being run in the premise.
6. The institution has not submitted a notarised/attested copy of Site Plan approved by the Competent Authority.
7. The institution has submitted a photocopy of BCC has submitted which is not legible as per NCTE Regulations.
8. 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.
9. The institution has not submitted a "Form A" issued by the respective Bank Manager towards creation of FDR of Rs. 7 lakh and 5 lakh, totalling Rs. 12 lakh along with copy of FDRs.
10. The institution did not submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 and 5 of NCTE Regulation, 2014.
11. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulation, 2014.
12. The institution did not submit registration certificate, bye laws etc. related to the managing society/ trust.

Hence, the Committee decided to withdraw the recognition granted to Indhira College of Education, Pandur, Thiruvallar Taluk, District-631203, Tamilnadu for



conducting B.Ed., M.Ed., & D.T.Ed. programme with effect from the academic session i.e. 2022-2023 onwards under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above.”

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The Chief Executive Officer of Indhira College of Education, 1, Pandur, VGR Gardens, Thiruvallur, Thiruvallur, Tamilnadu-631203** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-

1. The latest approval of the affiliating university was submitted.
2. Land conversion certificate submitted instead of encumbrance certificate to show the land does not come under house site and agriculture land.
3. Notarized copy of lease was submitted.
4. Notarized copy of the land use certificate issued by the competent authority submitted.
5. The building plan rectified building plan showing amenities for B.Ed. & M.Ed. course with demarcation was submitted at a later stage.
6. Attested copy of the site plan approved by the competent authority December 2019.
7. Photocopy of the legible building completion certificate was also submitted.
8. Disbursement of salary to faculty and non-teaching staff members through bank account is regularly disbursed.
9. The institution submitted a Form A issued by the respective bank manager towards creation of FDR of Rs. 7 lakh and 5 lakh, totalling Rs. 12 lakhs along with copy of FDRs.
10. Details of admin and professional staff members were also submitted.
11. The website of the institution has been uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014.
12. Trust also was submitted.

## **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 was granted recognition for M.Ed. Course with an annual intake of 25 students vide order dated 06.05.2008. Thereafter, promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dated 02.03.2015 for its willingness for adherence



of provisions of new Regulations. A revised provisional recognition order was issued to the institution on 22.05.2015 for conducting M.Ed. programme of two years duration with an annual intake of 50 students (One unit) from the academic session 2015-16.

The appellant institution moved a writ petition before the Hon'ble High Court of Delhi bearing W.P.C. no. 13992/2022 titled Indhira College of Education (M.ed) V/s National Council for Teacher Education & Anr. The Hon'ble Court vide its order dated 28.09.2022 issued following direction upon the Appellate Authority:-

***"...6. The Appellate Authority of NCTE may also endeavour to dispose of the Petitioner's appeal as expeditiously as possible and will in any event do so not later than three months from today..."***

In compliance of Court order dated 28.09.2022 passed by the Hon'ble High Court of Delhi in W.P.C. no. 13992/2022 titled Indhira College of Education (M.ed) V/s National Council for Teacher Education & Anr, and the instant matter was taken up by Appeal Committee and the committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7<sup>th</sup> November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of Performance Appraisal Report (PAR).
- (ii) A copy of approved staff list (10).
- (iii) A copy of Land Use Certificate
- (iv) A copy of Encumbrance Certificate.
- (v) A copy of Lease deed with sale deed document.
- (vi) A copy of Site Plan
- (vii) A copy of Building Completion Certificate
- (viii) A copy of disbursement of salary through bank.
- (ix) A copy of Form 'A' and fixed deposit.
- (x) A copy of administrative staff particulars.
- (xi) A copy of Website details
- (xii) A copy of trust deed.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 07.01.2022. The



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

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 07.01.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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



**IV. DECISION: -**

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

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



**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, Indhira College of Education, 1, Pandur, VGR Gardens, Thiruvallur, Thiruvallur, Tamilnadu-631203**
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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-140/E-160598/2020 Appeal/8<sup>th</sup> Meeting, 2022  
APPLNRC202013680**

Shri Vijay Swaroop Mahila College of Education, PS-1, Sikandra, Pt. Deen Dayal Upadhyaypuram, Agra, Uttar Pradesh – 282005. <b>APPELLANT</b>	<b><u>Vs</u></b>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.  <b>RESPONDENT</b>
---	------------------	--

<b>Representative of Appellant</b>	<b>Mr. Anil Yadav, Representative of Shri Vijay Swaroop Mahila College of Education</b>
<b>Respondent by</b>	<b>Regional Director, NRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of **Shri Vijay Swaroop Mahila College of Education, PS-1, Sikandra, Pt. Deen Dayal Upadhyaypuram, Agra, Uttar Pradesh – 282005** dated 20.06.2020 filed under Section 17 of NCTE Act, 1993 against the Order No.

NRC/NCTE/UP-1247/311<sup>th</sup> meeting/2019 dated 09.07.2020 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that:-

“The institution has submitted reply in NRC office on 16.07.2019. The matter was considered by the NRC in its 311<sup>th</sup> meeting held from 16<sup>th</sup> to 17<sup>th</sup> January, 2020 and the Committee decided as under:-

- As per SOP, two SCN u/s 17 have already been issued. Therefore, the recognition of the institution may be withdrawn as enough opportunities have been given to the institution.

Hence, NRC decided to withdraw the recognition under Section 17 of the NCTE Act, 1993 from the end of the academic session next following the dated of order of withdrawal. A detailed withdrawal order be issued to the college.”

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The representative of Shri Vijay Swaroop Mahila College of Education, PS-1, Sikandra, Pt. Deen Dayal Upadhyaypuram, Agra, Uttar Pradesh – 282005** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that “**we are confirmed by Dr. B.R.A. University Agra letter no. Affil/179/2020 on date 13/03/2020 received on 13806/2020.**”

## **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 was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 06.07.2005. Thereafter, in the light of NCTE Regulations, 2014 revised recognition order No. NRC/NCTE/UP-1247/2015/10053-58 dated 18.05.2015 for B.Ed course of two years duration with an annual intake of two units of 50 students each was issued to the institution with certain condition.





The Appellant institution moved to the Hon'ble Delhi High Court by the way of W.P.C. No. 2900/2021 titled Shri Vijay Swaroop Mahila College of Education V/s National Council for Teacher Education and Anr. And the court vide its order dated 04.03.2021 observed that:-

***"...8. In view of the aforesaid, the impugned order of the Appellate Committee dated 19.11.2020 is set aside, and the matter is remanded to the Appellate Committee for a fresh consideration of the petitioner's appeal, keeping in mind the observations made in this order. The documents filed by the petitioner in the present writ petition will be taken into account by the Appellate Committee. It is expected that the Appellate Committee will dispose of the appeal in terms of this order, within a period of three months from today..."***

The Appellant institution approached the Hon'ble Delhi High Court by the way of W.P.C. No. 12371/2022 titled Shri Vijay Swaroop Mahila College of Education V/s National Council for Teacher Education and Anr. And the court vide its order dated 26.08.2022 issued following directions:-

***"...5. In the opinion of the Court, when there is non-compliance on Respondents' part, Petitioner-college has a right to pray for a stay of withdrawal order. In such circumstances, the writ petition is allowed and the following directions are issued: (i) withdrawal order dated 09th July, 2020 shall remain stayed for the academic session 2022-23; (ii) NRC is directed to reflect the status of the Petitioner-College on its official website as a 'recognised institution' for running B.Ed. Course, and shall also communicate the same to Petitioner-College's affiliating university and the concerned State Government enabling them to participate in ongoing counselling process – so that it may admit students for the academic session 2022-23; and (iii) NCTE is directed to forthwith decide the pending statutory appeal of Petitioner-College, in terms of the order dated 4th March, 2021 in W.P. (C) 2900/2021..."***

In compliance of Court order dated 04.03.2021 and 26.08.2022 passed by Hon'ble High Court of Delhi in W.P.C. No. 2900/2021 titled Shri Vijay Swaroop Mahila College of Education V/s National Council for Teacher Education and Anr, and W.P.C. No. 12371/2022 titled Shri Vijay Swaroop Mahila College of Education V/s National Council for Teacher Education and Anr, respectively, the instant matter was taken up by the Appeal Committee and the Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal



hearing on 7<sup>th</sup> November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of letter dated 5.3.2020 approving the faculty (1 HoD + 7 Lecturers) alongwith a list of faculty of (1 HoD + 15 lecturer)
- (ii) A proof with respect to disbursement of salary of the faculty members.
- (iii) A copy of affidavit of each faculty member.

The committee noted that the institution has submitted one faculty list approved by the affiliating University dated 05.03.2020 in which only 8 faculty members were approved by the affiliating body. Now, the institution has submitted faculty list of 1+15 members by the Affiliating University which was approved on the same day i.e. 05.03.2020. The Committee considered both the faculty list submitted by the institution and found that both are self-contradictory as on the same day i.e. 05.03.2020 the affiliating university has approved list of 8 faculty and list of 1+15 faculty as such faculty list submitted by the institution cannot be relied upon. The institution has failed to explain as to why the affiliating University has issued two faculty lists on the same day.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 09.07.2020 issued by NRC is confirmed.

#### **IV. DECISION: -**

**After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 09.07.2020 issued by NRC is confirmed.**

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

  
**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, Shri Vijay Swaroop Mahila College of Education, PS-1, Sikandra, Pt. Deen Dayal Upadhyaypuram, Agra, Uttar Pradesh – 282005**
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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-225/E-269145/2022/Appeal/8<sup>th</sup> Meeting, 2022  
APPLNRC202214448**

Sir C.R.R. College of Education, G.N.T. Road, Opp. SP Bungalow, Eluru, West Godavari-53, Andhra Pradesh. <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.  <b>RESPONDENT</b>
---	------------------	--

<b>Representative of Appellant</b>	<b>Dr. V. Raj Laxmi, Principal</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of **Sir C.R.R. College of Education, G.N.T. Road, Opp. SP Bungalow, Eluru, West Godavari-53, Andhra Pradesh** dated 20.06.2020 filed under Section 17 of NCTE Act, 1993 against the Order No. **F.SRC/NCTE/APS00425/B.Ed/API/2022** dated 20.07.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that:-

“ (i) The institution was issued a Last Reminder Letter on 15.03.2021. The institution failed to submit reply along with the requisite documents/ information to the Last Reminder Letter. The committee also noted that the institution has not even filed Performance Appraisal Report (PAR).

Hence, the recognition granted to Sir CRR College of Education, Opp. To S.P. Bungalow, N.H. 5, Eluru-534007, West Godavari District, Andhra Pradesh for B.Ed course is withdrawn under Section 17(1) of NCTE Act, 1993 from the end of next academic session i.e. 2023-2024. On withdrawal of recognition, the affiliation of any granted under Clause 8(10) of NCTE Regulation, 2014 by the concerned affiliating body from the next academic session stands withdrawn. Hence, the institution is not entitled to participate in counselling / making admissions from the next academic session i.e. 2023-2024.”

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The representative of Sir C.R.R. College of Education, G.N.T. Road, Opp. SP Bungalow, Eluru, West Godavari-53, Andhra Pradesh** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-

1. That the SRC vide its order dated 20.07.2022 has withdrawn our recognition for conducting B.Ed course, observing the deficiencies which were already clarified/ ratified by our institution. A copy of Withdrawal order dated 20.07.2022 of SRC is enclosed as Enclosure 1
2. That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief.
3. That SRC, NCTE vide its order dated 06.04.2000 granted recognition to the Appellant institution for running the B.Ed course. Thereafter, SRC issued revised order dated 19.07.2007 granted recognition to the Appellant institution for running the B.Ed course with annual intake of 75 students from the Academic session 2000-01. Thereafter, the Appellant institution applied for enhancement in intake and revised recognition order dated 18.09.2001 was issued by the SRC for running the B.Ed course with an annual intake of 160 students. Subsequent to coming into force the new NCTE Regulation, 2014, the SRC issued revised recognition order dated 06.05.2015 for conducting the B.Ed course with 3 units of 50 students each i.e. total intake of 150 students. Thereafter, since the duration of B.Ed course was increased from 1 year to 2 years, therefore, the infrastructure available with Appellant institution was in respect of 2 units only. Accordingly, SRC issued Revised Recognition order dated 04.03.2017 in respect of 2 units i.e. 100 students.



- Thereafter, in view of lesser number of admissions, Appellant institution submitted an application on 09.05.2017 for reduction of intake and SRC issued revised recognition order on 08.08.2017 granting recognition to Appellant institution for running the B.Ed course with an annual intake of 50 students from the academic session 2017-18. A copy of SRC order dated 08.08.2017 is enclosed as enclosure 2.
4. That thereafter, appellant institution was functioning successfully and uninterruptedly.
  5. That thereafter, the SRC took a general decision to issue show cause notices to all institutions to observe compliance made by them. Accordingly, the SRC issued the show cause notice dated 13.05.2019. A copy of SRC show Cause notice dated 13.05.2019 is enclosed as enclosure 3.
  6. That thereafter, the appellant institution on 14.06.2019 submitted its reply to show cause notice dated 13.05.2019. A copy of reply dated 14.06.2019 is enclosed as Enclosure 4.
  7. That thereafter, the SRC issued final show cause notice dated 08.11.2021 on the altogether new/ different grounds, which were neither specified to the appellant institution nor were communicated to appellant institution earlier. However thereafter, the SRC issued letter dated 15.03.2021. A copy of SRC letter dated 15.03.2021 is enclosed as Enclosure 5.
  8. That thereafter, the appellant institution vide its reply dated 03.04.2021 submitted its point wise reply and also the documents as were sought by the SRC vide letter dated 15.03.2021. A copy of appellant's letter dated 03.04.2021 is enclosed as Enclosure 6.
  9. That the said reply dated 03.04.2021 was forwarded through speed post to SRC on 03.04.2021. A copy of speed post receipt dated 03.04.2021 is enclosed as Enclosure 7.
  10. That thereafter, the appellant institution vide its letter dated 27.07.2021 forwarded additional documents including ratified staff list and documents pertaining to additional built up area, notarized building plan etc. A copy of appellant's letter dated 27.07.2021 is enclosed as Enclosure 8.
  11. That however, the SRC in its 412<sup>th</sup> meeting, wrongly observed that appellant institution has not submitted reply to letter dated 15.03.2021 and decided to withdraw recognition of appellant institution. In the said meeting the SRC also pointed out the appellant institution has not submitted the PAR. Accordingly, the SRC issued withdrawal order dated 20.07.2022 to the appellant institution withdrawing recognition for running the B.Ed course from the session 2022-23.
  12. That it is submitted that the appellant institution on 03.04.2021 had submitted response to letter dated 15.03.2021 through speed post mentioned and enclosed above. Further, likewise various institutions, appellant institution could not submit PAR due to technical glitch on NCTE website.
  13. That further, prior to mentioning in withdrawal order, the SRC though issued show cause notices, but never pointed out submission of PAR documents. It is submitted that the appellant institution is having all the requisite documents which are required for submission of PAR, and will place before the SRC, as and when the SRC so desire.
  14. That therefore, the appellant institution has preferred its online appeal dated 03.09.2022 under section 18 of NCTE Act, 1993. As per procedure, the





- Appellant institution is submitted herewith the hardcopy of online appeal. A copy of the online appeal of the appellant institution is enclosed as Enclosure 9.
15. That it is submitted that our institution does not lack anything on the basis of which, withdrawal of our institution may sustain in order to pacify the appeal committee, the appellant institution is also enclosing with its appeal, the documents which were asked by the SRC and submitted by the appellant institution.
  16. That it is submitted that the appellant institution is running sine the year 2000 and does not lack any infrastructural and instructional facilities required as per the NCTE norms and the NRC itself have issued the recognition/ revised recognition order to the appellant institution for B.Ed. course.
  17. That it is submitted that at one stage, the appellant students duly approved by the SRC and now the appellant institution is running with a reduced annual intake of 50 students only, therefore, no question of lack of facilities or faculties in the appellant institution, arises.
  18. That it is submitted that thus, the withdrawal order dated 20.07.2022 of SRC is not maintainable and the appeal committee is requested to revert the decision taken by SRC with further direction to SRC to restore the recognition of appellant institution thereby granting an opportunity to 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. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 75 students vide order dated 19.07.2000 for conducting B.Ed. course of one year and thereafter vide order dated 18.09.2021 for an intake of 160 students. However, a revised provisional recognition order was issued on 06.05.2015 to the institution for conducting B.Ed. programme of two years duration with an annual intake of 100 students (two basic units) from the academic session 2015-16. Thereafter, the SRC in its 342<sup>nd</sup> meeting held on 5<sup>th</sup>-6<sup>th</sup> July, 2017, decided for reduction of intake from 2 units to 1 unit on dated 08.08.2017.

The appellant institution moved a writ petition before the Hon'ble High Court of Delhi bearing W.P.C. no. 14076/2022 titled Sir C.R.R. College of Education V/s National Council for Teacher Education & Anr. The Hon'ble Court vide its order dated 28.09.2022 issued following direction upon the Appellate Authority:-



***“...6. The Appellate Authority of NCTE may also endeavour to dispose of the Petitioner’s appeal as expeditiously as possible and will in any event do so not later than three months from today...”***

In compliance of Court order dated 28.09.2022 passed by Hon’ble High Court of Delhi in W.P.C. no. 14076/2022 titled Sir C.R.R. College of Education V/s National Council for Teacher Education & Anr, and the instant matter was taken up by the Appeal Committee and the committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7<sup>th</sup> November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of Land Use Certificate.
- (ii) A copy of Encumbrance Certificate
- (iii) A copy of Site Plan
- (iv) A copy of Building Completion Certificate.
- (v) A copy of Form ‘A’ along with Fixed Deposit.
- (vi) A copy of screenshot of website
- (vii) A copy of statement of accounts.
- (viii) A list of Faculty of 1+9 members has been submitted.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 20.07.2022. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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

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



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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 20.07.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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

#### **IV. DECISION: -**

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

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



**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, Sir C.R.R. College of Education, G.N.T. Road, Opp. SP Bungalow, Eluru, West Godavari-53, Andhra Pradesh**
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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-17/E-235814/2022 Appeal/8<sup>th</sup> Meeting, 2022  
APPLSRC202114204**

Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu- 606807 <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.  <b>RESPONDENT</b>
---	------------------	--

<b>Representative of Appellant</b>	<b>Mr. P. Srinivasan, Administrative Officer</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of **Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu-606807** dated 02.12.2021 filed under Section 17 of NCTE Act, 1993 against the Order No. **F.SRO/NCTE/APS07706/B.Ed./{TN}/2021/128724** dated 06.10.2021 of the Southern

Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that:-

“The institution was issued a Last Reminder (Letter). The institution has submitted its reply vide dated 23.11.2020. The Committee observed the reply submitted by the institution and found the following deficiencies.

Vide last reminder letter dt. 06.11.2020 the institution was directed to submit the latest staff for both B.Ed and M.Ed courses as previously the proforma of faculty was not having date of approval. Vide its letter dt. 23.11.2020 the institution had submitted a copy of letter dt. 05.07.2017 issued by the Registrar, TTEU regarding approval of only 2 Assistant Professors for Pedagogy subjects. The proforma of these 2-faculty submitted but that is also not having date of approval. The institution failed to submit latest staff list approved by the affiliating body.

Hence, the Committee decided to withdraw the recognition granted to Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu-606807 for conducting B.Ed & M.Ed programme with effect from the academic session i.e. 2021-2022 onwards under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above.”

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The Administrative Officer of Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu-606807 appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that “we are submitting herewith the latest qualified staff list approved by the Registrar, TTEU Chennai.”**

## **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 was granted recognition for M.Ed. Course with an annual intake of 25 students vide order dated 30.05.2008. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 02.01.2015 for its willingness for adherence of





provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 25.05.2015 for conducting M.Ed course of two years duration with an annual intake of 50 (One unit) from the academic session 2015-16.

