

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date:

20/09/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-100/E-179645/2021 Appeal/Emergent Meeting, 2021
 Appeal No. APPLSRC202113963

Darul Uloom Training College, Vazhakkad, Vallappuzha, Kondotty, Malappuram, Kerala (APPELLANT)	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi - 110075. (RESPONDENT)
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Representative of Appellant	Sh. Muhammed Ibrahim, Manager
Respondent by	Dr. K. Jamaluddeen, Representatives
Date of Hearing	Regional Director, SRC
Date of Pronouncement	18/09/2021
	20/09/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Darul Uloom Training College, Vazhakkad, Vallappuzha, Kondotty, Malappuram, Kerala dated 04/03/2021 is against the Order No. SRO/NCTE/APSO0574/B.Ed./{KL}/2020/121655 dated 22.12.2020 of the Southern Regional Committee, withdrawing recognition for conducting of B.Ed. Course on the grounds that "Institution has submitted Land Use Certificate dt 12.12.2019 signed by the Tahsildar, Kondotty, but the same has been issued for B.Ed. college and CBSE English medium School whereas the occupancy certificate dt 12.11.2020 and the Building completion Certificate dt NIL certificate of specification and report of the proposed building issued by the Panchayat establishes the Built up area as 2784.86 sq. mtr. which is not sufficient for both School as well as B.Ed. course."

II. SUBMISSIONS MADE BY APPELLANT:-



The representative of Darul Uloom Training College, Vazhakkad, Vallappuzha, Kondotty, Malappuram, Kerala presented the case of the appellant institution online on 01/04/2021. In the appeal and during online presentation, it was submitted that "B.Ed. College and CBSE School are functioning in separate area of land exclusively demarcated for the purpose. There is no other institution in the area demarcated for the B.Ed. College. It works in its own compound. The land demarcated for the B.Ed. College is 7729.77 Sq. Mtrs. (1 acre and 84 cents) and the built-up area is 2784.86 sq. mtrs, which is sufficient for the B. Ed college as per the NCTE Norms. Building No. VP/6/362 and VP/6/362 A). The CBSE School works in another area of the land exclusively demarcated for the purpose. Land area of two acres has been demarcated for that purpose. It works in its own building (No. VP/6/210 – Built up space: 1941.9 Sq. metres). Both institutions work in their own buildings in separate compounds, though under the same management. Total Land Area as per the deed No.1331/1871: 15823.77 Sq. mtrs. (3.84 Acres) Land Area demarcated for B.Ed. College: 7729.77 Sq. mtrs. (1.84 Acres) Land Area demarcated for the CBSE School: 8094 Sq. mtrs. (2 Acres) The Land Use Certificate and Location Map (No. H4-2305/2021/ dated 02.03.2021) showing the demarcation of land for the B.Ed. college and CBSE school obtained from the Tahsildar, Kondotty is submitted herewith to this effect. Occupancy Certificate (B2/6488/2020/dated 03.02.2021) obtained from the Secretary, Vazhakkad Grama Panchayath also certifies the same."

III OUTCOME OF THE CASE:-

The appellant, in a letter dt. 01/04/2021, clarified that the total land area in survey no. 19/Resurvey no. 13/1 is 15823.77 sq. mts. (3.84 acres) and land area demarcated for B.Ed. college is 7729.77 sq. mts. (1.84 acres) and the land area demarcated for CBSE School is 8094 sq. mts. (2 acres). The building number of B.Ed. college is VP/362 and VP/362-A with a total built up area of 2784.86 sq. mts. and the building number of CBSE School in VP6/210 with a built-up space of 1941.9 sq. mts.

2. Appellant institution was issued online notice to present its case on 29.05.2021. Appellant institute by its letter dated 24.05.2021 requested for adjournment of hearing which was accepted. Accordingly, Appeal Committee decided to grant another opportunity to the appellant to present its case before the Appellant Authority.

Mohd. Ibrahim, Manager, Darul Uloom Training College,



Vazhakkad, Vallappuzha, Kondotty, Malappuram, Kerala presented the case of appellant institution on 23/07/2021 and sought another opportunity to submit required documents. Appeal Committee decided to grant another (Final) opportunity to the appellant to present its case.

