



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-122/E-252807/2022 Appeal/7th Meeting, 2022
APPLSRC202214355**

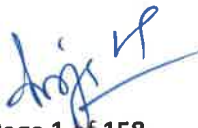
T.D.T.A.D.S. Daniel Rajammal College of Education for Women, 427/2,448,449 Ilanji, Ilanji- Sengottai Road, Ilanji, Tenkasi, Tirunelveli, Tamilnadu-627805 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. RESPONDENT
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Representative of Appellant	Dr. M. Karthy, Principal
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of T.D.T.A.D.S. Daniel Rajammal College of Education for Women, 427/2,448,449 Ilanji, Ilanji-Sengottai Road, Ilanji, Tenkasi, Tirunelveli, Tamilnadu-627805 dated 16.04.2022 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No. F.SRO/NCTE/APSO1823/B.Ed./{TN}/2022/130524 dated 28.02.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on certain grounds. The relevant extract of the said withdrawal order dated 28.02.2022 is being reproduced hereunder:


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“The institution was issued a Final Show Cause Notice (FSCN). The institution has submitted its reply on 19.01.2022 & 02.02.2022. The Committee observed the reply submitted by the institution and found the following deficiencies.

- (i) The institution failed to submit latest staff list as directed vide Final Show Cause Notice dt. 29.12.2021.
- (ii) The institution failed to submit bank statement of faculty showing disbursement of salary through bank account as required under clause 10 (2) of NCTE Regulations, 2014 but the institute did not submit the same and only bank account numbers and amount has been submitted and that too is not attested by the bank.
- (iii) The institution has not submitted approved building plan.
- (iv) The institution failed to submit satisfactory reply in respect of mortgaged land shown in previous NEC.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. M. Karthy, Principal, T.D.T.A.D.S. Daniel Rajammal College of Education for Women, 427/2,448,449 Ilanji, Ilanji-Sengottai Road, Ilanji, Tenkasi, Tirunelveli, Tamilnadu- 627805 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal Memoranda, the appellant institution submitted (i) Enclosing the latest staff list. (ii) Enclosing salary statement (iii) submitting approved building plan. (iv) Submitting recent non encumbrance certificate.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 5.11.2007 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 30.4.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 28.2.2022 for B.Ed. programme.

The Appeal Committee noted that the petitioner institution has filed a **Writ Petition (C) 13290/2022** titled **T.D.T.A.D.S. Daniel Rajammal College of Education for Women, v/s National Council for Teacher Education & Anr** before **The Hon'ble Delhi High Court** against the impugned withdrawal order dated 28.02.2022 issued by SRC and has further prayed for direction upon appellate authority to decide the pending statutory appeal against the impugned withdrawal order dated 28.02.2022. The Hon'ble Delhi High Court vide its order dated 13.09.2022 disposed of the instant petition with following directions:

"(i) Petitioner shall furnish paper/physical copy of the appeal paper book filed with the Appellate Authority within a period of one week from today;

(ii) Appellate Authority shall decide the appeal of Petitioner as expeditiously as possible, but not later than three months from today;

(iii) Petitioner shall be entitled to take benefit of the proviso to Section 17 (1) of the NCTE Act, 1993 and is thus, entitled to admit students for B.Ed. in academic session 2022-23; and

(iv) Respondents are directed to update the status of Petitioner, within a period of one week from today, and send an intimation in respect thereof to the affiliating university of Petitioner as well as to the concerned Department of Education to enable them to participate in counselling and admission process for academic session 2022-23."

The Appeal Committee noted that the main ground pertaining to withdrawal of recognition was that the appellant institution submitted a deficient reply to the Final Show Cause Notice dated 29.12.2021.

Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of documents which were found to be lacking in the impugned order of withdrawal dated 28.2.2022.

These documents include the following:

- (i) Faculty list submitted with approval of the Competent Authority of Affiliating Body.
- (ii) The institution submitted bank statement, however the institution has not submitted bank statement of individual faculty .
- (iii) Building Plan has been submitted.
- (iv) Copy of Non-Encumbrance Certificate has been submitted, however, the same does not bear the signature of the issuing authority and the same is in regional language.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 28.02.2022. The Committee, noting that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 28.02.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing alongwith the Appeal, the Appellate Committee observed that the appellant institution has submitted documents as required by the Final Show Cause Notice dated 29.12.2021 and accordingly, the matter be remanded back to the Southern Regional Committee with specific directions to verify the credentials of the Non-Encumbrance Certificate and the Bank Statement. Accordingly, the SRC is directed to revisit the matter to take further necessary action as per regulation, 2014. Further, the appellant is directed to submitted to SRC the above documents within 15 days from the issue of appeal order.



IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the appeal deserves to be allowed and the matter be remanded back to the SRC with a direction to verify the credentials of the Non-Encumbrances Certificate and details of disbursement of salary of faculty members. Further, SRC is hereby directed to issue a speaking order after considering the documents submitted by the appellant institution and take an appropriate action with respect to NCTE Regulations, 2014, guidelines and amendment issued from time to time. The SRC shall be at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, T.D.T.A.D.S. Daniel Rajammal College of Education for Women, 427/2,448,449 Ilanji, Ilanji-Sengottai Road, Ilanji, Tenkasi, Tirunelveli, Tamilnadu-627805**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**
3. **Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.**



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-123/E-252945/2022 Appeal/7th Meeting, 2022
APPLSRC202214353**

Karnataka College of Education B.Ed., 33/2, Tirumenahalli Village, Hegade Nagara Main Road, Jakkur Post, Yelahanka, Bangalore, Karnataka-560064 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	Administrative Officer of Karnataka College
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Karnataka College of Education B.Ed., 33/2, Tirumenahalli Village, Hegade Nagara Main Road, Jakkur Post, Yelahanka, Bangalore, Karnataka-560064 dated 29.03.2022 filed under Section 18 of NCTE Act, 1993 against the Order No. F.SRO/NCTE/APS01797/B.Ed./KA/2019/106351-6359 dated 02.07.2019 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i)


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The institution is in a private lease land, which is not in accordance with the NCTE Regulations. As per the regulations, the land must be on ownership basis of leased Govt. land; no private lease is permissible (ii) The total built up area is not mentioned in the Affidavit (iii) The building plan approved by the competent authority is not submitted. (iv) The building completion certificate from the competent Govt. Engineer is to be submitted (v) Address of the land in the questionnaire is not mentioned (vi) The seating capacity in the library is only for 10 students, which is inadequate for D.T.Ed. courses (vii) Non-Encumbrance Certificate from the competent Govt. authorised person/authority is not submitted (viii) Language learning lab is not mentioned in the V.T. Report.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Administrative Officer of Karnataka College of Education B.Ed., 33/2, Tirumenahalli Village, Hegade Nagara Main Road, Jakkur Post, Yelahanka, Bangalore, Karnataka-560064 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal Memoranda it is submitted that “We are submitting all details of ownership of land and building EC sale deed RTC ETC it is our own land. Total built up area in affidavit is mentioned and enclosed. BP is submitted with competent authority. BCC is submitted with competent authority. All land documents address is mentioned. DTED is closed 10 years before for no admission. Non-EC is enclosed. Language learning lab photo is enclosed.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 30.11.2004

Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order.



- (i) The institution has submitted a copy of absolute sale deed dated 12.11.2003 in favour of Karnataka Education Trust.
- (ii) A copy of Affidavit dated 20.4.2022 with respect to land submitted.
- (iii) A copy of Form 'A' regarding FDR (7+5 lakhs)
- (iv) A copy of learning language lab photo.
- (v) A copy of Building Completion certificate
- (vi) A copy of NEC which is in regional language.
- (vii) Letter dated 27.4.2022 submitted by the institution stating that D.T.Ed. is closed. No admission also.

The Committee noted that the submission of online appeal has been delayed by 2 years 6 months beyond the prescribed period of sixty days. The submission made by the institution in Appeal Memoranda that due to Corona reason, the appeal could not be submitted within time. However, the withdrawal order was passed by the SRC on 2.7.2019, as such the institution was supposed to file appeal on or before 1.9.2019. However, the institution has submitted present appeal on 29.3.2022 after laps of two year and six months, as such the contention made by the institution is not sustainable.

The Committee noted that according to the provisions of Section 18 (1) of the NCTE Act, 1993, any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed. According to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under the above-mentioned Sections of the Act may prefer an appeal to the Council within sixty days of issue of such orders. According to the provisions of Section 18 (2) of the NCTE Act, no appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor, provided such an appeal may be admitted after the expiry of the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period.

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

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



IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Administrative Officer, Karnataka College of Education B.Ed., 33/2, Tirumenahalli Village, Hegade Nagara Main Road, Jakkur Post, Yelahanka, Bangalore, Karnataka-560064**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Karnataka.**



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-18/E-235820/2022 Appeal/7th Meeting, 2022
APPLSRC202114203**

Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu-606807 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	The case was presented by the Representative of Grace College of Education, Tamilnadu
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OFS OF WITHDRAWAL

The appeal of Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu-606807 dated 02/12/2021 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No. F.SRO/NCTE/APS03874/B.Ed./{TN}/2021/128734 dated 06.10.2021 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on certain grounds. The relevant extract of the said withdrawal order dated 06.10.2021 is being reproduced hereunder:

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

II. SUBMISSIONS MADE BY APPELLANT: -

The representative of the Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu-606807 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal Memoranda, the appellant institution submitted that “We are submitting herewith the latest qualified staff list approved by the Registrar, TNTEU, Chennai.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 06.01.2006 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 31.03.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 06.10.2021 for B.Ed. programme.

The Appeal Committee noted that the petitioner institution has filed a **Writ Petition (C) 10554/2022** titled **Grace College of Education (B.Ed.) v/s National Council of Teacher Education & Anr** before the **Hon'ble Delhi High Court** against the impugned order dated 18.04.2022 passed by the Appellate Authority confirming withdrawal dated 06.10.2021 passed by



Southern Regional Committee. The Hon'ble Delhi High Court vide its order dated 30.08.2022 disposed of the instant petition with following directions:

"7. In light of the decision of co-ordinate benches of this Court, the order dated 18th April, 2022 passed by the Appellate Authority is set-aside, and the matter is remanded back to the Appellate Authority, with a direction to decide the appeal taking into consideration documents placed on record, and in particular, the list of faculty members dated 13th December, 2021 (annexed as Annexure P-4 to the present petition), within a period of three weeks from today, in accordance with law."

The Appeal Committee noted that appeal of the institution dated 02.12.2021 against the impugned order dated 06.10.2021 issued by SRC was considered by the Appeal Committee in its 3rd meeting, 2022 held on 23.03.2022. The Appel committee after considering the memorandum of appeal and documents submitted by the Appellate institution had rejected the appeal and confirmed, the impugned withdrawal vide appellate order dated 18.04.2022 on the following grounds:

"1. Appeal committee noted that the appellant institution in reply to last reminder letter had not submitted the complete list of faculties approved by the Affiliating Body in the prescribed Proforma with date of approval of the affiliating university.

2. The appeal Committee further noted that the appellant alongwith memoranda of Appeal has submitted a letter dated 13.12.2021 issued by Registrar, Tamilnadu Teacher Education University which consists of the approval of latest faculty (1+24 member) for both B.Ed. and M.Ed. course alongwith the proforma containing details of individual faculty duly signed by the Registrar of Affiliating Body on 13.12.2021.

Appeal Committee observed that the appellant institution was not having the latest faculty list approved by the affiliating body at the time of issue of withdrawal order as they got the faculty approved on 13.12.2021 which is subsequent to the dated of withdrawal order i.e. 06.10.2021.

In the circumstances, the Appeal Committee decided that the SRC was justified in withdrawing recognition. Hence, the appeal of the appellant deserves to be rejected and order of withdrawal confirmed.



In compliance of Court Order dated 30.08.2022 passed by the Hon'ble High Court **Writ Petition (C) 10554/2022** titled **Grace College of Education (B.Ed.) v/s National Council of Teacher Education & Anr** the Appeal Committee noted that the main ground pertaining to withdrawal of recognition was that the appellant institution submitted a deficient reply to the Final Show Cause Notice dated 27.02.2020 and last reminder letter dated 06.11.2020.

The Appeal Committee further noted that the appellant institution in memoranda of appeal has submitted the following documents, claiming to have complied with the shortcomings of withdrawal order in the appeal: -

- (i) Faculty list dated 13.12.2021 duly approved by the Registrar, TNTE University for B.Ed. programme.

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

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

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

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

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



Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 6.10.2021 and remand back the case to SRC for further necessary action as per NCTE Regulations, 2014.

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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu-606807**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**
3. **Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.**



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-129/E-253776/2022 Appeal/7th Meeting, 2022
APPLSRC202214327

Vivekananda College of Education, 5/183-1, Agasteeswaram, Kanyakumari, Tamilnadu-629701 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	Dr. S. Payan, Principal
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Vivekananda College of Education, 5/183-1, Agasteeswaram, Kanyakumari, Tamilnadu-629701 dated 27/03/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS09086/B.Ed./TN/2022(130917-130921) dated 15/03/2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds. "The institution was issued a Final Show Cause Notice (FSCN). The institution has submitted its reply received on 31.12.2021. The Committee observed the reply submitted by the institution and found the following deficiencies: -

The institution submits the approval of 15 faculty against the requirement of 16. The faculty strength is not enough for 2 units as required under Appendix 4 of NCTE Regulations, 2014. Further the approval of 2016 has been submitted and the institute failed in submission of latest approval as directed to be submitted vide Show Cause Notices. The institution also failed to submit supporting documents in terms of educational qualification of faculty and experience certificate of the Principal. The institution did not submit a certified copy of land documents issued by concerned Tehsildar/Revenue Officer. The institution has submitted a photocopy of Land Usage Certificate. A Notarized copy has been submitted as asked for vide Show Cause Notices. The institution has submitted a computerized copy of NEC in regional language. A Notarized copy has been submitted as asked for vide Show Cause Notices. The Building Plan submitted is neither approved nor legible and also do not show the multi-purpose hall. The institution did not submit a Site Plan. The institution has submitted a photocopy of BCC which is neither approved nor legible. The institution did not submit a "Form A" issued by the respective Bank Manager for Endowment Fund & Reserve Fund. The institution did not submit an Affidavit clearly stating status about land & building. The institution has not submitted a detail of total land & built-up area for all the recognized Teacher Education programme / other programme and details of other programme(s) (if any) being run by the institution in the same campus. The institute failed in submission of the bank statement of all individual faculty and institution's bank statement duly certified by the concerned bank showing disbursement of salary through bank account to faculty as required under clause 10(3) of NCTE Regulation, 2014"

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. S. Payan, Principal, Vivekananda College of Education, 5/183-1, Agasteeswaram, Kanyakumari, Tamilnadu-629701 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal Memoranda it is submitted that "The institution got qualification approval for 16 faculty members as per 2014 norms. Since a performing arts teacher took long leave the institution has submitted the approval of 15 faculty against the requirement of 16. The qualification approval from Tamilnadu Teachers Education University signed by the registrar in a revised qualification approval in a new format was obtained same time institution has applied for an approval of performing arts faculty and waiting for approval of performing arts faculty. NCTE did not ask for educational qualification of the faculty and experience certificate of the



principal in any of its show cause notices. NCTE did not ask for a certified copy of land documents issued by concerned Tehsildar/Revenue Officer in any of its show cause notices. But it is ready for submission if asked. Notarized and usage certificate issued by Tahsildar of Agstheeswaram Taluk, wide certificate no. AF/17831/09 dated 6.07.2009. was submitted. As said the non-encumbrance certificate issued by the registration department, government of Tamilnadu by e-service is in both the languages of Tamil and English. Now notarized English version is attached for your kind perusal. The institution has submitted the approved Building Plan which shows multi-purpose hall also. NCTE did not ask to submit the Site Plan in any of its show cause notices. But it is ready for submission if asked. A clear BCC approved by the competent authority was submitted by the institution. The institution has submitted a "Form A" dated 19/01/2022 issued by the respective Bank Manager for Endowment Fund & Reserve Fund for Rs Five and Seven lakhs along with the copies of FDRs. The institution has submitted an Affidavit clearly stating status about land & building. And it is a standalone institution. NCTE did not ask to submit the bank statement of all individual faculty and institution's bank statement duly certified by the concerned bank showing disbursement of salary in any of its show cause notices. But it is ready for submission if asked."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 02.09.2006 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 18.03.2015 for conducting B.Ed. programme of two years duration with an annual intake of 50 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 15.03.2022 for B.Ed. programme.

Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of documents which were found to be deficient in the impugned order of withdrawal dated 15.03.2022. These documents include:



- (i) A list of Faculty members approved by the Registrar of the Affiliating Body.
- (ii) A copy of Land Documents in Tamil and English translated Version
- (iii) A copy of Land Usage Certificate
- (iv) A copy of Non-Encumbrance Certificate in English Version & Tamil Version.
- (v) A copy of Approved Building Plan which shows multipurpose hall.
- (vi) A copy of Building Completion Certificate signed by Assistant Executive Engineer, P.W.D. Building Construction Subdivision Nagercoil on dated 14.10.2019
- (vii) A copy of Site Plan is enclosed.
- (viii) The institution has submitted a copy of "Form A" dated 19/01/2022 issued by the respective Bank Manager for Endowment Fund & Reserve Fund for Rs Five and Seven lakhs along with the copies of FDRs.

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

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

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

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

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

Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 15.03.2022 and remand back the case to SRC for further necessary action as per NCTE Regulations, 2014.