The appellant institution moved a writ petition before the Hon'ble High Court of Delhi bearing W.P.C. no. 10465/2022 titled Grace College of Education (M.Ed) V/s National Council for Teacher Education & Anr. The Hon'ble Court vide its order dated 12.07.2022 issued following direction upon the Appellate Authority:-

***"...Thus, in the interest of justice and in light of the position taken by co-ordinate benches of this court, the order dated 18<sup>th</sup> April, 2022 passed by the Appellate Authority is set aside and the matter is remanded back to the Appellate Authority. The matter be remanded back to the Appellate Authority, which shall now, taking into consideration subsequent developments and in particular, the list of faculty members dated 13<sup>th</sup> December, 2021 (annexed as Annexure P-4 to the present petition), within a period of three weeks from today and shall take a decision thereon in accordance with law..."***

In compliance or order dated 12.07.2022 passed by the Hon'ble High Court of Delhi in W.P.C. no. 10465/2022 titled Grace College of Education (M.Ed) V/s National Council for Teacher Education & Anr and the instant matter was taken up by Appeal Committee and the Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7<sup>th</sup> November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of approved faculty list 1+10 members for M.Ed. programme.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 06.10.2021. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.



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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 06.10.2021 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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

#### **IV. DECISION: -**

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



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

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



Deputy Secretary (Appeal)

**Copy to :-**

1. **The Principal, Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu-606807**
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.



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 dated 23.02.2022. The Committee observed the reply submitted by the institution and found the following deficiencies:-

1. The institution submitted a copy of letter dated 24.11.2021 issued by the Dean CDE Andhra University regarding approval of 1 principal and 8 faculty. The faculty strength is not sufficient to run B.Ed. Course as per Appendix of NCTE Regulation, 2014. The institution also failed to submit supporting documents in terms of educational qualification of the faculty and experience certificate of the Principal.
2. The programme of faculty is signed by the Dean, CDC and Registrar, Andhra University but the date of approval is not mentioned over it.
3. The institution was granted recognition on the land (i) Lease Deed dated 27.07.2002 at Survey No. 36/9 and (ii) Sale Deed dated 22.05.2001 at Survey No. 30W2, 305/12, 305/2, 302/17. The institution with the reply of Final Show Cause Notice submitted copy of Sale Deed dated 03.09.2003 related to land at Survey No. 250-4, 251-1,2,3,4 change of the location without prior permission of NCTE is in violation of Clause in (9) of NCTE Regulation, 2014.
4. Other documents same as building plan NCTE, LUC, BCC etc. cannot be considered on the force of deficiency in land document.
5. 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.
6. The institution did not submit registration, bye-laws etc. related to the managing society/trust.
7. The institute failed in submission of the bank statement of all individual faculty and institution's 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.

Hence, the Committee decided to withdraw the recognition granted to Chaitanya College of Education, Cheedikada Road, Chodavaram Village & Mandal, Visakhapatnam District-531036, Andhra Pradesh for conducting b.Ed programme with effect from the academic session i.e. 2022-2023 onwards under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above."

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The Principal of Chaitanya College of Education, 250/4, 251/1,2,3,4, Chodavaram, Cheedikada Road, Visakhapatnam, Andhra Pradesh-531036**



appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-

1. Herewith submitting the latest approved staff list along with required documents.
2. Herewith submitting the latest approved staff list as per the requirement.
3. Shifting permission order is permitted vide order number F.SRO/NCTE/APS00220/B.Ed./AP/2016-17/85716 dated 26/05/2016 to shift from old location to new location i.e., survey number 250/4, 251/1,2,3,4 Cheedikada Road, Chodavaram Village and Mandal, Visakhapatnam Dist. 5301036 Andhra Pradesh. Herewith submitting the copy shifting permission order for change of location (survey numbers 250/4, 251/1,2,3,4).
4. Herewith submitting the copy of shifting permission order VIDE ORDER NUMBER F.SRO/NCTE/APS00220/B.ED./A0/2016-17/85716 DATED 26/05/2016 for your kind consideration. Hence, I am requesting you to kindly consider the other related documents.
5. Herewith submitting the documents related to website of our institution.
6. Herewith submitting the required documents for your kind consideration.
7. Herewith submitting the required Bank Statement for your kind consideration.

### 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 was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 03.03.2003. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 21.01.2014. A revised provisional recognition order was issued on 14.05.2015 to the institution for conducting B.Ed. programme of two years duration with an annual intake of 100 students (Two basic units) from the academic session 2015-16.

The appellant institution moved a writ petition before the Hon'ble High Court of Delhi bearing W.P.C. no. 13975/2022 titled Chaitanya College of Education V/s National Council for Teacher Education & Anr. The Hon'ble Court vide its order dated 27.09.2022 issued following direction upon the Appellate Authority:-

***“...2. Briefly stated, Petitioner was granted recognition for its B.Ed. degree by Respondent No. 2 [Southern Regional Committee – hereinafter “SRC”] on 03rd March, 2003. A revised recognition order was issued on 14<sup>th</sup> May, 2015 pursuant to the notification of the National Council for Teacher***





***Education (Recognition Norms and Procedure) Regulations, 2014. However, SRC, vide its order dated 14th March, 2022, decided to withdraw the recognition of Petitioner for running B.Ed. course for academic session 2022-23. The Petitioner has filed an appeal against the aforesaid order under Section 18 of the National Council for Teacher Education Act, 1993 [hereinafter "the Act"], before the Appellate Authority of Respondent No. 1 [National Council for Teacher Education – hereinafter "NCTE"], which is pending consideration***

***5. The Appellate Authority of NCTE may also endeavour to dispose of the Petitioner's appeal as expeditiously as possible and will in any event do so not later than three months from today..."***

In compliance of Court order dated 27.09.2022 passed by the Hon'ble High Court of Delhi in W.P.C. no. 13975/2022 titled Chaitanya College of Education V/s National Council for Teacher Education & Anr, the instant matter was taken up by the Appeal Committee and the Committed noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7<sup>th</sup> November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of approved faculty list of 1+15 members.
- (ii) A copy of sale deed along with true translated copy from Telugu to English dated 03.09.2003.
- (iii) A copy of NEC.
- (iv) A copy of LUC.
- (v) A copy of BCC.
- (vi) A copy of statement of account regarding disbursement of salary of the faculty members.

The Committee noted that vide its order dated 26.05.2016 issued by the SRC the permission was granted to the institution to shift the premises from lease property to its own premises. The appeal committee noted that deficiency pointed out by the SRC in its withdrawal order has now been rectified by the institution. Hence, the committee decided to remand back the matter to the SRC to decide a fresh.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 14.03.2022. The



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

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

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

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

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

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

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



**IV. DECISION: -**

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

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

  
**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, Chaitanya College of Education, 250/4, 251/1,2,3,4, Chodavaram, Cheedikada Road, Visakhapatnam, Andhra Pradesh-531036**
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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-70/E-244964/2022 Appeal/8th Meeting, 2022  
APPLSRC202214287**

Jyothi Sri College of Education, 10th Block, Kandulapuram Village, Cumbum Post, Kandulapuram 99/1 Cumbum, 10th Block Cumbum, Prakasam Andhra Pradesh-523333. <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.  <b>RESPONDENT</b>
---	------------------	--

<b>Representative of Appellant</b>	<b>Mr. Sakam Krishna Ranga Reddy, Secretary &amp; Correspondent</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of **Jyothi Sri College of Education, 10th Block, Kandulapuram Village, Cumbum Post, Kandulapuram 99/1 Cumbum, 10th Block Cumbum, Prakasam Andhra Pradesh-523333** dated 18.02.2022 filed under Section 17 of NCTE Act, 1993 against the Order No.

**F.SRO/NCTE/SRCAPP2609/B.Ed./AP/2021/129773** dated 31.12.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that:-

“The SRC constituted a sub-committee headed by the Prof. K.K. Shine, Chairman, SRC. The Sub-Committee visited the institution on 30.09.2021 and found that the management obtained recognition to B.Ed, D.El.Ed., additional intake in D.El.Ed. and B.P.Ed. courses without adhering any of the norms & standards prescribed by the NCTE for example as per NCTE norms to run a B.P.Ed course minimum 5 acres of land alongwith playgrounds, indoor stadium and many other facilities. To the surprise of the committee there is no playground nor any facility for offering B.P.Ed course as such to escape from the fraud committed by the management they have give a letter on the spot that they are willing to close down the B.P.Ed. course. It means they are running this programme without any facility for the last couple of years. Even no facilities are made available for other programmes too. It is a clear case of fraud committed by the institution colluding with the VT Team Members from NCTE and also misled the University and other authorities and running the institution. Therefore, the committee on the basis of observations of sub-committee decided to direct the RD, SRC to either handover the case to the Vigilance and NCTE Hqrs. With a recommendation to black-list the VT Team Members and also inform the respective institution for the indulgence.

The Committee observed that the institution failed to submit reply to the Show Cause Notice (SCN).

Hence, the Committee decided to withdraw the recognition granted to Jyothi Sri College of Education, Plot No. 99/1, 10<sup>th</sup> Block, Kandulapuram Village, Cumbum Post Office, Cumbum Taluk & City, Parkasam District-523333, Andhra Pradesh for conducting B.Ed programme under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above.”

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The Secretary & Correspondent of Jyothi Sri College of Education, 10th Block, Kandulapuram Village, Cumbum Post, Kandulapuram 99/1 Cumbum, 10th Block Cumbum, Prakasam Andhra Pradesh-523333** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-

“The SRC vide its order dated 31.12.2021 has withdrawn our recognition for conducting B.Ed. course, without following due procedure and without observing that deficiencies pointed were already clarified / ratified by our institution. A copy of





Withdrawal order dated 31.12.2021 of SRC is enclosed as Enclosure 1. 2. That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief. 3. That NCTE has been established under the provisions of the NCTE Act, 1993 [Act No. 73 of 1993] which came into force w.e.f. 01.07.1995. The NCTE has been established under the with a view to achieve planned and coordinated development of the teacher education system throughout the country, regulation and maintenance of norms and standards in the teacher education system and for matters connected therewith. Section 2 (C) defines "Council" as under: "(c) "Council" means the National Council for Teacher Education established under sub-section (1) of section 3" It is submitted that Chapter III of the said NCTE Act, provides for functions of the Council (NCTE) and section 13 Thereof, provides for inspection of recognized institution, in the following terms; "(1) For the purpose of ascertaining whether the recognized institution are functioning in accordance with the provision of this Act, the Council may cause inspection of any such institution, to be made by such person as it may direct, and in such manner as may be prescribed. (2) The Council shall communicate to the institution the date on which inspection under sub-section (1) is to be made and the institution shall be entitled to be associated with the inspection in such manner as may be prescribed. (3) The Council shall communicate to the said institution, its views in regard to the results of any such inspection and may, after ascertaining the opinion of that institution, recommend to that institution the action to be taken as a result of such inspection. (4) All communications to the institution under this section shall be made to the executive authority thereof, and the executive authority of the institution shall report to the Council the action, if any, which is proposed to be taken for the purpose of implementing any such recommendation as is referred to in sub-section (3)." 4. It is submitted that Chapter-IV of the NCTE Act contains provisions regarding recognition of teacher education institutions and Section 14 and 15 thereof deals with recognition of institutions offering course or training in teacher education and permission for a new course or training by a recognized institution respectively. Further, Section 17 of the aforesaid NCTE Act confers powers to the Regional Committee to withdraw recognition of recognized institutions if the Regional Committee is satisfied that the institution has contravened any of the provisions of the NCTE Act or the Rules, Regulations or Orders made thereunder or any condition subject to which recognition was granted. Section 17 of the said NCTE Act, is reproduced hereunder: "17. Contravention of Provisions of the Act and Consequences thereof (1) Where the Regional Committee is, on its own motion or on any representation received from any person, satisfied that a recognized institution has contravened any of the provisions of this Act, or the rules, regulations, orders made or issued thereunder, or any condition subject to which recognition under sub section (3) of section 14 or permission under sub-section (3) of section 15 was granted, it may withdraw recognition of such recognized institution, for reasons to be recorded in writing: Provided that no such order against the recognized institution shall be passed unless a reasonable opportunity of making representation against the proposed order has been given to such recognized institution: Provided further that the order withdrawing or refusing recognition passed by the Regional Committee shall come into force only with effect from the end of the academic session next following the date of communication of such order. (2) A copy of every order passed by the Regional Committee under sub-section (1), (a) Shall be communicated to the recognized institution concerned and a copy thereof shall also be forwarded simultaneously to the





University or the examining body to which such institution was affiliated for cancelling affiliation and (b) Shall be published in the Official Gazette for general information. (3) Once the recognition of a recognized institution is withdrawn under sub-section (1), such institution shall discontinue the course or training in teacher education, and the concerned University or the examining body shall cancel affiliation of the institution in accordance with the order passed under sub-section (1), with effect from the end of the academic session next following the date of communication of the said order. 5. Further, Section 18 of the said NCTE Act, provides an institution for preferring statutory appeal against the withdrawal order issued under section 17 of the said Act. It is relevant to state that no formal withdrawal order issued under section 17 has been received by the Appellant institution till date and accordingly, no appeal has been preferred by the Appellant institution. Further, Section 31 of the Chapter VII of NCTE Act, 1993, empowers the Council to make Rules and clause 1 and 2 (e) thereof, provides in the following manner: "(1) The Central Government may, by notification in the official Gazette, make rules to carry out the provisions of this Act. (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-(e) the manner in which and the persons by whom the inspection of an institution is to be made and the manner in which the institution is to be associated in such inspection under sub-sections (1) and (2) of section 13 Further, Section 32 of the aforesaid NCTE Act, 1993, empowers the Council to make Regulations. A true copy of the NCTE Act, 1993 is annexed hereto as Annexure P 1 6. That thereafter, in exercise of its powers conferred under section 31 of the NCTE Act, the NCTE framed the National Council for Teacher Education) Rules, 1997 which came into force w.e.f. 03.12.1997. Rule 8 of the said Rules provides for Inspection, in the following manner: "Inspection (1) The Council may appoint one or more committees to be called the Inspection Committees to inspect recognized institutions on its behalf (2) Every inspection committee shall consist of at least one member of the Council and two other persons who shall be experts either in teacher education or educational administration. (3) Every inspection committee shall inspect such recognized institutions as may be assigned to it by the Council. (4) The inspection committee may, after giving at least fifteen days' notice of its intention to inspect the recognized institution, visit such institution for examining the maintenance of norms and standards of teaching, examination and research undertaken by such institution. (5) Before an inspection committee inspects an institution, the committee shall send to the Head of the institution, a questionnaire seeking information on all relevant matters relating to the institution to be inspected. (6) After receipt of the reply to the questionnaire, the inspection committee shall fix the date of inspection by it and communicate the same to the institution concerned. (7) The recognized institution which may be inspected by the inspection committee shall be associated with the inspection in the following manner namely (a) The recognized institution shall nominate not more than three representatives and their names shall be communicated to the concerned inspection committee. (b) The representation or the recognized institution shall be associated with the inspection for such time and in such a manner as may be determined by the inspection committee. (c) In carrying out the inspection, the inspection committee may have discussions with such officers, teachers, and other members of the faculties of the institution to be inspected as may be considered necessary by the committee. (8) As soon as possible after the inspection, the inspection committee shall report its finding to the Council." 7. Subsequently, on 15.09.2003, the NCTE amended the aforesaid NCTE Rules 1997 by bringing into force



the National Council for Teacher Education (Amendment) Rules, 2003, thereby substituting the Rule 8 of NCTE Rules, 1997, in the following manner: The Inspection (1) The council may inspect the recognized institutions in the manner specified in sub rules (2) to (8) (2) Council shall approve a panel of names of experts in teacher education or educational administration who may be able to inspect the recognized institutions. The Chairman shall nominate at least two persons out of the panel of experts to an inspection team. (3) The council shall give a notice of its intention to the institution along with a questionnaire in Form IV seeking information within fifteen days on all relevant matters relating to the institution. (4) On receipt of the questionnaire, the council shall communicate the names of the members of inspection team and the date of inspection to the institution. (5) The institution to be inspected shall nominate its one officer or employee, to be associated with the inspection team. (6) The inspection team shall ascertain as to whether the institution is functioning in accordance with the provisions of the Act and the Rules and Regulations made thereunder: (7) The members of the inspection team may, if deem necessary, interact with the faculty members and other employees of the institution. (8) The inspection team shall submit its report to the council within a period of fifteen days from the last day of the inspection. 8. That thereafter, in exercise of its powers conferred under section 32 of the NCTE Act, in supersession of its previous Regulations, the NCTE published new NCTE (Recognition Norms and Procedure) Regulations, 2014 which came into force with effect from 01.12.2014. Regulation 5 of the said Regulations provides for manner of making application by an institution and Regulation 7 provides for processing thereof by the Regional Committee concerned. Further, Clause 13 of Regulation 7 provides for issuance of letter of intent by Regional Committee concerned, prior to grant of recognition and Clause 16 of Regulation 7 provides for issuance of recognition order to an institute for conducting the teacher training course. 9. That thereafter, in the year 2015, the NCTE issued a public notice inviting applications from the institutions seeking grant of recognition for conducting a teacher training course and pursuant thereto, the Appellant institution submitted its online application before the NCTE/SRC on 28.05.2015 along with the prescribed processing fee and sought recognition for conducting the B.Ed. course. Subsequently, on 30.05.2015, the Appellant institution submitted hardcopy of the online application along with other supporting documents to the SRC including the land documents containing Building Plan, Conversion of Land Use, Non-Encumbrance Certificate etc., as per the requirement of NCTE Regulations, 2014. 10. That thereafter, the SRC duly processed the application of Appellant institution and constituted an inspection team which visited the Appellant institution and carried out the physical inspection of the Appellant institution so as to ascertain the infrastructural and instructional facilities available in the Appellant institution. Accordingly, after verifying the inspection report submitted by the visiting team, SRC issued a letter of intent to petition institution in terms of Regulation 7 (13) of the NCTE Regulations 2014 with direction to comply with conditions contained therein including appointment of faculty as per the NCTE norms, so as to obtain the recognition order under Regulation 7 (16). Accordingly, the Appellant institution appointed the requisite faculty and after obtaining approval thereof from the affiliating university, submitted the same before the SRC in compliance of the conditions of letter of intent. 11. That thereafter, the SRC considered the application of the Appellant institution and issued order dated 28.04.2016 granted recognition to Appellant institution for conducting the B.Ed. course of two years. duration with an annual intake of 100 students 2 units from the academic session



