



IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 18/09/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-154/E-315981/2023 Appeal/10th Meeting, 2023
APPLSRC202013833**

Nehru Memorial Ex-Servicemen College of Education, 206/12e, Ramesampeta, Anuru Road, Peddapuram, East Godavari, Andhra Pradesh-533437	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. P.D. Chandra Shekhar, Principal
Respondent by	Regional Director, SRC
Date of Hearing	15.09.2023
Date of Pronouncement	18.09.2023

ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Nehru Memorial Ex-Servicemen College of Education, 206/12e, Ramesampeta, Anuru Road, Peddapuram, East Godavari, Andhra Pradesh-533437** dated 15.12.2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/AOPS00375/B.Ed./AP/2020/19155-9161** dated 07.10.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not shifted its institution to own permanent building, which is a violation of the NCTE Regulations 2002, 3(c). (ii). The institution has also not submitted an application for shifting of premise from rented to owned as required under NCTE Regulations. (iii). The institution has not submitted certified copy of registered land documents. (iv). The building plan submitted by the institution is not approved by the competent authority. (v). The BCC submitted by the institution is not in prescribed format and multipurpose hall size was not mentioned. (vi). The institution does not have sufficient strength of faculty for running 2 basic units of B.Ed. course as per NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. P.D. Chandra Shekhar, Principal of Nehru Memorial Ex-Servicemen College of Education, 206/12e, Ramesampeta, Anuru Road, Peddapuram, East Godavari, Andhra Pradesh-533437 appeared online to present the case of the appellant institution on 15.09.2023. In the appeal report, it is submitted that “(i). Our institution was shifted to own building in the year of 2007 and also paid inspection fee to the NCTE Rs. 40,000-00 for shifting the institution, we also intimated the same to the NCTE. (ii). We have already submitted the certified copy of registered land documents to NCTE, as you specified this point. We are again submitting the same for your verification. (iii). The institution building plan was approved by the competent authority. (iv). We have having building completion certificate and on your suggestion. (v). we will certainly submit the certificate in the prescribed format. The multipurpose hall in our institution size 1400 Sq.

Ft. (vi). Our institution is maintaining 1 basic unit even though you have given permission to 2 units for that purpose we have requested you through letter correspondence to give permission for only 1 basic unit. We also requested to Adikavi Nannaya University Authority to give permission for only 1 basic unit. They give permission for running 1 basic unit. The strength of the faculty is maintained for 1 basic unit."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 15th September 2023.

Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 23.08.2000. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 17.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 29.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (Two basic units) from the academic session 2015-16. The SRC vide order dated 5.10.2015 granted permission to NMES College of Education, Peddapuram Post, East Godavari District-533437, Andhra Pradesh to shift its premises to new location/building at NMES College of Education, Ramesampeta Village, Anuru Road, Peddapuram Post, East Godavari District-533437, Andhra Pradesh. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 07.10.2020.

A Writ Appeal No. **860 of 2023** was filed by the NCTE against the Single Judge order dated 18.08.2023 in W.P. No. **17123 of 2023** before the Hon'ble High Court of Andhra Pradesh at Amaravati titled **Nehru Memorial Ex-Servicemen College of Education V/s National Council for Teacher Education & Anr**, the Hon'ble Division bench vide its order dated **30.08.2023** issued following direction to the Appellate Authority: -

"....6. It is suggested by Mr. N. Harinath, learned Deputy Solicitor General appearing for the appellant that in case the writ petitioner files a fresh appeal before the



respondent No.5, the same would be considered and appropriate orders would be passed within one week from the date of receipt of the said memo of appeal.

7. Learned counsel for the writ petitioner appearing before us has not objection to such a suggestion made and undertakes to supply the copy of the appeal through registered post/physically within two days from today. On such copies being supplied, as per the statement made by learned counsel for the appellant, the appeal shall be decided on its own merits, within one week, thereafter. The timelines are important for the purpose of disposal of the appeal filed by the writ petitioner considering the fact that the counselling process for the admissions into the various B.Ed. Colleges begins in the week commencing 04.09.2023. Be that as it may.

8. In the light of the aforementioned statement and the agreement arrived at between the parties, the present appeal as also writ petition No.17123 of 2023 shall stand disposed of. The impugned orders are hereby set aside. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed."

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

- (i) A copy of faculty list (1+7) members dated 08.05.2019 approved by the Registrar, Adikavi Nannaya University, Rajamahendravaram, Andhra Pradesh as per provisions of NCTE Regulation, 2014.
- (ii) A copy of land documents with English translation (Survey No. 206/12E, Village Surampalem, Extent Ac. 4-13 cents).
- (iii) A copy of building plan (not legible).
- (iv) A copy of Building Completion Certificate issued by Mandal Engineering Officer, Gandepalli.

After examination of the above documents viz a viz appeal report and submissions made during online appeal hearing on 15th September, 2023, the Appeal Committee observed as under: -

- (i) The appellant institution has submitted a list of faculty (1+7) approved by the Registrar, Adikavi Nannaya University, Rajamahendravaram, Andhra Pradesh is not sufficient for running 2 unit of B.Ed. course. However, the institution had submitted an Affidavit vide letter dt. 22.10.2019 stating that it is running only one unit of the instant course.
- (ii) Institution has a Multipurpose Hall measuring 1400 sq. ft., which is inadequate as per NCTE Regulations, 2014. Institution during Appeal hearing has informed



that it has another Multipurpose Hall for which the proof not submitted during the hearing.

- (iii) The Building Plan submitted by the institution is not legible to find the area of classrooms, labs, multipurpose etc.
- (iv) The institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 23.08.2000. A revised provisional recognition order was issued to the institution on dt. 29.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (Two basic units) from the academic session 2015-16. The SRC vide order dated 05.10.2015 granted permission to NMES College of Education, Peddapuram Post, East Godavari District-533437, Andhra Pradesh to shift its premises to new location/building at NMES College of Education, Ramesampeta Village, Anuru Road, Peddapuram Post, East Godavari District-533437, Andhra Pradesh.

Noting the above, the Appeal Committee is of the view that the present infrastructural and instructional facilities available with the institution are required to be verified by the SRC to justify the claim of the institution specified in the Appeal Report, Affidavit submitted by the institution vide letter dated 22.10.2019 regarding running of one basic unit, availability of multipurpose hall as per NCTE norms and shifting of premises to its own building vide SRC order dated 05.10.2015. For this purpose, the SRC is directed to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution. Further the institution shall submit a representation to the SRC allowing it to run one unit alongwith with the required faculty list and proof of availability of multipurpose hall measuring adequate area of 2000 sq. ft. alongwith a copy of Appeal order.

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

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



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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 07.10.2020 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

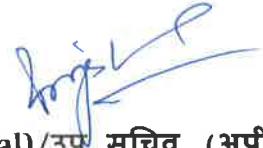
Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to the SRC, NCTE with the direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with 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 to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to conduct inspection of the institution under Section 13 of the NCTE Act, 1993 in consonance with Inspection Division of NCTE (HQ) to verify the infrastructural and instructional facilities available with the institution. The Appellant Institution is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time.

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Nehru Memorial Ex-Servicemen College of Education, 206/12e, Ramesampeta, Anuru Road, Peddapuram, East Godavari, Andhra Pradesh-533437
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.