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

IV. DECISION-

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Vivekananda College of Education, 5/183-1, Agasteeswaram, Kanyakumari, Tamilnadu-629701**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-130/E-253758/2022 Appeal/7th Meeting, 2022
APPLERC202214361**

Namrup College of Teacher Education, 19, Nagamati Kheremia Gaon, Dhudar Ali Parbatpur, Jaipur, Dibrugarh, Assam-786623 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. Arindam Bankura, Principal
Respondent by	Regional Director, ERC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Namrup College of Teacher Education, 19, Nagamati Kheremia Gaon, Dhudar Ali Parbatpur, Jaipur, Dibrugarh, Assam-786623** dated 02/05/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.NO. **ER-302.18/AS-S/N-25/96/B.Ed./2022/65127** dated 03/03/2022 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “Previously appointed unqualified Principal viz. Dr. Preeti Rekha

Goswami has been replaced by (Dr. Arindam Bankura) who has been newly appointed on 23.09.2021. his experience certificate, Ph.D./NET Certificate, educational qualification/testimonials are attached with the reply of SCN are not self-attested by the individual or by the management with seal. His date of birth (15.11.1970) mentioned in the approved faculty list differs with date of birth (15.11.1979) mentioned by the individual in his affidavit on Rs.10/-non-judicial stamp paper. Previously appointed unqualified faculty i.e., Lecturer in Social Science viz. Prakriti Bora has been replaced by (Dr. Krishanu Ganguly) who has been newly appointed on 23.09.2021. His Ph.D./NET Certificate not attached, educational qualification/testimonials attached with the reply of SCN are not self-attested by the individual or by the management with seal. His date of birth is not mentioned in the approved faculty list, whereas in affidavit on Rs.10/- non-judicial stamp paper, date of birth mentioned as 05.02.1988. Name of the said faculty have been differently mentioned in the three documents i.e.

(a) In original notarized Affidavit on Rs.100/- non-judicial stamp paper by the management, name is Dr. Krishanu Ganguly.

(b) In original notarized Affidavit on Rs.10/- non-judicial stamp paper by the individual faculty, name is Dr. Krishanu Ganguly.

(c) In offer letter of appointed dated 23.09.2021 issued by the institution to the faculty, name is Dr. Krishanu Ganguly.

Faculty (Rupjyoti Saikia) appointed on 03.08.2018 i.e., after 09.06.2017, Ph.D./NET Certificate, educational qualification/testimonials are not attached with the reply of SCN. As per previously submitted copy of approved faculty (Session 2021-2022) countersigned by Registrar, Dibrugarh University dated 22.10.2021 and latest copy of approved faculty (Session 2021-2022) countersigned by Registrar, Dibrugarh University dated 03.01.2022 in respect of same faculties in Music, Fine/Performing Arts and Physical Education, the following discrepancies found:

(a) Lecturer in Music (Samriti Rekha Boruah):

Earlier shown in the list, date of appointment as 10.08.2017 and date of joining as 08.08.2017 (two days prior to date of appointment). Now tampering made applying white correction fluid showing in the list date of appointment as 08.04.2017 and date of joining as 08.04.2017.

(b) Lecturer in Fine Arts (Birinchi Borah):

Earlier shown in the list Date of appointment as 02.11.2020 and date of joining as 01.11.2010 (one day prior to date of appointment). Now tampering made applying white correction fluid showing in the list Date of appointment as 01.11.2020 and date of joining as 01.11.2020. Subject of teaching shown as teaching of performing Arts.



(c) Lecturer in Physical Education (Dimba Borah):

Earlier shown in the list Date of appointment as 05.08.2019 and date of joining as 01.08.2019 (four days prior to date of appointment). Now tampering made applying white correction fluid showing in the list Date of appointment as 01.08.2019 and date of joining as 01.08.2019."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Arindam Bankura, Principal, Namrup College of Teacher Education, 19, Nagamati Kheremia Gaon, Dhudar Ali Parbatpur, Jaipur, Dibrugarh, Assam-786623 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal Memoranda it is submitted that "Newly appointed Principal Dr. Arindam Bankura testimonials attested by the management with seal enclosed and date of birth 15.11.1979 mentioned in the approved faculty list. Newly appointed Dr. Krishanu Ganguly testimonials attested by the management with seal enclosed and date of birth 05-02-1988 mentioned in the approved faculty list. (a) In original notarized Affidavit on Rs 100/- non-judicial stamp paper by the management name is Dr. Krishanu Ganguly enclosed. (b) Rs10/- non judicial stamp paper by the individual stamp paper name is Dr. Krishanu Ganguly already submitted. (c) In offer letter of appointed date 23/09/2021 issued by the institution to the faculty name is Dr. Krishanu Ganguly appointed letter enclosed. Faculty Rupjyoti Saikia appointed on 03.08.2018 NET qualified certificate and testimonials attested by the management with seal enclosed. As per submitted copy of approved faculty list (session 2021-22) Countersigned by Registrar, Dibrugarh University, Dibrugarh. Dated 25/04/2022 enclosed."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 50 students vide order dated 12/13.03.2001 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 20.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 50 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of



the appellant institution was withdrawn by the impugned withdrawal order dated 03.03.2022 for B.Ed. programme.

Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of documents which were found to be deficient in the impugned order of withdrawal dated 03.03.2022. These documents include:

- (i) A list of faculty members, signed by the Registrar of affiliating body on dated 25.04.2022.
- (ii) A notarized copy of Affidavit on Rs. 100 stamp paper.

The Committee noted that the institution has submitted the above documents alongwith list of faculty. However, the Committee directed the ERC to get verify the staff list from the affiliating University before considering the matter. The ERC shall also ensure to comply the provision of Registrar, 2014, regarding the disbursement of salary of the teaching & non-teaching staff.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 03.03.2022. The Committee, noting that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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

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

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



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

Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 03.03.2022 and remand back the case to ERC for further necessary action as per NCTE Regulations, 2014.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC shall get the staff list verify from the affiliating University before considering the matter. The ERC shall also ensure to comply the provision of Registrar, 2014, regarding the disbursement of salary of the teaching & non-teaching staff.

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Namrup College of Teacher Education, 19, Nagamati Kheremia Gaon, Dhudar Ali Parbatpur, Jaipur, Dibrugarh, Assam-786623**
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 Assam.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-132/E-253985/2022 Appeal/7th Meeting, 2022
APPLSRC202214360**

JRS College of Education, 638/2A1, 638/2A2, 638/2B2, 638/2B5, Annamangalam, Selcrim land, Arasalur, Veppanthattai, Perambalur, Tamilnadu-621102	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Representative of JRS College of Education
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of JRS College of Education, 638/2A1, 638/2A2, 638/2B2, 638/2B5, Annamangalam, Selcrim land, Arasalur, Veppanthattai, Perambalur, Tamilnadu-621102 dated 30/04/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS04146/B.Ed./{TN}/2021/129349 dated 01/12/2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution has submitted notarized copy of land documents instead of certified land documents.

The institution has submitted notarized copy Non-Encumbrance Certificate which is in regional language. The institution has submitted photocopy of Building Plan but not readable. The institution has submitted photocopy of Site Plan but not readable. The institution has submitted notarized copy of BCC in which date of inspection not mentioned. The institution has not submitted copy of "Form A" issued by the respective Bank Manager. (i) As per photocopy of three FDRs submitted by the institution, the FDRs are already expired/matured. The institution has not submitted latest faculty list duly approved by Affiliating University. The institution has not submitted Affidavit clearly stating status about land & building and Management (Society/Trust) at the time of recognition and its present status giving following details."

II. SUBMISSIONS MADE BY APPELLANT: -

Representative of JRS College of Education, 638/2A1, 638/2A2, 638/2B2, 638/2B5, Annamangalam, Selcrim land, Arasalur, Veppanthattai, Perambalur, Tamilnadu-621102 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal memoranda it is submitted that "Certified copy of Land Documents is submitted. Non-Encumbrance Certificate alongwith English version is submitted. Blueprint of the building plan is submitted. Site plan alongwith blueprint of the building plan is submitted. Original BCC is submitted. Revalidated FDRs submitted along with Form A. Latest faculty list duly approved by Affiliating University is submitted. Affidavit clearly stating status about land & building and management (Society/Trust) at the time of recognition and its present status giving following details is submitted."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 17.11.2005. The institution was allowed shifting of premiss to the new location at JRS College of Education, Annamangalam 621102, Veeppanthattai Taluk, Perambalur District, Tamilnadu. After promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its



adherence by the institution, a revised recognition order was issued on 31.03.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. Further on the basis of request of the institution the SRC vide order dated 12.9.2017 decided for reduction of intake from 2 units to 1 unit. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 01.12.2021 for B.Ed. programme.

Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of documents which were found to be deficient in the impugned order of withdrawal dated 01.12.2021. These documents include:

- (i) A copy of land documents (Sale Deed) in Regional and English Version.
- (ii) A copy of Certificate of Encumbrance on Property issued by Registration Department, Govt. of Tamilnadu on dated 26.04.2022
- (iii) A copy of Building Completion Certificate signed by Junior Engineer (RD) Veppanthattai on dated 29.04.2022
- (iv) A copy of Form 'A' alongwith FDRs receipt.
- (v) A copy of Affidavit on Rs. 100 stamp paper.
- (vi) A list of faculty members signed by the Registrar of affiliating body.
- (vii) A blueprint of Building Plan approved by the Competent Authority.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 01.12.2021. The Committee, noting that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee for consideration of the case of the institution for 1 (one) unit only 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."

Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 01.12.2021 and remand back the case to SRC for further necessary action as per NCTE Regulations, 2014.

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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, JRS College of Education, 638/2A1, 638/2A2, 638/2B2, 638/2B5, Annamangalam, Selcrim land, Arasalur, Veppanthattai, Perambalur, Tamilnadu-621102**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**
3. **Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.**



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-137/E-255383/2022 Appeal/7th Meeting, 2022
APPLSRC202214366**

Institute of Advanced Study in Education, 43, Vidyaranyapuri, Hanamkonda, Warangal, Telangana-506009 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	Mr. Head and Principal, Reddy
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Institute of Advanced Study in Education, 43, Vidyaranyapuri, Hanamkonda, Warangal, Telangana-506009 dated 15.05.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS02895/M.Ed./TS/2022/(131432-131435) dated 13/04/2022 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “The institution was issued a Last Reminder Letter on 07.10.2021. The institution failed to submit reply to the Last Reminder Letter.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Head and Principal, Reddy, Institute of Advanced Study in Education, 43, Vidyaranyapuri, Hanamkonda, Warangal, Telangana-506009 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal memoranda it is submitted that "Recently, we received a show cause notice from the NCTE, and our college has given reply to it on Article Id: RN093702065 in dated: 06.11.2021 (postal receipt enclosed). Unfortunately, our reply could not reach your office in time because of postal delay. As a result, the affiliation given to the M.Ed. Course of our college has been withdrawn by the NCTE."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course with an annual intake of 25 students vide order dated 18.10.2002 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 31.05.2015 for conducting M.Ed. programme of two years duration with an annual intake of 50 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 13.04.2022 for M.Ed. programme.

Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of documents which were found to be deficient in the impugned order of withdrawal dated 13.04.2022. These documents include:

- (i) A list of faculty members signed by the Registrar of Affiliating Body
- (ii) A copy of Building Plan & Site Plan issued by Development Officer, Kakatiya University alongwith a screenshot of the building.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 13.04.2022. The Committee, noting that the document



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

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

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

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

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

Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 13.04.2022 and remand back the case to SRC for further necessary action as per NCTE Regulations, 2014.

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

IV. DECISION: -

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



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

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Institute of Advanced Study in Education, 43, Vidyaranyapuri, Hanamkonda, Warangal, Telangana-506009**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Telangana.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-138/E-255403/2022 Appeal/7th Meeting, 2022
APPLSRC202214364**

Srinivas College of Education, 119/2B, Attavara, Mangaladevi Temple Road, Pandeshwara, Mangalore, South Kannada, Karnataka-575001 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	Dr. Jayashree. K, Representative of Srinivas College of Education
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Srinivas College of Education, 119/2B, Attavara, Mangaladevi Temple Road, Pandeshwara, Mangalore, South Kannada, Karnataka-575001 dated 10/05/2022 filed under Section-18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS02313/B.Ed./{KA}/2022/131634 dated 20/04/2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The building plan submitted by the institution is not legible. The institution submitted a proforma of Principal and

15 faculty which is not sufficient as per Appendix 4 of NCTE Regulations, 2014. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. Faculty namely Dr. Vijayalakshmi, Mrs. Mamatha Kumari, Mrs. Akshita S, Mrs. Shridevi, M.S. (total 8 faculty) appointed after 09.06.2017 and not qualified with NET, hence not eligible to be appointed as per NCTE Regulations, 2014 (amended vide notification dt. 09.06.2017)."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Jayashree. K, Representative of Srinivas College of Education, 119/2B, Attavara, Mangaladevi Temple Road, Pandeshwara, Mangalore, South Kannada, Karnataka-575001 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal it is submitted that "The building plan duly approved by the competent authority and notarized legible copy is enclosed. We are requesting you for the permission to only one unit (50) of B.Ed. hence the details of eligible 11 faculty member are enclosed as per the NCTE Regulations 2014. It has been duly approved by the registrar of the university on 29th of April 2022. The proof of disbursement of salary to 11 teaching faculty and 8 non-teaching staff through bank account has been enclosed which is duly signed by the competent authority of the bank. The front page of the Srinivas University passbook is also enclosed. Faculty Dr. Vijayalakshmi is eligible as per NCTE Regulations, as she holds doctoral degree, other faculty members are relieved as we are seeking the permission for one unit of B.Ed. (50 students)."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 23.12.2004 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 26.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of



the appellant institution was withdrawn by the impugned withdrawal order dated 20.04.2022 for B.Ed. programme.

Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of documents which were found to be deficient in the impugned order of withdrawal dated 20.04.2022. These documents include:

- (i) List of faculty member signed by the Registrar of Affiliating body on dated 29.04.2022.
- (ii) List of Administrative & Professional Staff approved by Competent Authority.
- (iii) True copy of Building Plan approved by competent authority.
- (iv) Copy of statement of accounts issued by Bank of Maharashtra certifying that the salary is being credited to the respective account of faculty through bank.

The Appeal Committee noted that the institution has been shifted from Mangalore University to Srinivasa University and this request has been accepted by the SRC vide letter dated 7.6.2016. Further the institution during the Appeal has submitted letter dated 5.6.2018 requesting permission for the single unit. i.e. 50 students. The SRC is directed to verify the issue with respect to intake and to take appropriate decision as per provisions of the NCTE Regulations, 2014.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 20.04.2022. The Committee, noting that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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

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



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

Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 20.04.2022 and remand back the case to SRC for further necessary action as per NCTE Regulations, 2014.

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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Srinivas College of Education, 119/2B, Attavara, Mangaladevi Temple Road, Pandeshwara, Mangalore, South Kannada, Karnataka-575001**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**F. No. 89-139/E-255438/2022 Appeal/7th Meeting, 2022
APPLERC202114158**

Uttar Dinajpur PTTI, 221/397(L.R), Naoda, Hemtabad Bishnupur Road, Naoda, North Dinajpur, West Bengal-733134 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. Ananda Chandra Roy, Representative of Uttar Dinajpur
Respondent by	Regional Director, ERC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF APPEAL

The appeal of **Uttar Dinajpur PTTI, 221/397(L.R), Naoda, Hemtabad Bishnupur Road, Naoda, North Dinajpur, West Bengal-733134** dated 09/10/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. **ER-239.6.120(Part-4)/ERCAPP3470/B.Ed./2017/52956** dated **02.05.2017** of the Eastern Regional Committee, on the grounds that “the institution has applied for 100 students (two basic unit), However the ERC has issued the recognition order dated 20.05.2017 for 50 students.”

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Ananda Chandra Roy, Representative of Uttar Dinajpur PTTI, 221/397(L.R), Naoda, Hemtabad Bishnupur Road, Naoda, North Dinajpur, West Bengal-733134 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal it is submitted that “We applied for admission of 100 students but NCTE in its 239th meeting stated (part – 4) of ERC NCTE held on 28th April to 2nd May 2017 that our history faculty, Anisur Rahamans M.Ed. mark sheet was not available in their file. Secondly Sh. Amit Kumar Shakya (Mathematics Faculty) is also missing. Due to the above reason two of our faculties were reduced and therefore we have to substitute 50 students in one unit. After learning about the aforesaid fact from the website of NCTE. We via E-mail requested vide memo no 287 UDPTT/C/B.ED./2U/17 dated 2.5.17 & also by speed post. In the said letter we enclosed Anisur Rahamans M.Ed. marksheet and Subrata Rakhits (Mathematics Panel) all necessary documents. However, we did not receive any reply from NCTE. Our secretary was sick and went under heart surgery in Apollo. Members of the college committee were also engaged for arrangements of the medical needs of the secretary. For the said reason and Covid the appeal could not be filed within 60 days.”

III. OUTCOME OF THE CASE

Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned order.

- (i) List of faculty members (1+15), signed by the Registrar of Affiliating Body on 10.04.2017.

The Committee noted that the composite inspection of the institution was carried out by the V.T Members on 26.02.2016. The V.T Members have submitted their report on 04.03.2016 whereby the observation was made by the V.T members that the institution has proposed to run to B.Ed. Course for one unit. The V.T members further observed that the institution has enough



infrastructural and instructional facilities to run an additional course i.e., B.Ed. for one-unit (50) students.

