



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 - 19/12/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील  
File No. 89-210/E-321148/2023 Appeal/15th Meeting, 2023  
APPLSRC202314723

|   |                  |  |
|---|------------------|--|
| N.S.S. Training College, 88/5, 88/6, 88/7, 88/8, 170/1, Ottapalam 1, TB Road, Palakkad, Kerala-679101 | <b><u>Vs</u></b> | Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. |
| <b>APPELLANT</b>  |                  | <b>RESPONDENT</b>  |

|                                    |  |
|------------------------------------|--|
| <b>Representative of Appellant</b> | <b>Prof. (Dr.) Ampili Aravind, Principal</b> |
| <b>Respondent by</b>               | <b>Regional Director, SRC</b>                |
| <b>Date of Hearing</b>             | <b>05.12.2023</b>                            |
| <b>Date of Pronouncement</b>       | <b>19.12.2023</b>                            |

## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of **N.S.S. Training College, 88/5, 88/6, 88/7, 88/8, 170/1, Ottapalam 1, TB Road, Palakkad, Kerala-679101** dated 31.10.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO9664/M.Ed./415<sup>th</sup>/KL/2023/(143403,143407)** dated 12.09.2023 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that "The institution failed to submit reply to the Last Reminder Letter dated 21.07.2022."

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

**Prof. (Dr.) Ampili Aravind, Principal of N.S.S. Training College, 88/5, 88/6, 88/7, 88/8, 170/1, Ottapalam 1, TB Road, Palakkad, Kerala-679101** appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that "In response to the last reminder from NCTE-SRC the college has submitted the compliance letter alongwith all stipulated documents to NCTE-SRC on 28.08.2022 through e-mail and the hard copy of the same was sent through post on 22.08.2022. There was a remark item 178 in pages 152 & 153 of the minutes of 415<sup>th</sup> Meeting of NCTE-SRC regarding the recognition of the M.Ed. programme at NSS Training College, Ottapalam stating that the institution failed to submit reply to last reminder letter dated 21.07.2022. The college has sent a clarification to NCTE-SRC with documentary evidence requesting to withdraw the remark regarding the M.Ed. programme (letter No. SI./489/2022 dated 10.11.2022.). the college received continuation order for recognition of B.Ed. programme as per order No. F.SRC/NCTE/AOSO0378/B.Ed./KL/2022-136795 dated 16.11.2022 from NCTE-SRC. The college again send a request (letter No. SI./489/2022 dated 12/04/2023) submitting that we have sufficient number of faculty members for B.Ed. and M.Ed. programme and satisfies all other requirements for conducting B.Ed. programme with 100 basic units of 50 students each (Total 100 students) and M.Ed. programme with one basic unit of 50 students. (All stipulated documents have already been submitted as per compliance letter No. S2/489/2022 dated 19.08.2022 from this office). NSS Training college, Ottapalam is a Govt. Aided institution established in 29160 coming under Section 12 B of the UGC Act, 1956 and only the full-time faculty members drawing UGC salary and faculty members for Fine Arts and Performing Arts,



were endorsed by the University of Calicut. The full-time faculty members other than UGC salaried members were not endorsed by the University of Calicut when the compliance letter was submitted. We humbly requested you to permit us to submit the renewed faculty list of the college duly endorsed by the University of Calicut including faculty members drawing non-UGC salary and kindly consider our appeal for online hearing.”

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

**The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.**

The Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course with an annual intake of 25 students vide order dated 30.10.2009, the consequence upon the notification of the NCTE (Amendment) Regulation, 2010 on dt. 26.07.2010, the intake of existing 25 students in M.Ed. course was increased from 25 to 35 students vide SRC, NCTE order dt. 20.09.2010. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 21.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 26.05.2015 for conducting M.Ed. course of two years duration with an annual intake of 50 (One basic unit) from the academic session 2015-16. The recognition of the institution for M.Ed. programme was withdrawn by the SRC vide order dated 12.09.2023.

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

- (i) A copy of faculty list (1+9) members dated 04.10.2023 approved by the Registrar of University of Calicut as per provisions of NCTE Regulation, 2014.



The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 12.09.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled **"Rambha College of Education V/s NCTE"** wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

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

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 12.09.2023 is set-aside as the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.



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

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

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

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

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

#### **Copy to :-**

1. The Principal, N.S.S. Training College, 88/5, 88/6, 88/7, 88/8, 170/1, Ottapalam 1, TB Road, Palakkad, Kerala-679101
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Kerala.



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

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 19/12/2023

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

**एन सी टी ई अधिनियम की धारा 18 के तहत दायर अपील  
File No. 89-212/E-321707/2023 Appeal/15th Meeting, 2023  
APPLERC202314732**

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|--|------------------|---|
| Dulari Institute of Education<br>Centre, 2090,2106, Manika<br>Bishnupur Chand, Manika,<br>Mushahari, Muzaffarpur, Bihar-<br>843119 | <b><u>Vs</u></b> | Eastern Regional Committee, Plot<br>No. G-7, Sector – 10, Dwarka, New<br>Delhi -110075. |
| <b>APPELLANT</b>   |                  | <b>RESPONDENT</b>   |

|                                    |                                  |
|------------------------------------|----------------------------------|
| <b>Representative of Appellant</b> | <b>Mr. Aarzoo, Vice Chairman</b> |
| <b>Respondent by</b>               | <b>Regional Director, ERC</b>    |
| <b>Date of Hearing</b>             | <b>05.12.2023</b>                |
| <b>Date of Pronouncement</b>       | <b>19.12.2023</b>                |



## ORDER/आदेश

### **I. GROUNDS OF WITHDRAWAL**

The appeal of **Dulari Institute of Education Centre, 2090,2106, Manika Bishnupur Chand, Manika, Mushahari, Muzaffarpur, Bihar-843119** dated 10.11.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. ER-333.9/NCTE/ERCAPP201645176 (ID No.9405)/68972** dated 19.10.2023 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted the faculty list after the date of issue of SCN dated 09.04.2022. (ii). The institution has not submitted the Experience Certificate of the Principal. (iii). Affidavit on Rs. 100/- non-judicial stamp paper by the management regarding selection/appointment of faculty is not submitted by the institution. (iv). The institution has not submitted the additional information as per Clause 7(14), 8(6) & 10(3) of the NCTE Regulation, 2014 and Clause 2(C) of the NCTE Regulations dated 28.04.2017.”

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

**Mr. Aarzoo, Vice Chairman of Dulari Institute of Education Centre, 2090,2106, Manika Bishnupur Chand, Manika, Mushahari, Muzaffarpur, Bihar-843119** appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that “(i). We had submitted the faculty list as per the NCTE Guidelines through the letter No.2022/05/01 dated 04.05.2022, we had not changed any faculty member after the academic year 2020. (ii). We had endorsed the experience certificate of principal through the same letter no.2022/05/01 dated 04.05.2022 after the SCN issued dated 09.04.2022. (iii). We had endorsed the Affidavit of Rs.100/- non-judicial stamp paper regarding selection/appointment of faculty through the letter no.2022/05/01 dated 04.05.2022 after the SCN issued dated 09.04.2022. (iv). We had uploaded all the related document as per Clause 7(14), 8(6), 10(3) of the NCTE Regulation, 2014 and Clause 2(C) of NCTE Regulation dated 28.04.2017 at our website [www.diec.co.in](http://www.diec.co.in).”



### III. OUTCOME OF THE CASE

The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 07.10.2017. The recognition of the institution for B.Ed. programme was again withdrawn by the ERC vide order dated 19.10.2023.

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

- (i) **A copy of faculty list (1+15) members dated 04.11.2023 approved by the Registrar, B.R.A. Bihar University, Muzaffarpur as per provisions of NCTE Regulation, 2014 alongwith experience certificate of Principal.**

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 19.10.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment **dated 23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

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





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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 19.10.2023 is set-aside as the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

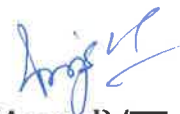
Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC with a direction to verify the submitted documents filed by the Appellant institution with Appeal from the records available with ERC and if it feel necessary and appropriate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



**IV. DECISION: -**

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

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Dulari Institute of Education Centre, 2090,2106, Manika Bishnupur Chand, Manika, Mushahari, Muzaffarpur, Bihar-843119**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Bihar.**



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 19/12/2023

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

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-213/E-322071/2023 Appeal/15th Meeting, 2023**  
**APPLNRC202314634**

|   |                  |   |
|---|------------------|---|
| Jawahar Lal Nehru Smarak Post<br>Graduate College, 1875, NPP<br>Maharajgaj, Nichlaul Road,<br>Sadar, Maharajganj, Uttar<br>Pradesh-273303<br><br><b>APPELLANT</b> | <b><u>Vs</u></b> | Northern Regional Committee, Plot<br>No. G-7, Sector – 10, Dwarka, New<br>Delhi -110075.<br><br><b>RESPONDENT</b> |
|---|------------------|---|

|                                    |   |
|------------------------------------|---|
| <b>Representative of Appellant</b> | <b>Dr. Ajay Kumar Mishra, Principal</b> |
| <b>Respondent by</b>               | <b>Regional Director, NRC</b>           |
| <b>Date of Hearing</b>             | <b>05.12.2023</b>                       |
| <b>Date of Pronouncement</b>       | <b>19.12.2023</b>                       |

## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of **Jawahar Lal Nehru Smarak Post Graduate College, 1875, NPP Maharajgaj, Nichlaul Road, Sadar, Maharajganj, Uttar Pradesh-273303** dated 14.11.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NRC/NCTE/UP-243-B.Ed./412<sup>th</sup> (Blended Mode) Meeting/2023/ (223609-223616)** dated 07.10.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted certified land documents issued by Govt. competent Authority. (ii). The institution has submitted building plan but not approved by the Govt. competent Authority and not mentioned earmarked area for each course being run in the same premises. (iii). The institution has not submitted land use certificate issued by the Govt. Competent Authority. (iv). The institution has not submitted latest Non-Encumbrance Certificate issued by Govt. Competent Authority. (v). The institution has submitted Building Completion Certificate but not issued by the Govt. Competent Authority. (vi). The institution has not submitted details of salary disbursed to the faculty along with six months Bank statement and Account number of each faculty members. (vii). The institution has not submitted faculty list approved by the affiliating body. (viii). The institution has submitted consolidated list for 08 faculty signed by Manager of the College. (ix). As per consolidated list the institution has not appointed Music, Fine Art and Physical Education faculty. (x). The institution has not appointed 16 faculties as per NCTE Regulations 2014 for B.Ed. two basic units. (xi). The institution has not adhered to the mandatory disclosure in the prescribed format and display up to date information on its official website as per NCTE Regulations 8(14) condition for grant of recognitions as per NCTE Regulations 2014.”

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

**Dr. Ajay Kumar Mishra, Principal of Jawahar Lal Nehru Smarak Post Graduate College, 1875, NPP Maharajgaj, Nichlaul Road, Sadar, Maharajganj,**



**Uttar Pradesh-273303** appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that “(i). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (ii). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (iii). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (iv). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (v). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (vi). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (vii). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (viii). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (ix). Since it is an aided course run by the Government/ University, in which the Uttar Pradesh Higher Education Service Commission does the appointment. Therefore, lecturers of other courses are teaching with the consent of the management under part-time salary. Whose certified list is attached. (x). Since the syllabus has been recognized for two-units, but due to non-availability of lecturers by the Government (Since it is an aided course run by the Government/ University), only one unit being operated by the College management. For which 7+1 and three part-time lecturers are working as per Rules. Whose certified list is attached. (xi). The institution has displayed up to date information on its official website adhere to the mandatory disclosure in the



prescribed format as per NCTE Regulations 8(14) condition for grant of recognition as per NCTE Regulations, 2014.”

### III. OUTCOME OF THE CASE

The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 90 students vide order dated 24.07.2000. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 07.10.2023.

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

- (i) A copy of faculty list (1+10) members dated 14.11.2023 approved by the Registrar, Siddharth Vishwavidyalaya, Kapilvastu, Siddharth Nagar as per provisions of NCTE Regulation, 2014 alongwith statement of salary disbursement to the faculty.
- (ii) A copy of land documents, building plan alongwith Building Completion Certificate.
- (iii) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Appeal Committee noted that institution has submitted faculty list of (1+10) members, which are sufficient to run B.Ed. one unit, as such, the Appeal Committee decided to remand back the matter to NRC to consider the matter for one basic unit. Accordingly, the Appeal Committee decided that the institution shall file a representation before the Northern Regional Committee (NRC) in this regard and the NRC is directed to scrutinize the representation along with requisite documents.





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

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

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

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

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

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

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



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

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

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

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

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

#### **Copy to :-**

1. The Principal, Jawahar Lal Nehru Smarak Post Graduate College, 1875, NPP Maharajgaj, Nichloul Road, Sadar, Maharajganj, Uttar Pradesh-273303
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

**Date /दिनांक - 19/12/2023**

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

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील  
File No. 89-214/E-322068/2023 Appeal/15th Meeting, 2023  
APPLNRC202314635**

|   |                  |  |
|---|------------------|--|
| Jawahar Lal Nehru Smarak Post<br>Graduate College, 1875, NPP<br>Maharajgaj, Nichloul Road,<br>Sadar, Maharajganj, Uttar<br>Pradesh-273303 | <b><u>Vs</u></b> | Northern Regional Committee, Plot<br>No. G-7, Sector – 10, Dwarka, New<br>Delhi -110075. |
| <b>APPELLANT</b>  |                  | <b>RESPONDENT</b>  |

|                                    |   |
|------------------------------------|---|
| <b>Representative of Appellant</b> | <b>Dr. Ajay Kumar Mishra, Principal</b> |
| <b>Respondent by</b>               | <b>Regional Director, NRC</b>           |
| <b>Date of Hearing</b>             | <b>05.12.2023</b>                       |
| <b>Date of Pronouncement</b>       | <b>19.12.2023</b>                       |

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Jawahar Lal Nehru Smarak Post Graduate College, 1875, NPP Maharajgaj, Nichlaul Road, Sadar, Maharajganj, Uttar Pradesh-273303** dated 14.11.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NRC/NCTE/UP-2238-B.P.Ed./411<sup>th</sup> (Blended Mode) Meeting/2023/(223553-223559)** dated 07.10.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.P.Ed. Course on the grounds that “(i). After promulgation of NCTE Regulations, 2014, the institution has not consented to come under the Regulations, 2014 and affidavit in this regard was also not submitted by the institution. Hence, revised recognition order for M.Ed. two-year duration was not to the institution. (ii). The institution has not submitted certified copy of Registered land documents issued by the Govt. Authority. (iii). The institution has submitted copy of building plan but not approved by the Govt. Competent Authority and not mentioned land area, khasra number, built up area and earmarked area for each course being run in the same premises. (iv). The institution has not submitted land use certificate issued by the competent Govt. Authority. (v). the institution has not submitted latest non-encumbrance certificate issued by the concerned Govt. Authority. (vi). The institution has not submitted details of salary disbursed to the faculty along with the six months bank statement and account number of each faculty members. (vii). The institution has submitted building completion certificate but not issued by the Govt. Competent Authority. (viii). As per building completion certificate point no. 18 total land area earmarked for the B.P.Ed. course is only 3500 sqm which is not as per NCTE Regulations 2014. (ix). As per consolidated list submitted by the institution one HOD + 6 lecturers = 7 mentioned out of seven faculty only four staff approved vide approval letter dated 28.06.2021. which is not as per NCTE Regulations. (x). The institution has not submitted original FDRs Rs. 5 lacs and 7 lacs towards Reserve Fund and Endowment Fund. (xi). The institution has not adhered to the mandatory disclosure in the prescribed format and display up to date information on its official website as per NCTE Regulations, 8(14) condition for grant of recognitions as per NCTE Regulations, 2014.”

## II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Ajay Kumar Mishra, Principal of Jawahar Lal Nehru Smarak Post Graduate College, 1875, NPP Maharajgaj, Nichlaul Road, Sadar, Maharajganj, Uttar Pradesh-273303 appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that “(i). The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (ii). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (iii). The institution has submitted copy of building plan duly approved by the Govt. Competent Authority and mentioned land area, khasra number, built up area and earmarked area for each course being run in the same premises. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (iv). The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (v). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (vi). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (vii). The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (viii). Total land area earmarked for the B.P.Ed. course is only 42170 sqm. It was a clerical mistake at point no. 18 that caused wrong input of total land area earmarked. Institute duly apologizing for the mistake and submitting new and improved building completion certificate issued by the Government Competent Authority. (ix). The institution had submitted list of one HOD+6 Lecturers 7 mentioned. Approval letter for all 7 mentioned has been sent to the sent to NRC in time out of seven faculty four staff approved vide approval letter dated 28.06.2021 and rest 3 staff (One HOD+ 2 Lecturers) approval letter dated 25.04.2022 has been sent to NRC NCTE



which seems to not come into your notice. I am sending the documents related to this again to you. (x). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (xi). The institution has displayed up-to-date information on its official website adhere to the mandatory disclosure in the prescribed format as per NCTE Regulations 8(14) condition for grant of recognition as per NCTE Regulations, 2014.”