2016-17. It is submitted that in the said recognition order dated 28.04.2016, the SRC, specifically mentioned as under: "And whereas, on scrutiny of the application submitted by the institution, the documents attached therewith, the affidavit submitted and the report received from VT and Videography, and the certificates received from the university, the Committee is satisfied that the applicant fulfils the requirements under the provisions of NCTE ACT, Rules and relevant Regulations including the Norms and Standards for the said teacher education programme such as instructional facilities, infrastructural facilities, financial resources, etc., for running the programme." Thus, before granting recognition, SRC, also considered Visiting Team Report, Videography as well as certificates received from the University and having been satisfied with the same, issued the recognition order dated 28.04.2016 to the Appellant institution. A true copy of SRC order dated 28.04.2016 is annexed hereto as ANNEXURE P 2 12. That thereafter, on obtaining recognition from the NCTE, the Appellant institution also obtained affiliation from the affiliating university for conducting the said course. It is relevant to state here that the affiliating university accorded its affiliation to the Appellant institution, only after being satisfied with adherence of University Norms and fulfilment of infrastructural facilities by the Appellant institution, with regard to conducting the aforesaid B.Ed. course. 13. That thereafter, no documents or information or compliance was asked by the SRC from the Appellant institution and the Appellant institution was running successfully and admitting students till the academic session 2021-22. 14. That thereafter, the SRC in its 401st Meeting held on 11th & 12th August 2021, considered the courses being run by the Appellant institution and decided as under: "The SRC decided to constitute a committee with the following members to visit the institution and to verify the infrastructural and instructional facilities along with human resource: - 1. Prof. K.K.Shine, Chairperson, SRC, NCTE. 2. Prof. Ramesh Ghanta, Member, SRC, NCTE. 3. Dr. S. Vijayavardini, School of Education, Dravidian University, Kuppam. 4. Registrar representative of Acharya Nagarjuna University. The committee is requested to submit the report within three weeks." A true copy of the relevant extracts of the Minutes of 401st Meeting of SRC held on 11th & 12th August 2021 is annexed hereto as Annexure P 3 15. That it is submitted that the aforesaid visiting team constituted by the SRC, was not in consonance with the NCTE Inspection Rules, 2003, which provides for prior approval of the Council to a panel of names of experts to be nominated by the Chairman. Thus, visiting team was not duly constituted and accordingly, its members were not eligible to cause inspection of the Appellant institution. However, a letter dated 17.09.2021 was sent to Appellant institution for causing inspection. A true e copy of the SRC letter dated 17.09.2021 is annexed hereto as Annexure P4 16. That the aforesaid inspection team visited the Appellant institution and carried out inspection of the Appellant institution on 30.09.2021. It is relevant to I to point out that as per the decision taken by the SRC in its 401st meeting, the aforesaid visiting team carried out the inspection of the Appellant institution on 30.09.2021. It is submitted that during inspection, representative of Appellant institution provided all requisite information and documents sought by visiting team. Nemo judex in causa sua, a dictum that translates to "no one should be a judge in his/her own cause", however, the SRC member itself decided to conduct the visit and conducted the same and decided themselves. 17. That thereafter, SRC in its 403rd Meeting held on 18th & 19th October, 2021, considered the inspection report submitted by the visiting team and found the following deficiencies: - "1. Approach road to reach the institution is not available. 2. The institution is situated in the





agricultural land. 3. All labs are ill equipped and non-functional. 4. Library is in bad shape and not in use. 5. The failed to present the faculty though the management advanced information was given to the institution by NCTE and affiliating University. 6. There is faculty list approved by the affiliating body. 7. The building shown to the Committee is not as per the building plan. 8. The land and other facilities are not sufficient to run B.P.Ed., B.Ed., D.El.Ed. and D.El.Ed. (Addl Intake) courses. 9. Students were not available at the time of visit. 10. The institution is not maintaining any essential records. 11. All admissions are made by the students of Odisha and Jharkhand State. 12. Neither any practical nor teaching work is conducted by the institution. 13. The institution is in a very shabby state and the Management's aim is only to make money by illegal practices. Therefore, the Committee decided to withdraw the recognition from the academic session 2021-2022 u/s 17 of NCTE Act, 1993. However, an opportunity is given to the institution before issuing the withdrawal orders, the institution may reply if there is any grievance along with the documentary evidence including an Affidavit within 21 days from the date of issue of the Notice. After perusal of the reply, if there is any, the withdrawal order will be issued to the Institution. The management has misled the NCTE and VT Members, affiliating University, and the State Government, obtained recognition and permission by providing all the false information for B.Ed., B.P.Ed. D.El.Ed. and additional intake in D.El.Ed. courses. The situation in the institution demand further probing by an appropriate body for initiating necessary action against the Management and VT Members associated with it. The request of the management for closure of B.P.Ed. course is deferred for the next meeting." Accordingly, in view of the aforesaid, the SRC issued the show cause notice dated 10.11.2021 to the Appellant. A true copy of the show cause notice dated 10.11.2021 issued by SRC is annexed hereto as Annexure P5 18. That thereafter, the SRC in its 405th Meeting held on 13th & 14th December, 2021, again placed the matter of the Appellant institution and decided to withdraw recognition of the Appellant institution for conducting the B.Ed. course, observing as under: "The SRC constituted a sub-committee headed by the Prof. K.K.Shine, Chairman, SRC. The Sub Committee visited the institution on 30.09.2021 and found that the management obtained recognition to B.Ed., D.El.Ed., additional intake in D.El.Ed. and B.P.Ed. courses without adhering any of the norms & standards prescribed by the NCTE for example as per NCTE norms to run a B.P.Ed. course minimum 5 acres of land along with playgrounds, indoor stadium, and many other facilities. To the surprise of the committee there is no playground nor any facility for offering B.P.Ed. course as such to escape from the fraud committed by the management, they have given a letter on the spot that they are willing to close the B.P.Ed. course. It means they are running this programme without any facility for the last couple of years. Even no facilities are made available for other programme too. It is a clear case of fraud committed by the institution colluding with the VT Team Members from NCTE and misled the University and other authorities and running the institution. Therefore, the committee based on observations of sub-committee. decided to direct the RD, SRC to either handover the case to the Vigilance and NCTE Hqrs, with a recommendation to black-list the VT Team Members and also inform the respective institution for the indulgence. Regarding B.Ed. and D.El.Ed. courses: The Committee observed that the institution failed to submit reply to the Show Cause Notice (SCN). Hence, the Committee decided to withdraw recognition granted to Jyothisri College of Education, Plot No 99/1, 10th Blook. Kandulapuram Village, Cumbum Post Office, Cumbum Taluk & City, Parkasam District-523333, Andhra



Pradesh for conducting B.Ed. programme under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above." A true copy of the relevant extracts of the Minutes of 405th Meeting of SRC held on 13th & 14th December 2021, is annexed hereto as Annexure P 6 19. That so far, the observations made by the SRC in its 405th meeting, on the basis of which, the SRC has decided to withdraw recognition of the Appellant institution, are false and baseless and the said decision has been taken by the SRC, arbitrarily and illegally. Further, as learnt by the Appellant institution, the SRC has proceeded for the aforesaid withdrawal based on a false and fake complaint made against the Appellant institution by an anonymous. 20. That it is submitted that so far as the information/documents desired by the SRC are concerned, the said information/documents are available with the Appellant institution and the same is being submitted before the appellate authority along with the statutory appeal. It is submitted that the Appellant was ready with the response of the Show Cause notice, however, the decision came before its submission. Appellant herein is filing herewith the copy of documents including the translated land documents showing the adequate land, building map showing the play grounds etc., FDRs & Form A issued by the Bank, Conversion of Land Use, Building Completion Certificate in prescribed proforma, Faculty List approved by Affiliating University and Non Encumbrance Certificate, which are annexed hereto as Annexure P 7 (Colly), 21. That it is submitted that the aforesaid decision of withdrawing the recognition of Appellant institution is illegal as the visiting team constituted by the SRC, was not in consonance with the NCTE Inspection Rules, 2003, which provides for prior approval of the Council to a panel of names. of experts to be nominated by the Chairman. Also, neither any questionnaire in Form IV was served to the institution nor the team. was constituted in terms. Thus, visiting team was not duly constituted and accordingly, its members were not eligible to cause inspection of the Appellant institution. 22. That it is submitted that Nemo judex in causa sua, a dictum that translates to "no one should be a judge in his/her own cause", however, the SRC member itself decided to conduct the visit and conducted the same and decided themselves. 23. That it is submitted that the issue involving inspection under section 13 and 17 of the NCTE Act, came up for consideration before the Hon'ble Supreme Court of India in the matter of NCTE & Anr Vs. Vaishnav Institute of Technology & Management [2012 (5) SCC 139] wherein, the Hon'ble Supreme Court of India, held as under: 24. What is clear from the provisions of the 1993 Act is that post-recognition, an institution acquires a different position. On recognition by the Regional Committee under Section 14 and on affiliation being granted by the examining body, once the recognised institution starts functioning, the interest of teachers, employees and the students intervene. In order to ensure that the recognised institutions function in accordance with the 1993 Act, the 1997 Rules, Regulations and the conditions of recognition and, at the same time, the functioning of such recognised institutions s not disturbed unnecessarily, the provision for inspection and follow-up action pursuant thereto has been made in Section 13. 25. By Section 13, as a matter of law, it is intended. that the Council ascertains whether the recognised institutions are functioning in accordance with the provisions of the 1993 Act or not. For that purpose, it empowers the Council to cause inspection of any such institution to be made by such persons as it may direct, and in such manner as may be prescribed. The Council may authorize the Regional Committee to carry out its function of inspection. But such inspection has to be made as prescribed in Rule 8 to find out whether such recognised institution is or is not functioning in accordance with the provisions of the 1993 Act. 26. In the 1997 Rules framed by the Central



Government, Rule 8 deals with the inspection and sub-rule (6) provides that the inspection team shall ascertain as to whether the recognised institution is functioning in accordance with the provisions of the 1993 Act and the Rules and Regulations made thereunder. 27. On the inspection being completed as provided in sub-sections (1) and (2) of Section 13 of the 1993 Act read with Rule 8 of the 1997 Rules, the Council is required to communicate to the institution concerned its views with regard to the outcome of the inspection and, if deficiencies are found, to recommend to such institution to make up the deficiencies. The whole idea is that the Council as a parent body keeps an eye over the recognised institutions that they function in accordance with the 1993 Act and the Rules and the Regulations and Orders made or issued thereunder and, if any recognised institution is found wanting in its functioning, it is given an opportunity to rectify the deficiencies. 28. Derecognition or withdrawal of recognition of a recognised institution is a drastic measure. It results in dislocating the students, teachers, and the staff. That is why, the Council has been empowered under Section 13 to have a constant vigil on the functioning of a recognised institution. On the recommendation of the Council after inspection, if a recognised institution does not rectify the deficiencies and continues to function in contravention of the provisions of the 1993 Act or the Rules or the Regulations, the Regional Committee under Section 17 has full power to proceed for withdrawal of recognition in accordance with the procedure prescribed therein. 29. Sections 17 and 13 must be harmoniously construed. In exercise of its powers under Section 17, the Regional Committee may feel that inspection of a recognised institution is necessary before it can arrive at the satisfaction as to whether such a recognised institution has contravened any of the provisions of the 1993 Act or the Rules or the Regulations or the Orders made thereunder or breached the terms of the recognition. In that event, the route of inspection as provided under Section 13 has to be followed. If the Regional Committee has been authorized by the Council to perform its function of inspection, the Regional Committee may cause the inspection of recognised institution to be made as provided in Section 13 and prescribed in Rule 8. Where, however, the Regional Committee feels that the inspection of a recognised institution is not necessary for the proposed action under Section 17, obviously it can proceed in accordance with the law without following the route of inspection as provided under Section 13," 24. That it is submitted that in view of aforesaid observation made by the Hon'ble Supreme Court, it is a wholesome) dispensation which clearly notes the drastic nature of an order of de-recognition of a functioning institution and the deleterious consequences that such action would have, on the dislocated students, teachers and staff. Accordingly, there cannot be any legitimate objection, to allowing the institution to function till the appeal is decided by the appellate authority. 25. That it is submitted that the decision taken by the SRC to withdraw the recognition of institution is also contrary to the Standard Operating Procedures (SoP) notified by the NCTE wherein it has been categorically provided that 2nd show cause notice should be issued before proceeding for the withdrawal of the recognition of the recognized institution whereas in the instant. case the ERC has failed to adhere with the SOPs. However, in the case of Appellant institution, no 2nd show cause notice has been issued to the Appellant institution before taking the decision by SRC to withdraw recognition of the Appellant institution. It is submitted that in terms of the said SOP, the SRC was mandatorily required to issue the 2nd show cause notice in light of 1st show cause notice before taking the impugned decision of withdrawal. 26. That it is submitted that decision taken by SRC is not as per the statutory provisions and does not survive in light of the judgment of this Hon'ble





Court in Shyama Prasad Mukherjee Vs. National Council for Teacher Education / (2010) 171 DLT 459 That it is submitted that before taking decision of withdrawal of recognition of Appellant institution, the SRC failed to observe that on obtaining recognition from the NCTE, the Appellant institution also obtained affiliation from the affiliating university for conducting the said course. It is relevant to state here that the affiliating university accorded its affiliation to the Appellant institution, only after being satisfied with adherence of University Norms and fulfilment of infrastructural facilities by the Appellant institution, with regard to conducting the aforesaid B.Ed. course. 27. That it is submitted that SRC failed to observe that the Appellant institution is an old institution running since 2015 and the SRC itself had granted recognition to it after satisfying with. infrastructural & instructional facilities available in the Appellant institution and also adherence of NCTE norms by the Appellant institution in respect of running the B.Ed. programme. It is submitted that the Appellant institution does not lack any infrastructural and instructional facility. required as per the norms for conducting the B.Ed. course, as prescribed either by NCTE or the affiliating university or the State Govt. Further, the Appellant institution has never violated or breached any of the condition prescribed by the said regulatory bodies, 28. That it is submitted that appellant approached Hon'ble High Court of Delhi vide Writ Petition (C) No. 1021/2022 and High Court vide its Order dated 28.01.2022 clarified that the institution will participate in the counseling for the session 2021-22 and will assail the remedy before the appeal committee. A True Copy of the Order dated 28.01.2022 passed in W.P. (C) No. 102/2022 is being annexed herewith as ANNEXURE P8. 29. That while issuing the withdrawal order, the SRC failed to observe that the request of the appellant institution was accepted by the SRC itself and the appellant institution is having the requisite infrastructure and faculty for running B.Ed. course with reduced intake which is as per the norms of NCTE. PRAYER It is, therefore, most respectfully prayed that NCTE may graciously be pleased to:-(i) allow the instant Appeal of the Appellant and restored the recognition of the Appellant institution thereby granting an opportunity to the appellant institution to submit the documents desired by the SRC.

### 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 was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 28.04.2016.

The Appellant institution has moved to Hon'ble Delhi High Court by the way of W.P.C. no. 13850/2022 and the court vide its order dated 26.09.2022 issued following directions:-

***"...5. Appellate Committee of NCTE may also endeavour to dispose of Petitioner's appeal as expeditiously as possible and practical, and will in any event do so not later than three months from today..."***





In compliance of Court order dated 26.09.2022 passed by the Hon'ble High Court of Delhi in W.P.C. no. 13850/2022 titled Jyothisri College of Education v/s National Council for Teacher Education and Anr, the instant matter was taken up by the Appeal Committee on 7<sup>th</sup> November, 2022. The Appeal Committee noted that the SRC in its 401<sup>st</sup> meeting held on 11<sup>th</sup> & 12<sup>th</sup> August, 2021 constituted a sub-committee to verify infrastructure and instructional and accordingly the sub-committee has inspected the institution and have given their report to the SRC. The SRC has considered the report given by sub-committee and observed as under:-

**“..the management obtained recognition to B.Ed, D.El.Ed., additional intake in D.El.Ed. and B.P.Ed. courses without adhering any of the norms & standards prescribed by the NCTE for example as per NCTE norms to run a B.P.Ed course minimum 5 acres of land alongwith playgrounds, indoor stadium and many other facilities. To the surprise of the committee there is no playground nor any facility for offering B.P.Ed course as such to escape from the fraud committed by the management they have give a letter on the spot that they are willing to close down the B.P.Ed. course. It means they are running this programme without any facility for the last couple of years. Even no facilities are made available for other programmes too. It is a clear case of fraud committed by the institution colluding with the VT Team Members from NCTE and also misled the University and other authorities and running the institution. Therefore, the committee on the basis of observations of sub-committee decided to direct the RD, SRC to either handover the case to the Vigilance and NCTE Hqrs. with a recommendation to black-list the VT Team Members and also inform the respective institution for the indulgence.**

**The Committee observed that the institution failed to submit reply to the Show Cause Notice (SCN).”**

The Committee noted that the institution is running three courses that is B.Ed., B.P.Ed. and D.El.Ed. and D.El.Ed. (additional) The Committee further noted that the institution has challenged the withdrawal order only for B.Ed. course.

The Committee noted that the SRC has passed the said withdrawal order on the basis of report given by sub-committee of the SRC, and the institution has also not submitted any response to the Show cause Notice issued by the SRC.



Hence, the Appeal Committee is of the view that the appellant institution has failed to explain the observation made by the sub-committee of the SRC. The Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 31.12.2021 issued by SRC is confirmed.

**IV. DECISION: -**

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 31.12.2021 issued by SRC is confirmed.

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

  
**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, Jyothi Sri College of Education, 10th Block, Kandulapuram Village, Cumbum Post, Kandulapuram 99/1 Cumbum, 10th Block Cumbum, Prakasam Andhra Pradesh-523333**
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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-198/E-262806/2022 Appeal/8th Meeting, 2022  
APPLSRC202214423**

K.S.R and K.R.K. College of Education, Burripalem Road, Tenali, Guntur-522201, Andhra Pradesh. <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <b>RESPONDENT</b>
--	------------------	--

<b>Representative of Appellant</b>	<b>Dr. T. Sai Sankar representative of K.S.R. and K.R.K. College of Education</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND OFS OF WITHDRAWAL**

The appeal of **K.S.R and K.R.K. College of Education, Burripalem Road, Tenali, Guntur-522201, Andhra Pradesh** dated 12.07.2022 filed under Section 17 of NCTE Act, 1993 against the Order No. **F.SRO/NCTE/APS04072/B.Ed./AP/2022/132018** dated 12.05.2022 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 dated 09.04.2022. The Committee observed the reply submitted by the institution and found the following deficiencies:-

1. The building plan submitted by the institution is neither approved nor legible
2. The following faculty was appointed after notification (dt. 09.06.2017) of NCTE (Amendment) Regulations, 2014 and are not qualified as not possessing NET qualification:
  - a. V.V. Lakshmi Vasundhara
  - b. Mrs. Vijeeta Thappera
  - c. Mrs. Syamala Kumari Penumatsa
  - d. Mrs. Aruna Gunduboina
3. 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.
4. 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.
5. The institution did not submit registration certificate and bye laws of the managing society/ trust.

Hence, the recognition granted to KSR and KRK College of Education, H. No. 22-16-6, Deshodharaka Veedhi, Kothapet, Tenali, Guntur District, Andhra Pradesh-522201 for B.Ed. course is withdrawn under Section 17(1) of NCTE Act, 1993 from the next academic session i.e. 2022-2023. On withdrawal of recognition, the affiliation if any granted under Clause 8(10) of NCTE Regulation, 2014 by the concerned affiliating body from the next academic session stands withdrawn. Hence, the institution is not entitled to participate in counselling/ making admissions from the academic session i.e. 2022-2023.