3. Appeal Committee noted that appellant institution was recognised to conduct B.Ed. programme from the academic session 2005-06 with an intake of 100 seats and a revised recognition order under NCTE Regulation, 2014 was also issued on 26/05/2015 for conducting B.Ed. course of two years duration with an annual intake of 100 seats (2 units) from academic session 2015-16. Further on the request of appellant institution the intake of the B.Ed. course was reduced to 50 seats (1 unit).

4. Appeal Committee noted that impugned order of withdrawal dated 22/12/2020 was issued by SRC on the following deficiency:-

"The institution has submitted Land Use Certificate dt. 12/12/2019 signed by the Tahsildar, Kondotty, but the same has been issued for B.Ed. college and CBSE English Medium School whereas the occupancy certificate dt. 12/11/2020 and the Building Completion Certificate dt. NIL certificate of specification and report of the proposed building issued by the Panchayat establishes the Built-up area as 2784.86 sq. mtr. Which is not sufficient for both School as well as B.Ed. course."

5. Appeal Committee after perusing the impugned order of withdrawal noted that decision of SRC to withdraw recognition was based on the ground that (i) appellant institution is sharing its land and built-up area with a CBSE English Medium School and (ii) Built up area of 2784.86 sq. meters. is not sufficient for both school and B.Ed. course.

6. Appeal Committee noted that appellant institution was given opportunity to present its case before Appellate Authority on 01/04/2021, 29/05/2021 and 23/07/2021 and appellant has been seeking further opportunities.

7. Appeal Committee noted that appellant has filed a Writ Petition No. 18702 of 2021 in the High Court of Kerala at Ernakulam and Hon'ble Court vide order dated 15/09/2021 issued directions to appellate authority to expedite the hearing and take a decision expeditiously at any rate, before 20/09/2021.

8. Sh. Muhammed Ibrahim, Manager and Dr. K. Jamaluddeen, Representatives of Darul Uloom Training College, Vazhakkad, Vallappuzha, Kondotty, Malappuram, Kerala presented the case of the appellant institution online on 18/09/2021. Appeal Committee noted that appellant has submitted copies of (i) site plan signed by Tehsildar, Kondotty, (ii) Land Use Certificate dated 02/03/2021 signed by Tehsildar and Occupancy Certificate dated 03/02/2021 signed by Secretary Gram Panchayat.

9. Representative of the instituted apprised to the Appeal Committee that the society under which institution is conducting B.Ed. programme owns 3.84 acres of land out of which appellant B.Ed. college occupies an area of 1.84 acre (7729 sq. meters). The buildings of school and B.Ed. college are separately located and built up area of B.Ed. College located at Survey No. 6/362, 6/362 is 2784.86 sq. meters. It was also informed that appellant has submitted a Building Completion Certificate (B.C.C.) signed by Assistant Engineer, LSGD Section, Gram Panchayat which is for built up area of 2784 sq. meters exclusively for the Darul Uloom Training College B.Ed.

10. Appeal Committee restricting itself to the grounds and deficiency mentioned in the impugned order of withdrawal dated 22/12/2020 decided to remand back the case to SRC for revisiting the matter after verifying the documents i.e. Land Use Certificate, Building Completion Certificate, Site Plan to be submitted by appellant institution to SRC within 15 days of the issue of Appeal Order.

11. 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 order is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

12. 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,

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therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed."

13. Appeal Committee decided to set aside the impugned order of withdrawal dated 22/10/2020.

V. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned withdrawal Order dated 22/10/2020 and remand back the case of Darul Uloom Training College, Vazhakkad, Vallappuzha, Kondotty, Malappuram, Kerala to the SRC, NCTE, for taking action within 15 days of receipt of the documents from appellant institution by SRC, NCTE. Further, the appellant institution is also directed to submit the required documents to SRC, NCTE within 15 days from date of issue of the Appellate Order.

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


(Neelam Sharma)
Deputy Secretary

Copy to: -

1. The Manager, Darul Uloom Training College, Vazhakkad, Block No. 19, Resurvey No. 13/1, Vazhakkad, Vallappuzha, Kondotty, Malappuram, Kerala – 673640.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Member Secretary, NCTE, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
5. The Secretary, Education (looking after Teacher Education) Government of Kerala, Thiruvananthapuram.