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

**The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.**

The Appeal Committee noted that the appellant institution was granted recognition for B.P.Ed. Course with an annual intake of 50 students vide order dated 29.11.2010. The recognition of the institution for B.P.Ed. programme was withdrawn by the NRC vide order dated 07.10.2023.

The Appeal Committee noted that the main ground of withdrawal by NRC, NCTE was that the institution has not consented to come under the Regulations, 2014 and an Affidavit in this regard was also not submitted by the institution. The Appeal Committee also noted that NRC while withdrawing the recognition of the B.P.Ed. programme of the institution mentioned in its withdrawal order that that revised recognition order for M.Ed. Two-year duration was not issued to the institution. This fact to be reexamined by the NRC. The Appellant institution also contended that it has submitted an Affidavit to the NRC however the RPRO was not issued by the NRC, and it is having continuous affiliation from the affiliated University i.e., Siddharth University, Siddharth Nagar, Uttar Pradesh.

The Appeal Committee observed that this is a RPRO case for B.P.Ed. programme and recognition was granted to the institution on 29.11.2010. The Appeal





Committee also noted that the NRC withdrawn the recognition of the institution on 07.10.2023 and failed to take a due necessary action within reasonable time, if the institution was deficient and non-compliant of NCTE Regulations, 2014, NRC should have taken due action against the institution at that point of time. The NRC, NCTE should also have taken opinion from the Regulation Division of the NCTE wherein so many years has been passed and the recognition of the institution is continuing considering the concern and welfare of the students.

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 approved by the Registrar, Siddharth Vishwavidyalaya, Kapilvastu, Siddharth Nagar as per provisions of NCTE Regulation, 2014.
- (ii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.
- (iii) A copy of Building Completion Certificate alongwith building plan.
- (iv) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

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

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



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

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

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

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

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

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



**IV. DECISION: -**

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

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

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. The Principal, Jawahar Lal Nehru Smarak Post Graduate College, 1875, NPP Maharajgaj, Nichlaul Road, Sadar, Maharajganj, Uttar Pradesh-273303
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 19/12/2023

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

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-215/E-322070/2023 Appeal/15th Meeting, 2023  
APPLNRC202314636**

|   |                  |  |
|---|------------------|--|
| Jawahar Lal Nehru Smarak Post Graduate College, 1875, NPP Maharajgaj, Nichlaul Road, Sadar, Maharajganj, Uttar Pradesh-273303 | <b><u>Vs</u></b> | Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. |
| <b>APPELLANT</b>  |                  | <b>RESPONDENT</b>  |

|                                    |   |
|------------------------------------|---|
| <b>Representative of Appellant</b> | <b>Dr. Ajay Kumar Mishra, Principal</b> |
| <b>Respondent by</b>               | <b>Regional Director, NRC</b>           |
| <b>Date of Hearing</b>             | <b>05.12.2023</b>                       |
| <b>Date of Pronouncement</b>       | <b>19.12.2023</b>                       |

## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of **Jawahar Lal Nehru Smarak Post Graduate College, 1875, NPP Maharajgaj, Nichlaul Road, Sadar, Maharajganj, Uttar Pradesh-273303** dated 14.11.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NRC/NCTE/UP-1993-M.Ed./412<sup>th</sup> (Blended Mode) Meeting/2023/ (223633-223640)** dated 07.10.2023 of the Northern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “(i). The institution has not submitted certified land documents issued by Govt. Competent Authority. (ii). The institution has submitted building plan but not approved by the Govt. Competent Authority and not mentioned earmarked area for each course being run in the same premises. (iii). The institution has not submitted land use certificate issued by the Govt. Competent Authority. (iv). The institution has not submitted latest Non-Encumbrance Certificate issued by Govt. Competent Authority. (v). the institution has submitted Building Completion Certificate but not issued by the Govt. Competent Authority. (vi). The institution has not submitted details of salary disbursed to the faculty along with six months bank statement and account number of each faculty members. (vii). The institution has submitted approval letter only six Assistant Professor. The institution has not appointed two Professors & two Associate Professor. (viii). The institution has not adhered to the mandatory disclosure in the prescribed format and display up to date information on its official website as per NCTE Regulations 8(14) condition for grant of recognitions as per NCTE Regulations, 2014.”

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

**Dr. Ajay Kumar Mishra, Principal of Jawahar Lal Nehru Smarak Post Graduate College, 1875, NPP Maharajgaj, Nichlaul Road, Sadar, Maharajganj, Uttar Pradesh-273303** appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that “(i). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in

time, this charge is worth being cancelled. I am sending the documents related to this again to you. (ii). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (iii). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (iv). The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (v). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (vi). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (vii). The allegation is fact less and baseless. The documents related to this dispute were already sent to NRC-NCTE in time, this charge is worth being cancelled. I am sending the documents related to this again to you. (viii). The institution has displayed up-to-date information on its official website adhere to the mandatory disclosure in the prescribed format as per NCTE Regulations 8(14) condition for grant of recognitions as per NCTE Regulations, 2014.”

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

**The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.**

The Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course with an annual intake of 25 students vide order dated 29.12.2006. The recognition of the institution for M.Ed. programme was withdrawn by the NRC vide order dated 07.10.2023.





The Appeal Committee further 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+9) members dated 14.11.2023 approved by the Registrar, Siddharth Vishwavidyalaya, Kapilvastu, Siddharth Nagar as per provisions of NCTE Regulation, 2014 etc.
- (ii) A copy of land documents, building plan alongwith Building Completion Certificate etc.

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

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

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

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



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

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

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

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



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

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

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

#### **Copy to :-**

1. **The Principal, Jawahar Lal Nehru Smarak Post Graduate College, 1875, NPP Maharajgaj, Nichlaul Road, Sadar, Maharajganj, Uttar Pradesh-273303**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.**



IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 19/12/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील  
File No. 89-216/E-322093/2023 Appeal/15th Meeting, 2023  
APPLERC202314733

|  |           |   |
|--|-----------|---|
| Swami Vivekanand B.Ed.<br>College, 330/103/1430,<br>Simultala, Chakai Road, Jhajha,<br>Jamui, Bihar-811316 | <u>Vs</u> | Eastern Regional Committee, Plot<br>No. G-7, Sector – 10, Dwarka, New<br>Delhi -110075. |
| <b>APPELLANT</b>   |           | <b>RESPONDENT</b>   |

|                                    |  |
|------------------------------------|--|
| <b>Representative of Appellant</b> | <b>Representative of the institution</b> |
| <b>Respondent by</b>               | <b>Regional Director, ERC</b>            |
| <b>Date of Hearing</b>             | 05.12.2023                               |
| <b>Date of Pronouncement</b>       | 19.12.2023                               |

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Swami Vivekanand B.Ed. College, 330/103/1430, Simultala, Chakai Road, Jhajha, Jamui, Bihar-811316** dated 31.10.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. ER-332.30/NCTE/ERCAPP201646 184 (ID No.8227)/B.Ed./BR/2023/68764** dated 18.09.2023 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has submitted photocopy of faculty list comprising (01 Principal + 16 Asst. Professor) dated 10.11.2020 which is not in the prescribed format. (ii). Date of joining of the faculty is not mentioned in the list so as to ascertain the eligibility of the appointed faculty as per applicable NCTE Regulations. (iii). The institution has not submitted the latest faculty list after the date of issue of Final SCN on 09.04.2022. (iv). The institution has not submitted a copy of experience certificate of principal as per NCTE Regulations, 2014. (v). The institution has submitted a photocopy of the faculty list, which is approved by the Registrar, but the seat is not readable. (vi). The institution’s website is not operational. (vii). The institution has not submitted an Original Affidavit on Rs.100/- non-judicial stamp paper by the management & documents of individual faculty along with their educational qualification certificates/testimonials/ NET/Ph.D./experience certificate. (viii). Original affidavit on Rs.10/- non-judicial stamp paper in respect of appointed faculty in prescribed format not submitted.”

### II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of **Swami Vivekanand B.Ed. College, 330/103/1430, Simultala, Chakai Road, Jhajha, Jamui, Bihar-811316** appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that “(i). The institution admits its fault that our submitted copy of faculty list comprising (01 Principal+16 Asst. Professor) dated 10.11.2020 is not in the NCTE prescribed format. So, after rectifying our mistake, we are submitting it in the NCTE prescribed format. (Annexure-1). (ii). Date of joining of the faculty is being mentioned in the list along with their copy of joining letter. So, kindly verify the eligibility of the approved faculty as per applicable NCTE Regulations (Annexure-2). (iii). The institution did not submit the latest faculty list after the date of issue of final SCN on 09.04.2022 because all the faculties enlisted in the approved faculty list dated

10.11.2020 were still working on date 09.04.2022. So, there were no change in the faculty list. That is the reason why the approved faculty list of date 10.11.2020 was submitted in reply to final SCN of 09.04.2022. (iv). The institution apologizes for not submitting a copy of experience certificate of Principal as per NCTE Regulations, 2014 which are submitting now. (Annexure-3). (v). A photocopy of the faculty list submitted by the institution has genuinely been approved by the Registrar, MMHA & PU, Patna. This could be verified by the University. If any kind of forgery is found in our approved faculty list, then suitable legal action could be taken against us. However, we are submitting a color photocopy of the same faculty list along with other relevant documents in high resolution, which is clearer and more readable. (Annexure-4). (vi). The institution website is svbedcollege.org which is operational. Our old website of the same domain name had basic features. In order to create website more attractive, dynamic and user friendly, website was redesigned with advanced features. In our new website, many contents were not uploaded but now we are uploading & updating the NCTE prescribed contents on our website. (vii). The institution is submitting an original Affidavit on Rs. 100/- non-judicial stamp paper by the management in the NCTE prescribed format. (Annexure-5). The institution is also submitting the documents of individual faculty along with their educational qualification certificates/testimonials/NET/PhD/experience certificate. (Annexure-6 A to Q). (viii). Original affidavit on Rs.100/- non-judicial stamp paper (because Affidavit on Rs.10/- non-judicial stamp paper is not approved by notary public) in respect of every appointed faculty in NCTE prescribed format is being submitted. (Annexure-7).”

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

**The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.**

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 03.03.2018. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 18.09.2023.

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



- (i) A copy of approved faculty list (1+15) members approved by the Registrar, Maulana Mazharul Haque Arabic & Persian University, Patna as per provisions of NCTE Regulation, 2014 etc.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 18.09.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated 23.02.2017 passed in W.P(C). no. 3231/2016 titled "Rambha College of Education V/s NCTE" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

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

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

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

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

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



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

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

**IV. DECISION: -**

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

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

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. The Principal, Swami Vivekanand B.Ed. College, 330/103/1430, Simultala, Chakai Road, Jhajha, Jamui, Bihar-811316
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलीय 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 - 19/12/2023

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

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-217/E-321860/2023 Appeal/15th Meeting, 2023**  
**APPLNRC202314728**

|  |                  |  |
|--|------------------|--|
| Maharaja Surajmal Institute, C-4, Janakpuri, B-1 Janakpuri, West Delhi, Delhi-110058 | <b><u>Vs</u></b> | Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. |
| <b>APPELLANT</b>   |                  | <b>RESPONDENT</b>  |

|                                    |   |
|------------------------------------|---|
| <b>Representative of Appellant</b> | <b>Prof. (Dr.) Harish Singh, Director</b> |
| <b>Respondent by</b>               | <b>Regional Director, NRC</b>             |
| <b>Date of Hearing</b>             | <b>05.12.2023</b>                         |
| <b>Date of Pronouncement</b>       | <b>19.12.2023</b>                         |

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Maharaja Surajmal Institute, C-4, Janakpuri, B-1 Janakpuri, West Delhi, Delhi-110058** dated 08.11.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No./NRC/NCTE/DH-171-B.Ed./410th Meeting (Blended Mode)/2023/223282** dated 14.09.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution submitted a list of 16 faculty but the same is not approved by the affiliating body which is mandatory requirement as per NCTE Regulations. (ii). Faculty namely Beena Devi appointed on 08.01.2018 is not NET qualified, hence, is not eligible for appointment as per NCTE Regulations, 2014. (iii). Principal namely Rachita Jawa is not having sufficient experience as per Appendix 4 of NCTE Regulations, 2014, hence, not qualified to be appointed. (iv). The institution did not submit copy of building plan duly approved by the Delhi Development Authority, only a letter of approval issued by the DDA has been submitted. Further, the earmarked building plan for each course being run in the premise has also not been submitted. It is pertinent to mention here that the building plan submitted by the institution is not at all legible. (v). The institution did not the Non-Encumbrance Certificate issued by the competent authority. (vi). The institution did not submit the bank statements of each individual faculty showing disbursement of salary to all teaching and non-teaching staff through bank account. (vii). The institution did not submit the Building Completion Certificate issued by the competent authority. (viii). The institution did not submit building safety certificate issued by the competent authority. (ix). The institution did not submit a certificate issued by the competent authority regarding disabled friendly. (x). The FDRs submitted by the institution are already matured. (xi). Website of the institution is not updated as per NCTE Regulation, 2014. (xii). The institution did not submit proof/ evidence to prove that it is a multi-disciplinary institution as per clause 2(b) of NCTE Regulations, 2014.”



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

**Prof. (Dr.) Harish Singh, Director of Maharaja Surajmal Institute, C-4, Janakpuri, B-1 Janakpuri, West Delhi, Delhi-110058** appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that “(i). In this regard it is stated that the approval granted by affiliating body i.e., Guru Gobind Singh Indraprastha University (GGSIPU) for the 16 faculty in position is annexed with hard copy as Annexure-1. (ii). The concerned faculty is no more on the rolls of B.Ed. in MSI. All the in position/current faculty in the institute has been approved by GGSIPU. (iii). Dr. (Ms) Kusum Gill is the HOD/Principal of Deptt. of B.Ed. having qualification as per NCTE norms and approved by affiliating body i.e., GGSIPU. Further, MSI being multi-disciplinary Institute, the Principal has been replaced by the designation of the Director, MSI currently being headed by Dr. Harish Singh. (Annexed in hard copy as Annexure-2). (iv). A legible copy of Building plan approved by DDA along with the approval letter in 05 Nos in full sheet, is attached. (Annexure-3) for better appreciation, the earmarking of building as per each course is also being provided i.e., B.Ed. Building plan and summary sheet of other courses subsumed in DDA approved Building Plan. (Annexure-IV with hard copy). (v). Surajmal Memorial Educational society (SMES) (Regd.) has MSI as one of its constituent units build on institutional plot which is on perpetual lease agreement between the President of India and Surajmal Memorial Educational society (SMES) (Regd.) registered under the Society Act XXI of 1860. Therefore, the Non-Encumbrance Certificate issued by the Secretary. SMES as an Affidavit that the above-mentioned Institutional property is free from all sorts of encumbrances, burdens, loans/ debts, securities, mortgages, sale gifts, wakf, Dan, Rehan, Decree and injunction order any and all other defects. (Annexure-V in hardcopy). (vi). The bank statement of individual faculty showing disbursement of salary to B.Ed. teaching staff and non-teaching staff through bank account is being attached. (Annexure-VI in hard copy). (vii). The building completion certificate issued by the Delhi Development Authority (DDA) is being attached. (Annexure-VII in hardcopy). (viii). The building safety certificate issued by MCD approved structural consultant is being attached and also the Fire Safety Certificate issued by Delhi Fire Service, Govt. of NCT of Delhi. (Annexure-VIII in hardcopy). (ix). A certificate issued by the Architect regarding



building being disabled friendly is being attached. (Annexure-IX in hard copy). (x). A renewed FDRs is attached herewith. (Annexure-X in hardcopy.). (xi). The MSI website is dynamic and updated regularly. All the Acts & instructions as displayed prominently. (xii). The institute besides running B.Ed. course also runs the approved courses of BBA, BCA, B. Com, BA/LLB, BBA/LLB, MBA which are duly approved by Deptt. of Higher Education, AICTE and Bar Council of Delhi. The affiliation to run these courses is granted by GGSIPU, Delhi which has also given affiliation to run B.Ed. programme in MSI. The approval letters of the aforesaid courses from concerned approving body is attached for designating MSI as a multi-disciplinary as per Clause 2(b) of NCTE Regulation, 2014. (Annexure-XI in hard copy). (xiii). We would also like to humbly submit that the institute is running B.Ed. and other courses since 1999 having remarkable achievement with several students being university toppers and has to its credit about 40 University Gold medals in academics. The placement of B.Ed. student of MSI is also excellent both in Govt, and non-governmental organization. Institutes, academic standing is enabling 100 admissions in B.Ed. course. You are, therefore, requested to kindly consider our submission to each observation with the request to kindly grant approval to the continuation of B.Ed. course from the academic session 2024-2025 onwards. We give undertaking to abide by all the rules, regulations and instructions+5 issued by NCTE issued from time to time.”