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The Representative of K.S.R and K.R.K. College of Education, Burripalem Road, Tenali, Guntur-522201, Andhra Pradesh** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-



1. That the SRC vide its order dated 12.05.2022 has withdrawn our recognition for conducting B.Ed Course, observing the deficiencies which were already clarified/ ratified by our institution. A copy of Withdrawal order dated 12.05.2022 of SRC is enclosed as Enclosure 1.
2. That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief.
3. That SRC NCTE vide its order dated 06.01.2006 granted recognition to the appellant institution for running the B.Ed course in the appellant institution with annual intake of 100 students from the academic session 2006-07. Further, revised recognition order dated 19.05.2015 with intake of 100 students, was issued to the appellant institution for conducting the B.Ed course. A copy of recognition order dated 06.01.2006 and revised recognition order dated 19.05.2015 are enclosed Enclosure 2 (Colly).
4. That subsequently, our institution submitted its compliance to the revised recognition order was running successfully thereafter. However, pursuant to a general decision taken by SRC in its 381st meeting, SRC issued a show cause notice dated 13.11.2019 to our institution and sought certain documents/ information in compliance of revised recognition order it is relevant to note that the show cause notice revealed the course as B.P.ED. A copy of SRC show cause notice dated 13.11.2019 is enclosed as Enclosure 3.
5. That the aforesaid show cause notice was responded by our institution vide letter dated 02.12.2019, whereby, our institution pointed out the error of the course and sought clarification. A true copy of the Letter dated 02.12.2019 is being annexed as Enclosure 4.
6. That thereafter, again without considering the letter submitted by us issued final show cause notice dated 14.03.2022. A copy of SRC show cause notice dated 14.03.200 is enclosed as Enclosure 5.
7. That it is submitted that we vide its letter dated 09.04.2022 submitted the reply to the show cause notice with the relevant documents. A copy of reply dated 09.04.2022 is enclosed as Enclosure 5.
8. That without considering that the documents submitted by the institution and without seeking any clarification there to SRC issued withdrawal recognition of our institution. It is submitted that the withdrawal order issued by the SRC is totally devoid of merit and is not as per statutory provisions mandated under NCTE Act, 1993 and also without following the due procedure.
9. That it is submitted that as per the withdrawal order we are submitting the following documents to show that our institution is fulfilling all the norms and conditions of the NCTE. 1. Building Plan, 2. Latest approved Faculty List with Qualifications. 3. Web site screen shot. 4. Proof of disbursement of salary to faculty and non-teaching staff. 5. Registration Certificate and By Laws of Society. The True Copy of the Building Plan. Latest approved Faculty List with qualifications, Website screen shot, Proof of disbursement of salary to faculty and non-teaching staff, Registration Certificate and By Laws of Society are being enclosed herewith as Enclosure 6 (colly).
10. That it is submitted that SRC ought to have provided and opportunity before taking drastic decision of withdrawal, as the same will cause irreparable academic harm and injury to the appellant institution.
11. That it is submitted that the SRC failed to observe that the deficiencies pointed out by the SRC vide its show cause notices, were cured by the appellant



- institution and the SRC was required to conduct inspection of the appellant institution, before deciding withdrawal of the appellant institution.
12. That it is submitted that the SRC had pointed out deficiencies on the basis of inspection report, therefore, unless the SRC re-inspects the appellant institution, it is not possible to ascertain to whether, deficiencies pointed out by it earlier, have been cured or not.
  13. That now therefore, appellant institution has preferred its online appeal dated 12.07.2022 under section 18 of NCTE Act, 1993. As per procedure, the Appellant institution is submitted herewith the hardcopy of online appeal. It is submitted that in order to pacify the appeal committee, the appellant institution is also enclosing with its appeal, the documents which were asked by the SRC and submitted by the appellant institution. A copy of the online appeal of the appellant institution is enclosed as Enclosure 7.
  14. That it is submitted that the appellant institution is running since the year 2006 and does not lack any infrastructural and instructional facilities required as per the NCTE norms and the SRC itself have issued the recognition/ revised recognition order to the appellant institution for B.Ed. course.
  15. That it is submitted that thus, the withdrawal order dated 12.05.2022 of SRC is not maintainable and the appeal committee is requested to revert the decision taken by SRC with further direction to SRC to restore the recognition of appellant institution thereby granting an opportunity to 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. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 06.01.2006. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 21.01.2015. A provisional revised recognition order was issued on 19.05.2015 to the institution for conducting B.Ed. programme of two years duration with an annual intake of 100 students (Two basic units) from the academic session 2015-16.

The Appellant institution has moved to the Hon'ble Delhi High Court by the way of W.P.C. No. 13970/2022 and the court vide its order dated 27.09.2022 issued following direction:-





***“...5. Appellate Committee of NCTE may also endeavour to dispose of Petitioner’s appeal as expeditiously as possible and practical, and will in any event do so not later than three months from today...”***

In compliance of Court order dated 27.09.2022 passed by Hon’ble High Court of Delhi in W.P.C. No. 13970/2022 titled K.S.R and K.R.K. College of Education V/s National Council for Teacher Education & Anr, the instant matter was taken up by the Appeal Committee and the Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7<sup>th</sup> November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of land documents.
- (ii) A copy of Land Use Certificate (LUC).
- (iii) A copy of Statement of Encumbrance on property.
- (iv) A copy of Site Plan.
- (v) A copy of Building Completion Certificate (BCC).
- (vi) A copy of Form ‘A’ along with Fixed Deposit.
- (vii) A copy of approved staff list (1+17).
- (viii) A copy of screenshot of Website.
- (ix) A copy of Bye-laws.
- (x) A copy of Salary Disbursement.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 12.05.2022. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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





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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 12.05.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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

#### **IV. DECISION: -**

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

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



**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, K.S.R and K.R.K. College of Education, Burripalem Road, Tenali, Guntur-522201, Andhra Pradesh**
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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-117/E-258561/2022 Appeal/8th Meeting, 2022  
APPLSRC202214406**

Lenora College of Education, Churches of Christ Complex, Yerram Reddy Nagar, Andhra Pradesh-533288. <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.  <b>RESPONDENT</b>
--	------------------	--

<b>Representative of Appellant</b>	<b>Mr. A. Nageswara Rao, Principal</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of **Lenora College of Education, Churches of Christ Complex, Yerram Reddy Nagar, Andhra Pradesh-533288** dated 31.05.2022 filed under Section 17 of NCTE Act, 1993 against the Order No. **F.SRO/NCTE/APS00099/B.Ed./AP/2022/130757** 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 vide dated 02.01.2022. The Committee observed the reply submitted by the institution and found the following deficiencies:-

1. The institution submitted a proforma of 9 faculty signed by the Registrar, A.N. University, but the date of approval is not mentioned over it. The institution also failed to submit supporting documents in terms of educational qualification of the faculty and experience certificate of the faculty.
2. The institute did not submit notarized English translation of land documents.
3. The institute only submitted copies of FDRs of Rs. 8 Lakhs against the Form 'A' issued by the Bank also not submitted.
4. The building plan submitted is neither approved nor legible.
5. The institute did not submit LUC and NEC.
6. The website is not functional.
7. Society Registration Certificate, Bye laws etc. not submitted.
8. BCC not submitted.
9. Affidavit as directed to submit in Show Cause Notice not submitted.
10. The institute failed in submission of the bank statement of all individual faculty and institution's 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.

Hence, the Committee decided to withdraw the recognition granted to Lenora College of Education, Rampachodavaram Revenue Division, East Godavari District- 533288, Andhra Pradesh for conducting B.Ed programme with effect from the academic session i.e 2022-2023 onwards under 17(1) of NCTE Act, 1993 on the grounds mentioned above.

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The Principal of Lenora College of Education, Churches of Christ Complex, Yerram Reddy Nagar, Andhra Pradesh-533288** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-

1. That the SRC vide its order dated 14.03.2022 has withdrawn our recognition for conducting B.Ed. course, observing the deficiencies, which were already



clarified/ Ratified by our institution. A copy of withdrawal order dated 14.03.2022 of SRC is enclosed as Enclosure I.

2. That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief.
3. That SRC NCTE vide its order dated 16.12.2003 granted recognition to the appellant institution for running the B.Ed. course in the appellant institution with an annual intake of 100 students from the academic session 2003-04.
4. That Further, revised recognition order dated 30.05.2015 was issued and thereafter the SRC vide its order dated 21.07.2017 allowed reduction of intake with only 50 seats. A True Copy of the revised recognition order dated 30.05.2015 and Reduction Order dated 21.07.2017 are enclosed as Enclosure 2 (Colly).
5. That thereafter, SRC vide its letter dated 31.12.2021 issued the final show cause notice and institution replied to the same vide its letter dated 02/06.01.2022. A copy of SRC Show cause notice dated 31.12.2021 and 02/06.01.2022 is enclosed as Enclosure 3 (colly)
6. That however, notwithstanding the reply and documents submitted by the Appellant institution, the SRC again taken up the matter of appellant institution and decided to withdraw recognition of appellant institution observing that the petitioner institution has not complied with the aforesaid show cause notices.
7. That it is submitted that the withdrawal order issued by the SRC is totally devoid of merit and is not as per statutory provision mandated under NCTE Act, 1993 and also without following a due procedure.
8. That it is submitted that SRC ought to have provided and opportunity before taking drastic decision of withdrawal, as the same will cause irreparable academic harm and injury to the appellant institution.
9. That it is submitted that the SRC failed to observe that the deficiencies pointed out by the SRC vide its show cause notices, were cured by the appellant institutions and the SRC was required to conduct inspection of the appellant institution, before deciding withdrawal of Appellant institution.
10. That it is submitted that the institution is hereby submitting the following documents before the Council for your kind perusal:
  - (i) Approved faculty list with column containing date of joining along with the supporting documents of qualification.
  - (ii) Notarized English translation of land documents.
  - (iii) FDRS.
  - (iv) Building Plan.
  - (v) LUC
  - (vi) Website proof
  - (vii) BCC
  - (viii) Affidavit
  - (ix) Bank Statement showing the salary disbursement.

These documents are being annexed herewith as Enclosure 4 (Colly).

11. That Now, therefore, appellant institution has preferred it online appeal dated 31.05.2022 under section 18 of NCTE Act, 1993. As per the procedure, the appellant institution is submitted herewith the hardcopy of online appeal which is enclosed as Enclosure 5 (Colly).



12. That it is submitted that the appellant institution is running since the year 2003 and does not lack any infrastructural and instructional facilities required as per the NCTE norms and the NRC itself have issued the recognition/ revised recognition order to the Appellant institution for B.Ed course.
13. That it is submitted that thus, the withdrawal order dated of SRC is not maintainable and the Appeal Committee is requested to revert the decision taken by the SRC with further direction to the SRC to restore the recognition of Appellant institution thereby granting an opportunity to the Appellant institution to submit documents desired by the SRC.
14. That the appellant institution is reaching before the Appellate Committee at this belated stage due to the circumstances prevailed out of Covid pandemic because of which the appellant institution was not functioning properly and regularly, and the administrative staff management of the institution was not in a position of working effectively.

### 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 was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 16.12.2003. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 19.01.2015. A provisional revised recognition order was issued on 30.05.2015 to the institution for conducting B.Ed. programme of two years duration with an annual intake of 100 students (Two basic units) from the academic session 2015-16. An order dated 21.07.2017 for reduction of intake from 2 units to 1 unit was issued as per the decision of SRC.

The appellant institution had moved to the Hon'ble Delhi High Court by the way of W.P.C. No. 13973/2022 titled Lenora College of Education V/s National Council for Teacher Education & Anr. The Hon'ble Court vide order dated 27.09.2022 issued following directions:-

***"...5. Appellate Committee of NCTE may also endeavour to dispose of Petitioner's appeal as expeditiously as possible and practical, and will in any event do so not later than three months from today..."***





In compliance of the order dated 27.09.2022 passed by the Hon'ble High Court of Delhi in W.P.C. No. 13973/2022 titled Lenora College of Education V/s National Council for Teacher Education & Anr, the instant matter was taken up by the Appeal Committee and the committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7<sup>th</sup> November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of land ownership documents.
- (ii) A copy of Land Use Certificate.
- (iii) A copy of Site Plan.
- (iv) A copy of Building Completion Certificate (BCC).
- (v) A copy of Form 'A' along with copy of Fixed Deposit.
- (vi) A copy of approved faculty list of (1+9).
- (vii) A copy of screenshot of the website.
- (viii) A copy of salary disbursement.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 14.03.2022. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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

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

***“Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the***



***matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed.”***

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

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

**IV. DECISION: -**

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

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

  
**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, Lenora College of Education, Churches of Christ Complex, Yerram Reddy Nagar, Andhra Pradesh-533288**
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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT  
File No. 89-86/E-247135/2022 Appeal/8th Meeting, 2022  
APPLSRC202214297**

Sree Vyshnavi B.Ed. College, 498 Kalvagadda Anjaneya Swamy Temple, Gooty Ananatpur, Andhra Pradesh- 515401 <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.  <b>RESPONDENT</b>
--	------------------	--

<b>Representative of Appellant</b>	<b>Dr. D Chandrasekhar Naidu</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND'S OF WITHDRAWAL**

The appeal of **Sree Vyshnavi B.Ed. College, 498 Kalvagadda Anjaneya Swamy Temple, Gooty Ananatpur, Andhra Pradesh-515401** dated 25.02.2022 filed under Section 17 of NCTE Act, 1993 against the Order No. **F.SRO/NCTE/APS09644/B.Ed./AP/2021/129767** dated 31.12.2021 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 vide dated 27.11.2021. The Committee observed the reply submitted by the institution and found the following deficiencies:-

1. The institution has submitted notarized photocopy of Building Completion Certificate in which total Built-up area 16175.26 Sqft (1502sqmt) not sufficient for B.Ed. 2 basic unit and sufficient for one unit.
2. The institution has submitted photocopy of faculty list in which the experience of the principal has been overwriting without any attestation.
3. The institution has submitted notarized photocopy of faculty list for B.Ed 100 students 1+9 faculty against the requirement of 1+15 faculty.
4. The institution has not submitted a "Form A" issued by the respective Bank Manager towards creation of joint FDR of Rs. 7 lakh and 5 lakh, totalling Rs. 12 lakh towards Endowment Fund and Reserve Fund.
5. 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.
6. 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 Regulation, 2014.
7. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14), and 10(3) of NCTE Regulation, 2014.
8. The institution has not submitted Affidavit clearly stating status about land & building and Management (Society/Trust) at the time of recognition and its present status giving following details:
  - (i) A copy of land & building available at the time of recognition with the institution.
  - (ii) A copy of land & building now available with the institution.
  - (iii) A copy of status of management at the time of recognition and its present status.
  - (iv) A copy of Building Plan and Site Plan in which approving authority seal in regional language.

Hence, the Committee decided to withdraw the recognition granted to Sree Vyshnavi B.Ed College, No. 1-564, Janda Street, No. 498, Gooty Village and Mandal, Anantapur-515401, Andhra Pradesh for conducting B.Ed. programme with effect from the academic session i.e. 2022-2023 onwards under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above.



## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The Representative of Sree Vyshnavi B.Ed. College, 498 Kalvagadda Anjaneya Swamy Temple, Gooty Anantapur, Andhra Pradesh-515401** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-

1. We have submitted a letter from Sree Vyshnavi B.Ed. college on 04.05.2015 for one unit (50 seats) and also affiliated body Sri Krishnadevaraya University, Anantapur, Andhra Pradesh has given affiliation for one unit (50 seats) only in 2016-17 academic year. Letter and affiliation order enclosed.
2. We are submitting approved staff list attested by registrar, s. k. university, Anantapur, attested approved staff list enclosed.
3. We have submitted a letter from Sree Vyshnavi B.Ed. College on 04.05.2015 for one unit (50 seats) and also affiliated body Sri Krishnadevaraya University, Anantapur, Andhra Pradesh has given affiliation for one unit (50 seats) only in 2016-17 academic year. Letter and affiliation order enclosed, so we approved only 1+9 staff.
4. We are submitting Form 'A' from State Bank of India, Gooty, form 'A' enclosed.
5. We are submitting the appointment orders and acquittance of administrative and professional staff, copies are enclosed.
6. We are submitting salary aquitance signed by staff enclosed. The Andhra Pradesh government is not giving rtf properly, so we are paying salaries in cash mode, aquitances are enclosed.
7. On the website of institution [www.svbedc.org](http://www.svbedc.org) provided the information according NCTE Norms.
8. We are submitting affidavit and there is no change in the status details, affidavit enclosed.
9. We are submitting the building plan site plan with the English seal of approving authority, plan enclosed.

## **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 was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 03.10.2011. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 18.01.2015. A provisional revised recognition order was issued on 27.04.2015 to the





institution for conducting B.Ed programme of two years duration with an annual intake of 100 students (Two basic units) from the academic session 2015-16.

The appellant institution had moved to the Hon'ble Delhi High Court by the way of W.P.C. No. 14525/2022 titled Sree Vyshnavi B.Ed. College V/s National Council for Teacher Education & Anr. The Hon'ble Court vide order dated 13.10.2022 issued following directions:-

***“...5. Appellate Committee of NCTE may also endeavour to dispose of Petitioner's appeal as expeditiously as possible and practical, and will in any event do so not later than three months from today...”***

In compliance of Court order dated 13.10.2022 passed by Hon'ble High Court of Delhi in W.P.C. No. 14525/2022 titled Sree Vyshnavi B.Ed. College V/s National Council for Teacher Education & Anr, the instant matter was taken up by the Appeal Committee and the committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7<sup>th</sup> November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of Building Completion Certificate
- (ii) A copy of approved Building Plan with English Seal not regional language seal.
- (iii) A copy of Request letter for 50 seats reduction.
- (iv) A copy of Affiliated University letter for 50 seats (One unit) on 26.07.2016.
- (v) A copy of Approved Staff List
- (vi) A copy of Appointment of Academic and Professional Staff Letter.
- (vii) A copy of No change in Land and Building detailed affidavit
- (viii) A copy of Acquaintance register
- (ix) A copy of Form 'A'.

The Committee noted that the institution has submitted one representation dated 04.05.2015 in which the institution had already requested the SRC for reduction of unit from two basic unit to one basic unit and the institution has submitted faculty list for 1+9 members. In view of the same the committee has decided to remand back the matter.



The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 31.12.2021. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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

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

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

**In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 31.12.2021 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.**

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



15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

**IV. DECISION: -**

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

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

  
**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, Sree Vyshnavi B.Ed. College, 498 Kalvagadda Anjaneya Swamy Temple, Gooty Ananatpur, Andhra Pradesh-515401**
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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-187/E-259198,259199,259200,259201,259202/2022/Apl/2022  
APPLSRC202214411**

Prema College of Education, Thimmapuram, Bhimilli Road, Madhur Avada, Vishakhapatnam, Andhra Pradesh-531163. <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.  <b>RESPONDENT</b>
--	------------------	--

<b>Representative of Appellant</b>	<b>Dr. Tara Devi Acharya, Asst. Professor</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND'S OF WITHDRAWAL**

The appeal of **Prema College of Education, Thimmapuram, Bhimilli Road, Madhur Avada, Vishakhapatnam, Andhra Pradesh-531163** dated 07.06.2022 filed under Section 17 of NCTE Act, 1993 against the Order No. **F.SRO/NCTE/APS07195/B.Ed./AP/2022/130889** dated 15.03.2022 of the Southern

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 dated 12.05.2021. The Committee observed the reply submitted by the institution and found the following deficiencies:

1. The institution submitted a proforma of 16 faculty signed by the Registrar, Andhra University but the date of Joining is not mentioned. Further, the date of joining of faculty is also not mentioned.
2. The institute failed in submission of the bank statement of all individual faculty and institution's 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.
3. The institute submitted a copy of building plan but the same is not approved by the competent authority.
4. As per building plan the size of multipurpose hall is only 108 sq. mt. (1162.50 sq. ft.) which is less than the requirement laid down under NCTE Regulations, 2014.
5. The institute was directed to submit certified/notarized copies of land documents, NEC and LUC but only self-attested copies submitted.
6. Form 'A' issued by the concerned bank for FDRs of Endowment and Reserve Funds has not been submitted.
7. Website of the institute is not functional.

Hence, the Committee decided to withdraw the recognition granted to Prema College of Education, Thimmapuram Village, Madhuravada Post, Visakhapatnam, Andhra Pradesh-531163 for conducting B.Ed programme with effect from the academic session i.e. 2022-2023 onwards under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above.

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**Dr. Tara Devi Acharya, Asst. Professor of Prema College of Education, Thimmapuram, Bhimilli Road, Madhur Avada, Vishakhapatnam, Andhra Pradesh-531163** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-

1. That the SRC vide its order dated 15.03.2022 has withdrawn our recognition for conducting B.Ed. course, observing the deficiencies which were already



clarified / ratified by our institution. A copy of Withdrawal order dated 15.03.2022 of SRC is enclosed as Enclosure 1.