The Committee further noted that the institution has been issued formal order dated 02.05.2017 for recognition for B.Ed. course of two years duration with an intake of 50 (one basic unit) from the session 2017-2018. The explanation given by the institution in the appeal that they have applied for the admission of 100 students and the recognition order was passed on 02.05.2017 by the ERC for 1 (one) basic unit is not acceptable, as the same is now challenged by the institution on 09.10.2021 in the Appeal, which is also time barred and the justification given by the institution in appeal is not sustainable.

IV. DECISION: -

The Committee concluded that recognition order dated 02.05.2017 was issued by the ERC and as per provisions of the NCTE Regulation, 2014 after verifying the documents, as such appeal is hereby rejected. As far as the additional intake is concerned the institution may apply afresh as and when notification issued by the NCTE HQ, and presently the NCTE HQ has not issued any notification in this regard. Therefore, the instant appeal deserves to be rejected.

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Uttar Dinajpur PTI, 221/397(L.R), Naoda, Hemtabad Bishnupur Road, Naoda, North Dinajpur, West Bengal-733134**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-142/E-256302/2022 Appeal/7th Meeting, 2022
APPLSRC202214347**

Goutham B.Ed. College, 78, Allipur, Hospet Road, Bellary, Karnataka-583104	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075
APPELLANT		RESPONDENT

Representative of Appellant	Representative of Goutham B.Ed. College
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Goutham B.Ed. College, 78, Allipur, Hospet Road, Bellary, Karnataka-583104 dated 12.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRC/NCTE/APSO2006/B.Ed./2020/119643-9649 dated 19.10.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution was issued a Final show Cause Notice (FSCN) dated 29.11.2019. The institution has failed in submission of written representation along with all required documents in response to Final Show Cause Notice.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative of Goutham B.Ed. College, 78, Allipur, Hospet Road, Bellary, Karnataka-583104 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal it is submitted that “All documents submitted copy enclosed.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 03.02.2006 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 18.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 19.10.2020 for B.Ed. programme.

Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of documents which were found to be deficient in the impugned order of withdrawal dated 19.10.2020. These documents include:

- (i) A copy of land documents (Sale Deed).
- (ii) A copy of Non-Encumbrance Certificate.
- (iii) A copy of Land Use Certificate issued by Secretary, Gram Panchayat on 1.2.2022.
- (iv) A copy of Building Completion Certificate issued by Assistant Executive Engineer (PWD) Subdivision, Bidar
- (v) A Blueprint of Building Plan approved by Junior Engineer, Gram Panchayat.
- (vi) A copy of Site Plan.
- (vii) A copy of Form 'A' alongwith copies of FDRs.
- (viii) A list of faculty approved by the Registrar of Gulbarga University, Kalaburagi
- (ix) A copy of Affidavit on dated 12.04.2022.



The institution during the Appeal made the submission with respect to reasons for delay. The contention of institution that due to bereavement in the family, the appeal could not be submitted within time. On the submission made by the institution, the Committee decided to condone the delay in filing the Appeal.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 19.10.2020. The Committee, noting that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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

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

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

Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 19.10.2020 and remand back the case to SRC for further necessary action as per NCTE Regulations, 2014.

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



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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Goutham B.Ed. College, 78, Allipur, Hospet Road, Bellary, Karnataka-583104**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**
3. **Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Karnataka.**



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-280/E-200977/2021 Appeal/7th Meeting, 2022
APPLWRC202114140**

Shri Dhaneshwari Manav Vikas Mandal College of Education, Hatta, Zero Phata Road, Hingoli, Maharashtra-431705 APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. RESPONDENT
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Representative of Appellant	Sh. Nilesh Gaware, Representative of the Institution.
Respondent by	Regional Director, WRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Shri Dhaneshwari Manav Vikas Mandal College of Education, Hatta, Zero Phata Road, Hingoli, Maharashtra-431705** dated 25.09.2021 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No. **WRC/APP01121/123199/322nd/2020/212565** dated 11.12.2020 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on certain grounds. The relevant extract of the said withdrawal order dated 11.12.2020 is being reproduced hereunder:

- (i) Recognition was granted to the institution on 25.08.2005 on rented premises with a condition that to shift the institution in its premises within a period of three years from the date of issue of recognition order.
- (ii) The institution has not shifted the institution in its own premises till date
- (iii) Accordingly, Show Cause Notice was issued to the institution on 28.09.2020.
- (iv) The Institution has not submitted the reply of the Show Cause Notice till date."

II. SUBMISSIONS MADE BY APPELLANT: -

Shri Nilesh Gaware, Representative of Shri Dhaneshwari Manav Vikas Mandal College of Education, Hatta, Zero Phata Road, Hingoli, Maharashtra-431705 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal Memoranda, the institution submitted that "The entire basis of passing the withdrawal order is erroneous. It is submitted that the withdrawal order proceeds on the basis that the institution did not submit reply to the show cause notice dated 28.09.2020, whereas the institution vide its letter dated 06.11.2020 submitted reply to the show cause notice and the same was dispatched by courier dated 07.11.2020. In the said reply, it was clearly pointed out that "Infact our college recognition was granted in an own premises only at Hatta Tq. Basmath Dist. Hingoli, MS." It was also submitted that the institution has all the infrastructure as per NCTE Regulations, 2014 and a copy of building completion certificate, land use certificate, non-encumbrance certificate and building map etc. were also attached. A copy of reply dated 06.11.2020 is attached as Annexure-3 and other documents such as land documents, building completion certificate etc. shall be produced at the time of hearing of the appeal. It is further submitted that the WRC vide its recognition order dated 25.08.2005 granted recognition to the institution on the basis of the land & building owned by the institution. Thus, at the time of grant of initial recognition itself by WRC, the institution was existing at its "own land & building". Further, in the recognition order dated 20.09.2004 and revised recognition order dated 31.05.2015, there is no condition mentioned that the institution is required to shift within a period of three years. It is submitted that both recognition orders dated 20.09.2004 and revised recognition order dated 31.05.2015 do not contain any such condition regarding shifting as the permission granted to our institution for running B.Ed. programme was not in the rented building and the institution had its own land & building at the time of grant of initial recognition itself. Therefore, the entire basis of issuing the withdrawal order is erroneous, unfounded & unsustainable and requires to be quashed by the Appeal Committee."



III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 25.08.2005. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 11.12.2020 for B.Ed. programme.

The appeal committee noted that the petitioner institution has filed a **Writ Petition (C) 12546/2022** titled **Shri Dhaneshwari Manav Vikas Mandal College of Education v/s National Council of Teacher Education & Anr** before the **Hon'ble Delhi High Court** against the impugned withdrawal order dated 11.12.2020 passed by the Western Regional Committee. The Hon'ble Delhi High Court vide its order dated 31.08.2022 disposed of the instant petition with following directions:

"6. Considering the fore-going, the present petition is allowed with the following directions:

6.1 Withdrawal order dated 11th December 2020 shall remain stayed till the decision is rendered on the appeal filed by Petitioner;

6.2 Basis the above, Petitioner is entitled to admit students for B.Ed. course for academic session 2022-23.

6.3 WRC is directed to reflect the status of Petitioner as a recognized institution on its official website and to intimate the same to its affiliating University [Swami Ramanand Teerth Marathwada University, Nanded, Maharashtra] and to the "Education Secretary, [Higher Education] Govt of Maharashtra" within a period of 10 days from today.

6.4 Appellate Committee is directed to forthwith take up the appeal of Petitioner and decide the same as expeditiously as possible, preferably in the next scheduled meeting.

In compliance of Court Order dated 31.08.2022 passed by the Hon'ble High Court **Writ Petition (C) 12546/2022** titled **Shri Dhaneshwari Manav Vikas Mandal College of Education v/s National Council of Teacher Education & Anr.**, the Appeal Committee noted that the main ground pertaining to withdrawal of recognition was that since the recognition was the appellant institution on 25.08.2005 on rented premises with a condition that the institution will have to shift to its own premises within a period of three years from the date of issue of the said recognition order and the institution failed to comply with the same.



Further, the Appeal Committee noted that the appellant institution in the appeal alongwith memorandum of appeal has not submitted a single document supporting the contentions as laid down in the Appeal Memorandum.

Further, the Appeal Committee noted that the withdrawal order dated 11.12.2020 was issued by WRC and the institution was supposed to file an appeal on or before 10.02.2021. However, the institution has submitted the appeal on 25.09.2021, that is, after an in ordinate delay in filing of appeal.

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 11.12.2020 issued by WRC is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 11.12.2020 issued by WRC is confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Shri Dhaneshwari Manav Vikas Mandal College of Education, Hatta, Zero Phata Road, Hingoli, Maharashtra-431705**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**
3. **Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Maharashtra.**



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-230/E-193337/2021 Appeal/7th Meeting, 2022
APPLERC202113968**

Mehtab Jamal B.Ed. College, Bonbahar, 184, Kayakuchi, B.B. Road, Barpeta, Assam – 781352 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. RESPONDENT
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Representative of Appellant	Sh. Suraj Jamal, Representative of Mehtab Jamal B.Ed. College
Respondent by	Regional Director, ERC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF REFUSAL

The appeal of **Mehtab Jamal B.Ed. College, Bonbahar, 184, Kayakuchi, B.B. Road, Barpeta, Assam – 781352** dated 08.03.2021 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No. **ERC/247.12.25/ID-11263/B.Ed./2017/55557** dated 02.01.2018 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. Course on certain grounds. The relevant extract of the said refusal order dated 02.01.2018 is being reproduced hereunder:

“Show Cause Notice was issued on 14.02.2017 on the following grounds:

- (i) As per online application, the institution applied for Additional Intake in B.Ed. programme, but the institution has no prior recognition from the ERC NCTE for B.Ed. programme. The statement is not correct.
- (ii) As the institution has applied for single course i.e., B.Ed. which comes under the standalone category and not permissible as per NCTE Regulations, 2014.
- (iii) The institution submitted Lease deed from Private party which is not accepted.
- (iv) Non-Encumbrance Certificate issued from Land Registering Authority is not submitted.
- (v) Building plan is not approved by Govt. Engineer.
- (vi) Building completion certificate issued from Govt. Engineer/Authority is not submitted.
- (vii) Change of land use certificate issued from Land Revenue/concerned Govt. Deptt. is not submitted.
- (viii) Fire safety certificate issued from competent Govt. authority is not submitted.
- (ix) Site plan issued from Land Revenue/concerned Govt. Department is not submitted.
- (x) Original affidavit on Rs.100/- no-judicial stamp paper in the prescribed format mentioning the details of land is not submitted.

Reply from the institution has not been received within the stipulated period, which is already over.”

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Suraj Jamal, Representative of Mehtab Jamal B.Ed. College, Bonbahar, 184, Kayakuchi, B.B. Road, Barpeta, Assam – 781352 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal Memoranda, the appellant institution has made the following submission: “Due to shortage of time.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the application of the institution was refused vide order dated 2.1.2018 for B.Ed. programme. The Appeal Committee further noted that the petitioner institution has filed a **Writ Petition (C)6612/2021** titled **Mehtab Jamal B.Ed. College v/s National Council of Teacher Education & Anr** before the **Hon’ble Gauhati High Court** against the impugned order dated 04.10.2021 passed by the Appellate Authority, NCTE whereby the refusal order dated 02.01.2018 passed by the ERC was under challenge. The Hon’ble High Court vide its order dated 31.08.2022 disposed of the instant petition with following directions:

“On perusal of the impugned order dated 04.10.2021 passed by the appellate authority it is noticed that the petitioner had preferred an appeal on 08.03.2021 against the order of rejection dated



02.01.2018 passed by the Regional Director. Thus the appeal filed by the petitioner is beyond the statutory period prescribed under the Act, namely; 60 days from the order of rejection passed by the authority. On perusal of the appeal report (Annexure-16) to the writ petition it is noticed that the petitioner had explained the reasons for delay in preferring the appeal before the appellate authority was due to the delay made by the Gauhati University in issuing permission/ affiliation for degree course which is mandatory requirement under the NCTE Act. Having noticed the explanations provided in the appeal report that one of the reasons for delay in not preferring the appeal within the stipulated period was the delay caused by the Gauhati University in providing permission/ affiliation for degree Course to the petitioner's institution and also taking into account the explanation provided by the petitioner that in the intervening period there was out break of Covid-19 Pandemic which also contributed to the petitioner from not preferring the appeal before the appellate authority under the NCTE Act within the stipulated time; I am of the considered view that since the appeal filed by the petitioner has been rejected by the appellate authority solely on the ground of delay in preferring the appeal, ends of justice would be met if the respondent appellate authority under the NCTE Act is directed to consider the appeal filed by the petitioner and dispose it of on its own merit in accordance with law.

Accordingly, while setting aside the impugned order dated 04.10.2021 (Annexure-18) passed by the Deputy Secretary under Section 18 of NCTE Act, 1993 the appellate authority is hereby directed to consider the appeal filed by the petitioner on its own merit in accordance with law as expeditiously as possible preferably within a period of 2 (two) months from the date of receipt of certified copy of this order along with a copy of the writ petition which shall be submitted by the petitioner before the appellate authority within a period of 2 (two) weeks from today. While disposing of the appeal filed by the petitioner, the petitioner shall also be given an opportunity of hearing."

In compliance of Court Order dated 31.08.2022 passed by the Hon'ble High Court in **Writ Petition (C)6612/2021 titled Mehtab Jamal B.Ed. College v/s National Council of Teacher Education & Anr**, the Appeal Committee noted that the main ground pertaining to refusal of recognition was that the appellant institution failed to submit a reply to the Show Cause Notice dated 14.02.2017.

Further, the Appeal Committee noted that the appellant institution in the appeal alongwith memorandum of appeal, has submitted the following documents:

- (i) No Objection Certificate dated 12.02.2021 issued by the Government of Assam, Elementary Education Department in respect of 4 years integrated Teacher Education Programme (B.A. B.Ed./ BSc B.Ed.).
- (ii) No Objection Certificate dated 29.06.2016 issued by the Affiliating Body, Gauhati University in respect of the B.Ed. Course.
- (iii) Letter dated 24.05.2019 granting permission/affiliation, issued by the Gauhati University.
- (iv) Trust Deed dated 03.03.2016.
- (v) Photocopy of Lease Land documents and other related documents.



The Committee noted that the application of the institution for B.Ed. programme was refused vide order dated 02.01.2018, and it has been observed by the Committee that since then the institution has not been granted recognition and in view of the following decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022 *inter-alia* considered the following Agenda(s):-

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

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

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

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

- I. ***At present, there are several institutions which have been recognised by the Regional Committees of NCTE wherein courses/ programme, other than diploma level courses, are running. An Expert Committee be constituted to devise the modalities for conversion of these recognised institutions into multidisciplinary institutions in line with NEP 2020.***



- II. *The applications pending before the Regional Committees of NCTE shall not be processed further. Hence, all such pending applications before RCs at any stage of processing be returned along with the processing fee to the concerned institution(s).*
- III. *In the cases where the applications are being processed/ reopened as per the directions of the Hon'ble Court (s), the concerned Regional Committee shall file a review/appeal before the Hon'ble Court(s) alongwith stay application against the order passed by the Hon'ble Court(s) for processing of application(s) in view of the decision of the Council as taken in II above.*

Noting the above decision of the General body of the NCTE, the Appeal Committee decided not to entertain the Appeal of the applicant institution and, therefore, the order of the ERC dated 02.01.2018 refusing recognition for B.Ed. programme of the institution is confirmed.

IV. **DECISION:** -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing and in the light of decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022, the Appeal Committee of the Council concluded that the appeal of the institution cannot be entertained. Hence, the instant appeal deserves to be rejected and impugned refusal order dated 02.01.2018 of ERC is confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Mehtab Jamal B.Ed. College, Bonbahar, 184, Kayakuchi, B.B. Road, Barpeta, Assam – 781352**
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 Assam.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-210/E-264530/2022 Appeal/7th Meeting, 2022
APPLSRC202214415**

Divya College of Education, 172/2, Rajanagaram, Korukonda Road, Rajanagaram, East godavari, Andhra Pradesh- 533294 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	The representative of the Divya College of Education
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Divya College of Education, 172/2, Rajanagaram, Korukonda Road, Rajanagaram, East godavari, Andhra Pradesh-533294 dated 14/06/2022 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No.F.SRO/NCTE/APSO7222/B.Ed./{AP}/2022/ (131649-131653) dated 20.04.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on certain grounds. The relevant extract of the said withdrawal order dated 20.04.2022 is being reproduced hereunder:

“1. The institution did not submit certified copy of land documents issued by concerned Tehsildar/Revenue Officer. Hence, the institution has submitted a sale deed as land documents at the time of recognition which is neither in the name of society/trust nor institution. It is in favour of an individual person.

2. The institution did not submit a Notarized/attested copy of Site Plan.

3. Out of nine faculties, six faculty namely, A Ramachandra Rao, PillelliSaleena, Jyothi Dayam, Bantumilli Vimala, Gudala Srinivas, JalliPallalamma are not NET qualified and appointed after 09.06.2017, hence, not eligible for appointment as per NCTE Regulation, 2014 (amended vide notification dated 09.06.2017).

4. The institution has not submitted the details of Teacher Education Programme (s) & other programme being run by the institution in the same campus and details of total land & built-up area for all the recognised Teacher Education Programme/ other programme (if any) being run by the institution in the same campus.

5. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014.