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

**The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.**

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 05.07.2003 and in light of NCTE Regulation, 2014 revised recognition order dated 05.06.2015 for B.Ed. course of two years duration with an annual intake of two units of 50 students each was issued to the institution. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 14.09.2023.



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

- (i) A copy of faculty list (1+15) members alongwith letters of approval of faculty issued by the Registrar, Guru Gobind Singh Indraprastha University, Dwarka, Delhi as per provisions of NCTE Regulation, 2014 etc.
- (ii) A copy of land documents, approved and earmarked Building Plan, BCC, Fire Safety Certificate issued by Director, Delhi Fire Service dated. 16.08.2021.
- (iii) A copy of FDRs towards Endowment fund & Reserve fund.

The Appeal Committee noted that the land has been allotted to the institution on perpetual lease basis by Delhi Development Authority for Institutional purpose and the same was entered on 16.01.1981 between the President of India and Surajmal Memorial Education Society (Regd.). **As per clause IX (a) all powers exercisable by the Lessor under this lease may be exercised by the Lt. Governor. The Lessor may also authorize any other officer or officers to exercise all or any of the powers exercisable by him under this lease.** The institution contented that thus the land of the Institution is free from all sort of encumbrances as all the powers regarding allotted land are rest with the Lt. Governor and not to the appellant institution. The Committee accepted the same.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 14.09.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled **"Rambha College of Education V/s NCTE"** wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be examined and verified by the **Northern Regional Committee, NCTE** as per provisions of the NCTE Regulations,





2014, guidelines and amendments issued from time to time and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 14.09.2023 is set-aside as the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

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



#### IV. DECISION: -

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Maharaja Surajmal Institute, C-4, Janakpuri, B-1 Janakpuri, West Delhi, Delhi-110058
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 New Delhi.



**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 - 19/12/2023

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

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील  
File No. 89-219/E-323396/2023 Appeal/15th Meeting, 2023  
APPLSRC202314737**

|  |                  |  |
|--|------------------|--|
| Jai Sairam College of Education, 390/3b, 390/7, 390/2, 390/6, Palavanatham, Aruppukottai, Virudh Nagar, Tamilnadu-626004 | <b><u>Vs</u></b> | Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. |
| <b>APPELLANT</b>   |                  | <b>RESPONDENT</b>  |

|                                    |  |
|------------------------------------|--|
| <b>Representative of Appellant</b> | <b>Mr. G. Suresh, Administrative Officer</b> |
| <b>Respondent by</b>               | <b>Regional Director, SRC</b>                |
| <b>Date of Hearing</b>             | <b>05.12.2023</b>                            |
| <b>Date of Pronouncement</b>       | <b>19.12.2023</b>                            |

## ORDER/आदेश

### **I. GROUND OFS OF WITHDRAWAL**

The appeal of Jai Sairam College of Education, 390/3b, 390/7, 390/2, 390/6, Palavanatham, Aruppukottai, Virudh Nagar, Tamilnadu-626004 dated 29.11.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/SRCAPP14931/B.Ed./TN/2022/(132919-132923) dated 25.07.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution failed to submit reply to the Final Show Cause Notice dated 19.04.2022.”

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

Mr. G. Suresh, Administrative Officer of Jai Sairam College of Education, 390/3b, 390/7, 390/2, 390/6, Palavanatham, Aruppukottai, Virudh Nagar, Tamilnadu-626004 appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that “We humbly submit that our institution has sent reply to Final Show Cause Notice on 26.04.2022. We are submitting herewith the original speed post receipt for kind consideration through we have submitted the reply, SRC has withdrawn recognition. We are submitting herewith all the documents like certified copy of land documents, approved building plan, building completion certificate, land use certificate, non-encumbrance certificate, consideration of Appeal Committee. Further, the Chairman of our institution was having heart problem due to heart attack. He was hospitalized in September, 2022 and he was on medical care for 3 months. Unfortunately, during January, 2023 he has met with an accident and he was severely injured with hand and leg fractured. As such we could not submit the appeal on time. We beg pardon for the delay and request to condone the delay and grant recognition to our B.Ed. college and oblige.”

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

The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.



The Appeal Committee noted that the appellant institution was granted recognition for Secondary (B.Ed.) Course with an annual intake of 100 students vide order dated 02.05.2016. Thereafter, a revised provisional recognition order was issued by SRC. Accordingly, as per decision of SRC Show Cause Notice was issued to the institution dt. 24.09.2020. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 25.07.2022.

The Appeal Committee noted that the institution had preferred the instant appeal on 29.11.2023 i.e., after 14 months delay. The Appellant institution informed the Appeal Committee that the Chairman of the institution was suffering from heart issues due to heart attack and also informed that he was hospitalized in 2022 for 3 months, unfortunately, in January, 2023 he met with an accident and he was severely injured thereafter. The Appellant institution also requested the Appeal Committee to condone the delay on the above grounds. The Appeal Committee after observing the submission made by the Appellant alongwith the documents (Medical Reports) submitted by the Appellant, hereby condone the delay caused in filing the instant appeal.

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

- (i) A copy of faculty list (1+15) members approved by Registrar of Tamilnadu Teachers Education University, Chennai as per provisions of NCTE Regulation, 2014.
- (ii) A copy of land documents alongwith Building Completion Certificate, Land Use Certificate and Land Continuity Certificate.
- (iii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.
- (iv) A copy of Certificate of Encumbrance on Property issued by Registration Department, Govt. of Tamilnadu on dated 14.10.2023.
- (v) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 25.07.2022 and keeping in



view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

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

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 25.07.2022 is set-aside as the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to SRC with a direction to verify the submitted documents filed by the Appellant institution with Appeal from the records

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

**IV. DECISION: -**

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

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Jai Sairam College of Education, 390/3b, 390/7, 390/2, 390/6, Palavanatham, Aruppukottai, Virudh Nagar, Tamilnadu-626004**
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 /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 - 19/12/2023

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

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-174/E-317273/2023 Appeal/15th Meeting, 2023  
APPLNRC202314690**

|  |                  |  |
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| Malviya Smriti Academy, 531,<br>Bada Gaon, Mau to Azamgarh<br>Marg, Mohammadabad Gohna,<br>Mau, Uttar Pradesh-275101 | <b><u>Vs</u></b> | Northern Regional Committee, Plot<br>No. G-7, Sector – 10, Dwarka, New<br>Delhi -110075. |
| <b>APPELLANT</b>   |                  | <b>RESPONDENT</b>  |

|                                    |   |
|------------------------------------|---|
| <b>Representative of Appellant</b> | <b>Mr. Tushar Singh, Committee Member</b> |
| <b>Respondent by</b>               | <b>Regional Director, NRC</b>             |
| <b>Date of Hearing</b>             | 05.12.2023                                |
| <b>Date of Pronouncement</b>       | 19.12.2023                                |

## ORDER/आदेश

### **I. GROUNDS OF WITHDRAWAL**

The appeal of **Malviya Smriti Academy, 531, Bada Gaon, Mau to Azamgarh Marg, Mohammadabad Gohna, Mau, Uttar Pradesh-275101** dated 21.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No./NRC/NCTE/NRCAPP1153-D.El.Ed./367th (Blended Mode) Meeting/2022/1219116** dated 15.09.2022 of the Northern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “On request of the institution, it is decided that the order for closure shall be issued, and the FDRs towards Endowment and Reserve Funds may only be returned/permited on submission of the following documents: - (i). Resolution along with Affidavit of the Society for closure of the programme. (ii). NOC from the affiliating Body. (iii). No dues from the employee/staff of the institution. (iv). This institution has also not submitted the PAR for the year 2020-21.”

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

**Mr. Tushar Singh, Committee Member of Malviya Smriti Academy, 531, Bada Gaon, Mau to Azamgarh Marg, Mohammadabad Gohna, Mau, Uttar Pradesh-275101** appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that “That society has not filed any application/file for withdrawal of recognition of the course D.El.Ed. in the office of NCTE. In fact, society/ management has always tried to run the institution with utmost sincerity, and this is the reason of students preferring it above other nearby institutions. It clearly appears that a conspiracy against this institution has been planned and executed by the miscreants who are associated with nearby D.El.Ed. institutions and only they applied for the withdrawal of recognition of our institution using our fake signatures. This institution is the best institution in Mau district not only building, furniture, asset and ambience wise but it has a great academic reputation also that's why it has always been first choice of students while choosing the college for them during counselling and closure of this institution will be detrimental to the interest of sincere students. And



lastly, if the recognition is not restored meaning thereby the institution is closed, it will be success of conspirators and will have great demoralizing effect on the moral of sincere workers in the field of education like us. It will be greatly against the broader interest of society because closure of this school is not only against sincere students, but it is also like aiding and abetting the morale of conspirators and anti-social elements. So, we request you to please cancel/ withdraw the order dated 9 March 2023 and protect us from the disastrous effect of the ugly conspiracy of enemies of the right-thinking people and society.”

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

**The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.**

The Appeal Committee noted that the appellant institution was granted recognition for D.El.Ed. Course with an annual intake of 50 students vide order dated 18.12.2012. Thereafter, the institution has submitted a representation dated 05.09.2022 requesting therewith to withdraw/close the D.El.Ed. course. The recognition of the institution for D.El.Ed. programme was withdrawn by the NRC vide order dated 15.09.2022.

The Appeal Committee noted that the matter of the institution was placed before NRC in its 376<sup>th</sup> Meeting held on 12.09.2022 whereby the NRC has decided to close the institution on the request. It is submitted by the appellant that the management of the institution has not made any request in this at any point of time and institution was unaware about the order dated 15.09.2022 and this order came to his knowledge when subsequently NRC has issued a letter dated 09.03.2023 for renewal of FDRs and immediately the institution has challenged the said order before this committee. The Committee observed that the NRC has issued the said order without Resolution of the society and NOC from the affiliating body and faculty which are mandatory to take decision of closure of the institution.



It is further submitted by the institution that a Police Complaint dated 21.03.2023 has been filed with Police Station, Sarai, Kakhansi District Mau, Uttar Pradesh in this regard.

The Appeal Committee also noted following provisions of prevalent NCTE Regulation with respect to closure of the institution in light of the provisions contained in the NCTE Regulations, 2014.

**Clause 7(19) of the NCTE Regulations, 2014**

***“(19) The Regional Committee shall process the application for closure in the manner prescribed for the processing of applications for new programmes or additional programmes or additional intake.”***

The Committee also noted that the NCTE has issued guidelines dated 24<sup>th</sup> December, 2014 for processing of pending application seeking closure of programmes/institution in which Para 8 states as under: -

***“In respect of application pending seeking closure of programmes/institution, the concerned institution will be required to enclosure its request letter with resolution of the society/trust, a NOC from affiliating body and an affidavit by the institution stating that they have cleared the dues of all the employees, and they have made provisions for the existing students to complete the course.”***

As per aforesaid Regulation/guidelines, the application of closure of the institution has to be examined/processed in the manner prescribed. Keeping in view of above facts the Appeal Committee decided to remand back the matter to NRC to decide a fresh.

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 15.09.2022 is set-aside as the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

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



#### IV. DECISION: -

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

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Malviya Smriti Academy, 531, Bada Gaon, Mau to Azamgarh Marg, Mohammadabad Gohna, Mau, Uttar Pradesh-275101
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.



IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 19/12/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील  
File No. 89-178/E-317701/2023 Appeal/15th Meeting, 2023  
APPLNRC202314679

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|---|------------------|--|
| Shri Ram Suryamani<br>Mahavidyalaya, 112, Mahuwa<br>Khurd, Ramwapur Road,<br>Siddarth Nagar, Uttar Pradesh-<br>272205 | <b><u>Vs</u></b> | Northern Regional Committee, Plot<br>No. G-7, Sector – 10, Dwarka, New<br>Delhi -110075. |
| <b>APPELLANT</b>  |                  | <b>RESPONDENT</b>  |

|                                    |                               |
|------------------------------------|-------------------------------|
| <b>Representative of Appellant</b> | <b>No one presented</b>       |
| <b>Respondent by</b>               | <b>Regional Director, NRC</b> |
| <b>Date of Hearing</b>             | <b>05.12.2023</b>             |
| <b>Date of Pronouncement</b>       | <b>19.12.2023</b>             |



## ORDER/आदेश

### **I. GROUNDS OF WITHDRAWAL**

The appeal of **Shri Ram Suryamani Mahavidyalaya, 112, Mahuwa Khurd, Ramwapur Road, Siddarth Nagar, Uttar Pradesh-272205** dated 14.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NRC/NCTE/UP-3229-B.Ed./403<sup>rd</sup> (Online Mode) Meeting/2023/222742** dated 27.07.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). Whether the institution has submitted affidavit to NRC for issuance of Revised Recognition order. If yes, please submit proof of the same and if not, then furnish reasons of non-submission of the affidavit to NRC. (ii). The institution has to submit whether they had submitted compliance with the conditions prescribed under Regulations, 2014 (Enhanced FDRs, Revised staff profile, additional built-up area etc.) for consideration and decision of the Committee without issuance of revised recognition order and after submission of affidavit from the list attached. (iii). If the institution does not fall in any of above two categories, then institution is required to inform NRC about their status in respect to revised recognition order compliance matters.”

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

No one from **Shri Ram Suryamani Mahavidyalaya, 112, Mahuwa Khurd, Ramwapur Road, Siddarth Nagar, Uttar Pradesh-272205** appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that “(i). The final show cause notice dated 23.06.2023 indicates the time of filling the reply within 7 days from its issuance but the same was served upon the institution after expiry of the same as such the institution could not replied the same in terms of para 6 of the aforesaid notice dated 23.06.2023.”



### III. OUTCOME OF THE CASE

The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 30.05.2012. After promulgation of NCTE Regulations, 2014, the institution has not consented to come under the Regulations, 2014 and affidavit in this regard was also not submitted by the institution. Hence, revised recognition order for B.Ed. two-year duration was not issued to the institution. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 27.07.2023.

The Appeal Committee noted that the matter was taken up by the Appeal Committee for hearing in its 13<sup>th</sup> Meeting, 2023 held on 19.10.2023 and further taken up in its 14<sup>th</sup> Meeting, 2023 held on 04.11.2023, but nobody has appeared to represent the institution. Further, the matter was again taken up by the Appellate Committee in its 15<sup>th</sup> Meeting, 2023 held on 05.12.2023, 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.

The Appeal Committee noted that the Appellant institution has not submitted any substantial documents to the Appeal Committee alongwith the Appeal Report with reference to submission of Affidavit to the NRC for issuance of Revised Recognition Order (RPRO) and even failed to appear before the Committee.

Hence, the Appeal Committee concluded that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 27.07.2023 issued by NRC is confirmed.



**IV. DECISION: -**

**After perusal of the Appeal Report, documents, Appeal Committee of the Council concluded that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 27.07.2023 issued by NRC is confirmed.**

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Shri Ram Suryamani Mahavidyalaya, 112, Mahuwa Khurd, Ramwapur Road, Siddarth Nagar, Uttar Pradesh-272205**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.**



IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 19/12/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील  
File No. 89-150/E-315527/2023 Appeal/15th Meeting, 2023  
APPLNRC202314662

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|---|-----------|--|
| Shimla College of Education,<br>38, Farood, NH-05, Branch PO-<br>Kamlanagar, Sanjauli, Shimla,<br>Himachal Pradesh-171006 | <u>Vs</u> | Northern Regional Committee, Plot<br>No. G-7, Sector – 10, Dwarka, New<br>Delhi -110075. |
| APPELLANT   |           | RESPONDENT   |

|                             |                            |
|-----------------------------|----------------------------|
| Representative of Appellant | Mr. R.K. Shandil, Chairman |
| Respondent by               | Regional Director, NRC     |
| Date of Hearing             | 05.12.2023                 |
| Date of Pronouncement       | 19.12.2023                 |

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of Shimla College of Education, 38, Farood, NH-05, Branch PO-Kamlanagar, Sanjauli, Shimla, Himachal Pradesh-171006 dated 29.08.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. NCTE-RegI015(14)/477/2022-Regulation Section (HP) – NRC/ Computer No: 71394/HP-176 + NRCAPP59+ NRCAPP7052/222980 dated 16.08.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution is not a Multi-Disciplinary Institution as per clause 2 (b) of NCTE Regulations, 2014. (ii). Certified copy of Registered land documents not submitted d by the institution. (iii). In support of land documents, the institution has submitted the supplementary trust deed registered on 09.12.2016. As per deed endorsement details, it is mentioned “Trust Nama for other than declaration of property.” In view of above, the above documents cannot be accepted as a valid land documents. (iv). The Non-Encumbrance Certificate is dated 23.04.2019. Latest NEC not submitted. (v). The submitted building plan is approved by Gram Panchayat and not by any Government Engineer, as desired by NRC. (vi). The institution in its earlier reply dated 3<sup>rd</sup> July 2023 has mentioned the total built up area as 3965 Sqm. and has attached the Building Plan for five floors mentioned the Built-up area as 3965 sqm, whereas in another reply dated 11.07.2023 has mentioned the total built up area as 4511 Sqm. and has attached the same building plan. (vii). The Executive Engineer, HPPWD, Shimla vide certificate dated 15.05.2023 has mentioned “It Is certified that undersigned has inspected the existing building i.e., Block C of Shimla College of Education and during the inspection it has been observed that said building visually seems to be safe and sound. However, structure stability cannot be ascertained due to non-availability of structural drawing and other specifications required for the building constructions as per building code, but the building visually seems to be fit for occupancy for the year 2023-2028 during normal conditions. This certificate is being issued purely on the basis of visual inspection and issuance of the certificate does not confirm any legal rights.” This certificate cannot be treated as Building Safety Certificate. (viii). The staff shown have been appointed in



2007, 2010, 2013, 2017, 2019. The institution has not submitted any documents to prove that the staff appointed approx. 10/15 years back are still continuing in the institution. (ix). As per the approval of staff submitted by, seven staff are not approved by the affiliating Body. (x). No bank statement depicting salary to staff through bank is submitted. (xi). The institution has not submitted the site plan duly approved by the Competent Authority duly demarcating land and built-up area for the Teacher Education course and other course (s)/ School being run in the institution. (xii). The website of the institution is not updated as per clause 7 (14) and 8 (14) of NCTE Regulations, 2014.”