2. That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief.
3. That SRC NCTE vide its order dated 25.09.2007 granted recognition to the appellant institution for running the B.Ed. course in the appellant institution with annual intake of 100 students from the academic session 2007-08. Further, revised recognition order dated 13.05.2015 with intake of 100 students, was issued to the appellant institution for conducting the B.Ed. course. A copy of recognition order dated 25.09.2007 and revised recognition order dated 13.05.2015 are enclosed as Enclosure 2 (Colly)
4. That subsequently, our institution submitted its compliance to the revised recognition order and was running successfully thereafter. However, pursuant to a general decision taken by SRC in its 363rd meeting, SRC issued show cause notice dated 12.10.2018 to our institution and sought certain documents / information in compliance of revised recognition order. A copy of SRC show cause notice dated 12.10.2018 is enclosed as Enclosure 3.
5. That the aforesaid show cause notice was responded by our institution vide a detailed written representation submitted to SRC on 20.11.2018, whereby, our institution submitted the requisite documents & information and clarified its stand.
6. That thereafter, SRC in its 381st meeting considered the matter of various institution and again took a general decision to issue show cause notices to various institution and without considering the documents submitted by our institution, issued final show cause notice dated 20.11.2019 pointing out some new / additional deficiencies. A copy of SRC show cause notice dated 20.11.2019 is enclosed as Enclosure 4.
7. That thereafter, before the appellant institution could submit its response, national lockdown was imposed in the country and neither the appellant institution nor the SRO of NCTE was functioning properly. Thereafter, on resumption, the SRC issued letter dated 07.04.2021 and sought compliance of show cause notice dated 20.11.2019. A copy of SRC letter dated 07.04.2021 is enclosed as Enclosure 5.
8. That thereafter, the appellant institution vide its letter dated 12.05.2021 submitted its reply to the show cause notice dated 20.11.2019 to SRC and also submitted therewith the complete documents / information to the SRC, as sought by SRC vide show cause notices dated 12.10.2018 and 20.11.2019. A copy of letter dated 21.05.2021 of the appellant institution is enclosed as Enclosure 6.





9. That vide the said reply letter dated 12.05.2021, the appellant institution also submitted FDRs of Rs.7 & 5 Lakhs, notarised copy of land documents, approved (building plan, building completion certificate, land use certificate, encumbrance certificate) issued by the competent authority, notarised affidavit in proforma prescribed and the staff list approved by the affiliating university.
10. That thereafter, SRC in 408th Meeting dated 02.03.2022, placed our reply for consideration and without considering properly and going through the documents submitted therewith by our institution, decided to withdraw recognition of our institution. The SRC in its 408th meeting decided as under: "1. The institute submitted a proforma of 16 faculty signed by the Registrar, Andhra University but the date of Joining is not mentioned. Further, the date of joining of faculty is also not mentioned. 2. The institute failed in submission of the bank statement of all individual faculty and institution's 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. 3. The institute submitted a copy of building plan but the same is not approval by the competent authority. 4. As per building plan the size of multipurpose hall is only 108 sq. mt. (1162.50 sq. ft.) which is less than the requirement laid down under NCTE Regulations, 2014. 5. The institute was directed to submit certified/notarized copies of land documents, NEC and LUC but only self-attested copies submitted. 6. Form 'A' issued by the concerned bank for FDRs of Endowment and Reserve Funds has not been submitted. 7. Website of the institute is not functional."
11. That in view of the aforesaid decision, the SRC issued withdrawal order dated 15.03.2022 withdrawing recognition of our institution. It is submitted that the withdrawal order issued by the SRC is totally devoid of merit and is not as per statutory provisions mandated under NCTE Act, 1993 and also without following the due procedure.
12. That the SRC issued the withdrawal order on the basis of show cause notice dated 20.11.2019 to which the petitioner institution had submitted all the requisite documents as sought by SRC and therefore, the reply of the appellant institution was satisfactory.
13. That before issuing the withdrawal order, the SRC failed to observe that the deficiencies on the basis of which, SRC proceeded for withdrawal, were not communicated earlier to the appellant institution and moreover, the said deficiencies are minor and technical and the same are also curable, which can be removed.
14. That it is submitted that so far as the deficiency pertaining to joining date of faculty is concerned, the institution is submitted the faculty list providing therein the date of joining of the faculty. A true copy of the faculty list is enclosed as Enclosure 7.



15. That it is submitted that so far as deficiency pertaining to bank statement of all individual faculty and bank statement is concerned, it is submitted that the said details and bank statement showing disbursement of salary through bank Account to faculty. A copy of bank statement of the appellant institution is enclosed as Enclosure 8.
16. That it is submitted that so far as deficiency pertaining to copy of approved building completion is concerned, it is submitted that the same is approved by the competent authority i.e. Tehsildar, Vishakhapatnam, Andhra Pradesh and the same was submitted by the appellant institution in response to the show cause notices and is again placed herewith for the reference of the appeal committee. A copy of approved building completion certificate is enclosed as Enclosure 9.
17. That it is submitted that so far as deficiency pertaining to size of multipurpose hall is concerned, it is submitted that the appellant institution has adequate land area for the multipurpose hall as per the requirement laid down under NCTE Regulations, 2014 and in support to this, the appellant institution is submitting the building plan earmarking the area of multipurpose hall as 2545 sq. ft. which is much more than the requisite. A copy of approved building plan is enclosed as Enclosure 10.
18. That it is submitted that so far as the deficiency pertaining to certified / notarized copies of land documents, NEC and LUC is concerned, the same were submitted before SRC and are again being submitted with the present appeal, which are issued by the government authority competent for the purpose of issuing the same. A copy of land documents including the NEC and LUC, issued by the competent government authority, are enclosed as Enclosure 11 (Colly).
19. That it is submitted that so far as deficiency pertaining to Form 'A' issued by the concerned bank for FDRs of Endowment & Reserve Funds, are concerned, it is submitted that the same were submitted before the SRC by the appellant institution vide its replies submitted to show cause notices, however, is again submitted herewith for the reference of appeal committee. A copy of Form A and FDRs issued by the Bank, are enclosed as Enclosure 12 (Colly).
20. That it is submitted that so far as deficiency pertaining to none functionality of website of the institute is concerned, it is submitted that the website of the appellant institution is fully and actively functional. A copy of the screen shot of the website of the appellant institution containing the domain of the website, is enclosed as Enclosure 13.
21. That apart from the above, SRC ought to have issued the 2nd show cause notice in light of the 1st show cause notice and reply submitted by the appellant thereto, however, the SRC failed to observe the said aspect of the matter and issued the final show cause notice on different grounds, on the basis of which, it subsequently issued the impugned withdrawal order.



22. That it is submitted that SRC ought to have provided an opportunity before taking drastic decision of withdrawal, as the same will cause irreparable academic harm and injury to the appellant institution.
23. That it is submitted that the SRC failed to observe that the deficiencies pointed out by the SRC vide its show cause notices, were cured by the appellant institution and the SRC was required to conduct inspection of the appellant institution, before deciding withdrawal of the appellant institution.
24. That it is submitted that the SRC had pointed out deficiencies on the basis of inspection report, therefore, unless the SRC re-inspects the appellant institution, it is not possible to ascertain as to whether, deficiencies pointed out by it earlier, have been cured or not.
25. That now therefore, appellant institution has preferred its online appeal dated 07.06.2022 under section 18 of NCTE Act, 1993. As per procedure, the Appellant institution is submitted herewith the hardcopy of online appeal. It is submitted that in order to pacify the appeal committee, the appellant institution is also enclosing with its appeal, the documents which were asked by the SRC and submitted by the appellant institution. A copy of the online appeal of the appellant institution is enclosed as Enclosure 14.
26. That it is submitted that the appellant institution is running since the year 2007 and does not lack any infrastructural and instructional facilities required as per the NCTE norms and the SRC itself have issued the recognition / revised recognition order to the appellant institution for B.Ed. course.
27. That it is submitted that thus, the withdrawal order dated 15.03.2022 of SRC is not maintainable and the appeal committee is requested to revert the decision taken by SRC with further direction to SRC to restore the recognition of appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by the SRC.
28. That the appellant institution is reaching before the appellate committee at this belated stage due to the circumstances prevailed out of Covid pandemic because of which, the appellant institution was not functioning properly and regularly and the administrative staff / management of the institution was not in a position of working effectively.

### **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 was granted recognition for B.Ed. Course with an annual intake of 100 students vide order



dated 25.09.2007. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 12.02.2015. A provisional revised recognition order was issued on 16.05.2015 to the institution for conducting B.Ed. programme of two years duration with an annual intake of 100 students (Two basic units) from the academic session 2015-16.

The Appellant institution moved to the Hon'ble Delhi High Court by way of W.P.C. No. 13945/2022 and the court vide its order dated 27.09.2022 issued following directions:-

***“...5. Appellate Committee of NCTE may also endeavour to dispose of Petitioner's appeal as expeditiously as possible and practical, and will in any event do so not later than three months from today...”***

In compliance of court order dated 27.09.2022 passed by the Hon'ble High Court of Delhi in W.P.C. No. 13945/2022 titled Prema College of Education V/s National Council for Teacher Education & Anr, the instant matter was taken up by the Appeal Committee and the committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7<sup>th</sup> November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of faculty list (1+15) for B.Ed. programme
- (ii) A copy of Bank Statement regarding salary disbursement of faculty.
- (iii) A copy of Building Completion Certificate
- (iv) A copy of Building Plan.
- (v) A copy of Sale Deed.
- (vi) A copy of Land Use Certificate.
- (vii) A copy of NEC.
- (viii) Original Form 'A' with copy of FDRs.
- (ix) Detail of website domain.

The Committee noted that an email dated 11.11.2022 was received from the institution, the relevant extract of the said email is being reproduce hereunder:-

***“With reference to the attached leave letter I herewith bring to your kind notice that our Chairman and Managing Director Sri S.V Adinarayana Rao Garu***



***suffered from Parkinson's disease with pneumonia and could not be available to us at the time of applying for appeal. We were delayed by 45 days due to the above cause. We request you to consider our request and accept the delay occurred."***

In the above circumstance, the Committee decided that the delay be condoned on the grounds of medical exigencies.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 15.03.2022. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 15.03.2022 is set-aside and the Appellate





**Committee has decided to remand back the case to SRC for revisiting the matter.**

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

**IV. DECISION: -**

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

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

  
**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, Prema College of Education, Thimmapuram, Bhimilli Road, Madhur Avada, Vishakhapatnam, Andhra Pradesh-531163**
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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-26/E-236867/2022 Appeal/8th Meeting, 2022  
APPLSRC202214249**

Vallalar College of Education, No. 3A, 2A Melmuttukur Village, Chettikuppam Post, Karthikeyapuram, Melapatti Road, Gudiyttam, Vellore, Tamilnadu-635806. <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.  <b>RESPONDENT</b>
---	------------------	--

<b>Representative of Appellant</b>	<b>Mr. T.N. Aghilan, Director</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND OFS OF WITHDRAWAL**

The appeal of **Vallalar College of Education, No. 3A, 2A Melmuttukur Village, Chettikuppam Post, Karthikeyapuram, Melapatti Road, Gudiyttam, Vellore, Tamilnadu-635806** dated 17.01.2022 filed under Section 17 of NCTE Act, 1993 against the Order No. **F.SRO/NCTE/SRCAPP1947/B.Ed./{TN}/2021/129749**

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 (FSCN). The institution has submitted its reply vide dated 03.06.2020. The Committee observed the reply submitted by the institution and found the following deficiencies.

1. The institution failed to submit latest Staff list duly approved by the Registrar of the affiliating body as per the prescribed Format.
2. 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.
3. 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 Regulation, 2014.
4. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulation, 2014.

Hence, the committee decided to withdraw the recognition granted to Vallalar College of Education, Street No. 3A, 2A, Melmuttukur Village, Chettikuppam Post, Gudiyattam Taluk, Vellore District- 635806, Tamilnadu for conducting B.Ed. programme with effect from the academic session i.e. 2022-2023 onwards under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above.

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The Director of Vallalar College of Education, No. 3A, 2A Melmuttukur Village, Chettikuppam Post, Karthikeyapuram, Melapatti Road, Gudiyttam, Vellore, Tamilnadu-635806** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-

1. A True Copy of the Latest staff list duly approved by the Registrar of Tamilnadu Teachers Education University, Chennai in the prescribed format.
2. Details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulations, 2014 for B.Ed. course.
3. Proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014.
4. Screen shot of the 1st page of website of the institution uploaded with the information required under clauses 7(14)(i) and 10(3) of NCTE Regulations 2014.



### 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 was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 03.03.2015 from the academic session 2015-16.

The Petitioner institute moved to the Hon'ble Delhi High Court by way of W.P.C. No. 12834/2022 wherein the court vide its order dated 05.09.2022 observe:-

***"...Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution has submitted reply dated 23.03.2020 to the Show Cause Notice dated 06.03.2020. Appeal Committee observes that when impugned order is on the ground that appellant institution has not submitted documents wanted in the case and the institution contends that it has furnished the required documents well on time, onus lies on the appellant to submit acceptable evidence of having submitted the documents. In the instant case appellant has not been able to convince the Appellate Authority of its averment and stand. Appeal committee, therefore, decided to confirm the impugned withdrawal order.***

- 5. Keeping in view the afore-noted submissions and in light of the position taken by co-ordinate benches of this court, the instant petition is allowed with the following directions: (i) Appellate Order dated 18th April, 2022 is set-aside, and appeal before the Appellate Authority is restored; (ii) Appellate Authority shall take into consideration subsequent developments, and in particular, the documents furnished by Petitioner which were enclosed with the appeal report by Petitioner; (iii) Appellate Authority shall thereafter pass an appropriate order, in accordance with law and dispose of the appeal as expeditiously as possible but not later than three months from today.."***

In compliance of Court order dated 05.09.2022 passed by the Hon'ble High Court of Delhi in No. 12834/2022 titled Vallalar College of Education V/s National Council for Teacher Education & Anr, the instant matter was taken up by the Appeal Committee and the committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7<sup>th</sup> November,



2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of Approved faculty list.
- (ii) A statement of Salary Disbursement
- (iii) A screenshot of Website.
- (iv) A list of administrative and professional staff.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 30.12.2021. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 30.12.2021 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.



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

**IV. DECISION: -**

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

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



**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, Vallalar College of Education, No. 3A, 2A Melmuttukur Village, Chettikuppam Post, Karthikeyapuram, Melapatti Road, Gudiyttam, Vellore, Tamilnadu-635806**
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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-241/E-276332/2022 Appeal/8th Meeting, 2022  
APPLSRC202113929**

Sri Radhakrishna College of Education, Palakonda, Vaddadivari Street, Srikakulam, Andhra Pradesh-532440. <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <b>RESPONDENT</b>
--	------------------	--

<b>Representative of Appellant</b>	<b>Dr. B. Satyandra Rao, Principal</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of **Sri Radhakrishna College of Education, Palakonda, Vaddadivari Street, Srikakulam, Andhra Pradesh-532440** dated 10.02.2021 filed under Section 17 of NCTE Act, 1993 against the Order No. **F.SRO/NCTE/APS00233/B.Ed./AP/2022/122099-2105** dated 29.12.2020 and **F.No. SRC/NCTE/APS00233/B.Ed/AP/2021/129658** 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 vide dated 26.12.2019 & 17.02.2020. The Committee observed the reply submitted by the institution and found the following deficiencies:-

" The original files of the Institution along with other related documents, NCTE Act, 1993, Regulations Guidelines issued by NCTE from time to time and documents furnished by the institution were carefully considered by the SRC and the following observations were made:-

1. The management has not shifted its institution to its own permanent building which is in violation of the NCTE Regulation, 2002, 3(C).

In addition to the above, the Committee also noted the reply submitted by the institution and found the following deficiencies:-

1. The institution has not submitted 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 notarized copy of English version of land documents).
2. The institution has submitted photocopy of Land Use Conversion Certificate. Wherein the following discrepancies found:-
  - (i) Survey No. not mentioned.
  - (ii) Purpose of LUC is mentioned agricultural Land from the date of vide registration CS. 1046/2001 date 16.05.2001.
3. The institution has not submitted an attested/ notarized copy of Non-Encumbrance Certificate issued by the Competent Authority.
  - (i) The institution has submitted photocopy of Building Plan but the same was not approved by the competent authority. As per building plan built-up area not sufficient for B.Ed. 1 Unit Multipurpose hall not mentioned in Building Plan.
4. The institution has submitted photocopy of Site Plan but not approved by competent authority.
5. The institution has submitted photocopy of Building Completion Certificate, but survey No. and built-up area not mentioned.
6. The institution has not submitted Letter regarding approval of faculty issued by the affiliating body submitted.
  - (i) The institution has not appointed the faculty of Performing Arts, Health & Physical Education and Fine Arts.
7. The institution has submitted copy of FDRs Rs. 3Lakhs and 5 Lakhs.
  - (i) FDR No. 38863582122 Rs. 3 Lakhs is individual name.
  - (ii) FDR No. 34236838930 Rs. 5 Lakhs is matured on 25.09.2019.
  - (iii) The institution has not submitted the "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.



8. Domain name of the website being run by the institution not submitted.

**However, a corrigendum was issued to the institution dated 29.12.2021 stating that:-**

"The decision of SRC taken in 392<sup>nd</sup> meeting held on 15<sup>th</sup> -16<sup>th</sup> December 2020, of order No. F.SRO/NCTE/APS00233/B.Ed./AP/2020/122099-2105 dated 29.12.2020 has been reviewed in its 405<sup>th</sup> meeting held on 13<sup>th</sup>-14<sup>th</sup> December, 2021 and decided as under:-

"The original files of the Institution alongwith older related documents, NCTE Act, 1993, Regulations Guidelines issued by NCTE from time to time and documents furnished by the institution were carefully considered by the SRC and the following observations were made:-

In Compliance of order dated 29.11.2021 passed Hon'ble High Court of Delhi W.P C) No. 13475/2021 titled as Sri Radha Krishna College of Education Versus NCTE & others, the committee had decided as under:-

In Compliance of order dated 29.11.2021, the Regional Director has issued order dated 06.12.2021, the committee confirms the said order.

The Committee further decided to issue order for withdrawal of the recognition to Sri Radhakrishna College of Education, Palakonda Revenue Division, Vaddadivari Street, Palakonda Srikakulam Dt. Andhra Pradesh stands effective from the academic session 2022-23.

The Regional Director, SRC is advised to issue modification / corrigendum to withdrawal order in this regard."

NOW THEREFORE, the decision in exercise of the powers vested u/s 17(1) of the NCTE Act, 1993, communicated vide order F. F. No. F.SRO/NCTE/APS00233/B.Ed./AP/2020/122099-2105 dated 29.12.2020 based on the decision of SRC taken in 392<sup>nd</sup> meeting held on 15<sup>th</sup> -16<sup>th</sup> December 2020 may be read as the Southern Regional Committee hereby withdraws recognition granted to Sri Radhakrishna College of Education, Palakonda Revenue Division, Vaddadivari Street, Palakonda Srikakulam Dt. Andhra Pradesh run by Sri Radha Krishna Educational Society, Palakonda, Palakonda Mandalam, Srikakulam District, Andhra Pradesh for conducting B.Ed. programme of two years duration with an annual intake of 50 students (1 basic unit) w.e.f. the academic session i.e., 2022-2023 onwards instead of academic session 2020-2021."