6. The institution did not submit registration, byelaws etc. related to the managing society/trust.

7. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of Divya College of Education, 172/2, Rajanagaram, Korukonda Road, Rajanagaram, East godavari, Andhra Pradesh-533294 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal Memoranda, the appellant institution has made following submission:

- (i) A copy of land documents issued by concerned Sub-Registrar is submitted.
- (ii) A copy of notarized/attested site plan.
- (iii) A copy of latest qualified staff approved by the Adikavi Nannaya University is submitted.
- (iv) Institution has submitted the details of teacher education programme (s) & other programme being run by the institution in the same campus and details of total land & built-up area for all the recognised teacher education programme/other programme (if any) being run by the institution in the same campus.
- (v) The website of the institution is uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014.
- (vi) The institution submitted registration, byelaws etc. related to the managing society/trust.
- (vii) Submitted proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014.



III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 29.05.2007 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 11.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. Further the Committee noted that on the basis of the request, the SRC in its 342nd Meeting held on 5th & 6th July, 2017 decided for reduction of intake from two units to one unit. Accordingly, an order was issued to the institution on 21.07.2017 regarding reduction of intake from two units to one unit.

The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 20.04.2022 for B.Ed. programme.

The appeal committee noted that the petitioner institution has filed a **Writ Petition (C)25971/2022 Divya College of Education v/s State of Andhra Pradesh & Ors.** before the **Hon'ble Andhra Pradesh High Court at Amaravati** against the impugned order dated 14.06.2022 passed by the Appellate Authority, NCTE whereby the withdrawal order dated 20.04.2022 passed by the SRC was under challenge. The Hon'ble High Court vide its order dated 26.08.2022 disposed of the instant petition with following directions:

"5. On the earlier occasion by virtue of the orders of this Court dated 22.08.2022 the learned Standing Counsel for the respondents No.4 and 5 is directed to get instructions with regard to the pendency of the appeal before the 5th respondent preferred by the petitioner herein. The learned Standing Counsel submits that the appeal will be disposed of preferably within a period of two (02) weeks. But the counsel for the petitioner draws the attention of this Court to the A.P.EDCET-2022 schedule which shows that the examination was conducted on 13.07.2022. The counsel for the petitioner further submits that pursuant to the said examination, there will be a counselling process which may be commenced by the authorities within a period of one month. Unless the appeal is disposed of before that, the petitioner will not be in a position to participate in the counselling process.

6. In view of the said urgency, this Court directs the appellate authority i.e., 5th respondent to dispose of the appeal pending before it preferred by the petitioner as expeditiously as possible



strictly in accordance with law preferably within a period of two (02) weeks from the date of receipt of this order."

In compliance of Court Order dated 26.08.2022 passed by the Hon'ble High Court in **Writ Petition (C)25971/2022** titled **Divya College of Education v/s State of Andhra Pradesh & Ors**, the Appeal Committee noted that the main ground pertaining to withdrawal of recognition was that the appellant institution submitted a deficient reply to the Final Show Cause Notice dated 04.02.2022. The said deficiencies are not being repeated for the sake of brevity

Further, the Appeal Committee noted that the appellant institution in the appeal alongwith memorandum of appeal, has submitted the following documents:

- (i) A copy of land Documents (true English translation of certified copy of gift settlement deed by the way of affidavit on Rs. 100 non-judicial stamp paper alongwith a copy of land documents in regional language are submitted.
- (ii) A copy of Site Plan
- (iii) A list of faculty dated 18.07.2022 duly signed by the Registrar of the affiliating university.
- (iv) Screenshots of College Website.
- (v) A copy of certificate of Registration dated 02.08.2022 does not bear the signature of the Registrar of Societies and the President.
- (vi) A copy of bank Statement dated 12.06.2022.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 20.04.2022. The Committee, noting that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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

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

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



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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 20.04.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

Noting the documents and oral submission delivered by the appellant institution during the hearing, the Appellate Committee observed that the appellant institution has now submitted documents as required by the Final Show Cause Notice dated 04.02.2022. Accordingly, the matter be remanded back to the Southern Regional Committee with specific direction to verify the submitted documents.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the appeal deserves to be allowed and the matter be remanded back to the SRC with a direction to verify and peruse the documents submitted by the appellant institution. Further, SRC is hereby directed to issue a speaking order after considering the documents submitted by the appellant institution and take an appropriate action with respect to NCTE Regulations, 2014, guidelines and amendment issued from time to time. The appellant institution is directed to send the documents within 15 days from the receipt of the appeal order. The SRC shall be at a liberty to verify the authenticity of the documents from the concerned issuing authority.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Divya College of Education, 172/2, Rajanagaram, Korukonda Road, Rajanagaram, East godavari, Andhra Pradesh-533294

2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-221/E-265710/2022 Appeal/7th Meeting, 2022
APPLNRC202214441

MDS College of Education, 46/25, 55/5, 54/1, 54/2, Bewal, Main Road, Mahender Garh, Haryana-123021 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. RESPONDENT
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Representative of Appellant	Dinesh Kumar, Representative of MDS College of Education
Respondent by	Regional Director, NRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF REFUSAL

The appeal of **MDS College of Education, 46/25, 55/5, 54/1, 54/2, Bewal, Main Road, Mahender Garh, Haryana-123021** dated 18/08/2022 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No **F.No./NRC/NCTE/ NRCAPP9182/ 336thMeeting (Virtual)/2021/214377** dated 29/06/2021 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on certain grounds. The relevant extract of the said refusal order dated 29.06.2021 is being reproduced hereunder:

- (i) The land has been registered on 22.02.2018 i.e., after making of online application which is not acceptable as per NCTE Regulations. NCTE returned its application on 26.02.2013. The same file is re-submitted on 03.04.2018 after getting land registered on 21.03.2018 in favour of society.
- (ii) The institution is required to submitted proof/evidence to prove that it is a composite institution.
- (iii) NOC issued form the affidavit body not submitted.
- (iv) Zamabandi/Mutations is not submitted.
- (v) Certificate to the effect that the Building(s) is Differently abled Friendly is not submitted.
- (vi) Building Safety Certificate issued by the competent authority is not submitted.
- (vii) Fire Safety Certificate issued by the competent authority is not submitted.”

II. SUBMISSIONS MADE BY APPELLANT: -

Shri Dinesh Kumar, Representative of MDS College of Education, 46/25, 55/5, 54/1, 54/2, Bewal, Main Road, Mahender Garh, Haryana-123021 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal Memoranda, the appellant institution has submitted that “So far as the first ground of impugned refusal order (the land has been registered on 22.02.2018 i.e., after making of online application which is not acceptable as per NCTE Regulations, NCTE returned its application on 26.02.2013. The same file is re-submitted on 03.04.2018 after getting land registered on 21.03.2018 in favour of society.) is concerned, it is respectfully submitted that in view of the order dated 14.03.2018 passed by this Hon’ble Court, the institution got their land registered in the name of the sponsoring society on 21.03.2018 and thereafter the application, which was returned earlier by NRC vide their letter dated 26.06.2013, was resubmitted on 03.04.2018. Thus, it is submitted that before resubmissions of their entire file to NRC on 03.04.2018, the institution got its land registered in the name of society on 21.03.2018 in order to comply with the norms of NCTE. In the circumstances, NRC is not justified in rejecting the application on the ground that the land was not registered on the date of making online application i.e., 31.12.2012. It is a well settled principle of law that subsequent events/compliances are to be taken into account and it, on consideration of such subsequent events and compliances, it is found by the Regional Committee that the institutions fulfil norms & standards laid down by the NCTE then the application of the institution cannot be rejected on the ground of fulfilment of norms by institution after the date of online application. Hence, the NRC was not justified in rejecting on the ground that the land has been registered on 22.02.2018 i.e., after the date of online application. The Hon’ble Delhi High Court has consistently held that subsequent development and compliances



are required to be taken into account and considered while examining fulfilment of norms & standards by institution for grant of recognition, however, the NRC has passed the refusal order dated 29.06.2018), which is completely unjustified and arbitrary and is contrary to law laid down by this Hon'ble Court. Hence, the refusal order is liable to be set aside by the Appellate Authority with direction to the NRC to take into consideration the subsequent development regarding registration of land while considering the application. It is submitted that it is well settled principle of law that subsequent events are required to be taken into consideration by both the Regional Committee and Appeal Committee of NCTE. The institute is supported in this regard by several judgements and order passed by Hon'ble Delhi High Court wherein, Hon'ble Court has consistently held that subsequent events leading to compliance of deficiencies/norms and standards needs to be taken into account. The institution is supported by the following judgements and orders passed by this Hon'ble Court: - a. Judgement and order dated 19.06.2013 of this Hon'ble court in W.P. (C) No.7114/2011 titled G. D. Memorial College of Education vs. NCTE & ORS. b. Judgement and order dated 23.02.2017 in W.P.(C) No.3231/2016 alongwith order dated 09.08.2017 in LPA No.535/2017 and order dated 25.01.2018 in SLP Civil (Diary) No.42238/2017. c. Order dated 19.02.2018 in W.P. (C) No. 1358/2018 (DB). d. Order dated 20.12.2019 in W.P.(C)No. 13542/2019. e. Order dated 03.12.2020 in W.P.(C)No.9744/2020. f. Order dated 09.12.2020 in W.P.(C)No.9900/2020. g. Order dated 24.12.2020 in W.P.(C)No.11066/2020 h. Order dated 07.01.2021 in W.P.(C)No.160/2021. i. Order dated 08.01.2021 in W.P.(C)No.210/2021 j. Order dated 21.01.2021 in W.P.(C) No.5665/2020. k. Order dated 27.01.2021 in W.P.(C)No. 1015/2021. l. Order dated 04.03.2021 in W.P.(C) No. 2896/2021. m. Order dated 23.12.2021 in W.P.(C)No.14894/2021. n. Order dated 24.12.2021 in W.P.(C)No.15040/2021. The NRC has passed the refusal order dated 29.06.2021 on the ground that the institution has not submitted any proof/evidence to prove that it is a composite institution as NCTE Regulations, 2014. It is submitted that it is well settled by various orders passed by Hon'ble Division Bench as well as various judgement & orders passed by Ld. Single judge of Hon'ble Delhi High Court that the provisions/conditions introduced by NCTE Regulations, 2014 (which includes the condition of institution being composite in nature) will not apply to applications submitted by institutions prior to coming into force NCTE Regulations, 2014. The institution in this regard is supported by various judgements & orders passed by Hon'ble Delhi High Court from time to time, which are as under:- (a) order dated 19.04.2017 in WP(c) No.3299/2017 (b) order dated 25.07.2018 in WP(C) No.6971/2018 (c) order dated 21.02.2018 in W.P.(C) No.1573/2018 (d) order dated 21.02.2018 in



W.P.(C) No.1602/2018 (e) order dated 12.04.2018 in WP(C) No.3417/2018 (f) order dated 12.04.2018 in WP(C) No.3423/2018 (g) judgement & order dated 24.08.2021 in WP(C) No.8894/2021 (h) order dated 31.08.2021 passed in W.P.(C) No.9255/2021 (i) common order dated 27.09.2021 in WP(C) No. 10871/2021 & connected matter (j) order dated 24.12.2021 in WP(C) No.15102/2021 (k) order dated 25.01.2022 in WP(C) No.15102/2021 (k) order dated 25.01.2022 in WP(C) No.1519/2022 (l) order dated 03.02.2022 in WP(C) No.2060/2022 (m) order dated 04.02.2022 in WP(C) No.1065/2022 (n) order dated 02.03.2022 in WP(C) No.13811/2021 (o) order dated 02.03.2022 in WP(C) No. 5689/2021 not only that, it is relevant to state that taking note various judgement & order passed by Hon'ble Delhi High Court from time to time, the WRC in its 345th Meeting held on 25th February, 2022, decided as under :- "The WRC in its 353rd (Emergent) meeting held on 23rd February, 2022 in respect of S. No. 4, 10, 13 decided as follows :- As far as the requirement of non-composite is concerned it should not be noted that the institution has neither submitted any proof for the same nor an affidavit to move towards composite structure gradually. However, in the light of directions passed by Hon'ble Delhi High Court in various order(s) the Committee decides to not press the requirement for composite structure subject to the statutory remedy of appeal any judicial orders, if any may be read as "As far as the requirement of 'composite' is concerned it should be noted that the institution has not submitted any proof of its composite structure subject to the statutory remedy of appeal any judicial orders, if any". In view of the above, the order passed by NRC to refuse recognition on the ground pertaining to non-submission of proof of petitioner institution being composite in nature, is in teeth of the aforesaid judgements & orders passed by this Hon'ble Court from time to time. Hence, the order passed by NRC cannot be sustained and is liable to be set aside by Appellate Authority. The NRC has passed the refusal order dated 29.06.2021 on the ground that the NOC of affiliating body is not submitted. It is submitted that it is well settled by various order passed by Hon'ble Division Bench as well as various judgement & orders passed by Ld. Single Judge of Hon'ble Delhi High Court that the provisions/conditions introduced by NRC Regulations, 2014 (which includes the condition of submission of NOC of affiliating body) will not apply to applications submitted by institution prior to coming into force NCTE Regulation, 2014. The institution in this regard is supported by various judgements & orders passed by Hon'ble Delhi High Court from time to time, which are mentioned in respect of Point No.2 In view of the above, the order passed by NRC to refuse recognition on the ground pertaining to non-submission of NOC of affiliating body, is in teeth of the aforesaid judgments & orders passed by this Hon'ble Court from time to time. Hence, the order passed by



NRC cannot be sustained and is liable to be set aside by Appellate Authority. The relevant plot of land has the Zamabandi/Mutation and the same is being submitted. It is submitted that Zamabandi/Mutation was also submitted earlier to the NRC but the same has not been taken into consideration. The building of the institution is differently abled friendly, and a certificate of the competent authority is being submitted. The Building Safety Certificate of the institution has been issued by the competent authority and the same is being submitted. The fire safety certificate of the institution has been issued by the competent authority and the same is being submitted.

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the application of the institution for B.Ed. programme was refused by the NRC vide order dated 29.06.2021, and it has been observed by the Committee that since then the institution has not been granted recognition and in view of the following decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022 *inter-alia* considered the following Agenda(s): -

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

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

- The NEP 2020 lays down that teacher education institutions will be gradually moved into multidisciplinary colleges and universities by 2030. By 2030, the minimal qualification for a person to become a teacher will be the 4 Year integrated B.Ed. degree.
- The 2 Year B.Ed. program will also be offered only for those who have already obtained Bachelor's Degrees in other specialized subjects and the 1 Year B.Ed. program for those who have completed the equivalent of 4 Year multidisciplinary Bachelor's Degrees or who have obtained a Master's degree in a specialty and wish to become a subject teacher in that specialty.
- As per provision of Section 12 of NCTE Act, 1993 it shall be the duty of the Council to take all such steps as it may think fit for ensuring planned and co-ordinated development of Teacher Education.
- There are approximately 430 applications for various Teacher Education Programmes, other than Diploma level courses. pending at different stages in the RCs.



- NEP 2020 has brought about a paradigm shift in the Teacher Education Sector. Accordingly, NCTE is also revamping its various curricula of ITEP. 2 Year B.Ed., 1 Year B.Ed. and introducing new courses of 4 Year Physical Education and 4 Year Art Education in line with NEP 2020. These courses are also to be aligned to the various criteria laid down by UGC and in alignment with NHEQE. NCFSE and NCFTE. However, the existing courses which are currently running are not in alignment with these various aspects e.g. Credit System. 4 Stages of School Education (5+3+3+4). Entry- exit policy, no hard separation etc. These changes in curricula would also necessitate changes in the norms, standards and regulations. For the reasons aforementioned, it is not feasible to process any pending applications.

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

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

Noting the above decision of the General body of the NCTE, the Appeal Committee decided not to entertain the Appeal of the applicant institution and, therefore, the order of the NRC dated 29.6.2021 refusing recognition for B.Ed. programme of the institution is confirmed.

The Committee further noted that the refusal order dated 29.06.2021 passed by NRC and the institution was supposed to file the appeal on or before 28.08.2021. However, the institution filed the present appeal on 18.08.2022, that is after an expiry of almost a year.

(IV) DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing and in the light of decision taken by the General Body of the NCTE in its 55th meeting held on 14.07.2022, the Appeal Committee of the Council concluded that the appeal of the institution cannot be entertained. Hence, the



instant appeal deserves to be rejected and impugned refusal order dated 29.6.2021 of NRC is confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, MDS College of Education, 46/25, 55/5, 54/1, 54/2, Bewal, Main Road, Mahender Garh, Haryana-123021**
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 Haryana.



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

DATE: 19/10/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-185/E-189291/2021 Appeal/7th Meeting, 2022
APPL12730**

Shree Vestabhai H. Patel College of B.Ed., Kangavi, Bachala Faliya Street, Dharampur, Gujarat – 396050 APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -11 0075. RESPONDENT
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Representative of Appellant	Mr. Arvinbhai Patel, Representative of Shree Vestabhai H. Patel College of B.Ed.
Respondent by	Regional Director, WRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal of Shree Vestabhai H. Patel College of B.Ed., Kangavi, Bachala Faliya Street, Dharampur, Gujarat – 396050 dated 05.09.2018 filed under Section 18 of NCTE Act, 1993 is against the Order No. **WRC/APW02538/323284/Guj./293rd/2018/198723** dated 22/06/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The case file was seen, Consequent to the issue of Revised Recognition order, Show Cause Notice dated 29.08.2016 was issued followed by compliance letter

dated 01.08.2017. The institution replied vide letter dated 30.01.2018 and has submitted the staff profile of (1+6) approved by the Registrar. However, the list is not submitted in original. The Building Completion Certificate indicates that the building is under construction. The institution has not submitted additional FDRs for 4 Lakhs.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Arvindbhai Patel, Representative of Shree Vestabhai H. Patel College of B.Ed., Kangavi, Bachala Faliya Street, Dharampur, Gujarat – 396050 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal Memoranda and during personal presentation it was submitted that “Required documents are submitted with the appeal memoranda.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 18.8.2009 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 31.5.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 22.6.2018 for B.Ed. programme.