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

**Mr. R.K. Shandil, Chairman of Shimla College of Education, 38, Farood, NH-05, Branch PO-Kamlanagar, Sanjauli, Shimla, Himachal Pradesh-171006** appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that “(i). Institution has been a composite institution as per clause 2 (b) of NCTE regulation 2014 up till 5/5/2022, when the definition of clause 2(b) NCTE regulation 2014 stands amended. in the definition of composite institution, the last portion i.e., “or an institution offering multiple teacher educations programs” has been repelled. therefore, the NRC, NCTE attempt to withdraw recognition of petitioner college on this illegally inserted reason in the 405th meeting does not stand the test of applicable law. the amendment regulation, 2022 can only be applied prospectively and not retrospectively to an institution running over for 15 years. however, the institution has started to make it a composite institution by offering undergraduate and post graduate program of study in the field of humanities or social sciences, sciences or commerce etc. a photocopy of the application along with requisite fees submitted to the director of higher education Himachal Pradesh, Shimla is submitted herewith. in this context it is further submitted this ground was not stated to be a deficiency in the final show cause notice and is introduced at the stage of final decision regarding withdrawal of recognition. this is contrary to the governing statute i.e., the NCTE Act,1993, rules and regulations framed thereunder. this is altogether new ground added in the final withdrawal decision and as such suffers from the vice of arbitrariness and violative of the principles of natural justice. (Annexure a). (ii). In reply to final show cause notice the institution explained to NRC that an application has been submitted to the competent government authority and the same shall be submitted subsequently but the NRC did not take any cognizance of institutions request and withdrew



recognition. These documents have now been obtained from the concerned government authorities and the same are submitted herewith. this clearly shows that decision to withdraw recognition on this ground was taken by NRC, NCTE in a haphazard manner with malicious and vindictive motive. NRC, NCTE here flouted and prevented the reasonable opportunity as provided NCTE Act, 1993 to submit the documents which has to be obtained from government department. (Annexure b). (iii). The institution has been established by a registered trust. the said trust is the owner of the land on which the building of institution has been constructed. thus, the land and building are owned and possessed by the trust. a conjoined reading of clause 8(4)(i) & (ii) of NCTE regulations 2014 would show that the land should be either on the ownership basis or on government lease. thus, before grant of recognition, the land is required to be owned by the trust/ society which establishes the institution. in the present case, admittedly the land in question is in the name of the trust which has established the institution. therefore, the reasoning of the NRC is erroneous and factually incorrect. the land issues and the documents submitted in requirement thereof have been accepted by the NRC and the recognition stand granted for B.Ed. course in the year 2007. the NRC further granted recognition for D.El.Ed. course on the basis of same set of land documents in the year 2017. the NRC further issued recognition order of M.Ed. on 6.9.2017 on the basis of same set of land documents. it is arranged that in the 405th meeting of the NRC, most of the grounds related to built-up area and land documents, building plan, non- encumbrance certificate, building safety certificate etc. have been taken. such parameters and documents are required to be submitted by the institution while submitting the application for seeking recognition and regional committee upon verification of the same grant recognition. the institute was granted recognition by NRC of the three courses and on each occasion, all such parameters and documents were thoroughly verified. section 17 proceeding can be initiated against any institution only after regional committee records its satisfaction that the institute has committed breach of any condition after grant of recognition. thus, said power can be exercise only on breaches alleged to have been committed post grant of recognition and such power cannot be used review its decision by calling upon the institute to furnish documents or find faults with such documents which were submitted at the time of submission of application. for example, land documents, building plan, building completion certificate, building safety certificate etc. and documents which were verified by the regional committee before granting recognition and until unless there are drastic change of circumstances with regard to such documents, the Regional Committee cannot seek to withdraw recognition on such ground. the aforesaid documents have also been produced in the High Court of Himachal Pradesh in CWP no. 1217/2016 as well as in Delhi high court in WPC





no. 3976 of 2017 and these two Hon'ble high courts have accepted these as a valid document. also, NCTE in appeal orders dated 04.08.2016 accepted these as valid land documents. (Annexure c). (iv). The final show cause notice desired submission of only non- encumbrance certificate from the competent government authority. the NRC erred in not mentioning the latest non- encumbrance certificate. the latest non- encumbrance has now been obtained on 18.08.2023 and submitted herein. (Annexure d). (v). Pradhan gram panchayat is the competent authority of the state government to approve the building plan in the rural areas and the necessary certificate to that effect issued by the deputy commissioner-cum-chairman special area development authority, kufri has been submitted in the reply to the final show cause notice. the NRC erred in not taking into account the certificate of deputy commissioner Shimla and passed withdrawal of recognition. a separate certificate given by govt. engineer and Pradhan gram panchayat has also been submitted with the reply and the NRC erred in not taking that also into account. (Annexure e). (vi). In the earlier reply dated 3rd july,2023 total built up area of 3965 sqm as submitted earlier was resubmitted. however, the reply dated 11/07/2023, the built-up area of 4511 sqm (3965 sqm +546 sqm4511 sqm) was submitted. thus, the additional constructed area of 546 sqm added subsequently to existing built-up area of 3965 sqm has been ignored by the NRC NCTE for which additional built-up plan was attached. (Annexure f). (vii). NRC erred is not taking into account the complete wording of building safety certificate obtained from the competent government authority obtained on 15/05/2023, "it is certified that undersigned has inspected the existing building i.e. block c of Shimla college of education and during the inspection it has been observed that said building visually seems to be safe and sound and the building is fit for occupancy from the year 2023-28 during normal conditions". this is a valid building safety certificate in respect of building the construction of which were done in the year 2006 and the certificate stand issued after 19 years. the NRC has not specified a Performa of building safety certificate and therefore, the concerned govt. Engineer from his wisdom and prudence issued the necessary certificate. therefore, the NRC cannot withdraw recognition on this ground unless: - 1. the NRC has specified specific building safety Performa. 2. this is specifically mentioned in the regulation. 3. the explanation submitted in respect of ground mentioned at serial no. 3 above applies mutatis mutandis to this ground also. (viii). some of the staff appointed in the year 2007,2010,2013,2017,2019 are still continuing in the institution. the details of such staff appointed in these years and still working is given in the staff list submitted to the NRC in response to final show cause notice. however, that this staff is still working in the institution is available from the latest salary drawn by them from the bank. The detail of this salary is attached herewith (annexure h). (ix). the NRC erred in pointing out that



seven staff are not approved by the affiliated body. the fact is that only 3 staff members taking the M.Ed. and B.Ed. classes are not approved by the affiliating body. but all these 3 staff members are qualified to teach these classes. out of these three, one staff member has now been approved by the affiliating body and the process of approval of two other staff members is in process with the affiliating body. (Annexure i). the NRC also erred in not considering the order passed in CWP 1603/2016 by Hon'ble High Court of Himachal Pradesh and subsequent orders passed by the court in this writ permission whereby recognition cannot be withdrawn on this deficiency. the copy of the court judgement was supplied alongwith the reply and the NRC grossly erred by taking no note of the court orders. The case is still pending in the Hon'ble High Court of Himachal Pradesh on account of no reply by the NCTE. (x). the bank statement depicting salary to staff through bank is submitted. (Annexure j). (xi). The site plan approved by competent authority demarcation Ing land and built-up area for all teacher education courses is attached. the certificate of competent authority that the school is being run on Khasra no. 1332 situated in Mohal Shanti Vihar, tehsil Shimla (rural) Dist. Shimla has already been submitted in reply to the final show cause notice. the NRC erred in not taking this into account. (Annexure k). (xii). The website of the institution is updated as per clause 7(14) and 8(14) of NCTE Regulations 2014. (Annexure l)''

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

**The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.**

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 16.08.2023.

The Appeal Committee noted that the instant matter was placed in 11<sup>th</sup> Meeting, 2023 held on 27.09.2023 and the appellant institution did not appear online to present its case before Appellate Authority on 27.09.2023 and as such the Appeal Committee as per extant appeal rules decided to grant another (Second) opportunity to appellant institution to present its case before Appellate Authority.



The Appeal Committee noted that the instant matter was again taken up by the Appellate Committee in its 13<sup>th</sup> Meeting, 2023 held on 19.10.2023 whereby the Appeal Committee decided to grant (3<sup>rd</sup>/Final) Opportunity to the institution to submit certain clarification.

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 for B.Ed. programme approved by Asst. Registrar (Acad.), H.P. University, Shimla as per provisions of NCTE Regulation, 2014 etc.
- (ii) A copy of report dated 08.11.2023 of the Tehsildar stating that Shimla College of Education is the owner in possession of land.
- (iii) A copy of land documents alongwith Building Completion Certificate, Building Safety Certificate & Building Plan.
- (iv) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Appeal Committee also noted the observation of the NRC viz a viz the explanation given by the Appellant institution regarding Building Safety Certificate. The Appellant institution contended that during the inspection it has been observed by the concerned Engineer that the said building visually seems to be safe and sound and the building is fit for occupancy from the year 2023-28 during normal conditions. On the basis of observation of the NRC and Appellant institution, the Appeal Committee is of the view that NRC 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 Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 16.08.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Northern Regional Committee and decision taken accordingly. The NRC, NCTE is further 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 and further to verify the documents submitted from the concerned issuing authority.

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

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

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

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

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

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case in respect of B.Ed. programme to the NRC, 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 NRC 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 in terms of direction given herein above.

**IV. DECISION: -**

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case in respect of B.Ed. programme to NRC 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 NRC 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 in terms of direction given herein above.

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Shimla College of Education, 38, Farood, NH-05, Branch PO-Kamlanagar, Sanjauli, Shimla, Himachal Pradesh-171006**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Himachal Pradesh.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 19/12/2023

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

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-164/E-317445/2023 Appeal/15th Meeting, 2023**  
**APPLWRC202314687**

|   |                  |   |
|---|------------------|---|
| Zulekha College of Education,<br>38-39, Nagpur, Shantinagar<br>Main Road, Itwari, Nagpur,<br>Maharashtra-440002 | <b><u>Vs</u></b> | Western Regional Committee, Plot<br>No. G-7, Sector – 10, Dwarka, New<br>Delhi -110075. |
| <b>APPELLANT</b>  |                  | <b>RESPONDENT</b>   |

|                                    |   |
|------------------------------------|---|
| <b>Representative of Appellant</b> | <b>Dr. Inderjeet Ramteke, LMC<br/>Member/Admin Head</b> |
| <b>Respondent by</b>               | <b>Regional Director, WRC</b>                           |
| <b>Date of Hearing</b>             | <b>05.12.2023</b>                                       |
| <b>Date of Pronouncement</b>       | <b>19.12.2023</b>                                       |



## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of **Zulekha College of Education, 38-39, Nagpur, Shantinagar Main Road, Itwari, Nagpur, Maharashtra-440002** dated 18.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. WRC/APW04802/123590/366<sup>th</sup>/B.Ed./M.H./2023/223925** dated 11.08.2023 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). Final Show Cause Notice issued on 31.05.2015 Reply not received within stipulated time. (ii). The institution has also not uploaded the necessary information on its official website. (iii). The institution has also not submitted the filled copy of the Performance Appraisal Report.”

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

**Dr. Inderjeet Ramteke, LMC Member/Admin Head of Zulekha College of Education, 38-39, Nagpur, Shantinagar Main Road, Itwari, Nagpur, Maharashtra-440002** appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that “(i). We have not received any show cause notice neither by post nor by mail or any other form. So, to reply to that was not possible from us. (ii). We had uploaded the information on the website of ours which is changed and that has already been intimated by letter to NCTE. Our website address is [www.zulekhaeducation.org](http://www.zulekhaeducation.org) copy of the above is attached.”

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

The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

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





01.03.2008. Thereafter, a revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 50 (One basic unit) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 11.08.2023.

The Appeal Committee noted that the instant matter was taken up by the Appellate Committee in its 13<sup>th</sup> Meeting, 2023 held on 19.10.2023 whereby the Appeal Committee decided to grant (3<sup>rd</sup>/Final) Opportunity to the institution to ask the institution to submit certain documents. The operative part of the decision is as under: -

**“The Appeal Committee observed that the appellant institution has submitted its Performance Appraisal Report (PAR). However, the institution is not having requisite faculty as per NCTE norms.**

**The Appeal Committee noted that during on-line hearing held on 19.10.2023, the institution submitted that they shall submit the requisite compliance as per provisions of the NCTE Regulations, 2014. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to ask the appellant institution to submit the following clarification/documents so that the decision of the Appeal Committee become authenticated: -**

- (i) The institution is required to submit latest consolidated Staff list duly approved by the affiliating University as per the prescribed Format. (In case the institution is running more than one teacher education programme, it is required to submit staff list duly approved by the Affiliating Body for each of the recognized teacher education programme being run by the institution.**
- (ii) An affidavit containing details of approved & appointed faculty with their account number showing that the salary is being paid through bank for last 3 months.**
- (iii) A copy of approved Building Plan, Building Completion Certificate**
- (iv) The institution is required to submit proof of uploaded information of the Website of the institution as required under clause 7(14) (i), 8 (14) and 10 (3) of the NCTE Regulations, 2014.**
- (v) The institution is required to clarify about the status of land & building of the institution as per provisions of the NCTE Regulations.**

**In view of above, the Committee decided to grant another (3<sup>rd</sup>/Final) opportunity to the appellant institution with the direction to submit the aforesaid documents on or before next date of the Appeal Committee Meeting.**

**IV. DECISION: -**

**Appeal Committee as per extant appeal rules decided to grant another (3<sup>rd</sup>/Final) opportunity to the appellant institution to present its case before the Appellate Authority in its next meeting with all the required documents as sought for in the aforesaid decision.”**



The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held on 05.12.2023 considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The Appeal Committee noted that the institution was running its B.Ed. course only with 5 faculty members instead of (1+7) faculty members as per NCTE Regulation, 2014. The institution failed to submit latest consolidated Staff list duly approved by the affiliating University as per the prescribed Format alongwith an affidavit containing details of approved & appointed faculty with their account number showing that the salary is being paid through bank for last 3 months.
- (ii) The institution failed to submit copy of approved Building Plan, Building Completion Certificate alongwith proof of uploaded information of the Website of the institution as required under clause 7(14) (i), 8 (14) and 10 (3) of the NCTE Regulations, 2014.
- (iii) The institution also failed to clarify about the status of land & building of the institution as per provisions of the NCTE Regulations.

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 WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 11.08.2023 issued by WRC is confirmed.