## II. SUBMISSIONS MADE BY APPELLANT: -

**The Principal of Sri Radhakrishna College of Education, Palakonda, Vaddadivari Street, Srikakulam, Andhra Pradesh-532440** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-

1. That SRC vide its order dated 29.12.2020 has withdrawn our recognition observing deficiencies which were already clarified / ratified by our institution. A copy of SRC withdrawal order dated 29.12.2020 is enclosed herewith as Enclosure 1.
2. That in order to appreciate various contentions & averments being raised hereinafter by the Appellant, it is necessary to state the following few relevant facts in brief.
3. That being satisfied of infrastructural & instructional facilities available in the appellant institution, the SRC vide its letter dated 26.03.2003 granted recognition to appellant institution for conducting the B.Ed. course with annual intake of 120 students from the academic session 2002-03. A copy of SRC letter dated 26.03.2003 is enclosed as Enclosure 2.
4. That thereafter, NCTE notified new NCTE (Recognition Norms and Procedure) Regulations, 2014 on 01.12.2014 and in terms thereof, the SRC issued revised recognition order dated 26.05.2015 to the appellant institution with annual intake of 100 for two units of 50 students each for B.Ed. course from the session 2015-16 and directed to comply with conditions contained therein. A copy of SRC revised recognition order dated 26.05.2015 is enclosed as Enclosure 3.
5. That it is relevant to state that as per new 2014 Regulations, the duration of completing the B.Ed. course was increased from one year to two years and accordingly, the additional faculties were required to be appointed for teaching the new batch of proposed students.
6. That since the infrastructure & instructional facilities including the teaching faculty available in appellant institution, were in accordance with 1 unit i.e. 50 intake of B.Ed. course of two year duration, the appellant institution vide its letter dated 31.08.2016 requested the SRC for reduction of intake from 2 units to 1 unit.
7. That thereafter, SRC considered the request of appellant institution in its 342nd meeting held on 05-06.07.2017 and reduced the intake of appellant institution and issued the order dated 21.07.2017 reducing the intake capacity from 2 units to 1 unit. A copy of SRC order dated 21.07.2017 is enclosed as Enclosure 4
8. That thereafter, SRC in its 369th meeting held on 28.01.2019, taken up all such matters where the institutions were required to submit the requisite documents as per the revised recognition order and after consideration, the SRC issued the show cause notice dated 01.03.2019 to appellant institution. A copy of SRC show cause notice dated 01.03.2019 is enclosed as Enclosure 5.
9. That in response, the appellant institution vide its letter dated nil (forwarded to speed post on 14.03.2019) submitted all the relevant documents, as sought by the SRC including the copy of staff profile for session 2015-16 to 2017-18, copy



- of building completion certificate, land use certificate, non-encumbrance certificate and FDRs for endowment & reserve funds and. A copy of the appellant's reply forwarded on 14.03.2019 is enclosed as Enclosure 6.
10. That thereafter, the SRC of NCTE in its 381st meeting held on 31st October & 1st November, 2019, taken up all such matters for consideration of compliance submitted to the show cause notice and decided to issue show cause notice to those institution who failed to submit response to the earlier show cause notice. Accordingly, the SRC issued the common final show cause notice dated 29.11.2019 to various institutions, including the appellant institution, without going through the reply / documents dated 14.03.2019 submitted by appellant institution. A copy of the SRC show cause notice dated 29.11.2019 is enclosed as Enclosure 7.
  11. That said show cause notice dated 29.11.2019 was common in nature and no specific deficiency was pointed out / compliance was sought individually. Further, the appellant institution vide its letter forwarded on 14.03.2019 had already made its compliance to the earlier show cause notice dated 21.02.2019, however, the appellant institution vide its letter dated 26.12.2019, again submitted the requisite documents. Thereafter, the appellant vide its another letter dated 17.02.2020 the additional documents i.e. the copy of FDRs and Form A issued by the Bank, as sought subsequently by the SRC vide its common show cause notice dated 29.11.2019. A copy of letter dated 26.12.2019 and 17.02.2020 submitted by the appellant institution are enclosed as Enclosure 8 & 9.
  12. That thereafter, the affiliating university i.e. Dr. B. R. Ambedkar University, vide its letter dated 31.07.2020 issued extension of approval to the appellant institution for academic year 2019-20 in respect of the aforesaid B.Ed. course with intake of 50 seats. A copy of the letter dated 31.07.2020 issued by affiliating university is enclosed as Enclosure 10.
  13. That, however, the SRC issued the impugned withdrawal order dated 29.12.2020 to the appellant institution withdrawing the recognition granted to appellant institution for conducting the aforesaid B.Ed. course.
  14. That coming across to withdrawal order dated 29.12.2020, appellant institution submitted vide its detailed representation dated nil informed the SRC that it is running in its own premises and the same was already informed to the SRC vide letter dated 01.01.2015. The appellant institution also informed the SRC that as and when the matured FDR is returned by the SRC, the same will get renewed and submitted to SRC. In respect to deficiency regarding the faculty, the appellant stated that though the requisite number of faculties as per NCTE norms, are available in the appellant institution, however, the institution shall obtain the ratified approval from the affiliating university, which is a time taken process.
  15. That now the appellant institution is once again submitting the following documents before the appeal committee for their perusal and satisfaction: a) The management has shifted its institution to its own permanent building which was informed to SRC vide letter dated 01.01.2015 b) A certified copy of land documents issued by the Tehsildar/ Revenue Officer along with notarized copy of English version of land documents. c) A copy of land use conversion certificate with Survey No. and purpose thereof d) A notarized copy of non-encumbrance certificate issued by the competent authority. e) A copy of





building plan approved by the competent authority with mentioning of multipurpose hall therein with area. f) A copy of site plan but approved by the competent authority g) A copy of building completion certificate with survey no. and built up area h) The letter regarding approval of faculty issued by the affiliating body submitted and the faculty list i) A copy of FDRs of Rs. 3 Lakhs and 5 Lakhs in joint name and as when the FDR for Rs. 5 Lakh is received for renewal, the same shall be renewed and submitted to SRC. Form A issued by the concerned bank is also enclosed j) Domain name of the website being run by the institution is \_\_\_\_.

16. That it is submitted that thereafter without intimating or issuing any further show cause notice, the SRC has vide its order dated 29.12.2020 has withdrawn the recognition of appellant institution.
17. That it is submitted that the impugned decision taken by the SRC is completely arbitrary as the SRC did not issue 2nd show cause notice to the appellant institution, required mandatorily as per SOP issued by the NCTE itself.
18. That it is submitted that in view of the SOP, SRC ought to have issued another (2nd) show cause notice in light of the show cause notice dated 08.11.2019 before taking the impugned decision of withdrawal.
19. 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.
20. 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 aspirant students and to the institution also.
21. That it is submitted that SRC failed to observe that the withdrawal shall be affected from the end of academic session next following the date of issuance of withdrawal order as the NCTE Act stipulates the provision for withdrawal of recognition from next affective session.
22. That it is submitted that SRC failed to observe that the Appellant Institution is an old institution and running successfully since 2003 for which the SRC itself had granted its recognition to the institution after being satisfied with infrastructural & instructional facilities available in Appellant Institution.
22. That it is submitted that SRC was erroneous in taking the impugned decision as SRC ought to have been considered anticipates of the Appellant's case.
23. That it is submitted that the SRC had issued the impugned withdrawal order dated 29.12.2020 contrary to the instructions issued by NCTE vide its SOP. 25. That it is submitted that SRC passed the impugned order arbitrarily as the expert team of constituted by SRC itself, conducted the visit of Appellant Institution and verified the building plans approved by the competent authority including other documents and compared them with the infrastructural facilities.
24. That it is submitted that the appellant institution does not lack infrastructural and instructional facilities required as per the NCTE norms.
25. That it is submitted that SRC NCTE is wrong in taking the decision of rejection as no show cause notice on the grounds on which rejection order has been decided was issued to the Appellant institution. 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.

26. That it appears that SRC, NCTE proceeded in arbitrary manner without properly considering the documents and without following the due procedure of SOP.
27. That the Appellant Institution is hereby preferring its statutory appeal under section 18 of the 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. The Appellant institution submits as under in support of its appeal:
28. That it is submitted that thus, the withdrawal order dated 29.12.2020 of SRC is not maintainable and the appeal committee is requested to revert the decision taken by the SRC and direct the SRC to restore the recognition of the Appellant institution thereby granting an opportunity to again submit the documents desired by the SRC. PRAYER It is, therefore, most respectfully prayed that NCTE may graciously be pleased to:- (i) Allow the instant Appeal of the Appellant and direct the SRC to restore recognition of the appellant institution thereby granting an opportunity to the appellant institution to again submit the documents desired by the SRC AND FOR THIS ACT OF KINDNESS, THE APPELLANT IS IN DUTY BOUND SHALL FOR EVER PRAY.

### **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 was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 26.03.2003. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 02.04.2015. A revised provisional recognition order was issued on 26.05.2015 to the institution for conducting B.Ed programme of two years duration with an annual intake of 100 students (Two basic units) from the academic session 2015-16.

The appellant institution moved to the Hon'ble Delhi High Court by way of W.P.C. No, 12777/2022 titled Sri Radhakrishna College of Education V/s NCTE & Anr and court vide its order dated 07.09.2022 observed:-

**"1. Petitioner-Institute's recognition was withdrawn vide order dated 29th December, 2020 [hereinafter, "withdrawal order"] which is subject matter of an appeal before the Appellate Authority of NCTE.**

**2. During the pendency of aforesaid appeal, Petitioner-Institute approached this Court by way of W.P.(C) 13475/2021 seeking permission to participate in**





counselling and admission process for academic year 2021-22. In light of the proviso to Section 17 (1) of the Act, this Court vide order dated 29th November, 2021 allowed the aforementioned writ petition. Appellate Authority was directed to dispose of pending appeal not later than three months from the date of the said order. Pursuant thereto, SRC issued a corrigendum dated 29th December, 2021 stating that withdrawal order shall come into force w.e.f academic session 2022-23. However, Petitioner-Institute's appeal is still pending consideration and withdrawal order is soon to come into effect. Accordingly, the present petition has been filed seeking stay of communication dated 29th December, 2021 communicating the withdrawal order.

3. In the opinion of the Court, without going into merits of the case, present petition can be disposed of by directing Appellate Authority to forthwith decide Petitioner-Institute's appeal. Mr. Govind Manoharan, counsel for Respondents, on instructions, states that Petitioner-Institute's appeal would be taken up for disposal by Appellate Authority, positively in its forthcoming meeting.

4. Taking said statement on record and binding Respondents to the same, instant petition is disposed with a direction to Appellate Authority to dispose of Petitioner-Institute's appeal, in accordance with law, within a period of ten days from today..."

Thereafter, the Appellant institution again approached the Hon'ble Delhi High Court by way of another Writ Petition W.P.C. No. 14072/2022 and the court vide its order dated 28.09.2022 observed:-

***"...2. Mr. Rahul Madan, Standing Counsel for NCTE, states that the meeting could not be held on account of ill health of mother of the Chairperson of the Committee, and further states that the matter will be taken up and decided by the second week of October, 2022. 3. The statement of Mr. Madan is taken on record and NCTE is bound by the same. In the event of non-compliance, the Petitioner shall be at liberty to initiate action for the contempt of Court..."***

In compliance of Court order dated 07.09.2022 and 28.09.2022 passed by the Hon'ble High Court of Delhi in W.P.C. No, 12777/2022 titled Sri Radhakrishna College



of Education V/s NCTE & Anr and W.P.C. No. 14072/2022 titled Sri Radhakrishna College of Education V/s NCTE & Anr respectively, the instant matter was taken up by the Appeal Committee and the Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7<sup>th</sup> November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of Sale Deed.
- (ii) A copy of BCC.
- (iii) A copy of FDRs
- (iv) A copy of faculty list.
- (v) A copy of Electrical Safety Certificate.

The Committee noted that the SRC in its 343rd Meeting held on 1-2 August, 2017 consider the matter of the institution and decided as under:-

- (i) These are RPRO cases. In view of the latest instructions, no inspection is required in there.
- (ii) But there also involve 'shifting'. Therefore, VT inspection will require.
- (iii) The SRO's required is noted and permission is given for organizing VT Inspection in case in these cases

The Committee further noted that the VT members has not inspected the institution. Without inspection of the premises of the institution cannot be decided whether the institution has shifted to its own building or not. In view of the above the Committee is of the view that matter should be remanded back to the SRC and further the inspection of the institution may also be done through online VT and after submitting the report by the VT members the appropriate decision may be taken by the SRC

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

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



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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 29.12.2020 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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

#### **IV. DECISION: -**

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



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



**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, Sri Radhakrishna College of Education, Palakonda, Vaddadivari Street, Srikakulam, Andhra Pradesh-532440**
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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT  
File No. 89-236/E-274499/2022 Appeal/8th Meeting, 2022  
APPLSRC202214427**

Kaliammal College of Education, Pavithram, Karur Covai Road, Aravakkuruchi, Karur, Tamilnadu- 639002. <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <b>RESPONDENT</b>
--	------------------	--

<b>Representative of Appellant</b>	<b>Mr. G. Raja, Admin Officer</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of **Kaliammal College of Education, Pavithram, Karur Covai Road, Aravakkuruchi, Karur, Tamilnadu- 639002** dated 18.07.2022 filed under Section 17 of NCTE Act, 1993 against the Order No. **F.SRO/NCTE/APSO9383/TN/M.Ed./2020/16874** dated 18.08.2020 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 vide dated 13.12.2019. The Committee observed the reply submitted by the institution and found the following deficiencies.

1. The institution has submitted Building Plan which is not approved by the competent authority. Total built up area, earmarking is not reflecting in Building Plan.
2. The BCC submitted by the institution is not approved by the competent authority.
3. The NEC submitted by the institution is in regional language.
4. The institution has not submitted Form A/ original FDRs in M.Ed. course.
5. The institution has appointed staff in M.Ed. only 6 Assistant Professor against the requirement of 1+9. In B.Ed. the institution has not appointed faculty for Fine Arts. The faculty namely Shanthakumari P. Saraswathi S. are not qualified.
6. The institution has not submitted certified copy of land documents.
7. The institute submitted Sale Deed of SY No. 305/1, & 302/2 whereas the LUC bears 4 others S.F. Nos.
8. The size of classrooms and Multipurpose Hall are less than the requirement of NCTE Regulations.

In view of the above, the Committee decided to withdraw the recognition granted to Kalaimmal College of Education, No. 305/1, Pavithram Village and Post, Aravakaruchi Taluk, Karur, Tamilnadu-639002 for conducting B.Ed. & M.Ed. courses w.e.f. the 2020-2021 academic session under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above.

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The Administrative Officer of Kaliasammal College of Education, Pavithram, Karur Covai Road, Aravakkuruchi, Karur, Tamilnadu- 639002** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-

1. We have approved building plan and site plan as per the NCTE guidelines. Copy enclosed.
2. We have building completion certificate which is approved by competent authority. Copy enclosed.
3. We have NEC in English version. Copy enclosed.
4. We have form-A (Rs. 5+7 lakhs). City Union Bank, Karur. Copy enclosed.





5. We have approved staff list (1 + 10) for M.Ed. course which is approved by the registrar, TNTEU, Chennai, TN. Copy enclosed.
6. We have certificated copy of land documents. Copy enclosed.
7. The Institute Submitted Sale Deed Of S.F.No.305/1, & 303/2 Whereas The LUC, Bears 4 Others S.F.No.
8. Now we have sufficient area for multipurpose hall and class rooms as per NCTE regulation. Approved building plan copy enclosed.

### 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 was granted recognition for M.Ed. Course with an annual intake of 100 students vide order dated 20.10.2010. Thereafter, promulgation of NCTE Regulations, in respect of M.Ed. course affidavits submitted dt. 24.01.2015 by the institution, the provisional revised recognition order was issued to the institution on 22.05.2015 for conducting M.Ed. course of two years duration with an annual intake of 50 (one unit) from the academic session 2015-16.

The appellant institution moved to the Hon'ble Madras High Court by way of W.P.C. No, 26699/2022 titled Kalammal College of Education V/s NCTE & Anr and court vide its order dated 30.09.2022 observed:-

***"...4. Having regard to the said submission made by the learned counsel appearing for the parties and taking into account the factual matrix of this case, this Court is inclined to dispose of this writ petition with the following order:***

***That there shall be a direction to the first respondent to decide the appeal filed by the petitioner dated 18.07.2022 and pass orders thereon on merits and in accordance with law within a period of four [4] weeks from the dated of receipt of a copy of this order..."***

In compliance of the Court order dated 30.09.2022 passed by the Hon'ble Madras High Court in W.P.C. No, 26699/2022 titled Kalammal College of Education V/s NCTE & Anr, the instant matter was taken up by the Appeal Committee and the committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7<sup>th</sup> November, 2022 submitted



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

- (i) A copy of Building Plan.
- (ii) A copy of Site Plan.
- (iii) A copy of Building Completion Certificate (BCC)
- (iv) A copy of Encumbrance Certificate (English Version).
- (v) A copy of Bank form 'A'.
- (vi) A copy of Fixed Deposit Receipt.
- (vii) A copy of Latest staff approval (TNTEU).
- (viii) A copy of Sale Deed.
- (ix) A copy of Land Use Certificate (LUC).

However, the Committee noted that the submission of online appeal has been delayed by 1 year 8 months, beyond the prescribed period of sixty days of the withdrawal order was passed by the SRC on 18.08.2020, as such the institution was supposed to file appeal on or before 18.10.2020. However the institution has submitted present appeal on 18.07.2022 after laps of One year and eight months, as such the contention made by the institution is not sustainable. Further, the institution never submitted an application with respect to condonation of delay.

The 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 satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period.



In view of the above position, the Committee is not satisfied that the appellant had sufficient cause for not preferring the appeal within the prescribed period. The Committee decided not to condone the delay and hence the appeal is not admitted.

After perusal of the Memoranda of appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee, therefore, concluded not to condone the delay and hence the appeal is not admitted.

**IV. DECISION: -**

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

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

  
**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, Kalammal College of Education, Pavithram, Karur Covai Road, Aravakkuruchi, Karur, Tamilnadu- 639002**
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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-307/E-218257/2021 Appeal/8<sup>th</sup> Meeting, 2021  
APPLWRC202114176**

Jyotiba Shikshan Sansthan N.T.S. College of Education, Parbhani, 28, Parbhani, Vasmat Road, Parbhani, Maharashtra – 431401. <b>APPELLANT</b>	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.  <b>RESPONDENT</b>
---	------------------	---

<b>Representative of Appellant</b>	<b>Mr. Madhusudhan Sarnaik, President</b>
<b>Respondent by</b>	<b>Regional Director, WRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of Jyotiba Shikshan Sansthan N.T.S. College of Education, Parbhani, 28, Parbhani, Vasmat Road, Parbhani, Maharashtra – 431401 dated 27.10.2021 filed under Section 17 of NCTE Act, 1993 against the Order No. WRC/APW00851/123185/B.ED./339<sup>TH</sup>/2021/217263-267 dated 28.08.2021 of the

Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that:-

1. The recognition of the institution was withdrawn by WRC as per the decision of WRC in 322<sup>nd</sup> meeting on ground of non-submission of reply to Show Cause Notice.
2. The show cause notice was issued to the institution for not shifting to its own premises within a period of three years of recognition.

**The WRC considered the order of the Appellate authority along with the original file of the institution and observed the following:-**

- Subsequent to the order of the Appellate Authority, the institution vide its representation dated 11<sup>th</sup> June 2021 has mentioned that it has taken the land on lease from private party for a period of 30 years, which is registered in 2015 till 2045.
- The WRC noted that as per clause 8 4(i) of NCTE Regulations 2014, it is mentioned "...the land free from all encumbrances could be either on ownership basis or on lease from Government of Govt. institution.."
- The above lease deed registered in 2015 is not a valid land document as per the above provision of NCTE Regulations.
- In view of the above, the Committee decided that the decision for withdrawal taken by WRC in its 322<sup>nd</sup> meeting and intimated to the institution vide dated 20<sup>th</sup> December 2020 stands.

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The President of Jyotiba Shikshan Sansthan N.T.S. College of Education, Parbhani, 28, Parbhani, Vasmat Road, Parbhani, Maharashtra – 431401** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-

1. The appellant assails the impugned order dated 28/08/2021, rendered by the respondent, thereby withdrawing the recognition of B.Ed. programme of the institute for the academic year 2021-22 on the solitary ground that the appellant has not procured government land on lease basis for the period of 30 years which is rather contrary to the notice issued by the respondents thereby indicating the only reason that college has not been shifted in its own premises within a period of three years from the date of issue of the recognition order.