The petitioner institution has filed a **Writ Petition (C) No. 11704/2022** titled **Shri Vestabhai H. Patel College of B.Ed. v/s National Council for Teacher Education** in the Hon’ble High Court of Delhi at New Delhi against the impugned Withdrawal Order No. F WRC/APW02538/323284/Guj./293rd/2018/198723 dated 22/06/2018 issued by WRC. And Hon’ble Court vide order dated 08.08.2022 directed as under:

“... The present petition deserves to be allowed for the reasons noted and discussed above and accordingly, the order dated 18th April, 2022 passed by the Appellate Authority is set-



aside, and the matter is remanded back to the Appellate Authority, which shall now decide the same taking into consideration subsequent developments, and in particular, the documents which were placed before it prior to, and during the course of hearing. The appeal shall be decided within a period of eight weeks from today in accordance with law. It is clarified that in the event Petitioner No. 1's application is returned; it would be at liberty to assail the said decision in accordance with law.

6. The Court has not examined the merits of the case. All rights and contentions of the parties are left open, and the Appellate Authority shall proceed to decide Petitioner No. 1's request uninfluenced by the observations made hereinabove..."

The Appeal Committee noted that the appeal of the institution dated 05.09.2018 against the impugned order dated 22.06.2018 issued by WRC was considered by appeal committee in its 3rd meeting held on 23.03.2022. The appeal committee after considering the memorandum of appeal and submitted documents had rejected the said appeal and confirmed the impugned withdrawal vide appellate order dated 18.04.2022 copy enclosed on the following grounds: -

"Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant alongwith Memoranda of appeal has submitted photocopy of list of faculty (16 members) approved by the Registrar (I/C) of the Affiliating Body on 28.9.2018, undated and unnotarized Building Completion Certificate signed by Deputy Executive Engineer, Panchayat (R&R), Sub-Division, Dharamput and photocopy of FDRs Rs. 7 and 5 Lakh issued by Union Bank of India. Appeal Committee noted that though the list of faculty has been submitted by the appellant but not in original as required to be submitted. Further, the submitted BCC not notarised. Moreover, the undated BCC creates confusion as to when the building was complete. If it was available prior to withdrawal order, then why the appellant institution did not submit the same to WRC with reply to SCN.

In these circumstances, the appeal committee decided that the WRC was justifying in withdrawing recognition. Hence, the appeal of the appellant institution deserves to be rejected and confirmed the impugned order issued by WRC."

The Committee in compliance of the Hon'ble High Court of Delhi at New Delhi order dated 08.08.2022 in Writ Petition (C) No. 11704/2022 titled **Shri Vestabhai H Patel College of B.Ed. v/s National Council for Teacher Education**, perused the relevant records and the documents submitted by appellant institution. The Committee noted that the institution is claiming to have completed the construction of the building and submitted Building Completion Certificate dated 20.09.2018 the same needs to be verified through inspection. The institution also submitted staff list duly approve by the Registrar, Veer Namad South Gujrat University, Surat.



The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 22.06.2018. The Committee, noting that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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

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

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

Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 22.6.2018 and remand back the case to WRC for further necessary action as per NCTE Regulations, 2014.

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



IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Shree Vestabhai H. Patel College of B.Ed., Kangavi, Bachala Faliya Street, Dharampur, Gujarat – 396050**
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 Gujarat.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-54/E-242852/2022 Appeal/7th Meeting, 2022
APPLSRC202214285**

St. Mary's College of Education, 181-2, 181-3, 182, Annamaduvu, Anthiyur Erode, Tamilnadu- 638501 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	Dr. M. Moorthy (Chairman)
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **St. Mary's College of Education, 181-2, 181-3, 182, Annamaduvu, Anthiyur Erode, Tamilnadu-638501** dated 16.02.2022 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No. **F.SRO/NCTE/APSO5751/B.Ed./{TN}/2022/130085** dated 02.02.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The initial recognition was granted to the institution in the land belongs to Survey Numbers 181/2, 181/3 & 182 (Old S. No.1/2). The institution submitted its reply vide letter dated 08.12.2021 attaching therewith the land documents belongs to Survey Numbers 580/1

(measuring 5 Acres). Change of location without prior approval of SRC, NCTE is in violation of provisions stipulated under clause 8 (9) of NCTE Regulation, 2014. Other documents such as BCC, Building Plan NEC, LUC etc. cannot be relied upon/ considered on the face of deficiency in land documents. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. The institution did not submit details of administrative and professional staff as required clause 5.3. of Appendix 4 of NCTE Regulations, 2014. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014. The institution did not submit registration certificate, bye laws etc. related to the managing Society/Trust.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. M. Moorthy (Chairman), St. Mary's College of Education, 181-2, 181-3, 182, Annamaduvu, Anthiyur Erode, Tamilnadu-638501. In the appeal memoranda it is submitted that “The institution on the land belongs to Survey Numbers 181/2, 181/3 & 182 Now this SY No. Land Documents submitted. Other documents BCC, building plan, NEC, LUC etc. submitted. Bank Statement submitted. The institution submits details of administrative and professional staff. All Documents uploaded in our website www.stmaryscollegeofeducationerode.com The institution submits registration certificate, bye laws.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 15.05.2009 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 01.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 50 students for one basic units from the academic session 2015-16. A Corrigendum dated 05.10.2015 was issued in respect of one basic unit of 50 students. The Appeal Committee further noted that the recognition of the



appellant institution was withdrawn by the impugned withdrawal order dated 02.02.2022 for B.Ed. programme.

The Appeal Committee noted that the petitioner institution has filed a Writ Petition (C) No. 12569/2022 titled St. Mary's College of Education v/s National Council for Teacher Education in the Hon'ble High Court of Delhi at New Delhi against the impugned Withdrawal Order No. F.SRO/NCTE/APS05751/B.Ed./{TN}/2022/130085 dated 02.02.2022 issued by SRC. And Hon'ble Court vide order dated 31.08.2022 directed as under:

"7. In light of afore-noted submissions, the present petition is allowed with following directions:

(i) Appellate Order dated 26th May, 2022 is set-aside and appeal before the Appellate Authority is restored;

(ii) Petitioner shall file an affidavit before the Appellate Authority, within a period of one week from today, giving an explanation for the discrepancies qua the land documents furnished (before SRC and Appellate Authority);

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

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

(v) Petitioner shall be entitled to take benefit of the proviso to Section 17 (1) of the NCTE Act, 1993 and is thus, entitled to admit students for the academic session 2022-23.

(vi) Respondents are directed to update the status of the Petitioner, within a period of one week from today, and send an intimation in respect thereof to the affiliating university of Petitioner to enable them to participate in the counselling and admission process for the academic session 2022-23.

8. Needless to say, the Appellate Authority, NCTE shall examine the merits of the case uninfluenced by any of the observations made hereinabove.

9. The Court has not examined the merits of the case and all rights and contentions of the parties are left open

10. The present petition is disposed of, along with the pending applications."

The Committee noted that the appellant institution vide letter dated 16.02.2022 alongwith Appeal Memoranda has submitted the following documents with a request to consider it as a compliance of deficiencies pointed out in impugned Withdrawal Order dated: 02.02.2022

- (i) A copy of Land Documents (Sale Deed both in regional language and translated copy in English).
- (ii) A copy of Non-Encumbrance Certificate issued by Registration Department, Govt. of Tamilnadu Dt. 17.2.2022
- (iii) A copy of Building Completion Certificate issued by Panchayat Secretary, Mylampadi Panchayat. Tamilnadu.
- (iv) A copy of Land Use Certificate issued by Panchayat Secretary; Mylampadi Panchayat vide letter dated 03.02.2022.
- (v) A copy of Building Plan, issued by Panchayat Secretary, Mylampadi Panchayat Tamilnadu.
- (vi) A copy of Site Plan, issued by Panchayat Secretary, Mylampadi, Panchayat Tamilnadu.
- (vii) A copy of FDRs & Form 'A' (Rs. 5,00,000 + 7,00,000 = 12,00,000/-) issued by Canara Bank.
- (viii) A list of faculty member for Teaching Staff (1+10) approved by Registrar of Affiliating Body vide letter dated 02.12.2021.
- (ix) A copy of Account Statement issued by Kanur Vijaya Bank for Salary Disbursement of faculty.

Appeal Committee perused the relevant records and the documents submitted by appellant institution, the Committee noted that the institution gave an explanation that 580 Survey No. documents submitted but the actual is only Survey No. 181/2, 181/3, 182 and it has its own land and building which needs to be verified through inspection. The Regional Committee shall conduct inspection of the institution in this regard.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 02.02.2022. The Committee, noting that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status



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

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

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

Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 2.2.2022 and remand back the case to SRC for further necessary action as per NCTE Regulations, 2014.

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

IV. DECISION: -

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



SRC is at a liberty to verify the submitted documents from the concerned issuing authority and conduct inspection of the institution.

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, St. Mary's College of Education, 181-2, 181-3, 182, Annamaduvu, Anthiyur Erode, Tamilnadu-638501**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**
3. **Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.**



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-78/E-246355/2022 Appeal/7th Meeting, 2022
APPLSRC202214311**

Siddhartha College of Physical Education, 44 Chinthagunta, 134/A C Gollapalli, 2nd Street Chandra Giri, Dist. – Chittoor, Andhra Pradesh-517505 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. REPODENT
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Representative of Appellant	Mr. R. Madhu (Management Member) & Ms. P. Lakshmi, Asstt. Professor
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Siddhartha College of Physical Education, 44 Chinthagunta, 134/A C Gollapalli, 2nd Street Chandra Giri, Dist – Chittoor, Andhra Pradesh-517505** dated 09.03.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/SRCAPP2133/B.P.Ed./{AP}/2022/130523** dated 28.02.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.P.Ed. Course on the grounds that “The institution was issued a Final Show Cause Notice on 22.02.2021. The institution failed to


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submit reply alongwith the requisite documents / information to the Final Show Cause Notice (FSCN). The institution not submitted land document certified copy. The institution not submitted NEC. The institution not submitted Land Use Certificate. The institution not submitted Building Completion Certificate. The institution not submitted Building Plan & Site Plan. The institution not submitted FDRs & Form 'A'. The institution not submitted Faculty List. The institution not submitted Affidavit."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. R. Madhu (Management Member) & Ms. P. Lakshmi, Asstt. Professor, Siddartha College of Physical Education, 44 Chinthagunta, 134/A C Gollapalli, 2nd Street Chandra Giri, Dist – Chittoor, Andhra Pradesh-517505 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal Memoranda it is submitted that "Certified Land Document submitted. NEC submitted. Land Use Certificate submitted. Building Completion Certificate submitted. Building Plan & Site Plan submitted. FDRs & Form 'A' submitted. Faculty List submitted. Affidavit submitted."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.P.Ed. Course with an annual intake of 100 students vide order dated 19.5.2015. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 28.2.2022 for B.P.Ed. programme.

The petitioner institution has filed a **Writ Petition (C) No. 12632/2022** in the **Hon'ble High Court of Delhi at New Delhi** against the **impugned Withdrawal Order No. F.SRC/NCTE/SRCAPP2133/B.P.Ed./{AP}/2022/130523** dated 28.02.2022 issued by SRC. And Hon'ble Court vide order dated **01.09.2022** directed as under:

"9. In light of the decision of co-ordinate benches of this Court, the impugned order dated 12th July, 2022 passed by the Appellate Authority is set-aside, and the matter is remanded back to the Appellate Authority, with a direction to decide the appeal taking into



consideration documents placed on record, and in particular, documents annexed with the appeal report, within a period of four weeks from today, in accordance with law.

10. Petitioner institute shall be entitled to the benefit of the proviso to Section 17(1) of the NCTE Act, 1993 and is thus, entitled to admit students for the academic session 2022-23. Accordingly, Respondent are directed to update the status of Petitioner-Institute, within a period of one week from today, and sent an intimation in respect thereof to the affiliating university of Petitioner-Institute to enable it to participate in the counselling and admission process for the academic session 2022-23.

11. Needless to say, the Appellate Authority shall examine the merits of the case uninfluenced by any of the observations made hereinabove.

12. The Court has not examined the merits of the case and all rights and contentions of the parties are left open.

13. The present petition is disposed of, along with the pending application(s)."

The Appeal Committee noted that appeal of the institution dated 09.03.2022 against the impugned order dated 28.02.2021 issued by SRC was considered by appeal committee in its 5th Meeting, 2022 held on 11.06.2022. The Appeal Committee after considering the memorandum of appeal submitted documents, rejected the said appeal and confirmed the impugned withdrawal vide Appellate Order dated 12.07.2022 on the following grounds:

"Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the recognition of the appellant institution was withdrawn on the grounds of not submitting reply to the Final Show Cause Notice issued on 22.2.2021 whereas the appellant institution during hearing on 27.4.2022 informed vide email dated 27.4.2022 that they had replied to Final Show Cause Notice submitting therewith the required documents by letter dated 8.3.2021 sent through Courier on 8.3.2021 to RD, SRC. As an evidence of having sent the replied/documents, a courier receipt no. H66482409 has been enclosed with the said letter. In view of the above submissions and oral arguments advanced during hearing, the Appeal Committee interinely decided to seek clarification form SRC as to whether the said letter dated 8.3.2021 as a reply to Final Show Cause Notice sent through courier by the appellant was received or not so that the instant appeal of the appellant institution may be disposed of by the Appeal Committee accordingly within the prescribed time limits. Copy of the said letter alongwith courier receipt may be forwarded to the SRC for reference further necessary action/verification. The Appeal Committee considered the matter again on 11.6.2022. The Appeal Committee noted that the SRC vide Interim Appellate Order dated 26.05.2022 was asked to provide the clarification on the points mentioned above. Accordingly, the SRC vide letter dated 07.06.2022 has informed that "the institution has not filed any reply alongwith documents dated 08.03.2021 to the Regional Director (SRC), however, institution has filed application for extension of time only, as such plea taken by the institution before Appellate Committee is untenable".



In these circumstances, the Appeal Committee concluded that the SRC was justified in withdrawing recognition of the appellant institution and therefore the instant appeal deserved to be rejected and impugned order is confirmed."

The Committee in compliance of order dated 01.09.2022 passed by the Hon'ble High Court of Delhi in W.P.(C). 12632/2022 titled Siddhartha College of Physical Education v/s National Council for Teacher Education & Ors, the committee noted that the appellant institution vide letter dated 09.03.2022 alongwith Memoranda has submitted the following documents with a request to consider it as a compliance of deficiencies pointed out in impugned Withdrawal Order dated 28.02.2022: -

- (i) A copy of Land Document (Sale Deed) by Sub-Registrar, Chandragiri.
- (ii) A copy of NEC issued by Registration and Stamps Department on 18.3.2021 and counter signed by Sub-Registrar, Chandragiri
- (iii) A copy of LUC signed by Tahsil Dar, Chandragiri Mandal on 20.4.2015.
- (iv) A copy of Building Completion Certificate signed by Assistant Executive Engineer, Panchayat Raj, Chandragiri Mandal, Chittoor (Dist.) on 22.1.2016
- (v) A copy of Building Plan signed by Assistant Executive Engineer, Panchayat Raj, Chandragiri Mandal, Chittoor (Dist.). on 22.1.2016
- (vi) A copy of Site Plan is enclosed.
- (vii) A copy of Form 'A' and FDRs (Amount Rs.5,00,000/- and amount Rs. 7,00,000/- issued from Bank of Baroda) Total Amount Rs. 12,00,000/-
- (viii) A List of Faculty Members (1+18) and list of Administrative Staff approved by Registrar, Sri Venkateshwara University, Trupati-517502.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 28.02.2022. The Committee, noting that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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

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



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

Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 28.02.2022 and remand back the case to SRC for further necessary action as per NCTE Regulations, 2014.

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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

- 1. The Principal, Siddartha College of Physical Education, 44 Chinthagunta, 134/A C Gollapalli, 2nd Street Chandra Giri, Dist – Chittoor, Andhra Pradesh-517505**

2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-211/E-264376/2022 Appeal/7th Meeting, 2022
APPLERC202114151**

BKJK School of Education, 3254, 3255, Palashipara, Nadia, West Bengal-741155 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. REPODENT
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Representative of Appellant	Shri Amrik Chattopadhyaya, Representative of BKJK School of Education
Respondent by	Regional Director, ERC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of BKJK School of Education, 3254, 3255, Palashipara, Nadia, West Bengal-741155 dated 02/10/2021 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No. F.NO.ER-284.22/ERCAPP1332/B.Ed./2020/63074 dated 29/09/2020 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “Original latest faculty list duly approved by the concerned affiliating body to be submitted. Certified copy of registered land document to be submitted. Original FDRs of Rs. 5 lakh and Rs. 7 lakh to

be submitted as per NCTE Regulation, 2014. Certified copy of Fire Safety Certified duly signed by the Govt. competent Authority to be submitted. Requisite information of the institutional website has not updated as per clause 7(14)(i) of the NCTE Regulation, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Shri Amrik Chattopadhyaya, Representative of BKJK School of Education, 3254, 3255, Palashipara, Nadia, West Bengal-741155 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal Memoranda it is submitted that “Copy Attachment”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 03.03.2014 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 26.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 29.09.2020 for B.Ed. programme.