#### **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 that the WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 11.08.2023 issued by WRC is confirmed.**

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Zulekha College of Education, 38-39, Nagpur, Shantinagar Main Road, Itwari, Nagpur, Maharashtra-440002**
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 /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 - 19/12/2023

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

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-165/E-317446/2023 Appeal/15th Meeting, 2023**  
**APPLNRC202314681**

|   |                  |  |
|---|------------------|--|
| Gandhi Smarak Degree College,<br>00095, Samodhpur, Shahganj,<br>Jaunpur, Uttar Pradesh-223102 | <b><u>Vs</u></b> | Northern Regional Committee, Plot<br>No. G-7, Sector – 10, Dwarka, New<br>Delhi -110075. |
| <b>APPELLANT</b>  |                  | <b>RESPONDENT</b>  |

|                                    |  |
|------------------------------------|--|
| <b>Representative of Appellant</b> | <b>Mr. Vishnukant Tripathi, Representative</b> |
| <b>Respondent by</b>               | <b>Regional Director, NRC</b>                  |
| <b>Date of Hearing</b>             | <b>05.12.2023</b>                              |
| <b>Date of Pronouncement</b>       | <b>19.12.2023</b>                              |

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Gandhi Smarak Degree College, 00095, Samodhpur, Shahganj, Jaunpur, Uttar Pradesh-223102** dated 06.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NRC/NCTE/UP-246-B.Ed./403rd (Online Mode) meeting/2023/222621** dated 25.07.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). Whether the institution has submitted affidavit to NRC for issuance of Revised Recognition order. If yes, please submit proof of the same and if not, then furnish reasons of non-submission of the affidavit to NRC. (ii). The institution has to submit whether they had submitted compliance with the conditions prescribed under Regulations, 2014 (Enhanced FDRs, Revised staff profile, additional built-up area etc.) for consideration and decision of the Committee without issuance of revised recognition order and after submission of affidavit from the list attached. (iii). If the institution does not fall in any of above two categories, then institution is required to inform NRC about their status in respect of revised recognition order compliance matters.”

### II. SUBMISSIONS MADE BY APPELLANT: -

**Mr. Vishnukant Tripathi, Representative of Gandhi Smarak Degree College, 00095, Samodhpur, Shahganj, Jaunpur, Uttar Pradesh-223102** appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that “The institution has sent the reply of final show cause notice on 17.07.2023 through registered post reference no. EU180816994In along with affidavit of compliance with the condition prescribed under Regulation 2014 and attested copy of Performance Appraisal Report 2021-22. The same has been delivered to Regional Office on 20.07.2023 by India Post. The institution has already submitted the affidavit of compliance with the condition prescribed under Regulation 2014 by registered post to NRC, NCTE Jaipur on 08.05.2017 with registered post reference no. RU506650572IN. In addition, the same was communicated to NRC@NCTE-INDIA.ORG via official mail

(GSPG1968@gmail.com) of the institution on 03.08.2021 with a request to add the name of the college on the NCTE portal. Further the institution would like to mention that we have not received any written order to renew the recognition was auto revised and intake of the institution was reduced to 50 from 60 2014 onward. The institution has continuously submitted annual performance appraisal report from the academic session 2018-19 to 2021-22. In addition, the institution has submitted institutional geographic institutional geographic information with a fee of RS. 173411.80/- on 30.10.2017, college infrastructure information, status of faculties and student as and when enquired by NCTE. Therefore, I request to consider the issue empathetically and issue the revised recognition order.”

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

**The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.**

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 60 students vide order dated 20.06.1998. After promulgation of NCTE Regulations, 2014, the institution has not consented to come under the Regulations, 2014 and affidavit in this regard was also not submitted by the institution. Hence, revised recognition order for B.Ed. (Two-year duration) was not issued to the institution. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 25.07.2023.

The Appeal Committee further noted that the main ground of withdrawal by NRC, NCTE was not replying to the SCN dated 19.01.2021 and final SCN dated 23.06.2023 by the institution.

The Appeal Committee noted that the instant matter was taken up by the Appellate Committee in its 13<sup>th</sup> Meeting, 2023 held on 19.10.2023 whereby the Appeal Committee decided to grant (3<sup>rd</sup>/Final) Opportunity to the institution. The operative part of the decision is as under: -



***“The Appeal Committee noted that during on-line hearing held on 19.10.2023, the appellant institution submitted that they shall submit the requisite compliance as per provisions of the NCTE Regulations, 2014. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to ask the appellant institution to submit the following clarification/documents so that the decision of the Appeal Committee become authenticated: -***

- (i) A copy of proof of submission of reply to SCN & FSCN alongwith a proof of submission of affidavit to NRC for issuance of Revised Recognition Order.***
- (ii) The institution is required to clarify whether they had submitted compliance with the conditions prescribed under Regulations, 2014 regarding enhanced FDRs, Revised staff profile, additional built-up area etc.***
- (iii) The institution is required to submit latest consolidated Staff list duly approved by the affiliating University as per the prescribed Format. (In case the institution is running more than one teacher education programme, it is required to submit staff list duly approved by the Affiliating Body for each of the recognized teacher education programme being run by the institution.***
- (iv) An affidavit containing details of approved & appointed faculty with their account number showing that the salary is being paid through bank for last 3 months.***
- (v) The institution is required to submit proof of uploaded information of the Website of the institution as required under clause 7(14) (i), 8 (14) and 10 (3) of the NCTE Regulations, 2014.***

***In view of above, the Committee decided to grant another (3<sup>rd</sup>/Final) opportunity to the appellant institution with the direction to submit the aforesaid documents on or before next date of the Appeal Committee Meeting.***

**IV. DECISION: -**

***Appeal Committee as per extant appeal rules decided to grant another (3<sup>rd</sup>/Final) opportunity to the appellant institution to present its case before the Appellate Authority in its next meeting with all the required documents as sought for in the aforesaid decision.”***

The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held on 05.12.2023 considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The Appeal Committee noted that the institution is running the B.Ed., course with (1+3) faculty, however, as per criteria laid down by the in the NCTE Regulations, 2014 required faculty is (1+7) members for running 1 unit of B.Ed. programme. Thus, the institution is running the B.Ed., course without having required qualified faculty as per provisions of the NCTE Regulations, 2014 and failed to submit latest consolidated Staff list duly approved by the affiliating University as per the prescribed Format.***





- (ii) The institution has failed to submit the proof to clarify whether they had submitted compliance with the conditions prescribed under Regulations, 2014 regarding enhanced FDRs, Revised staff profile, additional built-up area etc.

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 25.07.2023 issued by NRC is confirmed.

#### **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 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 25.07.2023 issued by NRC is confirmed.

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

#### **Copy to :-**

1. **The Principal, Gandhi Smarak Degree College, 00095, Samodhpur, Shahganj, Jaunpur, Uttar Pradesh-223102**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.**



**IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date / दिनांक - 19/12/2023

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

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-166/E-317448/2023 Appeal/15th Meeting, 2023  
APPLNRC202314688**

|   |                  |  |
|---|------------------|--|
| Raja Harpal Singh<br>Mahavidyalaya, 589 kh,<br>Singramau, NH-56, Jaunpur,<br>Uttar Pradesh-222175 | <b><u>Vs</u></b> | Northern Regional Committee, Plot<br>No. G-7, Sector – 10, Dwarka, New<br>Delhi -110075. |
| <b>APPELLANT</b>  |                  | <b>RESPONDENT</b>  |

|                                    |  |
|------------------------------------|--|
| <b>Representative of Appellant</b> | <b>Mr. Arun Kumar Singh, Principal</b> |
| <b>Respondent by</b>               | <b>Regional Director, NRC</b>          |
| <b>Date of Hearing</b>             | <b>05.12.2023</b>                      |
| <b>Date of Pronouncement</b>       | <b>19.12.2023</b>                      |

## ORDER/आदेश

### **I. GROUNDS OF WITHDRAWAL**

The appeal of **Raja Harpal Singh Mahavidyalaya, 589 kh, Singramau, NH-56, Jaunpur, Uttar Pradesh-222175** dated 20.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NRC/NCTE/UP-373-M.Ed./403rd (Online Mode) Meeting/2023/222764** dated 27.07.2023 of the Northern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “(i). Whether the institution has submitted affidavit to NRC for issuance of Revised Recognition order. If yes, please submit proof of the same and if not, then furnish reasons of non-submission of the affidavit to NRC. (ii). The institution has to submit whether they had submitted compliance with the conditions prescribed under Regulations, 2014 (Enhanced FDRs, Revised staff profile, additional built-up area etc.) for consideration and decision of the Committee without issuance of revised recognition order and after submission of affidavit from the list attached. (iii). If the institution does not fall in any of above two categories, then institution is required to inform NRC about their status in respect of revised recognition order compliance matters.”

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

**Mr. Arun Kumar Singh, Principal of Raja Harpal Singh Mahavidyalaya, 589 kh, Singramau, NH-56, Jaunpur, Uttar Pradesh-222175** appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that “It is requested to the Hon’ble Authority to kindly consider following points as the institution’s explanation against the said withdrawal order of M.Ed. Course. (i). That our institution has submitted the affidavit of willingly accepting the terms and conditions (Revised Norms and Procedure) Regulation, 2014. On the prescribed format along with the then recognition letter of M.Ed. vide letter no. 14714/M.Ed./NCTE/2014-15 on dated 09.02.2015. (ii). That as institution has already submitted the information as required by the NCTE (Regarding fulfilling Regulation 2014) as and when demanded by the NCTE for the first time then there is no point in sending reminders to the institution for



submitting the same documents after almost 8 years. (iii). That the institution is still ready to provide and submit the copy of the letter and the affidavit as sent by the institution on dated 09.02.2015. (iv). That we admit the delay in sending the reply of the final show cause notice issued on 23<sup>rd</sup> June 2023 and want to submit the explanation for the same as follows: The institution received the letter of final show cause on dated 30<sup>th</sup> June (Evening) that was the last date of replying also (As the letter was dispatched by the NCTE on 23<sup>rd</sup> June and the time given was 7 days only). In that situation it was next to impossible for the institution to send the reply within stipulated time. Still institute sent the reply which was not considered due to delay in reaching to the NCTE. (v). That our institution is located in 100 percent rural belt where timely delivery of post is almost impossible, and we are in receiving mode only for those kinds of problems. Hence kindly treat our problem as the genuine one and treat our case as the case of hundreds of rural students who are receiving a quality education at our institution that too at the fee decided by the Government for Aided institutions in Uttar Pradesh. (vi). That our institution is an aided institution U/s 2F and 12B of UGC Act. (vii). That we have submitted the PAR successfully in 2021 on time, and we keep on furnishing all the information required by NCTE on time since the inception of the institution. (viii). That ours is an only aided institution in the whole paranuchal region of 4 districts namely Jaunpur, Ghazipur, Azamgarh and Mau. Kindly consider the above points put forward for your kind perusal and restore the affiliation of our M.Ed. course in the best interest of the rural students who are getting education at affordable prices at our institute. Moreover, we also declare hereby that in future we will try our best to send reply of NCTE letters on time. If we would be able to receive them well in advance.”

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

**The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.**

The Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course with an annual intake of 25 students vide order dated

25.07.2000. The recognition of the institution for M.Ed. programme was withdrawn by the NRC vide order dated 27.07.2023.

The Appeal Committee noted that the instant matter was taken up by the Appellate Committee in its 13<sup>th</sup> Meeting, 2023 held on 19.10.2023 whereby the Appeal Committee decided to grant (3<sup>rd</sup>/Final) Opportunity to the institution. The operative part of the decision is as under: -

***"The Appeal Committee noted that during on-line hearing held on 19.10.2023, the appellant institution submitted that they shall submit the requisite compliance as per provisions of the NCTE Regulations, 2014. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to ask the appellant institution to submit the following clarification/documents so that the decision of the Appeal Committee become authenticated: -***

- (i) ***A copy of proof of submission of reply to SCN & FSCN alongwith a proof of submission of affidavit to NRC for issuance of Revised Recognition Order.***
- (ii) ***The institution is required to clarify whether they had submitted compliance with the conditions prescribed under Regulations, 2014 regarding enhanced FDRs, Revised staff profile, additional built-up area etc.***
- (iii) ***The institution is required to submit latest consolidated Staff list duly approved by the affiliating University as per the prescribed Format. (In case the institution is running more than one teacher education programme, it is required to submit staff list duly approved by the Affiliating Body for each of the recognized teacher education programme being run by the institution.***
- (iv) ***An affidavit containing details of approved & appointed faculty with their account number showing that the salary is being paid through bank for last 3 months.***
- (v) ***The institution is required to submit proof of uploaded information of the Website of the institution as required under clause 7(14) (i), 8 (14) and 10 (3) of the NCTE Regulations, 2014.***

***In view of above, the Committee decided to grant another (3<sup>rd</sup>/Final) opportunity to the appellant institution with the direction to submit the aforesaid documents on or before next date of the Appeal Committee Meeting.***

**IV. DECISION: -**

***Appeal Committee as per extant appeal rules decided to grant another (3<sup>rd</sup>/Final) opportunity to the appellant institution to present its case before the Appellate Authority in its next meeting with all the required documents as sought for in the aforesaid decision."***

The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held on 05.12.2023 considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -



- (i) The Appeal Committee noted that the institution is running the M.Ed., course without having required qualified faculty as per provisions of the NCTE Regulations, 2014. The institution failed to submit latest consolidated Staff list duly approved by the affiliating University as per the prescribed Format.
- (ii) The institution has also failed to submit the proof to clarify whether they had submitted compliance with the conditions prescribed under Regulations, 2014 regarding enhanced FDRs, Revised staff profile, additional built-up area etc.

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 27.07.2023 issued by NRC is confirmed.

#### **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 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 27.07.2023 issued by NRC is confirmed.

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

#### **Copy to :-**

1. **The Principal, Raja Harpal Singh Mahavidyalaya, 589 kh, Singramau, NH-56, Jaunpur, Uttar Pradesh-222175**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 19/12/2023

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

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-191/E-318229/2023 Appeal/15th Meeting, 2023**  
**APPNRC202314709**

|  |                  |  |
|--|------------------|--|
| Adarsh Bharti Mahavidyalay,<br>707, 00049, 720, Khetasarai,<br>Jaunpur Shahganj Road,<br>Shahganj Shodhi, Jaunpur,<br>Uttar Pradesh-222139 | <b><u>Vs</u></b> | Northern Regional Committee, Plot<br>No. G-7, Sector – 10, Dwarka, New<br>Delhi -110075. |
| <b>APPELLANT</b>   |                  | <b>RESPONDENT</b>  |

|                                    |  |
|------------------------------------|--|
| <b>Representative of Appellant</b> | <b>Mr. Mukesh Kumar Pathak, Head of<br/>Department</b> |
| <b>Respondent by</b>               | <b>Regional Director, NRC</b>                          |
| <b>Date of Hearing</b>             | 05.12.2023   |
| <b>Date of Pronouncement</b>       | 19.12.2023   |



## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of **Adarsh Bharti Mahavidyalay, 707, 00049, 720, Khetasarai, Jaunpur Shahganj Road, Shahganj Shodhi, Jaunpur, Uttar Pradesh-222139** dated 20.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NRC/NCTE/UP-266- Shiksha Shastri (B.Ed.)/403<sup>rd</sup> (Online Mode) Meeting/2023** dated 25.07.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has submitted a representation dated 04.07.2023 without any documentary evidence. (ii). The institution has submitted photocopy of affidavit as a willingness in the year 2015. A copy of the affidavit showing the notarized dated 12.01.2015 submitted by the institution along with the representation but date of purchase of stamp paper of Rs. 100/- and name of the purchase of that stamp paper is blank. Hence, the institution has filed to prove that the institution had complied the conditions prescribed under Regulations, 2014 by submitted an Affidavit as a willingness in the year 2015.”

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

**Mr. Mukesh Kumar Pathak, Head of Department of Adarsh Bharti Mahavidyalay, 707, 00049, 720, Khetasarai, Jaunpur Shahganj Road, Shahganj Shodhi, Jaunpur, Uttar Pradesh-222139** appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that “(i). Explanation details written in Annexure 01. (ii). Explanation details written in Annexure 02.”

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

The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.



The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 60 students vide order dated 24.07.2000. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 25.07.2023.

The Appeal Committee noted that the appellant institution did not appear online to present its case before Appellate Authority on 19.10.2023 and as such the Appeal Committee as per extant appeal rules decided to grant another (Second) opportunity to appellant institution to present its case before Appellate Authority.