2. The appellant submits that, the appellant is a registered society, duly registered under the provisions of the Bombay Public Trusts Act vis-à-vis the Societies Registration Act. In accordance with the byelaws, apart from the several objects, the appellant has the object of imparting B.Ed. education. According, the appellant resolved to start the B.Ed. College in the name and style as N.T.S. College of Education, Plot No.28, Shirao Nagar, Basmath Road, Parbhani, Maharashtra to which the respondent, vide its order no.WRC/2-32/123185/74/2005/5099, dated 27/06/2005 for conduction B.Ed. course with annual intake of 100 students, such recognition came to be permitted, A copy of the order dated 27/06/2005 is annexed hereto and marked as EXHIBIT 'A'.
3. The appellant submits that, preceded by the order dated 26/06/2005, the respondent issued a revised order on 31/05/2015, thereby permitting the appellant to have two basic Units of 50 students each with the terms and conditions No.1 to 4 incorporated in the revised order dated 30/05/2015. A copy of the revised order dated 30/05/2015 is annexed hereto and marked as Exhibit 'B'.
4. The appellant has made every possible endeavor to ensure the stipulation incorporated by the respondent are adhered in its letter and spirit, accordingly, obtained requisite land from lessor on execution of notary/revenue bond for a period of 30 years and accordingly mutation entry was carried out in the 7/12 extract of the revenue record. The appellant craves leave reply and produce the same before this hon'ble authority with prior leave of this authority. Thereafter, same has been culminated into the registered lease deed dtd.5/4/20016, for a period of 30 years terminating on 04/03/2045, making the land to the extent of 30 R available, which would unequivocally satisfy the requirement of the land for the purpose of B.Ed. College run by the appellant. A copy of the revenue record of the 7/12 extract of year 2015-16 and the registered lease deed dated 05/04/2016 is annexed hereto and marked as EXHIBIT 'C'.colly.
5. In the wake of execution of registered lease deed, by which essential. Piece of land has been made available, which undoubtedly satisfy the requirement of the land for the purpose of running the B.Ed. College and running of the lease deed for period of more than 30 years, which further ensures the land is





available for at least 30 long years i.e., up to the year 2045. So, there was no hiatus with the object sought to be achieved of availability of land for the B.Ed. College run by the appellant. The availability of the required area of land ought to be a paramount consideration of the respondent authorities, however ignoring the said aspect, the respondent initially issued a show-cause-notice dated 29/09/2020 to the appellant, calling upon the appellant as to why the recognition of the college run by the appellant shall not be withdrawn. A copy of the show-cause-notice dated 29/09/2020 is annexed hereto and marked as EXHIBIT 'D'

6. While offering a detailed say to the show-cause-notice, it has been pointed out to the respondent that the institution is situated at Parbhani, which is a remote place and is socially and economically backward part of the region, which is evident from the fact that even the Municipal Corporation is a 'C' Class Municipal Corporation. Equally, it was further submitted, the available accommodation and infrastructure is sufficient to meet out the requirement. In any case. In any case, the endeavor of the institution to shift into its own premises is apparent. However, for time being, ensuring the adequate space is made available for the college, therefore, the registered lease, for required part and parcel of the land to the extent of 30 R has been executed. As such, the necessary premises are made available. It was further pointed out that, the College is a well reputed college and the students admitted in the college have secured the rank in the University to which it is affiliated i.e., Swami Ramanand Teertha University, Nanded.

Equally, prevailing situation on account of Pandemic Covid-19 was also pointed out owing to which the serious financial constraint of the institute was also pointed out. As such, requested to grant extension of time in order to ensure shifting the college to its own premises. The endeavor to ensure the shifting in its premises ought to have been taken into account as has been reiterated on numerous occasions in the reply. The appellant submits that, the copy of the reply dtd.27/10/2020, which was sent by registered post on 07/11/2020 and immediately on 07/11/2020 as said herein above detail explanation offered by the appellant was dispatched by the registered post and same was delivered on 10/11/2020 at 3.00 p.m. and from the impugned order



it appears that, the meeting of WRC was scheduled between 9 to 11 November, 2020, thus the finding that show cause was not replied by the appellant is factually incorrect. A copy of the detailed reply presented by the appellant along with track consignment report of post indicating and establishing the actual delivery of the reply is annexed hereto and marked as EXHIBIT 'E'.

7. Ignoring the ground realities with which the institutes are/is faced, the respondent has passed the impugned order dated 20/12/2020 on the solitary ground that the appellant has not shifted the institute in its own premises till date. However, in the said process, the respondent has grossly erred in ignoring the fact that the college run by the appellant is in the adequate premises and a registered lease deed for substantial terms has been executed which sufficiently makes the premises available for imparting the education or the B.Ed. College. In ignorance of the aforesaid vital object, the respondent proceeded to pass the order, thereby withdrawing the recognition of the College run by the appellant w.e.f. the academic year 2021-2022. In the said process, the respondent has also ignored the fact that the College run by the appellant w.e.f. the academic year 2021-22. In the said process, the respondent has also ignored the fact that the College which has started imparting B.Ed. Education from the year 2005 and same is in Parbhani city, which is educationally and economically backward place of Marathwada region, which requires certain amount of concession and in any case, in the wake of registered lease deed the land is made available and there is no impediment to run the college smoothly and surprisingly it has been recorded that, the appellant did not offer the reply to the show cause notice and consequently the recognition has been withdrawn from ensuing academic year 2021-2022. A copy of order passed by WRC dtd. 20/12/2020 is annexed hereto and marked as EXHIBIT-"F".
8. It is further submitted that the appellant preferred and appeal before this hon'ble authority vide appeal no. APPLWRC202113943 dtd. 18/02/2021. This authority while considering the say of the present appellant, remanded back the considering the say of the present appellant, remanded back the matter for decision to the western regional committee vide its order dtd.02/06/2021. A copy of the order is annexed hereto and marked as EXHIBIT-"G" .



9. Thereafter, on 28/08/2021 the WRC passed an impugned order, to which the present appellant taking an exception to, observing therein that the lease is not obtained from government or government institutions and therefore has withdrawn the recognition of the present appellant college in arbitrary manner. A copy of the withdrawal order passed by WRC is annexed hereto and marked as EXHIBIT-"H" .
10. In the facts and circumstances aforementioned, the impugned order dated 28.08.2021 may kindly be quashed and set aside considering the requisite land is in possession and in the name of society on the 7/12 extract of revenue record of government and plight of the students who are prosecuting studies with the appellant college so there would be no academic loss since, the recognition of the appellant is of the year 2005 which is much prior to the rules with regard to the norms for availability of land with the college, which are introduced by the NCTE after a substantial period of time and those are prospective in nature.
11. That, the appellant society has attached herewith the receipt generated towards the payment made for preferring appeal through net banking having its transaction ID ap1965bfacd11251d83eaf8846d8f50697a7 of Rs.25,000/- dtd. 27/10/2021 in favour of National Council for Teacher Education, New Delhi.
12. That, the copies of Annexures A to H are originally in English version of it are true and correct, are attached herewith.

### **III. OUTCOME OF THE CASE**

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee vide order No. WRC/2-32/123185/74/2005/5099 dated 27.06.2005 for conducting B.Ed course with an annual intake of 100 students in a rented premises with a condition to shift to its own premises within three years of such recognition.

The Appellant moved to the Hon'ble Delhi High Court by way of W.P.C. No. 14526/2022 titled N.T.S. College of Education V/s NCTE & Anr and the court vide its order dated 13.10.2022 observed:-



***“...2. Petitioner was granted recognition for B.Ed. degree by Western Regional Committee [Respondent No. 2 – hereinafter “WRC”] of National Council for Teacher Education [Respondent No. 1 – hereinafter “NCTE”] on 27th June, 2005. A revised recognition order was issued on 31st May, 2015, pursuant to the notification of the NCTE (Recognition Norms and Procedure) Regulations, 2014. Subsequently, WRC, vide order dated 28th August, 2021, decided to withdraw recognition granted to Petitioner. Petitioner has filed an appeal against aforesaid order under Section 18 of the NCTE Act, 1993 [“the Act”] before Appellate Committee of NCTE, which is pending consideration.***

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

In compliance of order dated 13.10.2022 in W.P.C. No. 14526/2022 titled N.T.S. College of Education V/s NCTE & Anr, the instant matter was taken up by the Appeal Committee and the committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7<sup>th</sup> November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of the 7/12 extract of Government Revenue Record and Registered Lease deed dated 5.4.2016
- (ii) A copy of affidavit of Rs.100 on non-judicial stamp paper.
- (iii) A copy of Site Plan.
- (iv) A copy of Certificate of registration under The Societies Registration Act, 1860.

The Committee noted that the recognition was granted to the institution on the leased property and condition was imposed to shift the institution to its own building. The Committee further noted that the lease documents submitted by the institution is a Private lease and in view of the Clause 8(4)(i) of NCTE Regulation, 2014 the private lease deed is not permissible.

In view of the above facts the committee decided that the instant appeal is deserved to be rejected.

#### **IV. DECISION: -**

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



**Committee of the Council concluded appeal deserves to be rejected and therefore, the impugned withdrawal order issued by WRC is confirmed.**

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

  
**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, Jyotiba Shikshan Sansthan N.T.S. College of Education, Parbhani, 28, Parbhani, Vasmat Road, Parbhani, Maharashtra – 431401**
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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT  
File No. 89-243/E-276758/2022 Appeal/8th Meeting, 2022  
APPLSRC202214442**

J Beera College of Education, Seetaramapuram, Moglathur Road, Narsapur, West Godavari, Andhra Pradesh-534275. <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <b>RESPONDENT</b>
--	------------------	--

<b>Representative of Appellant</b>	<b>Mr. Finny J Beera, Director</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of **J Beera College of Education, Seetaramapuram, Moglathur Road, Narsapur, West Godavari, Andhra Pradesh-534275** dated 17.08.2022 filed under Section 17 of NCTE Act, 1993 against the Order No. **F.SRO/NCTE/APS07002/B.Ed./AP/2022/131207** dated 07.04.2022 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 dated 26.03.2021. The Committee observed the reply submitted by the institution and found the following deficiencies:-

1. The institution has submitted list of faculty but the following deficiency observed:-
  - (i) Principal does not possess Ph.D.
  - (ii) Three lecture does not poseess Ph.d/ NET as per NCTE Regulations, 2014 (amended vide notification dt. 09.06.2017).
  - (iii) 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 Regulation, 2014.
2. The institution has not submitted "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.

Hence, the recognition granted to J. Beera College of Education, Seetaramapuram Village, Narasapuram Mandal, West Godavari, Andhra Pradesh for B.Ed course is withdrawn under Section 17(1) of NCTE Act, 1993 from the next academic session i.e. 2022-2023. On Withdrawal of recognition, the affiliation if any granted under Clause 8(10) of NCTE Regulation, 2014 by the concerned affiliating body from the next academic session stands withdrawn. Hence, the institution is not entitled to participate in counselling/making admissions from the next academic session i.e., 2022-2023."

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The Director of J Beera College of Education, Seetaramapuram, Moglathur Road, Narsapur, West Godavari, Andhra Pradesh-534275** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-

1. That the SRC vide its order dated 07.04.2022 has withdrawn our recognition for conducting B.Ed. course, observing the deficiencies which were already clarified / ratified by our institution. A copy of Withdrawal order dated 07.04.2022 of SRC is enclosed as Enclosure 1.



2. That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief.
3. That SRC NCTE vide its order dated 17.09.2007 granted recognition to the appellant institution for running the B.Ed. course in the appellant institution with annual intake of 100 students from the academic session 2002-03. A copy of recognition order dated 17.09.2007 is enclosed as Enclosure 2.
4. That thereafter, revised recognition order dated 30.05.2015 with intake of 100 students, was issued to our institution for conducting the B.Ed. course. A copy of revised recognition order dated 30.05.2015 are enclosed as Enclosure 3.
5. That subsequently, our institution submitted its compliance to the revised recognition order and was functioning successfully and uninterruptedly.
6. That thereafter, the SRC issued the first show cause notice dated 24.10.2019, which was not delivered to / received at the end of our institution. Accordingly, no reply to the same was submitted by our institution.
7. That thereafter, the SRC issued final show cause notice dated 02.03.2021, and reply to the same was submitted by our institution on 26.03.2021. Copy of reply dated 26.03.2021, is not available, however, the same has been observed in aforesaid withdrawal order.
8. That thereafter, the SRC in 409th meeting considered the reply of our institution and decided to withdraw recognition of our institution. It is submitted that SRC failed to grant any further opportunity to our institution to cure the deficiencies pointed out in 409th meeting.
9. That since no first show cause notice was issued to our institution, therefore, SRC was required to issue another show cause notice to our institution with an opportunity to fulfil the shortcomings.
10. That it is submitted that unless the 2nd show cause notice is issued to our institution, there is no chance of comply with the deficiencies pointed out therein. The SRC was required to issue another show cause notice, before taking the drastic decision of withdrawal of our institution.
11. That it is submitted that a reasonable opportunity of hearing to our institution ought to have been granted by the SRC, as if our institution would have come to the notice of deficiencies pointed out in withdrawal order, it would have surely submitted its response to the same, as our institution does not lack with any requirement for running the B.Ed. course.
12. That our institution has all the requisite information / document, for the want of which, SRC has proceeded for withdrawal of our institution. Thus, we are producing the said documents along with our statutory appeal being filed against the withdrawal order dated 07.04.2022.
13. That therefore, the appellant institution has preferred its online appeal under section 18 of NCTE Act, 1993. As per procedure, the Appellant institution is submitted herewith the hardcopy of online appeal. A copy of the online appeal of the appellant institution is enclosed as Enclosure 4.
14. That it is submitted that in order to pacify the appeal committee, the appellant institution is also enclosing with its appeal, the documents which were asked by the SRC and submitted by the appellant institution.
15. That thus, along with the appeal we are submitting the faculty list of eligible faculties and the bank statement showing disbursement of salary to faculties, which are enclosed as Enclosure 5 & 6.



16. That thus, our institution does not lack anything on the basis of which, withdrawal of our institution may sustain.
17. That it is submitted that the appellant institution is running since the year 2007 and does not lack any infrastructural and instructional facilities required as per the NCTE norms and the SRC itself have issued the recognition / revised recognition order to the appellant institution for B.Ed. course.
18. That it is submitted that thus, the withdrawal order dated 07.04.2022 of SRC is not maintainable and the appeal committee is requested to revert the decision taken by SRC with further direction to SRC to restore the recognition of appellant institution thereby granting an opportunity to 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. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 17.09.2007. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 17.01.2015. A revised provisional recognition order was issued on 06.05.2015 to the institution for conducting B.Ed programme of two years duration with an annual intake of 100 students (Two basic units) from the academic session 2015-16. The Appellant institution moved to the Hon'ble Delhi High Court by way of W.P.C. No. 14114/2022 titled J Beera College of Education V/s NCTE & Anr and the court vide its order dated 28.09.2022 observed:-

***“...2. The Petitioner was granted recognition for its B.Ed. degree by the Southern Regional Committee [“SRC”] of the National Council for Teacher Education [“NCTE”] on 6th April 2000. A revised recognition order was issued on 17th September, 2007 pursuant to notification of NCTE [Recognition Norms and Procedure] Regulations, 2014. However, SRC, in its 409th meeting vide order dated 07.04.2022, decided to withdraw the recognition of the Petitioner. The Petitioner has filed an appeal against the aforesaid order under Section 18 of the NCTE Act, 1993 [“the Act”], before the Appellate Committee of the NCTE, which is pending consideration.*”**



**6. The Appellate Committee of the NCTE shall endeavour to dispose of the Petitioner's appeal as expeditiously as possible and practical, and not later than three months from today..."**

In compliance of Court order dated 28.09.2022 in W.P.C. No. 14114/2022 titled J Beera College of Education V/s NCTE & Anr, the instant matter was taken up by the Appeal Committee and the Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7<sup>th</sup> November, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of Gift Settlement Deed
- (ii) A copy of Land Use Certificate (LUC).
- (iii) A copy of Encumbrance Certificate.
- (iv) A copy of Building Plan.
- (v) A copy of Building Completion Certificate (BCC).
- (vi) A copy of approved staff list.
- (vii) A copy of Form 'A' along with Fixed Deposit.
- (viii) A copy of Bank Statement.

Further, the Committee noted that the institution sent an email dated 14.11.2022 stating the reasons for delay in filing the appeal. The relevant extract of the said email is being produce hereunder:-

*"In reference to our Appeal Hearing scheduled in the 8th Appeal Committee Meeting which was held on 07.11.2022. We are hereby submitting the reason for delay in filing an appeal as asked by the Appellant Committee that the Secretary Mr. Rev. Joseph Beera's health condition was not good and he was under treatment. Also, the withdrawal order hard copy was received lately at the College premises. We have received the Withdrawal Order copy in the month of July 2022 and we were not aware of the same before that, and due to the above mentioned reasons, there was a delay in filing an online appeal."*

In light of above, the committee decided to condone the delay in the instant matter on the grounds of medical exigencies.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 7.4.2022. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the



order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 7.4.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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





**IV. DECISION: -**

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

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



**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, J Beera College of Education, Seetaramapuram, Moglathur Road, Narsapur, West Godavari, Andhra Pradesh-534275**
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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-126/E-182570/2021 Appeal/8<sup>th</sup> Meeting, 2022  
APPLNRC202113994**

Gyan Bharti College of Education, Rajrai, 146, Taj Nagari, Shamshabad Road, Sadar, Agra, Uttar Pradesh – 282004 <b>APPELLANT</b>	<b><u>Vs</u></b>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
---	------------------	---

<b>Representative of Appellant</b>	<b>Dr. Rajesh Lavania, Assistant Manager</b>
<b>Respondent by</b>	<b>Regional Director, NRC</b>
<b>Date of Hearing</b>	<b>07.11.2022</b>
<b>Date of Pronouncement</b>	<b>16.11.2022</b>

**ORDER**

**I. GROUND OF REFUSAL**

The appeal of Gyan Bharti College of Education, Rajrai, Taj Nagari, Shamshabad Road, Sadar, Agra, Uttar Pradesh dated 25/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/NRCAPP-15077/254<sup>th</sup> Meeting/2016/153544-47 dated 14.07.2016 of the Northern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that “The institution was issued show cause notice no. 128823 dated 09.11.2015

regarding "Failure to submit NOC of the affiliating body with the hard copy of the application". The institution has not responded to the show cause notice within stipulated period."

## **II. SUBMISSION MADE BY APPELLANT: -**

**Dr. Rajesh Lavania, Assistant Manager, Gyan Bharti College of Education, Rajrai, Taj Nagari, Shamshabad Road, Sadar, Agra, Uttar Pradesh-282004** presented online the case of the appellant institution on 07.11.2022. In the appeal and during personal presentation it was submitted that "Appellant was completely unknown about the said Show Cause Notice No. 128823 dated 09.11.2015, which was never received by the appellant, therefore, the rejection of application and refusal of recognition/permission for conducting B.Ed. Course is an utter violation of the principle of natural justice, as the appellant was not given an opportunity of being heard before rejecting its application. Because the appellant neither received Show Cause Notice nor the refusal order for conducting B.Ed. Course, hence the decision taken by the respondent No. 2-NRC, NCTE in its 254th Meeting held from 28th to 30th June, 2016 and consequently issuance of refusal/rejection order is contrary to the principles of natural justice. Because the appellant has been supplied the aforesaid refusal/ rejection order dated 14.07.2016 by the respondent/NRC only in the year 2021 vide letter F. No. NRC/NCTE/NRCAPP-15077/B.Ed./ 2021/ 213670 dated 10.03.2021 on the direction of the Hon'ble High Court of Delhi passed vide order dated 05.02.2021 in W.P.(C) No. 1500/2021 titled as Gyan Bharti College of Education vs. National Council for Teacher Education & Anr. Because the humble appellant satisfies all criteria stipulated in the Regulation, 2014 in terms of infrastructure as well as faculty."

## **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 had submitted an application to the Northern Regional Committee for grant of recognition



for seeking permission for running the B.Ed. course on 30.06.2015. The said application was rejected on the following grounds:-

- (i) The institution was also issued a show cause notice dt. 09.11.2015 regarding the failure to submit NOC, however, the institution did not respond to the same within stipulated period. Hence, the said application was rejected by the NRC.