The Committee noted that petitioner institution has filed a Writ Petition (C) No. 13341/2022 titled **BKJK School of Education v/s National Council of Teacher Education** in the Hon'ble High Court of Delhi at New Delhi against the impugned Withdrawal Order No. F.NO.ER-284.22/ERCAPP1332/B.Ed./2020/63074 dated 29/09/2020 issued by ERC. And Hon'ble Court vide order dated 14.09.2022 directed as under:

“3. In the opinion of the Court, without going into merits of the case, present petition can be disposed of by directing Appellate Authority to forthwith decide Petitioner-Institute's appeal. Mr. Rahul Madan, counsel for Respondents, on instructions, states that Petitioner-



Institute's appeal would be taken up for disposal by Appellate Authority, positively in its forthcoming meeting.

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

5. It is clarified that the Court has not expressed any opinion on merits of the case and rights and contentions of the parties are left open."

The Committee noted that the appellant institution vide letter dated 30.07.2022 alongwith Memoranda has submitted the following documents with a request to consider it as a compliance of deficiencies pointed out in impugned Withdrawal Order dated 29.09.2020: -

- (i) A list of Faculty Members, signed by the Registrar of Affiliating Body on dated 26.02.2020.
- (ii) A copy of Land documents submitted by the institution in regional language.
- (iii) A copy of Form 'A' alongwith FDRs receipt is enclosed.
- (iv) A copy of Fire Safety Certificate approved by Competent Authority on dated 05.06.2022.
- (v) A copy of Website Homepage.

The Committee noted that there is 10 months delay in the filing of appeal as the withdrawal order was passed by the ERC on 29.9.2020 and time was given to file Appeal, if any, within 60 days from the date of order. The Institution was supposed to file Appeal by or before 28.11.2020. Admittedly the institution has filed present Appeal on 02.10.2021 and no justification was given by the institution regarding delay.

The Committee noted that according to the provisions of Section 18 (1) of the NCTE Act, 1993, any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed. According to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under the above-mentioned Sections of the Act may prefer an appeal to the Council within sixty days of issue of such orders. According to the provisions of Section 18 (2) of the NCTE Act, no appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor, provided such an appeal may be admitted after the expiry of the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period.



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

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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, BKJK School of Education, 3254, 3255, Palashipara, Nadia, West Bengal-741155
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-80/E-246531/2022 Appeal/7th Meeting, 2022
APPLSRC202214296**

Rajiv Gandhi College of Education, Plot No. 6A, 6B Bidar Kolhar Industrial Area, Bidar Karnataka-585402 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	Mr. Rohidas Ghode, Representative of the Institution
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022
Course	B.Ed.

ORDER

I. GROUND OFS OF WITHDRAWAL

The appeal of **Rajiv Gandhi College of Education, Plot No. 6A, 6B Bidar Kolhar Industrial Area, Bidar Karnataka-585402** dated 25.02.2022 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No. **F.SRO/NCTE/APS05783/B.Ed./{KA}/2021/129718** dated 30.12.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution was issued a Final Show Cause Notice on 31.08.2021. The institution failed to submit reply to the Final Show Cause Notice (FSCN).”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Rohidas Ghode, Representative of Rajiv Gandhi College of Education, Plot No. 6A, 6B Bidar Kolhar Industrial Area, Bidar Karnataka-585402 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal Memoranda it is submitted that "We humbly submit that our institution has submitted reply to Show Cause notice twice i.e., on 11.02.2020 and 10.03.2021. It has been recorded in the withdrawal order also. Further, SRC has mentioned that Final Show Cause Notice was issued 31.08.2021. Whereas our institution has not received the Final Show Cause Notice. If we would have received, promptly we would have submitted the reply. We further wish to submit that our institution has submitted application for Shifting of Premises on 18.06.2016. We have paid inspection fee of Rs. 1,50,000/- vide DD No.888371 dated 09.06.2016. The SRC has also taken the amount in to account. Further, our institution has received written communication dated. 27.06.2016 intimating that inspection will be conducted within 10 to 30 days. Whereas inspection was not conducted and nobody from SRC came for inspection. It was kept pending till date by SRC. Under these circumstances, SRC has taken decision of withdraw of recognition wrongfully without conducting inspection for shifting of our institution. It is the mistake on the part of SRC which has not processed our application for shifting whereas decision of withdrawal of recognition has been taken. We are submitting herewith all the documents before the Appellate Authority for kind consideration. We are submitting herewith the Certified Copy of Land Documents, Approved Building Plan and Site Plan, Land Use Certificate issued by Tahsildar, Building Completion Certificate issued by the Government Engineer, Non-Encumbrance Certificate and English Version, Form A from the Bank Manager with attested FDR copies, website details, Affidavit and Staff List approved by the Registrar. Our institution is having all the necessary documents whereas our institution has been withdrawn recognition for the mistake of SRC. We humbly request the Appellate Authority to kindly consider the documents submitted and give relief to our institution."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted



recognition for B.Ed. Course with an annual intake of 100 students vide order dated 06.12.2007 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 16.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. A corrigendum was issued to the institution vide order no. F.SRO/NCTE/APS05783/B.Ed./KA/2015/70373 dt. 21.07.2015 for grant recognition to the institution for conducting B.Ed. programme of two years duration with an annual intake of 50 students (one basic unit) form the academic session. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 30.12.2021 for B.Ed. programme.

The Committee noted that the petitioner institution has filed a Writ Petition (C) No. 12189/2022 in the Hon'ble High Court of Delhi at New Delhi against the impugned Withdrawal Order No. F.SRO/NCTE/APS05783/B.Ed./{KA}/2021/129718 dated 30.12.2021 issued by SRC. And Hon'ble Court vide order dated 23.08.2022 directed as under:

"10. As the said documents were also placed on record before the Appellate Authority, but were not taken into consideration, in the interest of justice and in light of the position taken by co-ordinate benches of this Court, the order dated 12 th July, 2022 passed by the Appellate Authority is set-aside, and the matter is remanded back to the Appellate Authority, which shall now decide the same, taking into consideration subsequent developments, and in particular, the documents which were enclosed with the appeal report by Petitioner-institute, within a period of two weeks from the date of uploading of this order in accordance with law.

11 Needless to say, the Appellate Authority shall examine the merits of the case uninfluenced by any of the observations made hereinabove.

12. As the withdrawal order is of 30th December, 2021, in terms of second proviso to Section 17(1) of the National Council for Teacher Education Act, 1993, the withdrawal order will take effect from the end of academic session 2022-23. Therefore, the Petitioner would be entitled to take admissions with respect to the academic session 2022-23, as has been noted in the withdrawal order itself in the following terms:

"7. {NOW THEREFORE, in exercise of the powers vested u/s 17(1) of the NCTE Act, 1993, the Southern Regional Committee hereby withdraws recognition granted to Rajiv Gandhi College of Education, Ganesh Nagar, Kumbharwada Road, Bidar, Karnataka-585401 run by Vishal Education Society, Bidar district, Karnataka for conducting B.Ed. programme of two years duration with an annual intake of 50 students (1 basic unit) with effect from the academic session i.e., 2022-2023 onwards."



13. With the above directions, the petition is disposed of along with other pending application(s).

The Committee noted that the appeal of the institution dated 25.02.2022 against the impugned order dated 30.12.2021 was issued by SRC and was considered by the Appeal Committee in its 5th Meeting, 2022 held on 12.07.2022. the Appeal Committee, after considering the memorandum of appeal and the documents submitted alongwith it, rejected the said appeal and confirmed the impugned withdrawal vide appellate order dated 12.07.2022 on the following grounds:

"Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for one year duration with 100 seats on 06.12.2007 and after promulgation & NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition for two-year duration with 100 students (two units) was issued on 16.05.2015 with conditions to comply.

The Appeal Committee noted that the appellant was given reasonable opportunities in the shape & issuing show cause notice on 30.10.2019 and 31.08.2021 submit their written representations for rectifying the pointed short comings in stipulated timeline.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not submitting the reply to Final Show Cause Notice dt. 31.08.2021 in a given time period. The appellant in the Appeal Memoranda has explained that they did not receive the said show cause notice. The Appeal committee noted that said the SCN was sent to the appellant vide No. SRO/NCTE/APS05783/B.Ed./(KA)/2021/128464 through speed post at the address given in the application and the same has not been returned UNDELIVERED to SRC. Hence, the claim of not receiving the SCN by the appellant is not sustainable.

Nothing the submission and verbal arguments advanced during the hearing by the appellant institution, the Appeal Committee concluded that the SRC was justified in withdrawing recognition, therefore the instant appeal deserved to be rejected and the impugned withdrawal order is confirmed. "

In compliance of order dated 23.08.2022 passed by the Hon'ble Delhi High Court in W.P.(C). 12189/2022 titled **Rajiv Gandhi College of Education v/s National Council for Teacher Education**, perused, the relevant records and documents and the Committee noted that appellant institution vide letter dated 02.03.2022 alongwith Memoranda has submitted the following documents with a request to consider it as a compliance of deficiencies pointed out in impugned Withdrawal Order dated 30.12.2021: -

- (i) A copy of Affidavit dated 09.03.2022.
- (ii) A copy of Form 'A' and FDRs amount Rs 12,00,000/- issued from SBI.



- (iii) A copy of Land Use Certificate signed by Deputy Development Officer, KIADB, Bidar on dated 05.02.2022
- (iv) A copy of Building Completion Certificate signed by Asst. Executive Engineer, P.R.E. Sub Dvn. Bidar.
- (v) A copy of NEC issued by the Competent Authority.
- (vi) A list of Faculty Members (10 nos.) approved by Registrar, Gulbarga University, Karnataka
- (vii) A copy of website address.
- (viii) A copy of land document (Sale deed) signed by Dy. Dev. Officer, K.I.A.D.B. Bidar.
- (ix) A copy of application for Shifting of institution dated 18.6.2016.
- (x) A copy of Building Plan approved by Assistant Executive Engineer, P.R.E. Sub-Division, Bidar.

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

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.”



Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 30.12.2021 and remand back the case to SRC for further necessary action as per NCTE Regulations, 2014.

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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Rajiv Gandhi College of Education, Plot No. 6A, 6B Bidar Kolhar Industrial Area, Bidar Karnataka-585402
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-147/E-257178/2022 Appeal/7th Meeting, 2022
APPLERC202214382**

Chatta Primary Teachers Training Institute, 112, 118, 119, 120, 130, Khana Jn. Road, Khana Jn. Galsi, Burdwan, West Bengal-713141 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. RESPONDENT
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Representative of Appellant	Representative of Chatta Primary Teachers Training Institute
Respondent by	Regional Director, ERC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal of Chatta Primary Teachers Training Institute, 112, 118, 119, 120, 130, Khana Jn. Road, Khana Jn. Galsi, Burdwan, West Bengal-713141 dated 27/05/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No **F.No.ER-304.1/ERCAPP3789/B.Ed./WB/2022/65519** dated 22/04/2022 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "First show

cause notice under section 17(1) issued dated 13.08.2020 for compliance of deficiencies for B.Ed. course. Final show cause notice under section 17(1) issued dated 18.03.2021 for B.Ed. course on the following ground:

- (i) Requisite information including list of approved faculty list is not uploaded/updated on the institutional website as per Clause 7(14)(i) of NCTE Regulation, 2014.
- (ii) The institution is still deficient on the following in light of NCTE Regulations 2014:
- (iii) The institution failed to upload requisite information including list of approved faculty list on its website and update the institutional website as per Clause 7(14)(i) of NCTE Regulation, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative of Chatta Primary Teachers Training Institute, 112, 118, 119, 120, 130, Khana Jn. Road, Khana Jn. Galsi, Burdwan, West Bengal-713141 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal memoranda it is submitted that “Pursuant to the finding in the minutes of meeting dated 24th March, 2022 of the 303rd (Virtual) Meeting of the Eastern Regional Committee, the institution came to learn that certain observations have been made in the said meeting with regard to uploading and/or updating latest faculty list with photograph approved by the concerned affiliating body along with requisite. Documents/certificate/testimonials of the institution and to upload the same in its website as per clause 7(14) (i) of NCTE Regulation, 2014. We say that by letter dated 29th of March 2017 the Registrar of the University of Burdwan had granted affiliation to our institution for imparting instruction for B.Ed. course of studies of the University provisionally for one year that is for the year 2017-18 on self-financing basis subject to the fulfillment of the terms and conditions as more particularly detailed therein. We say that subsequently the aforesaid University by its order dated 24th November 2020, has been pleased to extend the period of affiliation of our institution for the academic session 2020-2021 and a copy of the said order dated 24th November 2020 is enclosed hereto for your kind perusal. We say that in exercise of the powers conferred by sub-section 1 section 6 of the West Bengal University of Teachers Training Education Planning Administration Act, 2014 (West Bengal act 21 of 2014) and subject to the provisions of section 64 of the said Act, the Governor was pleased to appoint the first day of August 2021 as the appointed



date, from which the bachelor of education courses including four-year integrated the BA B.Ed. and BSc B.Ed. courses conducted by the government colleges, government aided colleges and self-financing private colleges (including colleges run by minorities), which is situated in the district of Purba Burdwan, Paschim Burdwan, Birbhum, Bankura and Hooghly which are presently affiliated under the Burdwan University, shall be deemed to have come under the affiliation of the West Bengal University of Teachers Training Education Planning Administration Act, 2014, and all the institutions shall be deemed to have been ceased to be affiliated under the Burdwan University. We say that pursuant to the aforesaid notification, the Registrar, the West Bengal University of Teachers Training Education Planning and Administration by letter dated September 24, 2021 intimated the appellant institution that the recognition granted by the National Council for Teacher Education on 2nd May 2017, has been granted affiliation pursuing the Bachelor of Education program under the West Bengal University of Teachers Training Education Planning and Administration for the academic year 2021-2022 subject to the fulfilment of the terms and conditions as more particularly stated therein. We say that pursuant to the letter dated 24th September, 2021, the appellant institution was asked to remove all deficiencies before commencement of the coming academic session by appointing necessary permanent teachers in all vacant posts, with candidate having requisite qualifications, by way of an undertaking and the institution was directed to file the action taken report accordingly and the institution were being told that the affiliating body shall physically verify all the staffs and further will supply and/or produce the current fire security certificate of the institution. We say that accordingly we made a representation before the Registrar of the West Bengal University of Teachers Training Education Planning and Administration on 13th January 2022 wherein the institution had given an undertaking that they will remove all deficiencies of the institution before the commencement of the forthcoming academic session by appointing necessary teachers in all vacant posts with candidates having requisite qualifications, accordingly had published in two leading daily newspaper, in "Bartaman" a Bengali daily and "the Telegraph", an English daily, on January 5, 2022 calling upon eligible suitable candidates for filling up the posts of the institution, as per the new rules and regulations of 2014. It was the appellant institution accordingly requested its affiliating body to facilitate the selection procedure, be appointing an expert and to form a selection committee and the date and time of such selection procedure by made public, so that all interested person, who has applied for all the vacant posts, could be informed for their participation in the selection proceeding. We say that since the Affiliating University did not appoint any expert nor



did they formed the selection committee and fixed any date for the purpose of selection amongst the interested suitable candidate, the appellant institution could not proceed further with appointment as per the new norms and regulations of 2014, irrespective of repeated requests and demand being made in this regard and as such we further made a representation on 5th April 2022, reiterating the above facts and requested the Affiliating Body for appointing expert and to form selection committee and to fix a date and time for holding selection proceeding for filling up the post of the appellant institution as per the new norms and regulations of the NCTE. We say that the Registrar, of the affiliating Body initially did not respond to any of the requests made before him for appointing an expert and to form a selection committee and fixing a date and time for holding selection proceeding for filling up the post of the institution as per the new norms and regulation amongst the suitable eligible candidates as per the advertisement made. We say that we were all along waiting for the response, of our affiliating body, irrespective of the fact that the institution was ready and willing to proceed with the selection proceedings as soon as the expert to be appointed and selection committee to be formed for the purpose and date and time for holding the selection proceedings for filling up the posts of the institution as per the new norms and regulations of the NCTE. We say that the appellant institution was verbally informed by the office of the affiliating body that after 9th May 2022. They may provide them with particulars of the date and time for holding interview, by appointing the expert and for forming the selection committee. We say that the appellant institution was all along running from pillar to post to fill up all posts as per the new rules and regulations, but due to the reason, which was beyond their control, they could not appoint staffs as per the norms and regulations and upload the approved staff on the website of the institution. We say that the appellant institution was in total mercy in the hands of the officials of the affiliating body, who alleged to have been overbooked for which no expert could be selected, and selection committee could be formed for the purpose of appointment amongst the suitable candidate as per the new norms, rules and regulations of the NCTE. We say that the appellant institution was given time to show cause and explain their conduct by way of an affidavit within 30 days of the date of issue of the said final show cause notice dated 24th of March, 2022, but the ERC had taken a decision in its 304th meeting dated 11/04/2022, and has withdrawn the recognition of the appellant institution allegedly on the ground that it could not publish the teaching staff in its official website as per the new norms, rules and regulations of 2014. We say that the affiliating body of the appellant institution had finally agreed to hold the interview on 11/05/2022, and the date of selection procedure was further rescheduled



on 01/06/2022, and the appellant institution hope to complete the selection procedure by 01/06/2022 and soon after obtaining approval of the staff list, to upload the same in its official website. We say that we were not at any fault of our own in not uploading the approved copy of the staff list as per the new rules and regulations of the NCTE and unless the order impugned is withdrawn and/or set aside by allowing the appellant institution to continue functioning with B.Ed. Course, it will suffer irreparable loss, injury and hardships. In the above facts and circumstances, we humble requests to reconsider our case and after setting aside the order impugned dated 22/04/2022, give us some time for completing the process for selection, and allow the appellant institution to continue functioning.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 02.05.2017 The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 22.04.2022 for B.Ed. programme.

Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of documents which were found to be deficient in the impugned order of withdrawal dated 22.04.2022. These documents include:

1. A copy of faculty list duly approved by the Registrar; the West Bengal University of Teachers' Training (1+15) dated 7.7.2022

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 22.04.2022. The Committee, noting that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.



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

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

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

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

Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 22.04.2022 and remand back the case to ERC for further necessary action as per NCTE Regulations, 2014.

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

IV. DECISION: -

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



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

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Chatta Primary Teachers Training Institute, 112, 118, 119, 120, 130, Khana Jn. Road, Khana Jn. Galsi, Burdwan, West Bengal-713141**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-148/E-257180/2022 Appeal/7th Meeting, 2022
APPLERC202214381**

Dr Parsuram Mishra Institute of Advanced Study in Education Sambalpur, 1639, 1643, 1644, 1663, 1665, Motijharan, BSS Nagar, Sambalpur, Odisha-768001 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. RESPONDENT
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Representative of Appellant	Representative of Parsuram Mishra Institute
Respondent by	Regional Director, ERC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OFS OF WITHDRAWAL

The appeal of Dr Parsuram Mishra Institute of Advanced Study in Education Sambalpur, 1639, 1643, 1644, 1663, 1665, Motijharan, BSS Nagar, Sambalpur, Odisha-768001 dated 27/05/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No F.No.ER-278.7/(OR-SO/N-4/2000)/M.Ed./2020/62143 dated 28/01/2020 of the Eastern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that "(i) Faculty

list is not duly approved by the concerned affiliating body. (ii) Teaching faculty comprises 1+8 as against the requirement of 1+9 for running one unit of M.Ed. course as per NCTE Regulation, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative of Dr Parsuram Mishra Institute of Advanced Study in Education Sambalpur, 1639, 1643, 1644, 1663, 1665, Motijharan, BSS Nagar, Sambalpur, Odisha-768001 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal Memoranda it is submitted that “This is a Govt. Institute under the Dept. of Higher Education, Govt. of Odisha. Recruitment of 385 no of faculty positions (Asst. Professors) through the Odisha Public Service Commission is under progress. Some are already notified and sent to the dept of Higher Education for Placement. The Dept of Higher Education is going to post them in different Teacher Education Institutes of the state including this one by July 2022. This institute fulfills other requirements for running one unit of M.Ed. programme along with B.Ed. programme as a composite Teacher Education Institution since the state of Odisha does not allow private Teacher Education Institutions to safeguard quality, we pray the NCTE to restore recognition for M.Ed. (1 unit-50 intake) to fulfill the requirements of trained manpower for Teacher Educators in the state of Odisha”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course with an annual intake of 24 students vide order dated 15.06.2001 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 31.05.2015 for conducting M.Ed. programme of two years duration with an annual intake of 50 students for one basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 28.01.2020 for M.Ed. programme.



Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 has not submitted documents to rectify the deficiency as pointed out in the withdrawal order. Explanation given by the institution is not justified as the institution has till now not submitted the faculty list.

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

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the appellant institution is still found to be deficient on the above grounds. Hence it is the view the ERC was justified in withdrawing recognition of the appellant and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order is confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Dr Parsuram Mishra Institute of Advanced Study in Education Sambalpur, 1639, 1643, 1644, 1663, 1665, Motijharan, BSS Nagar, Sambalpur, Odisha-768001**
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 Odisha.**



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-152/E-257192/2022 Appeal/7th Meeting, 2022
APPLERC202214379**

Dr Parsuram Mishra Institute of Advanced Study in Education, 1639,1643,1644,1663, 1665, Motijharan, BSS Nagar, Sambalpur, Odisha-768001 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. RESPONDENT
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Representative of Appellant	Representative of DR Parsuram Mishra Institute
Respondent by	Regional Director, ERC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Dr Parsuram Mishra Institute of Advanced Study in Education, 1639,1643,1644,1663, 1665, Motijharan, BSS Nagar, Sambalpur, Odisha-768001 dated 22/05/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No.ER-283.3/(OR-S/E-12/96)/B.Ed./2020/162990 dated 08/09/2020 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “Total 1+8 teaching faculty list has been submitted against the requirement of 1+15 and no teachers have been appointed for Physical

Education, Music/Fine Arts/Performing Arts etc. as per Appedix-4 of Regulation, 2014/Norms & Standards.”

II. SUBMISSIONS MADE BY APPELLANT: -

Representative of Dr Parsuram Mishra Institute of Advanced Study in Education, 1639,1643,1644,1663, 1665, Motijharan, BSS Nagar, Sambalpur, Odisha-768001 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal it is submitted that “This is a Govt. Institute under the dept of higher education, Govt. of Odisha. Now recruitment of 385 no of faculty (Assistant Professor) positions by the public service commission, Odisha is under progress and the Govt. is going to post them in different teacher education institutes of the state including this one by July 2022. This institute fulfils other requirements for running 2year B.Ed. and 2year M.Ed. programme as composite institutions from session 2022-2024. We request NCTE to restore recognition for 2 units of B.Ed. from academic session 2022-24.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 128 students vide order dated 31.05.1996 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 31.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 08.09.2020 for B.Ed. programme.

Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 has not submitted



documents to rectify the deficiency as pointed out in the withdrawal order. Explanation given by the institution is not justified as the institution has till now not submitted the faculty list.

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

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the appellant institution is still found to be deficient on the above grounds. Hence it is the view the ERC was justified in withdrawing recognition of the appellant and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order is confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Dr Parsuram Mishra Institute of Advanced Study in Education, 1639,1643,1644,1663, 1665, Motijharan, BSS Nagar, Sambalpur, Odisha-768001
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 Odisha.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-155/E-257533/2022 Appeal/7th Meeting, 2022
APPLSRC202214398**

Moghal College of Education, 169, 130/3p, Bandlaguda, Old Charminar Mandal, Hyderabad, Telangana-500005 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	Representative of Moghal College of Education
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OFS OF WITHDRAWAL

The appeal of Moghal College of Education, 169, 130/3p, Bandlaguda, Old Charminar Mandal, Hyderabad, Telangana-500005 dated 31/05/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No F.SRO/NCTE/APSO0342/B.Ed./TS/2022/(131584-131588), F.SRO/NCTE/APSO7232/B.Ed.-A.I./TS/2022 dated 20/04/2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(a) The institution did not submit a latest approval of faculty issued by the affiliating body. (b) The

institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014.

II. SUBMISSIONS MADE BY APPELLANT: -

Representative of Moghal College of Education, 169, 130/3p, Bandlaguda, Old Charminar Mandal, Hyderabad, Telangana-500005 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal it is submitted that "That the SRC vide its order dated 20.04.2022 has withdrawn our recognition for conducting B.Ed. course, observing the deficiencies which were already clarified/ ratified by our institution. A copy of Withdrawal order dated 20.04.2022 of SRC is enclosed as Enclosure 1. (i) That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief (ii) That SRC NCTE vide its order dated 25.02.2022 granted recognition to the appellant institution for running the B.Ed. course in the appellant institution with annual intake of 120 students from the academic session 2006-07. Further, recognition order dated 07.11.2007 was issued and thereby the total unit of institution was made 200. A copy of recognition orders dated 25.02.2002 and 07.11.2007 are enclosed as Enclosure 2 (Colly). (iii) That after coming of the revised regulation 2014 a revised recognition order dated 27.04.2015 was issued and thereafter a corrigendum dated 22.07.2015 was issued by the SRC for 200 intakes. A true copy of the revised recognition order dated 27.04.2015 and order dated 22.07.2015 are being annexed herewith as Enclosure 3 Colly (iv) That it is submitted that the SRC issued its First Show Cause Notice dated 19.11.2019. Accordingly, the institution vide its reply dated 16.12.2019 submitted the compliances. A true copy of the Show Cause Notice dated 19.11.2019 and reply dated 16.12.2019 are being annexed herewith as Enclosure 4 Colly (v) That thereafter, SRC in its 400th meeting considered the matter of appellant institution and issued the final show cause notice dated 03.08.2021 pointing out some new/additional deficiencies pertaining to latest faculty approval and proof of disbursement of salary. A copy of SRC show cause notice dated 03.08.2021 is enclosed as Enclosure 5. (vi) That thereafter, the appellant institution vide its letter dated 02.09.2021 submitted its reply to the final show cause notice dated 03.08.2020 of the SRC and submitted the documents. Its relevant to state that the institution due to some inadvertent error at the end of staff failed to attach the salary disbursement proof. A copy of letter dated 02.09.2021 of the appellant institution is enclosed as Enclosure 6. (vii) That



however, notwithstanding the reply and documents submitted by the appellant institution, the SRC in its 409th meeting again taken up the matter of appellant institution and decided to withdraw recognition of appellant institution observing that the petitioner institution has not complied with the aforesaid show cause notices. (viii) That it is submitted that the withdrawal order issued by the SRC is totally devoid of merit and is not as per statutory provisions mandated under NCTE Act, 1993 and also without following the due procedure. (ix) That it is submitted that SRC ought to have provided an opportunity before taking drastic decision of withdrawal, as the same will cause irreparable academic harm and injury to the appellant institution. (x) That it is submitted that the SRC failed to observe that the deficiencies pointed out by the SRC vide its show cause notices, were cured by the appellant institution and the SRC was required to conduct inspection of the appellant institution, before deciding withdrawal of the appellant institution. (xi) That it is submitted that the institution is hereby submitting the 1) Latest Faculty Approval and 2) The proof of the salary disbursement alongwith the instant appeal. A true copy of the 1) Latest Faculty Approval and 2) The proof of the salary disbursement alongwith the instant appeal is being annexed herewith as Enclosure 7 Colly. (xii) That now therefore, appellant institution has preferred its online appeal dated 31.05.2022 under section 18 of NCTE Act, 1993. As per procedure, the appellant institution is submitted herewith the hardcopy of online appeal which is enclosed as Enclosure 8 (xiii) That it is submitted that the appellant institution is running since the year 2003 and does not lack any infrastructural and instructional facilities required as per the NCTE Norms and the NRC itself have issued the recognition/revised recognition order to the appellant institution for B.Ed. course. (xiv) That it is submitted that thus, the withdrawal order dated of SRC is not maintainable and the appeal committee is requested to revert the decision taken by SRC with further direction to SRC to restore the recognition of appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by the SRC”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 28.02.2003. The institution was allowed additional intake of 100 students vide order dated 7.11.2007 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its



adherence by the institution, a revised recognition order was issued on 27.04.2015 for conducting B.Ed. programme of two years duration with an annual intake of 200 students for four basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 20.04.2022 for B.Ed. programme (B.Ed. 4 units)

Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of documents which were found to be deficient in the impugned order of withdrawal dated 20.04.2022. These documents include:

- (i) A copy of land document (Sale Deed).
- (ii) A copy of CLU issued by Hyderabad Urban Development Authority dated 22.09.2001.
- (iii) A copy of NEC issued by Registration & Stamps Department, Govt. of Telangana.
- (iv) A copy of BCC issued by Asstt. Engineer, GHMC (Housing), RR Division, Hyderabad.
- (v) A copy of Form 'A' and FDRs for Rs. 7 and 5 lakh issued by Indian Bank.
- (vi) A List of faculty approved by Registrar, Osmania University, Hyderabad.
- (vii) A copy of Website Screenshot of the institution.
- (viii) A copy of proof of the salary disbursement through bank as per Bank Statement issued by Indian Bank.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 20.04.2022. The Committee, noting that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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

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



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

Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 20.04.2022 and remand back the case to SRC for further necessary action as per NCTE Regulations, 2014.

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

IV. DECISION: -

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

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Moghal College of Education, 169, 130/3p, Bandlaguda, Old Charminar Mandal, Hyderabad, Telangana-500005**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Telangana.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-163/E-257593/2022 Appeal/7th Meeting, 2022
APPLERC202214397**

Diphu B.Ed. College, 586/6, Theso Ajur, Lumding Road, Diphu Government College, Diphu, Kabri Anglong, Assam-782462 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. RESPONDENT
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Representative of Appellant	Dr. Lipson Rongpi, Administrative Officer
Respondent by	Regional Director, ERC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Diphu B.Ed. College, 586/6, Theso Ajur, Lumding Road, Diphu Government College, Diphu, Kabri Anglong, Assam-782462 dated 31/05/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **ER-290.5(Part-2)/AS-S/N-7/99/B.Ed./2021/63832** dated 17/03/2021 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “Approved faculty list (current) by the concerned affiliating body along with requisite documents. Approved building plan by the

concerned competent Govt. Engineer/Authority. Approved building completion certificate by the concerned competent Govt. Engineer/Authority. FDRs towards Endowment fund and Reserve fund after conversion into joint operation mode as prescribed in the NCTE Regulations, 2014. Confirmation on website updated of the institutions with all details along with affidavit.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Lipson Rongpi, Administrative Officer, Diphu B.Ed. College, 586/6, Theso Ajur, Lumding Road, Diphu Government College, Diphu, Kabri Anglong, Assam-782462 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal memoranda it is submitted that “That sir, after receiving the order we have gone through minutely about the steps that needs to be taken to reconsider our recognition by NCTE so that we can continue giving admission to B.Ed. Course in the academic session 2021-22 and accordingly we have furnished and submitted all the related original file documents for revised recognition on 04th May 2021. We have also explained the reason and circumstance for our delay in replying to your request in the previous letter. We have also sent email on the development of our appeal letter and called several times to Bhubaneswar Office, but no reply has been received till date.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 40 students vide order dated 15.6.2001, the institution was granted additional intake of 60 students vide order dated 5.12.2008 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 20.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 17.03.2021 for B.Ed. programme.



Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of following documents: -

- (i) A list of faculty approved by the affiliating University (1+9) members.
- (ii) A copy of Site and Building Plan issued by Executive Engineer, PWD, Diphu Building Division dated 07.05.2018.
- (iii) Copy of Building Completion Certificate issued by Executive Engineer, Works, Karbi Anglong Autonomous Council, DIPHU dated 31.07.2014.
- (iv) A copy of Endowment & Reverse Fund FDRs issued by SBI.
- (v) A copy of Affidavit on Rs. 100 stamp paper regarding details of land and building.
- (vi) Details of updated website not submitted.

The Appeal Committee noted that the institution has submitted a list of faculty approved by the affiliating University (1+9) members. However, faculty showing appointed are not sufficient as per requirement of NCTE Regulations, 2014.

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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Diphu B.Ed. College, 586/6, Theso Ajur, Lumding Road, Diphu Government College, Diphu, Kabri Anglong, Assam-782462

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 Assam.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-164/E-257605/2022 Appeal/7th Meeting, 2022
APPLERC202214388**

Hindi Teachers Training Institute, Block No.29, Buxi Bazar, Old Secretariat, Cuttack, Odisha- 753001 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. RESPONDENT
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Representative of Appellant	Dr. Satyanarayan Panda, Representative of Hindi Teachers Training Institute
Respondent by	Regional Director, ERC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Hindi Teachers Training Institute, Block No.29, Buxi Bazar, Old Secretariat, Cuttack, Odisha-753001 dated 27/05/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No.ER-295.3/(APE00550)/B.H.E.d./2021/64420 dated 31/08/2021 of the Eastern Regional Committee, on the grounds that of enhancement of seats as ERC has issued the recognition order dated 31.8.2021 for 50 students.

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Satyanarayan Panda, Representative of Hindi Teachers Training Institute, Block No.29, Buxi Bazar, Old Secretariat, Cuttack, Odisha-753001 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal memoranda it is submitted that “As per Govt. instruction, meanwhile Govt. of Odisha in the department of higher education has enhanced 1 unit to 2 unit (50 to 100). New faculty list enclosed. We will get other faculty very soon through OPSC. So, approve 100 seats for this session (2022-23). This institute is only imparting Hindi B.Ed. in Odisha state.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 06.08.2007 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 31.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the ERC vide order dated 13.10.2020 for B.Ed. programme. Aggrieved with the decision of the ERC, the institution preferred an Appeal, the Appeal Committee remanded back the case to ERC for revisiting the matter for restoration of recognition (of one unit) which is proportionate to the number of faculty appointed with the approval of affiliating body. The ERC accordingly vide order dated 31st August, 2021 restored the recognition of the institution for B.H.Ed course with an annual intake of 50 students (one basic unit).

Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of the following documents: -

- (i) A list of 9 (nine) Faculty Members, signed by the Registrar of the Affiliating Body.

- (ii) Notarized copy of Affidavit on Rs. 100 on Stamp Paper regarding updating of website.
- (iii) Copy of Building Completion Certificate issued by Assistant Engineer.

The Committee noted that the institution earlier approached the Appeal Committee and vide order dated 19.8.22, the matter was remanded back to ERC to consider the same and to issue restoration of recognition of 1 unit as the faculty submitted by the Institution was adequate for one unit. Even in the present Appeal the faculty submitted by the institution is not sufficient for 2 basic unit as per provisions of NCTE Regulations, 2014. Otherwise also the institution may apply for additional intake as and when notification will be issued by the NCTE Hqrs. in this regard, and NCTE Hqrs. has not issued any notification so far.

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 ERC was justified in restoration of B.H.Ed. Course with an annual intake of 50 seats (one basic unit). Therefore, appeal deserves to be rejected and the impugned order dated 31.8.2021 issued by ERC is confirmed.