The instant matter was taken up by the Appellate Committee in its 14<sup>th</sup> Meeting, 2023 held on 04.11.2023 whereby the Appeal Committee decided to grant (3<sup>rd</sup>/Final) Opportunity to the institution. The operative part of the decision is as under: -

***"The Appeal Committee noted that during on-line hearing held on 04.11.2023, the institution submitted that they would submit the requisite documents as per provisions of the NCTE Regulations, 2014. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to ask the appellant institution to submit the following clarification/documents so that the decision of the Appeal Committee become authenticated: -***

- (i) The institution is required to establish the veracity of purchase of Stamp paper in the year 2015, and the reason if any for non-mentioning of the date on the backside of the Stamp paper. The institution is directed to submit an undertaking by way of an affidavit for the explanation so called for.***
- (ii) A copy of proof of submission of reply to SCN & FSCN alongwith a proof of submission of affidavit to NRC for issuance of Revised Recognition Order.***
- (iii) The institution is required to clarify whether they had submitted compliance with the conditions prescribed under Regulations, 2014 regarding enhanced FDRs, Revised staff profile, additional built-up area etc.***
- (iv) The institution is required to submit latest consolidated Staff list duly approved by the affiliating University as per the prescribed Format. (In case the institution is running more than one teacher education programme, it is required to submit staff list duly approved by the Affiliating Body for each of the recognized teacher education programme being run by the institution.***
- (v) An affidavit containing details of approved & appointed faculty with their account number showing that the salary is being paid through bank for last 3 months.***

***In view of above, the Committee decided to grant another (3<sup>rd</sup>/Final) opportunity to the appellant institution with the direction to submit the aforesaid documents on or before next date of the Appeal Committee Meeting.***

**IV. DECISION: -**

***Appeal Committee as per extant appeal rules decided to grant another (3<sup>rd</sup>/Final) opportunity to the appellant institution to present its case before the Appellate Authority in its next meeting with all the required documents as sought for in the aforesaid decision."***

The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held on 05.12.2023 considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution has not submitted latest staff list duly approved by the affiliating body. Further, the institution has failed to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of teaching staff.
- (ii) The proof regarding disbursement of salary of the teaching staff, whether it is being paid through cheque/online payment has also not been submitted.

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 25.07.2023 issued by NRC is confirmed.

#### **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 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 25.07.2023 issued by NRC is confirmed.

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

  
**Deputy Secretary (Appeal)/उप सचिव (अपील)**

#### **Copy to :-**

1. **The Principal, Adarsh Bharti Mahavidyalay, 707, 00049, 720, Khetasarai, Jaunpur Shahganj Road, Shahganj Shodhi, Jaunpur, Uttar Pradesh-222139**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.**



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 19/12/2023

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

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-149/E-315501/2023 Appeal/15th Meeting, 2023  
APPLWRC202314664**

|   |                  |   |
|---|------------------|---|
| Mehmuda Shikshan and Mahila Gramin Vikash Bahuddeshiya Sanstha's, Central India Women's College of EDUCA, 78, Godhani (RLY), Godhani Road, Nagpur Rural, Nagpur, Maharashtra-441123 | <b><u>Vs</u></b> | Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. |
| <b>APPELLANT</b>  |                  | <b>RESPONDENT</b>   |

|                                    |                               |
|------------------------------------|-------------------------------|
| <b>Representative of Appellant</b> | <b>No one presented</b>       |
| <b>Respondent by</b>               | <b>Regional Director, WRC</b> |
| <b>Date of Hearing</b>             | <b>05.12.2023</b>             |
| <b>Date of Pronouncement</b>       | <b>19.12.2023</b>             |

## ORDER/आदेश

### **I. GROUND OF ORDER**

The appeal of **Mehmuda Shikshan and Mahila Gramin Vikash Bahuddeshiya Sanstha's, Central India Women's College of EDUCA, 78, Godhani (RLY), Godhani Road, Nagpur Rural, Nagpur, Maharashtra-441123** dated 02.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/WRC/APW00773/123107/B.Ed./387<sup>th</sup>/MH/2023/223513** dated 07.07.2023 of the Western Regional Committee, for reduction of unit/intake for B.Ed. Course on the grounds that "(i). Reduction of B.Ed. intake from 100 (two units) to 50 (one unit) be permitted in the address mentioned in the revised recognition order dated 31.05.2015 from the date of issue of letter with a copy endorsed to the state Government and Affiliating Body and others concerned and the same shall be uploaded on the NCTE web portal. (ii). Show Cause Notice prior to withdrawal of recognition be issued to the institution U/s 17 of the NCTE Act on the above-mentioned points. The institution shall submit a reply accompanied by an original affidavit within 15 days from the date of issue of show cause notice failing which the WRC will take a decision as deemed fit as per the provisions contained in the NCTE Act and Regulations. A copy of show cause notice be endorsed to the State Government and Affiliating Body. (iii). Proposal for change of name of institution shall be considered after compliance regarding fulfilment of above-mentioned points."

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

No one from **Mehmuda Shikshan and Mahila Gramin Vikash Bahuddeshiya Sanstha's, Central India Women's College of EDUCA, 78, Godhani (RLY), Godhani Road, Nagpur Rural, Nagpur, Maharashtra-441123** appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that "Our college Mehmuda Shikshan & Mahila Gramin Vikas Bahuddeshiya Sanstha's Central India Women's College of Education is running B.Ed. institution under the society Mehmuda Shikshan & Mahila Gramin Vikas Bahuddeshiya Sanstha, Nagpur since 2005 with intake capacity of 100 students in the year 2015 NCTE, WRC has issued the revised order no.



WRC/APW00773/123107/2015/141872-878 dated 31.05.2015 with intake capacity of 100 (2 units) in the year 2019. We had requested to NCTE, WRC to reduce the intake capacity from 100 to 50 students but no communication or approval has been received for 4 years. Hence, we started to admit the students with 100 students (02 Units) dated 15.04.2023. We requested for name change/correction as Mehmuda Shikshan & Mahila Gramin Vikas Bahuddeshiya Sanstha's Central India Women's Collee of Education in NCTE WRC revised order WRC/APW00773/123107/2015/ 141872-878 dated 31.05.2015. instead of name change/correction NCTE WRC highlighted our previous letter dated 17<sup>th</sup> February, 2019 for reducing intake from 100 to 50 students and issued order of reduction of intake/unit on the ground of situation of 2015-16 without taking any explanations from us on the present situation. Before issuing the order of reduction, NCTE WRC should take the explanation from the institution. In present situation institution fulfils the criteria according to NCTE's Norms and Regulations, 2014. Now we requested to restore our previous intake of 100 students (2 Units)."

### III. OUTCOME OF THE CASE

**The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report.**

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 26.10.2004. Thereafter, a revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units of 50 students each) from the academic session 2015-16. The institution vide letter dated 17.02.2019, received in WRC on 21.02.2019, has requested for reduction of B.Ed. intake from two units to one-unit alongwith an undertaking on an affidavit. Further, the institution vides letters dated 15.04.2023 received in WRC on 26.04.2023 and 17.04.2023 received in WRC on 02.05.2023 has requested for change of the institution name from "*Mehmuda Shikshan & Mahila Gramin Vikas Bahuddeshiya Sanstha*" to "*Mehmuda Shikshan & Mahila Gramin Vikas Bahuddeshiya Sanstha's Central India Women's College of Education*". The order for reduction of unit/intake issued by the WRC vides its order dated 07.07.2023.

  
3



The Appeal Committee noted that the matter was taken up by the Appeal Committee in its 11<sup>th</sup> Meeting, 2023 held on 27.09.2023 and further taken up in its 13<sup>th</sup> Meeting, 2023 held on 19.10.2023, but nobody has appeared to represent the case. Further, the matter was again taken up in its 14<sup>th</sup> Meeting, 2023 held 04.11.2023, whereby the Appeal Committee decided to defer the matter of the appellant institution. The operative part of the decision is as under: -

***"The Appeal Committee considered the E-mail dated 03.11.2023 sent by the Appellant institution, praying to grant another opportunity as the authorized person is suddenly indisposed by the chronic illness unable him to present the case.***

***The Appeal Committee in the interest of justice decided to ask the appellant institution to submit the following clarification/documents so that the decision of the Appeal Committee become authenticated: -***

- (i) ***The institution is required to submit proof of admitting 100 students and a copy of affiliation status from the affiliating University.***
- (ii) ***The institution is required to clarify whether they had submitted compliance with the conditions prescribed under Regulations, 2014 regarding enhanced FDRs, Revised staff profile, additional built-up area etc.***
- (iii) ***The institution is required to submit latest consolidated Staff list duly approved by the affiliating University as per the prescribed Format. (In case the institution is running more than one teacher education programme, it is required to submit staff list duly approved by the Affiliating Body for each of the recognized teacher education programme being run by the institution.***
- (iv) ***An affidavit containing details of approved & appointed faculty with their account number showing that the salary is being paid through bank for last 3 months.***

***In view of above, the Committee decided to defer the matter of appellant institution with the direction to submit the aforesaid documents on or before next date of the Appeal Committee Meeting.***

**IV. DECISION: -**

***Appeal Committee as per extant appeal rules decided to defer the matter of the appellant institution to present its case before the Appellate Authority in its next meeting with all the required documents as sought for in the aforesaid decision."***

The instant matter again taken up by the Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held on 05.12.2023, 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.

The Appeal Committee considered the documents submitted alongwith Appeal Report as compliance of grounds of order of reduction of unit/intake and observed that the appeal of the institution is still deficient on the following points: -



- (i) The Appeal Committee noted that the institution is running the B.Ed., course without having required qualified faculty as per provisions of the NCTE Regulations, 2014. The institution failed to submit latest consolidated Staff list duly approved by the affiliating University as per the prescribed Format alongwith an Affidavit containing details of approved & appointed faculty with their account number showing that the salary is being paid through bank for last 3 months.
- (ii) The institution failed to submit proof of admitting 100 students and a copy of affiliation status from the affiliating University.

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 WRC was justified in reduction of unit/intake of the appellant institution and decided that the instant appeal deserves to be rejected and therefore, the impugned order for reduction of unit/intake dated 07.07.2023 issued by WRC is confirmed.

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

**After perusal of the Appeal Report, documents, Appeal Committee of the Council concluded that the WRC was justified in reduction of unit/intake of the appellant institution and decided that the instant appeal deserves to be rejected and therefore, the impugned order for reduction of unit/intake dated 07.07.2023 issued by WRC is confirmed.**

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

**Deputy Secretary (Appeal)/उप सचिव (अपील)**

#### **Copy to :-**

1. **The Principal, Mehmuda Shikshan and Mahila Gramin Vikash Bahuddeshiya Sanstha's, Central India Women's College of EDUCA, 78, Godhani (RLY), Godhani Road, Nagpur Rural, Nagpur, Maharashtra-441123**
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 /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 - 19/12/2023

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

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-155/E-316174/2023 Appeal/15th Meeting, 2023**  
**APPLWRC202314666**

|   |                  |   |
|---|------------------|---|
| Mehmuda Shikshan and Mahila<br>Gramin Vikash Bahuddeshiya<br>Sansthas, Central India College<br>of Education, 77/78, Godhani<br>Railway, Nagpur Gramin,<br>Nagpur, Maharashtra-441123 | <b><u>Vs</u></b> | Western Regional Committee, Plot<br>No. G-7, Sector – 10, Dwarka, New<br>Delhi -110075. |
| <b>APPELLANT</b>  |                  | <b>RESPONDENT</b>   |

|                                    |                               |
|------------------------------------|-------------------------------|
| <b>Representative of Appellant</b> | <b>No one presented</b>       |
| <b>Respondent by</b>               | <b>Regional Director, WRC</b> |
| <b>Date of Hearing</b>             | <b>05.12.2023</b>             |
| <b>Date of Pronouncement</b>       | <b>19.12.2023</b>             |

## ORDER/आदेश

### **I. GROUNDS OF ORDER**

The appeal of **Mehmuda Shikshan and Mahila Gramin Vikash Bahuddeshiya Sansthas, Central India College of Education, 77/78, Godhani Railway, Nagpur Gramin, Nagpur, Maharashtra-441123** dated 26.07.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/WRC/APWO0169/123030/B.Ed./387th/2023/223523** dated 07.07.2023 of the Western Regional Committee, for conducting B.Ed. Course on the grounds that “(i). Reduction of B.Ed. intake from 100 (two units) to 50 (one unit) be permitted in the address mentioned in the revised recognition order dated 31.05.2015 from the issue of letter with a copy endorsed to the State Government and Affiliating Body and others concerned and the same shall be uploaded on the NCTE web portal. (ii). Show Cause Notice prior to withdrawal of recognition be issued to the institution u/s 17 (1) of the NCTE Act on the above-mentioned points. The institution shall submit a reply accompanied by an original affidavit within 15 days from the date of issue of show cause notice failing which the WRC will take a decision as deemed fit as per the provisions contained in the NCTE Act and Regulations. A copy of show cause notice be endorsed to the State Government and Affiliating Body. While issuing the fresh show cause notice to the institution, a copy of previous SCN dated 08.03.2017 will be enclosed therein. (iii). Proposal for change of name of the institution shall be considered after compliance regarding fulfilment of above-mentioned points.”

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

No one from **Mehmuda Shikshan and Mahila Gramin Vikash Bahuddeshiya Sansthas, Central India College of Education, 77/78, Godhani Railway, Nagpur Gramin, Nagpur, Maharashtra-441123** appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that “Our college Mehmuda Shikshan & Mahila Gramin Vikas Bahuddeshiya Sanstha’s Central India College of Education is running B.Ed. institution under the society name Mehmuda Shikshan & Mahila Gramin Vikas Bahuddeshiya Sanstha’s, Nagpur since 2003 with an intake capacity of 100



students. In the year 2015 NCTE WRC has issued the revised order no. WRC/APW00169/123030/2015/143133 dated 31/05/2015 for an intake capacity of 100 (2 units). In the year 2019, we had requested the NCTE WRC to reduce the intake capacity from 100 to 50 students. Since then, no communication or any revised approval has been received since last four years. Hence, we were constrained to admit the students with 100 students (02 units) on 15/04/2023, we requested for name change/correction of our institution as "Mehmuda Shikshan & Mahila Gramin Vikas Bahuddeshiya Sanstha's Central India College of Education" in NCTE WRC revised order WRC/APW00169/123030/2015 143133 dated 31/05/2015 instead of effecting the name change/correction, NCTE WRC highlighted our previous letter dated 22<sup>nd</sup> January, 2019 for reducing the intake from 100 to 50 students and accordingly issued an order of reduction of intake/unit on the ground of then prevailing situation during the period of 2015-16 without taking any comments and explanations from us on the existing situation. Before issuing the order of reduction, NCTE WRC should have obtained the comments and explanation from the institution. in the present situation, institution fulfils all the requisite criteria prescribed by NCTE's norms and Regulations, 2014. We therefore request kindly to restore our previous intake of 100 students (2 units) and do the needful in the interest of justice."

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

**The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report.**

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. (Marathi Medium) Course with an annual intake of 100 students vide order dated 09.07.2004. Thereafter, a revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 students (two basic units of 50 students each) from the academic session 2015-16. The institution vides letters dated 22.01.2019 received in WRC on 21.02.2019 and 02.01.2020 received in WRC on 06.01.2020, the institution has requested for reduction of intake from two units to one-unit alongwith photocopy of affidavit. Further, the institution vides letters dated 15.04.2023 received in WRC on 26.0.2023, 17.04.2023 received in WRC on 02.05.2023, and 16.05.2023 received in WRC on 23.05.2023, the institution has requested for change of the institution name from "Mehmuda Shikshan & Mahila Gramin Vikas Bahuddeshiya

Sanstha" to "Mehmuda Shikshan & Mahila Gramin Vikas Bahuddeshiya Sanstha's Central India Women's College of Education". The order for reduction of unit/intake issued by the WRC vide its order dated 07.07.2023.

The Appeal Committee noted that the matter was taken up by the Appeal Committee in its 11<sup>th</sup> Meeting, 2023 held on 27.09.2023 and further taken up in its 13<sup>th</sup> Meeting, 2023 held on 19.10.2023, but nobody has appeared to represent the case. Further, the matter was again taken up in its 14<sup>th</sup> Meeting, 2023 held 04.11.2023, whereby the Appeal Committee decided to defer the matter of the appellant institution. The operative part of the decision is as under: -

***"The Appeal Committee considered the E-mail dated 03.11.2023 sent by the Appellant institution, praying to grant another opportunity as the authorized person is suddenly indisposed by the chronic illness unable him to present the case. The Appeal Committee in the interest of justice decided to ask the appellant institution to submit the following clarification/documents so that the decision of the Appeal Committee become authenticated: -***

- (i) ***The institution is required to submit proof of admitting 100 students and a copy of affiliation status from the affiliating University.***
- (ii) ***The institution is required to clarify whether they had submitted compliance with the conditions prescribed under Regulations, 2014 regarding enhanced FDRs, Revised staff profile, additional built-up area etc.***
- (iii) ***The institution is required to submit latest consolidated Staff list duly approved by the affiliating University as per the prescribed Format. (In case the institution is running more than one teacher education programme, it is required to submit staff list duly approved by the Affiliating Body for each of the recognized teacher education programme being run by the institution.***
- (iv) ***An affidavit containing details of approved & appointed faculty with their account number showing that the salary is being paid through bank for last 3 months.***

***In view of above, the Committee decided to defer the matter of appellant institution with the direction to submit the aforesaid documents on or before next date of the Appeal Committee Meeting.***

**IV. DECISION: -**

***Appeal Committee as per extant appeal rules decided to defer the matter of the appellant institution to present its case before the Appellate Authority in its next meeting with all the required documents as sought for in the aforesaid decision."***

The instant matter again taken up by the Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held on 05.12.2023, 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.