The Appellant institution moved to the Hon'ble Delhi High Court by way of W.P.C. No. 11637/2021 titled Gyan Bharti College of Education V/s NCTE & Anr and the court vide its order dated 17.10.2022 observed:-

***"...5. Appellate Committee assumed that since show cause notice and refusal order were not returned undelivered, it amounts to proof delivery of the communications at the address. 6. To draw such a presumption, first there has to be a factual basis, being, the proof of despatch. This aspect has been highlighted by way of Annexure P-1 to the counter affidavit of the Respondents, which encloses a diary and dispatch system extract. The said extract does not indicate to the Court the manner in which the refusal/ rejection order and the communications have been dispatched. It only makes a reference to a file number, which is inconclusive. Therefore, in the opinion of the Court, the presumption of delivery of communication, could not be attracted in the instant case. 7. Further, the Petitioner's condonation application explaining the delay has also not been examined on merits. Petitioner's communication dated 17th August, 2020 (Annexure P-9) has also not been taken into consideration, whereby Petitioner had inquired about the status of his application to the Regional Committee. Further, whether the Petitioner had slept over its rights and/or the afore-noted communication was belated, none of the objections urged before this court find mention in the impugned order. 8. From the above, it is clear that the Appellate Committee has proceeded only on the presumption of delivery, and nothing else. In the first round of litigation, the Court had specifically directed the Appellate Committee to examine the aspect of limitation, which necessarily entailed examining the Petitioner's explanation for the delay, which has still not been done. 9. In light of the above, the present petition is allowed in the following terms: (a) Impugned order dated 5 th February, 2021 is set aside; (b) Appellate Committee is directed to examine the application of the Petitioner seeking condonation of delay and the other materials placed on record. Further, the Appellate Committee is directed to examine the question of delay and in case the same is found to be satisfactory, they shall proceed to decide the Petitioner's application on merits, expeditiously, not later than three months from today. (c) In case the application is allowed and delay is condoned, then***



***the Respondents shall be free to take a decision on merits, in accordance with law..."***

In compliance of Court order dated 17.10 .2022 passed by Hon'ble Delhi High Court in W.P.C. No. 11637/2021 titled Gyan Bharti College of Education V/s NCTE & Anr, the instant matter was taken up by the Appeal Committee and the Committee noted that the application of the institution for B.Ed. programme was refused vide order dated 14.07.2016, and it has been observed by the Committee that since then the institution has not been granted recognition and in view of the following decision taken by the General Body of the NCTE in its 55<sup>th</sup> meeting held on 14.07.2022 *inter-alia* considered the following Agenda(s):-

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

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

- The NEP 2020 lays down that teacher education institutions will be gradually moved into multidisciplinary colleges and universities by 2030. By 2030, the minimal qualification for a person to become a teacher will be the 4 Year integrated B.Ed. degree.
- The 2 Year B.Ed. program will also be offered only for those who have already obtained Bachelor's Degrees in other specialized subjects and the 1 Year B.Ed. program for those who have completed the equivalent of 4 Year multidisciplinary Bachelor's Degrees or who have obtained a Master's degree in a specialty and wish to become a subject teacher in that specialty.
- As per provision of Section 12 of NCTE Act, 1993 it shall be the duty of the Council to take all such steps as it may think fit for ensuring planned and co-ordinated development of Teacher Education.
- There are approximately 430 applications for various Teacher Education Programmes, other than Diploma level courses. pending at different stages in the RCs.
- NEP 2020 has brought about a paradigm shift in the Teacher Education Sector. Accordingly, NCTE is also revamping its various curricula of ITEP. 2 Year B.Ed., 1 Year B.Ed. and introducing new courses of 4 Year Physical Education and 4 Year Art Education in line with NEP 2020. These courses are also to be aligned to the various criteria laid down by UGC and in alignment with NHEQE. NCFSE and NCFTE However, the existing courses which are currently running are not in alignment with these various aspects e.g. Credit System. 4 Stages of School Education (5+3+3+4). Entry- exit policy, no hard separation etc. These changes in curricula would also necessitate changes in the norms, standards and regulations. For the reasons aforementioned, it is not feasible to process any pending applications.



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

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

**Noting the above decision of the General body of the NCTE, the Appeal Committee decided not to entertain the Appeal of the applicant institution and, therefore, the order of the NRC dated 14.07.2016 refusing recognition for B.Ed. programme of the institution is confirmed.**

**IV. DECISION: -**

**After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing and in the light of decision taken by the General Body of the NCTE in its 55<sup>th</sup> meeting held on 14.07.2022, the Appeal Committee of the Council concluded that the appeal of the institution cannot be entertained. Hence, the instant appeal deserves to be rejected and impugned refusal order dated 14.07.2016 of NRC is confirmed.**

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

  
**Deputy Secretary (Appeal)**

**Copy to :-**

- 1. The Principal, Gyan Bharti College of Education, Rajrai, Taj Nagari, Shamshabad Road, Sadar, Agra, Uttar Pradesh-282004.**

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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-12/E-235076/2022 Appeal/8<sup>th</sup> Meeting, 2022  
APPLSRC0202114213**

B E S College of Education, JAYANAGARA 4th Block, 27 JAYANAGARA 16th Main, Bengaluru South, Bangalore Karnataka-560011 <b>Appellant</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.  <b>Respondent</b>
--	------------------	--

<b>Representative of Appellant</b>	<b>No one presented before Appeal Committee</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	<b>07.11.2022</b>
<b>Date of Pronouncement</b>	<b>16.11.2022</b>

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of B E S College of Education, JAYANAGARA 4th Block, 27 JAYANAGARA 16th Main, Bengaluru South, Bangalore Karnataka-560011 dated 06/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APSO3408/B.Ed./{KA}/2021/129834 dated 07.01.2022. of the

Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that:-

1. The institution has not submitted Land Use Certificate.
2. The institution has submitted a Notarized copy of Building Plan in which multi-purpose hall area is not mentioned.
3. The institution has submitted a Notarized copy of BCC which is not approved by the competent authority.
4. The institution has not submitted a Staff list duly approved by the Registrar of the affiliating body as per the prescribed Format.
5. The institution has not submitted a "Form A" issued by the respective Bank Manager along with re-validated FDRs."

## **II. SUBMISSIONS MADE BY APPELLANT:-**

**B E S College of Education, JAYANAGARA 4th Block, 27 JAYANAGARA 16th Main, Bengaluru South, Bangalore Karnataka-560011** did not appear online to present the case of the appellant institution on 07.11.2022. However it has requested to consider the documents submitted by the institution and pass appropriate order accordingly. In the appeal Memoranda it is submitted that "Land Use Certificate submitted. Building Plan is submitted with multi-purpose hall area is mentioned. The institution has submitted a Notarized copy of BCC approved by the competent authority. Approved Staff List Submitted by the Registrar of the affiliating body. Form A & FDRs 5+7 submitted."

## **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 was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 10.07.2000. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 20.01.2015. A provisional revised recognition order was issued on 30.05.2015 to the institution for conducting B.Ed programme of two years duration with an annual intake of 100 students (Two basic units) from the academic session 2015-16. A corrigendum was issued on 05.04.2016 to the institution for conducting B.Ed



programme of two years duration with an Annual intake of 50 students for one basic unit from the academic session 2015-2016.

*The Appellate institution moved to the Hon'ble Delhi High Court by way of W.P.C. No. 13529/2022 titled B E S College of Education V/s NCTE & Anr and court vide its order dated 26.09.2022 observed:-*

***"...4. The Court has heard the counsel for parties. This Court has time and again ruled that any additional material(s), if presented in course of deciding an appeal, must be considered by Appellate Authority while rendering a final decision in the matter. In the past, courts have allowed additional material(s)/document(s) to be produced before respective regional committee/Appellate Authority.<sup>1</sup> Even if there was no occasion for SRC to consider the Land Due Certificate, the same should have been examined by the Appellate Authority.***

***6. Keeping in view afore-noted submissions, the position taken by co-ordinate benches of this Court, and since the relevant document(s) were placed on record before Appellate Authority, NCTE but were not taken into consideration by them, the instant petition is allowed with the following directions: (i) Impugned Order dated 18th April, 2022 is set-aside, and appeal before the Appellate Authority is restored; (ii) Appellate Authority shall take into consideration documents furnished by Petitioner enclosed with appeal and; (iii) pass an appropriate order therein, in accordance with law and dispose of the appeal as expeditiously as possible, but not later than three months from today..."***

In compliance of Court order dated 26.09.2022 passed by Hon'ble Delhi High Court in W.P.C. No. 13529/2022 titled B E S College of Education V/s NCTE & Anr, the instant matter was taken up by the Appeal Committee and the Committee noted that the appellant institution with its appeal memoranda submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of Land Use Certificate (LUC).
- (ii) A copy of notarized Building Plan.
- (iii) A copy of notarized Building Completion Certificate (BCC).
- (iv) A copy of staff list duly approved by the Registrar of the affiliating body.
- (v) A copy of Form 'A' along with FDRs.



The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 07.01.2022. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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

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

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

**In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 07.01.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.**

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



15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

**IV. DECISION: -**

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

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

  
**Deputy Secretary (Appeal)**

**Copy to :-**

- 1. The Principal, B E S College of Education, JAYANAGARA 4th Block, 27 JAYANAGARA 16th Main, Bengaluru South, Bangalore Karnataka-560011**
- 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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-286/E-126571/2019 Appeal/8th Meeting, 2022  
APPLSRC201913313**

A.P. College of Education, Duddeda, 609, Siddipet Revenue Division, Kondapak, Medak – 502277, Telangana <b>APPELLANT</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.  <b>RESPONDENT</b>
--	------------------	--

<b>Representative of Appellant</b>	<b>No one presented</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of **A.P. College of Education, Duddeda, 609, Siddipet Revenue Division, Kondapak, Medak – 502277, Telangana** dated 19.07.2019 filed under Section 18 of NCTE Act, 1993 against the Order No. **F.SRO/NCTE/APSO0398/B.Ed./TS/2019/04746-4751** dated 29.05.2019 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course



on the grounds that "The Committee noted that the A.P. College of Education, Siddipet Revenue Division, Duddeda, Medak District, Telangana was granted recognition for B.Ed. programme from the academic session 2002-03 with an annual intake of 120 students. Subsequently the institution was granted recognition for D.El.Ed. course from the academic session 2012-13 with an annual intake of 50 students. The Management made a request to shift the institution to another place in a different district which is not permissible as per rules. b) Further it is also observed that since last 3 academic years the University is not extending affiliation as such institution is not functional. c) It is also noted from the record requesting for shifting that the land is registered in the name of A.P. College of Education on 24th July, 2017. However, the building plan has been approved on 27.6.2016. Further the management has not obtained LUC

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**No one from A.P. College of Education, Duddeda, 609, Siddipet Revenue Division, Kondapak, Medak – 502277, Telangana** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that "The representative of **A.P. College of Education, Duddeda, Siddipet Revenue Division, Kondapak, Medak, Telangana** presented the case of the appellant institution on **07.11.2022**. In the appeal and during personal presentation the appellant submitted (i) That in order to appreciate various contentions being raised hereinafter by the Appellant herein, it is necessary to state the following few relevant facts in brief. (ii) That it is submitted that the SRC, NCTE after processing of the application of the Appellant institution and conducting the expert inspection granted its recognition dated 03.07.2003 to the Petitioner institution for conducting B. Ed. Course from academic session 2002-03 with annual intake of 120 students. A true copy of the SRC NCTE recognition order dated 03.07.2003 is annexed herewith and marked as **ANNEXURE P-2**. (ii) That it is submitted that the SRC, NCTE after due inspection and verification also granted the recognition for the D.El.Ed. Course vide its Order dated 05.09.2012 from session 2013-2014. A true copy of the SRC NCTE recognition order dated 05.09.2012 is annexed herewith and



marked as **ANNEXURE P 3**. (iv) That it is submitted that the Govt. of Andhra Pradesh vide its G. O. dated 05.01.2013 granted the affiliation to the Appellant Institution for starting D. El. Ed. Programme. (v) That it is submitted that the Management of the institution is approaching the SRC, NCTE since many years for the shifting of premises and had lastly submitted the Land Documents, Building Completion Certificate, Building Plan, CLU, NEC, etc. A True Copy of the Land Documents, Building Completion Certificate, Building Plan, CLU, NEC is being annexed herewith as **ANNEXURE P 4**. (vi) That it is submitted that the SRC, NCTE vide its letter dated 22.04.2019 issued a show cause notice to the institution directing it to submit the original documents of Society including list of members, Site Plan approved by the competent authority and building completion certificate. A True Copy of the Show Cause Notice dated 22.04.2019 is being annexed herewith as **ANNEXURE P 5**. (vii) That it is submitted that the institution vide its Reply dated 29.04.2019 submitted the original documents of Society including list of members, Site Plan approved by the competent authority and building completion certificate as annexed in Para 7 of the appeal. A True Copy of the Reply dated 29.04.2019 is being annexed herewith as **ANNEXURE P 6** (viii) That it is submitted that surprisingly the SRC, NCTE in its 375th meeting decided to withdraw the recognition of the institution without looking into the documents. It seems that the S RC confused with the documents or failed to co-relate the documents. (ix) That it is submitted that the expert team of the NCTE visited the Appellant Institution and verified the infrastructural and instructional facilities. Thereafter, the S RC verified the visiting team report and viewed the CD and consider the documents including Building Completion Certificate, Building Plan etc. and accorded the recognition order to the Appellant Institution and the recognition won't have been withdrawn without ascertaining the proper facts. (x) That it is submitted that the S RC NCTE vide its show cause notice only directed the Appellant Institution to submit the required documents which were submitted accordingly. (xi) That it is submitted that the SRC vide its order dated withdrew the recognition of the Appellant Institution pointing out certain other point also which was not a part of show cause notice and Appellant had no opportunity to justify. (xii) That it is submitted that the SRC ought to have given an opportunity to the Appellant institution to explain the building plan, BCC, Land Documents, etc. (xiii) That it is submitted that the withdrawal order of the SRC totally devoid of the merit and is not as per the statutory



provisions as mandated under NCTE Act, 1993. (xiv) That it is submitted that it appears that SRC, NCTE proceeded in an arbitrary manner without considering the documents proper.”

### III. OUTCOME OF THE CASE

The Committee noted that the recognition of the institution was withdrawn for B.Ed. programme vide order dated 29.05.2019 issued by the SRC. The Committee further noted that vide order dated 26.09.2019 passed by Appellate Authority whereby the order of the SRC has been confirmed. The institution has challenged both the orders i.e., withdrawal order as well as Appellate order by filing of Writ Petition before the Hon'ble High Court.

The appellant institution had moved to the Hon'ble Delhi High Court by the way of W.P.C. No. 1111/2020 titled A.P. College of Education V/s National Council for Teacher Education & Anr. The Hon'ble Court vide order dated 04.07.2022 issued following directions:-

***“... 7. Thus, in the interest of justice and in light of the position taken by co-ordinate benches of this Court, the order dated 26<sup>th</sup> September, 2019 passed by the Appellate Authority is set-aside and the matter is remanded back to the Appellate Authority, subject to the Petitioner depositing a cost of Rs. 10,000/- with the Delhi High Court Advocates' Welfare Fund. The Appellate Authority is directed to expeditiously consider afresh all documents placed by Petitioner-institute within a period of two weeks from today, including those annexed with the present petition and take a decision thereon in accordance with law...”***

In compliance of Court order dated 04.07.2022 in W.P.C. No. 1111/2020 titled A.P. College of Education V/s National Council for Teacher Education & Anr, the instant matter was taken up by the Appeal Committee. Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the matter was taken up by the Appeal committee for hearing in its 6<sup>th</sup> meeting held on 2<sup>nd</sup> September 2022 and further taken up in its 7<sup>th</sup> meeting held on 7<sup>th</sup> & 8<sup>th</sup> October, 2022, but nobody has appeared to represent the institution. Further, the matter was again taken up in 8<sup>th</sup> Meeting held on 7<sup>th</sup> November 2022,



however, on the said date also nobody has appeared to represent the institution before the Appellate Committee. The Committee decided not to grant another date for hearing to the institution and decided to consider the documents and passed appropriate order on the basis of material available on record. Appeal Committee noted that the appellant institution has submitted following documents:

- (i) A copy of Affidavit on Rs.100 non-judicial stamp paper.
- (ii) A copy of Land documents such as Sale Deed, BCC, CLU, Statement of Encumbrance on property.
- (iii) A copy of staff profile.
- (iv) A copy of Site Plan.

The Committee noted that the institution has submitted a copy of Sale Deed dated 24.07.2017. The property under sale deed is situated in Sangareddy District, However, the recognition was granted by the SRC to the institution at the address of the institution which is located in Medak District. The Committee noted that the as per withdrawal order which was passed in the year 2019 by the SRC, it is stated that the affiliating university has not extended the affiliation of the institution since last 3 academic years. The institution has also not explained this aspect in the appeal and has also not submitted any documents with respect to extension of the affiliation of the institution by the affiliating University.

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

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

#### **IV. DECISION: -**

**After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded appeal deserves to be rejected and therefore, the impugned withdrawal order issued by SRC is confirmed.**



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

  
**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, A.P. College of Education, Duddeda, 609, Siddipet Revenue Division, Kondapak, Medak – 502277, Telangana**
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: 16/11/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-140/E-255686/2022 Appeal/8th Meeting, 2022  
APPLSRC202214365**

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

<b>Representative of Appellant</b>	<b>Dr. S.R. Sathya Rai, Principal</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	07.11.2022
<b>Date of Pronouncement</b>	16.11.2022

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of **Sri Ragavendra College of Education, Komarapalayam, 94/2,95/2,95/3, Komarapalayam, Sathyamangalam, Erode, Tamilnadu-638401** dated 13.05.2022 filed under Section 17 of NCTE Act, 1993 against the Order No. **F.SRO/NCTE/APS05576/B.Ed./{TN}/2022/130718** dated 14.03.2022 of the Southern



Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that:-

"The institution was issued a Final Show Cause Notice (FSCN). The institution has submitted its reply vide dated 15.02.2021. The Committee observed the reply submitted by the institution and found the following deficiencies.

1. The institution did not submit latest and consolidated approved of faculty issued by the affiliating University. The institution also failed to submit supporting documents in terms of educational qualification of the faculty and experience certificate of the Principal.
2. The institution has submitted a photocopy of NRC in regional language. The institution is required to submit an English Translated ^& Notarized copy of NEC.
3. 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.
4. 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.

Hence, the Committee decided to withdraw the recognition granted to Sri Ragavendra College of Education, Sy no. 94/2, 95/2, 95/3, Near Govt. Hospital, Komarapalayam Panchayat, Sathyamangalam Taluk, Erode District, Tamilnadu-638401 for conducting B.Ed. programme with effect from the academic session i.e. 2022-2023 onwards under clause 17(1) of NCTE Act, 1993 on the grounds mentioned above".

## **II. SUBMISSIONS MADE BY APPELLANT: -**

**The Principal of Sri Ragavendra College of Education, Komarapalayam, 94/2,95/2,95/3, Komarapalayam, Sathyamangalam, Erode, Tamilnadu-638401** appeared online to present the case of the appellant institution on 07.11.2022. In the appeal Memoranda it is submitted that:-

1. We are having faculty approval from TNTEU Chennai. Copy enclosed.
2. We are having NEC in English and Regional Language. Copy enclosed.
3. We are having disbursement of salary through bank account. Copy enclosed
4. We are having website those details are mentioned below (<https://sriragavendraedutrust.org>) for the same. WEBSITE SCREEN SHOT copy enclosed.



### III. OUTCOME OF THE CASE

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

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

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

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

In compliance of Court order dated 11.10.2022 passed by Hon'ble Delhi High Court in W.P.C. No. 14400/2022 titled Sri Ragavendra College of Education V/s NCTE and Anr, the instant matter was taken up by the Appeal Committee and the Committee noted that the appellant institution with its appeal memoranda and



submissions made during online appeal hearing on 7th November, 2022 submitted two faculty lists which was approved on 06.10.2021 and 27.09.2022 respectively.

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

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

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

**IV. DECISION: -**

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

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



**Deputy Secretary (Appeal)**

**Copy to :-**

1. **The Principal, Sri Ragavendra College of Education, Komarapalayam, 94/2,95/2,95/3, Komarapalayam, Sathyamangalam, Erode, Tamilnadu-638401**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.