The Appeal Committee considered the documents submitted alongwith Appeal Report as compliance of grounds of order of reduction of unit/intake and observed that the appeal of the institution is still deficient on the following points: -

- (i) The Appeal Committee noted that the institution is running the B.Ed., course without having required qualified faculty as per provisions of the NCTE Regulations, 2014. The institution failed to submit latest consolidated Staff list duly approved by the affiliating University as per the prescribed Format alongwith an Affidavit containing details of approved & appointed faculty with their account number showing that the salary is being paid through bank for last 3 months.
- (ii) The institution failed to submit proof of admitting 100 students and a copy of affiliation status from the affiliating University.

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 WRC was justified in reduction of unit/intake of the appellant institution and decided that the instant appeal deserves to be rejected and therefore, the impugned order for reduction of unit/intake dated 07.07.2023 issued by WRC is confirmed.

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

**After perusal of the Appeal Report, documents, Appeal Committee of the Council concluded that the WRC was justified in reduction of unit/intake of the appellant institution and decided that the instant appeal deserves to be rejected and therefore, the impugned order for reduction of unit/intake dated 07.07.2023 issued by WRC is confirmed.**

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

  
**Deputy Secretary (Appeal)/उप सचिव (अपील)**

#### **Copy to :-**

1. **The Principal, Mehmuda Shikshan and Mahila Gramin Vikash Bahuddeshiya Sansthas, Central India College of Education, 77/78, Godhani Railway, Nagpur Gramin, Nagpur, Maharashtra-441123**
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 /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 - 19/12/2023

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

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-209/E-320794/2023 Appeal/15th Meeting, 2023  
APPLERC202314725**

|   |                  |   |
|---|------------------|---|
| Kazigram College of Education,<br>5473, 5476, Madapur, K.G.<br>Chandipur, Malda, West Bengal-<br>732013 | <b><u>Vs</u></b> | Eastern Regional Committee, Plot<br>No. G-7, Sector – 10, Dwarka, New<br>Delhi -110075. |
| <b>APPELLANT</b>  |                  | <b>RESPONDENT</b>   |

|                                    |  |
|------------------------------------|--|
| <b>Representative of Appellant</b> | <b>Mr. Safiquil Islam, Correspondent</b> |
| <b>Respondent by</b>               | <b>Regional Director, NRC</b>            |
| <b>Date of Hearing</b>             | <b>05.12.2023</b>                        |
| <b>Date of Pronouncement</b>       | <b>19.12.2023</b>                        |



## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of **Kazigram College of Education, 5473, 5476, Madapur, K.G. Chandipur, Malda, West Bengal-732013** dated 02.11.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-332.24/NCTE/ERCAPP3945/B.Ed./WB/2023/68785** dated 21.09.2023 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted the reply of Final Show Cause Notice dated 10.08.2023 issued to it."

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

**Mr. Safiqul Islam, Correspondent of Kazigram College of Education, 5473, 5476, Madapur, K.G. Chandipur, Malda, West Bengal-732013** appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that "It is most humbly submitted that the institution did not receive the first show cause dt. 31.05.2023 otherwise the same ought to have been duly reply with all the documents. The final show cause so sent was also received belatedly and by the time institution could arrange all the documents as mentioned in the show cause, the recognition of the institution was withdrawn in the meeting held on 30.08.2023. The regional committee did not give sufficient time to the Institution to arrange all the documents and decided to withdraw the recognition in a mechanical manner. It is pertinent to mention that due to wrong and arbitrary decision of ERC, the institution which is running successfully since 2016 has been withdrawn. The institution urges for reversing/setting aside the withdrawal order as passed on the grounds mentioned above and requests to for an early action in this regard. The institution with folded hand and utmost respect prays that the withdrawal order as passed by the ERC be set aside and quashed in the interest of justice as the ERC has failed to appreciate the correct facts and documents available on record. The institution has all the required documents and infrastructure as per norms and standards of NCTE, Regulations. The institution is



submitting all the required documents as mentioned in the show cause alongwith the present appeal.”

### III. OUTCOME OF THE CASE

The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 50 students vide order dated 03.08.2016. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 21.09.2023.

The Appeal Committee noted that the instant matter was taken up by the Appellate Committee in its 14<sup>th</sup> Meeting, 2023 held on 04.11.2023 whereby the Appeal Committee decided to grant (Second) Opportunity to the institution to submit certain documents regarding appointment of faculty etc.

The Appeal Committee in its 15<sup>th</sup> meeting held on 05.12.2023 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+8) members dated 17.10.2023 approved by the Registrar, Baba Saheb Ambedkar Education University as per provisions of NCTE Regulations, 2014 etc.
- (ii) A copy of land documents, building plan, building completion certificate alongwith a copy of Fire Safety Certificate dated 02.10.2023.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 21.09.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated 23.02.2017 passed in W.P(C). no. 3231/2016 titled “Rambha College of Education V/s NCTE” wherein the Hon'ble



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

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

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 21.09.2023 is set-aside as the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

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

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

**IV. DECISION: -**

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

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Kazigram College of Education, 5473, 5476, Madapur, K.G. Chandipur, Malda, West Bengal-732013**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal.



**IN THE NCTE APPELLATE AUTHORITY /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 - 19/12/2023

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

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**  
**File No. 89-163/E-317087/2023 Appeal/15th Meeting, 2023**  
**APPLERC202314678**

|   |                  |   |
|---|------------------|---|
| Bishnupur Mallabhum B.Ed.<br>College, 330, Mayrapukur,<br>Gossainpur, Bishnupur,<br>Bankura, West Bengal-722122 | <b><u>Vs</u></b> | Eastern Regional Committee, Plot<br>No. G-7, Sector – 10, Dwarka, New<br>Delhi -110075. |
| <b>APPELLANT</b>  |                  | <b>RESPONDENT</b>   |

|                                    |  |
|------------------------------------|--|
| <b>Representative of Appellant</b> | <b>Mr. Animesh Bhattacharya, Head –<br/>Account &amp; HR</b> |
| <b>Respondent by</b>               | <b>Regional Director, ERC</b>                                |
| <b>Date of Hearing</b>             | <b>05.12.2023</b>  |
| <b>Date of Pronouncement</b>       | <b>19.12.2023</b>  |

## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of **Bishnupur Mallabhum B.Ed. College, 330, Mayrapukur, Gossainpur, Bishnupur, Bankura, West Bengal-722122** dated 15.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. ER-331.10/NCTE/B.Ed./ERCAPP3825/WB/2023/68462** dated 09.08.2023 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The Additional District Magistrate and District Land and Land Reforms Office, Bankura, Government of West Bengal vide Memo No. 2086/LR/BNK/CONV/23 dated 10.04.2023 has informed that the change of land use bearing Memo No. 89/CONV-04/LR/2015 dated 28.04.2015 is not issued by the office of District Land and Land Reforms Officer, Bankura, Government of West Bengal. The said change of Land Use was submitted by the institution vide letter dated 31.08.2022 (received in ERC on 07.09.2022) in response to the show cause notice dated 12.08.2022. (ii). The District Engineer, Bankura Zila Parishad, Bankura vide Memo no. 911/ZP/2023 dated 24.02.2023 has informed that the Building Safety Certificate bearing Memo No. 1256/BZP/2021 dated 31.03.2021 is not issued by the office of Bankura Zila Parishad, Bankura. The said Building Safety Certificate was submitted by the institution vide letter dated 31.08.2022 (received in ERC on 07.09.2022) is response to the Show Cause Notice dated 12.08.2022.”

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

**Mr. Animesh Bhattacharya, Head – Account & HR of Bishnupur Mallabhum B.Ed. College, 330, Mayrapukur, Gossainpur, Bishnupur, Bankura, West Bengal-722122** appeared online to present the case of the appellant institution on 04.12.2023. In the appeal report, it is submitted that “(i). The original land of 5.03 acre was possessed by Bishnupur Public Education Institute (Society) and on 01.03.2010 the said land was converted for setting up an educational institute and Conversion Certificate was issued by the D.L.&L.R.O. / Additional District Magistrate (LR), (Copy Enclosed as Annex -01). 2. Out of the above converted land, 0.67 acre of the said land



was donated to Bishnupur Mallabhum B.Ed. College by Transfer Deed on 22.01.2014 and subsequently another 0.23 acre of land was donated by Transfer Deed on 25.03.2015. Hence the total 0.90 acre of land received by Bishnupur Mallabhum B.Ed. College from Bishnupur Public Education Institute has already been converted into an Educational Institute, so no further conversion certificate is no longer required (Copy of the Gift Deeds of the English version duly notarized along with copy of mutation certificate of the above converted 0.90 acre of land of Bishnupur Mallabhum B.Ed. College is enclosed as Annex – 02). 3. The above 0.90 acres of land possessed by Bishnupur Mallabhum B.Ed. College was also verified by the Revenue Inspector and the R.O.R. & the Land Utilization was verified physically & certified on 01.02.23 which we have already filed to NCTE on 17.03.23, 10.06.23 & 19.07.23 and the above certificate is enclosed as Annex -03 speaks as follow: a. The ownership of the title of the above land is Bishnupur Mallabhum B.Ed. College. b. The above land is already converted into an Education Institute c. And it was utilized for converted purposes. (Copy of the Letter to NCTE Dated 17.03.23, 10.06.23 & 19.07.23 is enclosed as annex- 04). 4. Since the Classification of the land is already converted into Educational Institute the same is appearing in the “Banglarbhum” (Portal of Govt. Of West Bengal), Copy of the land details downloaded from Banglarbhum.com is enclosed as Annex -05, which further substantiate our claim. 5. In the order of withdrawal dated 09.08.23, Point no 8 The Hon’ble Regional Director of NCTE noted that certain documents previously submitted were sent for verification to D.L&L.R.O. who asper ERC communicated with ERC the same was not issued by them. In the reply of 1st Show Cause Letter we have mistakenly forwarded with wrong document wherein the pre-exist document was in our record, but it was escaped from the notice of all concern. However, from the certificates as above submitted time and again which are on record clearly say that the land conversion certificate dated 01.03.2010 issued in the name of Bishnupur Public Education Institute is in force and may be verified from the government website directly. We are enclosing herewith the initial conversion certificate in the name of the transferor i.e., Bishnupur Public Education Institute as per Annex – 01. So the conjoint references of transfer deeds of 0.90 Acre of land, conversion certificate in the name of Bishnupur Public Education Institute and the mutation Certificate in the name of Bishnupur





Mallabhum B.Ed. College successfully prove that the subjected land is already converted which was again verified and certified by the Revenue Inspector, Belsulia Revenue Inspector Office under Block land & Land Reform Officer Bishnupur, and the title is in the name of Bishnupur Mallabhum B.Ed. College which can be verified from the government website. 6. Unfortunately the order of withdrawal dated 09.08.2023, Point No 8 don't contain any concrete reason of rejection as contemplated in Section 17(1) of the NCTE Act wherein specifically mentioned that "where the Regional Committee is, on its own motion or on any representation received from any person, satisfied that a recognised 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 recognised institution, for reasons to be recorded in writing: Provided that no such order against the recognised institution shall be passed unless a reasonable opportunity of making representation against the proposed order has been given to such recognised 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." Unfortunately, certain observations were made in the order in Point No 8 made by the Honorable ERC but to revoke Sec 17(1) it is a preconditioned that ERC must be satisfied that there is contravention of the Provision, Rules & Regulations but the order said to identify the exact violation and the satisfaction of ERC that the contravention of the acts and rules is not proved. 7. Further Section 17(1) clearly provides for a reasonable opportunity to be given to the institution before giving any order of withdrawal. Unfortunately, after the show cause notice dated your appellant replied with all the details and documents relied upon submitted before the ERC on 17.03.23, 10.06.23 & 19.07.23. Copy of the Letter enclosed as Annex – 04. However, in the order dated 09.08.23, the Honorable ERC didn't discuss anything about the reply dated 17.03.23, 10.06.23 & 19.07.23, and even not any word about whether the documents submitted were accepted or rejected and mechanically jumped to the conclusion which is against the natural justice. Now we are submitting all the documents which are



already been produced before the ERC. During the proceedings which are on record no new evidence/documents are being produced herewith. In light of the above point the conversion of the land of your appellant into an educational institute is clear and can't be doubted. For this reason, the order of rejection in this point may be withdrawn. (ii). Bishnupur Mallabhum B.Ed. College received building safety certificate from the Architect Arpan Dasgupta on 10.03.2016 and Belsulia gram Panchayet (being the "Competent Authority" as per guidelines of West Bengal Panchayet Rules 2004) issued Building Safety Certificate on 25.01.2021 after joint inspection with the Architect (Copy of Building Safety Certificate from Architect & Belsulia Gram Panchayet is enclosed as Annex – 06) 2. All the above certificates already filed to NCTE on 17.03.23, 10.06.23 & 19.07.23. Copy of the Letter enclosed as Annex – 04. 3. In the order of withdrawal dated 09.08.23, Point no 8 The Hon'ble Regional Director of NCTE noted that certain documents previously submitted were sent for verification to the district Engineer, Bankura Zilla Parishad, Bankura. who asper ERC communicated with ERC the same was not issued by them. In the reply of 1st Show Cause Letter we have mistakenly forwarded with wrong document wherein the pre-exist document was in our record, but it was escaped from the notice of all concern. 4. Unfortunately the order of withdrawal dated 09.08.2023, Point No 8 don't contain any concrete reason of rejection as contemplated in Section 17(1) of the NCTE Act wherein specifically mentioned that "where the Regional Committee is, on its own motion or on any representation received from any person, satisfied that a recognised 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 recognised institution, for reasons to be recorded in writing: Provided that no such order against the recognised institution shall be passed unless a reasonable opportunity of making representation against the proposed order has been given to such recognised 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." Unfortunately, certain observations were made in the order in Point No 8 made by the



Honorable ERC but to revoke Sec 17(1) it is a preconditioned that ERC must be satisfied that there is contravention of the Provision, Rules & Regulations but the order said to identify the exact violation and the satisfaction of ERC that the contravention of the acts and rules is not proved. 5. Further Section 17(1) clearly provides for a reasonable opportunity to be given to the institution before giving any order of withdrawal. Unfortunately, after the show cause notice dated your appellant replied with all the details and documents relied upon submitted before the ERC on 17.03.23, 10.06.23 & 19.07.23. Copy of the Letter enclosed as Annex – 04. However, in the order dated 09.08.23, the Honorable ERC didn't discuss anything about the reply dated 17.03.23, 10.06.23 & 19.07.23, and even not any word about whether the documents submitted were accepted or rejected and mechanically jumped to the conclusion which is against the natural justice. Now we are submitting all the documents which are already been produced before the ERC. During the proceedings which are on record no new evidence/documents are being produced herewith. In light of the above point the Building Safety Certificate of your appellant is clear and can't be doubted. For this reason, the order of rejection in this point may be withdrawn."

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

**The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.**

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 50 students vide order dated 29.07.2016, followed by order for an additional intake of 50 student thereby making an annual intake of 100 students vide order dated 28.04.2017. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 09.08.2023.

The Appeal Committee further noted that the instant matter was placed in 11<sup>th</sup> Meeting, 2023 held on 27.09.2023 and the appellant institution did not appear online to



present its case. However, the appellant institute vide letter dated 27.09.2023, has requested to grant another opportunity to address the matter. Hence, the Appeal Committee decided to give (Second) opportunity to present their case.

The instant matter was taken up by the Appellate Committee in its 13<sup>th</sup> Meeting, 2023 held on 19.10.2023 whereby the Appeal Committee of the Council concluded that the Appeal is kept pending till the report is submitted by ERC.

The Appeal Committee noted that the ERC vide letter dated 09.11.2023 submitted its report wherein the following has been informed: -

***"I am to refer to your letter No. F.No.NCTE-Appl011/20/2023-Appeal Section-HQ dated 01.11.2023 on the subject cited above and to say that as per regulatory records of the institution, the land Use Certificate (CLU) dated 01.03.2010 and the Building Safety Certificate dated 25.01.2021 which were submitted by the institution before the Appeal Committee were submitted for the first time to ERC vide its letters dated 17.03.2023, 10.06.2023 and 19.07.2023. It is also pertinent to state that the said documents do not match the CLU and Building Safety Certificate which were originally submitted by the institution alongwith their application."***

The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held on 05.12.2023 considered the report submitted by the ERC dated 09.11.2023 and Appellate Committee noted the following:

- (i) The Land Use Certificate dated 01.03.2010 and Building Safety Certificate dated 25.01.2021 which was submitted by the institution before the Appellate Committee were submitted for the first time to the ERC vide letter dated 17.03.2023, 10.06.2023 and 19.07.2023. Moreover, the ERC clarified the above-mentioned documents did not match the CLU and Building Safety Certificate which were original submitted by the institution to the ERC with their application.
- (ii) The ERC in its withdrawal order dated 09.08.2023 has stated that the change of Land Use Certificate submitted vide letter dt. 31.08.2022 to the ERC was not issued by the competent authority and similarly the Building Safety Certificate submitted vide letter dated 31.08.2022 to the ERC was also not issued by the competent Authority. The appellant institution has failed to proof before the Appellate Committee, that why such fraudulent/false documents had been submitted by the institution to the ERC.



Hence, the Appeal Committee after perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing is of the view that the appellant institution has failed to defend themselves on the ground mentioned above. The Appeal Committee concluded that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 09.08.2023 issued by ERC is confirmed.

**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 that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 09.08.2023 issued by ERC is confirmed.

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

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. **The Principal, Bishnupur Mallabhum B.Ed. College, 330, Mayrapukur, Gossainpur, Bishnupur, Bankura, West Bengal-722122**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal.



**IN THE NCTE APPELLATE AUTHORITY /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 - 19/12/2023

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

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-129/E-311802/2023 Appeal/15th Meeting, 2023  
APPLNRC202314636**

|   |                  |   |
|---|------------------|---|
| Savita Devi Mahavidyalaya,<br>639, 492/1, Mohiuddinpur, Delhi<br>Meerut Road, Meerut, Uttar<br>Pradesh-250205 | <b><u>Vs</u></b> | Northern Regional Committee, Plot<br>No. G-7, Sector – 10, Dwarka, New<br>Delhi -11 0075. |
| <b>APPELLANT</b>  |                  | <b>RESPONDENT</b>   |

|                                    |                               |
|------------------------------------|-------------------------------|
| <b>Representative of Appellant</b> | <b>No one presented</b>       |
| <b>Respondent by</b>               | <b>Regional Director, NRC</b> |
| <b>Date of Hearing</b>             | <b>05.12.2023</b>             |
| <b>Date of Pronouncement</b>       | <b>19.12.2023</b>             |

## ORDER/आदेश

### **I. GROUNDS OF WITHDRAWAL**

The appeal of **Savita Devi Mahavidyalaya, 639, 492/1, Mohiuddinpur, Delhi Meerut Road, Meerut, Uttar Pradesh-250205** dated 18/07/2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NRC/NCTE/UP-1282-B.Ed., UP-2361-B.Ed. (Addi.)/401st Meeting/2023/222393** dated 11.07.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution is required to submit latest faculty list duly approved by the affiliating Body on the specified format of NRC. (Format uploaded on the website of NRC). (ii). The institution in reply to Show Cause Notice has submitted that it is running at Khasra No.639 and had submitted the documents for Khasra No. 639, whereas the recognition for additional intake was granted to the institution at Khasra No. 642 and 645. The institution has shifted to the new premises without approval from NRC. (iii). In reply to SCN, the institution has mentioned that it is running the institution at Khasra No. 639 and has submitted the CLU and other documents for Khasra No. 639, whereas the Building Plan and Site Plan makes a mention of Khasra No. 639 and 492/1. The institution is required to clarify this discrepancy. (iv). The Certificate to the effect that the building is disabled friendly has been issued by Private Architect, which is not acceptable. The institution is required to submit the same issued by government Engineer. (v). The building completion certificate has been signed by Private Architect and countersigned by Sarpanch. It is required to submit the same approved by Government Engineer. (vi). The document submitted in support of Fire Safety Certificate is not a Fire Safety Certificate. It is required to submit a Certificate from the Competent authority that the building of the institution is compliant to the fire safety norms of the State Government.”

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

No one from **Savita Devi Mahavidyalaya, 639, 492/1, Mohiuddinpur, Delhi Meerut Road, Meerut, Uttar Pradesh-250205** appeared online to present the case of





the appellant institution on 05.12.2023. In the appeal report, it is submitted that "Detailed explanation is attached on separate sheet due to shortage of space."

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

**The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report.**

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 16.09.2004 and B.Ed. (Addi.) Course with an annual intake of 100 seats (Existing 100+ additional 100 = 200 students) vide order dated 06.12.2007. A revised provisional recognition order was issued to the institution on dt. 20.05.2015 for conducting B.Ed. course of two years duration with an annual intake of four units (200 students) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 11.07.2023.

The Appeal Committee noted that the instant matter was taken up in by the Appeal Committee in its 9<sup>th</sup> Meeting, 2023 held on 28.08.2023 and further taken up in its 11<sup>th</sup> Meeting, 2023 held on 27.09.2023, but nobody has appeared to represent the case.

The Appeal Committee noted that the instant matter was again taken up by the Appellate Committee in its 13<sup>th</sup> Meeting, 2023 held on 19.10.2023. However, on the said date also nobody has appeared to represent the institution before the Appellate Committee. The Appeal Committee of the Council concluded that the Appeal is kept pending till the report is submitted by NRC.

The Appeal Committee noted that the NRC vide letter dated 02.11.2023 submitted its report. The Appeal Committee on the basis of documents submitted by the institution in the Appeal viz-a-viz records available and report submitted by the NRC noted that the initial recognition of B.Ed. course was granted to the institution in the year 2004 on the land bearing Khasra No. 642 and 645 and permission of additional intake



was also sanctioned to the institution in the year 2007 on the same Khasra No. 642 and 645. The institution presented the documents related to land bearing Khasra No. 639 which is totally different land from which the recognition and additional intake were granted and the change of location without prior approval of NCTE is totally in violation of clause 8(9) of NCTE Regulations, 2014 which provides the following: -

***“In case of premises, prior approval of the Regional Committee concerned shall be necessary, which may be accorded after due inspection of the institution at the new site. Application for change of premises, in the specified format alongwith the processing fee and other relevant documents shall be submitted by the institution online to the Regional Office for prior approval of change of premises. The change may be permitted to a site which, if applied initially, would have qualified for establishment of an institution as per specified norms of Council. The change shall be displayed on website thereafter.”***

The Appeal Committee further noted that the institution has never applied for shifting of premise at different Khasra No. and the claim of institution that the Khasra No. 639, 642 and 645 are adjacent is not acceptable. The Appeal Committee further observed that the Land Use Certificate has also been presented which pertains to land at Khasra No. 639 which is not acceptable as the land on which recognition was granted at Khasra No. 642 and 645 is totally different.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the grounds mentioned in the withdrawal order. 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 11.07.2023 issued by NRC is confirmed.



**IV. DECISION: -**

After perusal of the Appeal Report, documents, 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 11.07.2023 issued by NRC is confirmed.

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Savita Devi Mahavidyalaya, 639, 492/1, Mohiuddinpur, Delhi Meerut Road, Meerut, Uttar Pradesh-250205**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.



IN THE NCTE APPELLATE AUTHORITY / 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 - 19/12/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील  
File No. 89-206/E-319918/2023 Appeal/15th Meeting, 2023  
APPLERC202314719

|   |           |   |
|---|-----------|---|
| Bishnupur Public Institute of Education, 330, Siromonipur, Gossainpur, Bishnupur, Bankura, West Bengal-722122 | <u>Vs</u> | Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. |
| <b>APPELLANT</b>  |           | <b>RESPONDENT</b>   |

|                             |   |
|-----------------------------|---|
| Representative of Appellant | Mr. Animesh Bhattacharya, Head Account & HR |
| Respondent by               | Regional Director, ERC                      |
| Date of Hearing             | 05.12.2023                                  |
| Date of Pronouncement       | 19.12.2023                                  |

## ORDER/आदेश

### I. GROUNDS OF WITHDRAWAL

The appeal of **Bishnupur Public Institute of Education, 330, Siromonipur, Gossainpur, Bishnupur, Bankura, West Bengal-722122** dated 20.10.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. ER-332.26/NCTE/B.Ed. /ERCAPP3868/WB/2023/68747** dated 18.09.2023 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The Additional District Magistrate and District Land and Land Reforms Officer, Bankura, Government of West Bengal vide Memo No. 2088/LR/BNK/CONV/23 dated 10.04.2023 has informed that the Change of Land use bearing Memo No. 85/Conv-04/LR/2015 dated 28.04.2015 is not issued by the office of District Land and Land Reforms Officer, Bankura, Government of West Bengal. The said Change of Land Use was submitted by the institution vide letter dated 31.08.2022 (received in ERC on 07.09.2022) in response to the Show Cause Notice dated 12.08.2022. (ii). The Baba Saheb Ambedkar Education University (BSAEU) vide its letter No. BSAEU/RO/481/2023 dated 26.07.2023 has informed the following: (a). The ERC (faculty list) forwarded to the University of Burdwan for verification was signed in the year 2016 in the old format which is no longer acceptable. (b). The said list was signed by the Registrar of University of Burdwan whereas the institution is affiliated with BSAEU since 2021. (c). The BSAEU instructed to the Institution to bring the faculties as mentioned in the list for verification and certification, but the institution did not respond. (d). The institution is providing the faculty list of 2016 to ERC which was approved by the old University on an old date in the year 2016 and trying to mislead both the University (BASEU) and NCTE. (iii). The Committee also noted that District Engineer, Bankura Zilla Parishad, vide letter No. 4120/ENGG/ZP/2023 dated 21.08.2023 has informed that the Building Safety Certificate issued vide Memo No. 1255/BZP/2021, dated 31.03.2021 was not issued from their office.”



## II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Animesh Bhattacharya, Head Account & HR of Bishnupur Public Institute of Education, 330, Siromonipur, Gossainpur, Bishnupur, Bankura, West Bengal-722122 appeared online to present the case of the appellant institution on 05.12.2023. In the appeal report, it is submitted that “(i). The original land measuring 5.03 acre situated in Plot No.330 (LR) was possessed by Bishnupur Public Education Institute (Society). The District Land & Land Reform Office (DL&LRO)/Additional District Magistrate (LR) issued certificate bearing Memo No. 742/Conv-04/L.R./2010 dated 01.03.2010 regarding conversion of said land for “setting up an educational institute”. The above land conversion certificate dated 01.03.2010 is enclosed as ANNEXURE-1.

2. Out of the above land measuring 5.03 acre already converted for setting up educational institution, the following land was transferred in the name of Bishnupur Public Institute of Education: - (a) The land measuring 0.75 acre was transferred by registered gift deed dated 07.12.2012 in favor of Bishnupur Public Institute of Education. (b) The land measuring 0.13 acre was transferred by registered gift deed dated 25.03.2015 in favor of Bishnupur Public Institute of Education. Thus, Bishnupur Public Institute of Education has total land area measuring 0.88 acres in its name, which is already a land converted for educational purpose by certificate bearing Memo No. 742/Conv-04/L.R./2010 dated 01.03.2010 issued by District Land & Land Reform Office (DL&LRO)/Additional District Magistrate (LR). It is submitted that as the above land is already converted for educational purpose, no further land conversion is required. 3. The above land measuring 0.88 acre owned/possessed by Bishnupur Public Institute of Education was also verified by the Revenue Inspector. The Revenue Inspector after due verification of the aforesaid land of the college and Record of Rights (ROR) issued the certificate dated 01.02.2023 further certifying Land Use Certificate/Possession & Non-Encumbrance. The above certificate dated 01.02.2023 is enclosed as ANNEXURE-2. 4. The land of the college is already converted for educational institution and the said information is also available and reflecting on the portal of Govt. of West Bengal namely “Banglarbhumī” (banglarbhumī.gov.in). The land detail of our college as downloaded from the portal of West Bengal Government namely banglarbhumī.gov.in along with its notarized English version is annexed as ANNEXURE-3. 5. So far as the issue regarding



verification of the document submitted by the college staff is concerned, the college has formed an internal committee to investigate the matter and the said committee has already started investigation to find out the person responsible for the same. If committee found anybody guilty, the committee will take proper action against him. 6. It is submitted that above documents were submitted by the institution to the ERC by Letters dated 17.03.2023, 10.06.2023 and 17.08.2023 but the same has not been taken into account. Thus, there is no deficiency in this regard. (ii). The college was earlier affiliated to the University of Burdwan. Accordingly, the college had appointed the faculty for B.Ed. Course as per norms of NCTE which was duly approved by the University of Burdwan on 29.04.2016. It is submitted that subsequently, the affiliating university of our college changed to Baba Saheb Ambedkar Education University (BSAEU). However, as required as the faculty appointed earlier is the latest approved faculty, therefore, ERC/NCTE Send this List to Burdwan University for verification on 08.02.23, verify & confirm the approved faculty list. Accordingly, Registrar, University of Burdwan by his letter dated 27.06.2023 has certified the faculty list of our college which was signed & approved by the University on 24.09.2016. Further, the Registrar, Burdwan University has again signed the said approved faculty list which was earlier signed by the Registrar on 29.04.2016. The latest certified/approved faculty list by University of Burdwan along with letter dated 27.06.2023 of Registrar of the University of Burdwan is enclosed as ANNEXURE-4 So far as the verification of our approved faculty by Baba Saheb Ambedkar Education University (BSAEU) (present affiliating university) is concerned, the university by its email DATED 05.10.2023 had invited our faculty for verification on 09.10.2023. Accordingly, as per requirement of the affiliating university, the institute presented the faculty to the Baba Saheb Ambedkar Education University (BSAEU) for verification on 09.10.2023 and as required by the university, a Demand Draft bearing No.00048 dated 09.10.2023 for an amount of Rs.30,000/- was deposited with the university and university issued an acknowledgement receipt dated 09.10.2023 for the same. Thus, our latest faculty which is already approved has also been verified by our present affiliating university namely Baba Saheb Ambedkar Education University (BSAEU). Thus, there is no deficiency in this regard. A copy of the email dated 05.10.2023 of the university and acknowledgement receipt dated





09.10.2023 issued by Baba Saheb Ambedkar Education University (BSAEU) regarding verification of faculty are enclosed as ANNEXURE-5 and ANNEXURE-6 respectively. (iii). The Building Safety Certificate dated 10.03.2016 has been issued by the Architect as well as by the Competent Authority namely Pradhan, Belsulia Gram Panchayat on 25.01.2021. The above certificates dated 10.03.2021 and 25.01.2021 are enclosed as ANNEXURE-7 and ANNEXURE-8 respectively. • So far as the issue regarding verification of the document submitted by the college staff is concerned, the college has formed an internal committee to investigate the matter and the said committee has already started investigation to find out the person responsible for the same. If committee found anybody guilty, the committee will take proper action against him. It is submitted that above documents were submitted by the institution to the ERC by Letters dated 17.03.2023, 10.06.2023 and 17.08.2023 but the same has not been taken into account. Thus, there is no deficiency in this regard.”

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

**The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held online on 5<sup>th</sup> December, 2023 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.**

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 03.08.2016. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 18.09.2023.

The Appeal Committee noted that the instant matter was taken up by the Appellate Committee in its 14<sup>th</sup> Meeting, 2023 held on 04.11.2023 whereby the Appeal Committee of the Council concluded that the Appeal is kept pending till the report is submitted by ERC. The Appeal Committee noted that the ERC vide letter dated 23.11.2023 submitted its report wherein the following has been informed: -

***“I am to refer to your letter No. F.No.NCTE-Appl011/21/2023-Appeal Section-HQ dated 02.11.2023 on the subject cited above and to say that as per regulatory record of the institution. The Land Use Certificate (CLU) dated 01.03.2020 and the***



***Building Safety Certificate dated 25.01.2021 which were submitted by the institution before the Appeal Committee, were submitted for the first time to ERC vide its letters dated 17.03.2020, 09.06.2023 and 17.08.2023. It is also pertinent to state that the said documents do not match the CLU and Building Safety Certificate which were originally submitted by the institution along with their application."***

The Appeal Committee in its 15<sup>th</sup> Meeting, 2023 held on 05.12.2023 considered the report submitted by the ERC dated 23.11.2023 and Appellate Committee noted the following:

- (i) The Land Use Certificate dated 01.03.2010 and Building Safety Certificate dated 25.01.2021 which was submitted by the institution before the Appellate Committee were submitted for the first time to the ERC vide letter dated 17.03.2023, 10.06.2023 and 19.07.2023. Moreover, the ERC clarified the above-mentioned documents did not match the CLU and Building Safety Certificate which were original submitted by the institution to the ERC with their application.
- (ii) The ERC in its withdrawal order dated 18.09.2023 has stated that the change of Land Use Certificate submitted vide letter dt. 31.08.2022 to the ERC was not issued by the competent authority and similarly the Building Safety Certificate submitted vide letter dated 31.08.2022 to the ERC was also not issued by the competent Authority. The appellant institution has failed to proof before the Appellate Committee, that why such fraudulent/false documents had been submitted by the institution to the ERC.

Hence, the Appeal Committee after perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing is of the view that the appellant institution has failed to defend themselves on the ground mentioned above. The Appeal Committee concluded that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 18.09.2023 issued by ERC is confirmed.



#### 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 that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 18.09.2023 issued by ERC is confirmed.

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Bishnupur Public Institute of Education, 330, Siromonipur, Gossainpur, Bishnupur, Bankura, West Bengal-722122
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
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