IV. DECISION: -

The Committee concluded that recognition order dated 31.8.2021 was issued by the ERC and as per provisions of the NCTE Regulation, 2014 after verifying the documents, as such appeal is hereby rejected. As far as the additional intake is concerned the institution may apply afresh as and when notification issued by the NCTE HQ, and presently the NCTE HQ has not issued any notification in this regard. Therefore, the instant appeal deserves to be rejected.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Hindi Teachers Training Institute, Block No.29, Buxi Bazar, Old Secretariat, Cuttack, Odisha-753001

2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Odisha Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Odisha.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-165/E-256929,256936/2022 Appeal/7th Meeting, 2022
APPLNRC202214373**

Sitapur Shiksha Sansthan, 475, Resaura, Ramkot Road, Sitapur, Uttar Pradesh-261001 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. RESPONDENT
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Representative of Appellant	Mr. Manoj Kumar Sharma, Representative of Sitapur Shiksha Sansthan
Respondent by	Regional Director, NRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	12.09.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Sitapur Shiksha Sansthan, 475, Resaura, Ramkot Road, Sitapur, Uttar Pradesh-261001** dated 18/05/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **NRC/NCTE/UP-3044/365 Meeting/2022/217813** dated 04/04/2022 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The faculty list submitted is not the latest. Salary statement of faculties attached is only nine members only. The salary credited in the accounts of these faculty members is not regularly every month. Since March 2021 some of the faculty accounts have been credit once or twice only that too in the month

of March or June. Faculty list with photograph is approved by Lucknow University that too the page submitted with stamp & signature of Registrar dated 12/04/2021 has no reference of the institution on the page. The website of Institute has no details of the faculty members. The URL with the faculty details was not found non-functional.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Manoj Kumar Sharma, Representative of Sitapur Shiksha Sansthan, 475, Resaura, Ramkot Road, Sitapur, Uttar Pradesh-261001 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal memoranda it is submitted that “The latest 16 faculty including Head of Department is approved by the Registrar, University of Lucknow on dated: 12/04/2021. The original copy of all approvals has already submitted to your office. Attested photocopy is attached herewith for your kind consideration. The approval details of teacher faculty are as under 1. Mr. Suneel Singh and Mr. Imran Khan were approved by university letter Ref. No. CSJM SAMB/4412/2020 Dated 28/11/2020 2. Mr. Ramu Prasad, Mr. Anurag Kanaujia, Mr. Ramkrishna Dwivedi, Mr. Chiranjeevi Gangwar, Mr. Susheel Dutt Upadhyay, Mr. Rameshwar Prajapati, Ms. Neelam Jaiswal, Mr. Anil Kumar and Mr. Krishna Kumar Tiwari were approved by university letter Ref. No. CSJM SAMB AFF. /4290/2020 Dated 20/11/2020 3. Dr. Shyama Kumar Singh, Mr. Rajneesh Kumar and Ms. Shushma were approved by university letter Ref. No. CSJM /7237/2018 Dated 07/12/2018 4. Ms. Arti Shukla was approved by university letter Ref. No. CSJM SAMB/777/2015 Dated 04/02/2015. Mr. Vishwaraj Singh was approved by university letter Ref. No. CSJM SAMB/1411/2010 Dated 07/06/2010 In this way total 16 faculties were approved by the concerned university (Copy of all the approval letters attached) here we would like to say that the approval of faculty is carried out once by the university and there is no provision/need to get approval every year. If nay new faculty joins, then only we need to go for the approval. There are all the 16 faculty members are visible in the salary statement. (ii) As we have not admitted any students from Academic Year 2020-21, and we are in great crises of funds due to lack of students and Covid 19 pandemic. We want to bring in your kind notice that despite these difficulties, we have neither restored to layoffs and nor deducted the salary, copy of the proof of salary of Head of Department and faculty members is attached. We are trying our best to meet our financial obligations. (iii) As we are giving the salary from our other



resources it may be possible that few of the faculty members may not receive the salaries regularly although we are trying our lever best release their salaries as soon as poóssible. (iv) The cumulative list of Head of Department and faculty members that we have sent was on the prescribed format verified and approved by the Registrar of current Affiliating University, so it was sent. The original copy has been submitted to your office. Now for the verification we are sending the approval letters of all the 16 faculty members from old affiliating university i.e., CSJM University, Kanpur and now the affiliation is given by new affiliating university i.e., University of Lucknow. (According to order of State Govt. of Uttar Pradesh). (v)The website is working, and the desired information is already uploaded. (Copy of screenshot attached) (vi)The faculty information has already been uploaded and visible on website. (<http://www.sssk.org.in/staff.aspx>).”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 21.8.2009 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 6.6.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 4.4.2022 for B.Ed. programme.

Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of documents which were found to be deficient in the impugned order of withdrawal dated 4.4.2022. These documents include:

- (i) A coy of faculty list approved by the Registrar, Lucknow University, Lucknow
- (ii) A copy of salary statement.
- (iii) A copy of print out of website of Institute.



The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 04.04.2022. The Committee, noting that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

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


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

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

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

IV. DECISION: -

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



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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Sitapur Shiksha Sansthan, 475, Resaura, Ramkot Road, Sitapur, Uttar Pradesh-261001**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-166/E-257831/2022 Appeal/7th Meeting, 2022
APPLSRC202214404**

Jairam College of Education, 125,126,95, Lakshi Narayana Samuthram, Salem By-pass Road, Karur, Tamilnadu-639002 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	Representative of Jairam College of Education
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OFS OF WITHDRAWAL

The appeal of **Jairam College of Education, 125,126,95, Lakshi Narayana Samuthram, Salem By-pass Road, Karur, Tamilnadu-639002** dated 02/06/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APS07952/B.Ed./TN/2022/132003** dated 12/05/2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The building plan submitted by the institution is not approved by the competent authority.

The following faculty was appointed after notification (dt.09.06.2017) of NCTE (Amendment) Regulations, 2014 and are not qualified as not possessing NET qualification, hence, not eligible to be appointed: -

- (i) Mr. K. Panneer Selvam
- (ii) Mrs. E. Hemavathi

The institution did not submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulations, 2014 for B.Ed. course. The website of the institution is not uploaded with the information required under clause 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. The institution did not submit registration certificate and bye laws of the managing society/trust."

II. SUBMISSIONS MADE BY APPELLANT: -

Representative of Jairam College of Education, 125,126,95, Lakshi Narayana Samuthram, Salem By-pass Road, Karur, Tamilnadu-639002 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal memoranda it is submitted that "We have submitted building plan approved by the executive officer, Inam Karur Municipality Office, Karur on 29.08.2007 (copy enclosed). Mr. K. Panneer Selvam has appointed by the management on dated. 04.01.2010 and he was approved by the Registrar, Tamil Nadu Teachers Education University on 26.05.2016. But it was wrongly mentioned in the consolidated Staff list as 08.01.2018. Mrs. E. Hemavathi has been appointed by the management on dated 04.04.2016 itself. So, both the faculty members are qualified as per NCTE Norms, 2014. We have appointed Administrative and other staff as per the NCTE Regulations, 2014. (Copy enclosed). We uploaded all the necessary details on the website as per the NCTE Regulations, 2014. Our website id is www.jairamstrust.in. The management submits the salary for teaching and non-teaching faculties by means of ECS through bank only. We have submitted the trust deed registered by sub registrar, sub registrar office, Karur West dated 04.11.2005."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted



recognition for B.Ed. Course with an annual intake of 100 students vide order dated 10.10.2007 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 30.04.2015 for conducting B.Ed. programme of two years duration with an annual intake of 50 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 12.05.2022 for B.Ed. programme.

Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of documents which were found to be deficient in the impugned order of withdrawal dated 12.05.2022. These documents include:

- (i) A copy of Building Plan approved by Executive Officer, Karur Municipal, Grade-III.
- (ii) A list of Faculty Member signed by the Registrar of the Affiliating Body.
- (iii) A copy of Administrative and Professional Staff.
- (iv) Screenshot of website homepage.
- (v) A copy of Trust Deed.
- (vi) A copy of statement of Account for disbursement of salary through Indian Overseas Bank.

The Appeal Committee noted that the institution has given explanation with respect to faculty members namely (i) Mr. K. Panneer Selvam and (ii) Mrs. E. Hemavathi, that the same was wrongly mentioned in the consolidated staff list dated 8.1.2018. This fact may be clarified by the SRC from the affiliating University before taking any further decision.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 12.5.2022. The Committee, noting that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.

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

“Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the



institution is not compelled to approach the Court in this manner.”

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

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

Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 12.05.2022 and remand back the case to SRC for further necessary action as per NCTE Regulations, 2014.

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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Jairam College of Education, 125,126,95, Lakshi Narayana Samuthram, Salem By-pass Road, Karur, Tamilnadu-639002**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-172/E-258175/2022 Appeal/7th Meeting, 2022
APPLSRC202214395**

Matha College of Teacher Education, 193/4a, 193/4b, 193/5, 193/14, 193/7, 191/1, 191/2, 191/5, Vaanpuram, Annavasal Road, Mananadurai, Sivaganga, Tamilnadu-630606 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	Dr. P. Madhavan, Administrative Officer
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Matha College of Teacher Education, 193/4a, 193/4b, 193/5, 193/14, 193/7, 191/1, 191/2, 191/5, Vaanpuram, Annavasal Road, Mananadurai, Sivaganga, Tamilnadu-630606** dated 11/05/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APSO3870/B.Ed./{TN}/2022/(130902-130906)** dated 15/03/2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Vide Final Show Cause Notice dt. 28.12.2021 the institution was directed to submitted latest

approval of sufficient faculty, but the institution failed in submission. The institution also failed to submit supporting documents in terms of educational qualification of the faculty and experience certificate of the Principal. The institute failed in submission of satisfactory reply towards the deficiency of less size of multipurpose hall. The institute had failed in submission of bank statement of faculty showing disbursement of salary through bank account as required under clause 10(2) of NCTE Regulations, 2014 and directed to submit vide Final Show Cause Notice. The institute failed in submission of details of administrative and professional staff required under clause 5.3 of appendix 4 of the NCTE Regulations, 2014 and directed to submit in Final Show Cause Notice. The website is still not complete as per clauses 7(14) (i), 8(14) and 10(3) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. P. Madhavan, Administrative Officer, Matha College of Teacher Education, 193/4a, 193/4b, 193/5, 193/14, 193/7, 191/1, 191/2, 191/5, Vaanpuram, Annavasal Road, Mananadurai, Sivaganga, Tamilnadu-630606 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal memoranda it is submitted that “Submitted all the documents but the committee has not been verified. Submitted all the supporting documents in respect of size of MP Hall. Submitted the documents. Submitted the proof.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 11.08.2006 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 29.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 15.03.2022 for B.Ed. programme.



Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of documents which were found to be deficient in the impugned order of withdrawal dated 15.03.2022. These documents include:

- (i) A list of faculty members, signed by the Registrar of the Affiliating Body.
- (ii) A copy of account Statement for disbursement of salary to the staff through ECS.
- (iii) A copy of Administrative Professional Staff List.
- (iv) Institution has submitted Website Screenshot.
- (v) A copy of approved Building Plan.

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

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

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

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

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

Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 15.03.2022 and remand back the case to SRC for further necessary action as per NCTE Regulations, 2014.



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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Matha College of Teacher Education, 193/4a, 193/4b, 193/5, 193/14, 193/7, 191/1, 191/2, 191/5, Vaanpuram, Annavasal Road, Mananadurai, Sivaganga, Tamilnadu-630606
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-112/E-251054/2022 Appeal/7th Meeting, 2022
APPLSRC202214343**

KMG College of Education, 208/1B3, Angalakurichi, Valparai main road, Angalkurichi, Pollachi, Coimbatore, Tamilnadu-642007 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	Dr. P. Rajendran, Principal of KMG College of Education
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of KMG College of Education, 208/1B3, Angalakurichi, Valparai main road, Angalkurichi, Pollachi, Coimbatore, Tamilnadu-642007 dated 12.04.2022 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No. F.SRO/NCTE/APS03680/B.Ed./{TN}/2022/130521 dated 28.02.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution has not submitted consolidated staff list duly approved by the registrar of the affiliating

body as per the prescribed format approved after issuance of this notice/last reminder. The institution has not submitted the requisite documents regarding proof of disbursement of salary to faculty and non-teaching staff through bank account as per direction of the Appellate Authority, NCTE as required; 10(2) of NCTE Regulation, 2014. The institution did not submit details alongwith Form 'A' issued by the bank regarding maintenance of FDRs towards endowment and reserve funds for both courses. The building plan submitted by the institution shows the size of multipurpose hall as 128.39 sq.mtr. which is less than the requirement laid down in NCTE regulations, 2014. The institution did not submit English translated copy of non-encumbrance certificate. The institution did not submit details of administrative and professional staff as required under clause 5.3 of appendix 4 and 6.3(a) of appendix 5 of NCTE regulations 2014 for B.Ed., course."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. P. Rajendran, Principal, KMG College of Education, 208/1B3, Angalakurichi, Valparai main road, Angalkurichi, Pollachi, Coimbatore, Tamilnadu-642007 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal memoranda it is submitted that "Consolidated of staff list duly approved by the TNTEUS register, format is attached. Proof of this disbursement of salary to faculty and non-teaching staff through bank account details is attached. Maintenance of FDRs towards endowment and reserve fund for both courses details is attached. The details of the Multipurpose Hall approved Building Plan size as 221.14 sq.mtr. (31.892 x6.934) is also attached. The English translated copy of non-encumbrance certificate is attached. Administrative and professional staff list as required of NCTEs regulations details is attached."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 01.08.2006 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 01.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units



from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 28.02.2022 for B.Ed. programme. A corrigendum dated 16.06.2015 was issued for B.Ed. programme of 2 years duration with an annual intake of one unit of 50 students. The recognition of the institution was withdrawn vide order dated 30.12.2021.

The petitioner institution has filed a Writ Petition (C) No. 11638/2022 in the Hon'ble High Court of Delhi at New Delhi against the impugned Withdrawal Order No. F.SRO/NCTE/APSO3680/B.Ed./{TN}/2022/130521 dated 28.02.2022 issued by SRC. And Hon'ble Court vide order dated 12.09.2022 directed as under:

"In light of the above, the reasoning given by the Appellate Authority cannot sustain, and accordingly, the present petition is allowed and the following directions are issued:

- (i) **Appellate Order dated 12th July, 2022 is set-aside, and appeal before the Appellate Authority is restored;**
- (ii) **Appellate Authority shall consider documents furnished by Petitioner along with the appeal, including but not limited to – Land Use Certificate (LUC), Building Plan (BP), Encumbrance Certificate (EC) etc. and seek clarifications, if necessary. They shall also be free to conduct a fresh inspection themselves or through SRC, if deemed appropriate.**
- (iii) **Appellate Authority shall thereafter pass an appropriate order, in accordance with law and dispose of the appeal as expeditiously as possible, but not later than three months from today;**
- (iv) **Petitioner shall be entitled to take benefit of the proviso to Section 17 of the NCTE Act, 1993 and is thus, entitled to admit students for the academic session 2022-23; and**
- (v) **Respondents are directed to update the status of Petitioner, within a period of one week from today, and sent an intimation in respect thereof to the affiliating university of Petitioner as well as to the concerned Department of Education to enable them to participate in the counselling and admission process for the academic session 2022-23..."**

The Committee noted that the appeal of the institution dated 12.04.2022 against the impugned order dated 28.02.2022 issued by SRC was considered by the Appeal Committee in its 5th Meeting, held on 11.06.2022. the Appeal Committee, after considering the memorandum of appeal and documents submitted alongwith it, rejected the said appeal and confirmed the impugned withdrawal vide appeal order dated 12.07.2022 on the following grounds.



"Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 seats on 01.08.2006 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 100 students (two units) was issued on 01.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee noted that a corrigendum for reducing intake to 50 students (one unit) was issued by SRC on 16.05.2015.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of show cause notice and final show cause notice issued on 07.05.2019 and 13.10.2020 to submit its written representations for rectifying the pointed out short comings in the given time period.

The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents which substantiated the removal of deficiencies to continue the recognition.

The Appeal Committee noted that the faculty members in the submitted list at Sl.No. 1 to 3 do not secure the required minimum percentage of marks in B.Ed. & M.Ed. Secondly, the seal of the approving authority of Building Plan is in regional language. It may not be ascertained whether the said authority is competent to approve the building plan or not.

Noting the submission and verbal arguments advanced during hearing by the appellant institution, the Appeal Commission is of the view that the appellant institution is still deficient on the above grounds. In these circumstances, the Appeal Committee concluded that the SRC was justified in withdrawing recognition of the appellant institution and therefore, the instant appeal is rejected, and impugned order is confirmed."

The Committee in compliance of order dated 12.09.2022 passed by the Hon'ble High Court of Delhi in W.P.(C). 11638/2022 titled KMG College of Education v/s National Council for Teacher Education & Anr, perused the relevant records and the documents submitted by the Appellant Institution vide letter dated 13.04.2022 alongwith Memoranda. Following documents have been submitted with a request to consider it as a compliance of deficiencies pointed out in impugned Withdrawal Order dated 28.02.2022: -

- (i) A list of faculty members (1+8) Approved by Registrar of the Affiliating Body dated 06.10.2021.
- (ii) Proof of disbursement of salary to the faculty and non-teaching staff through bank account.
- (iii) A copy of Form 'A' & FDRs of Rs. (7,00,000 + 5,00,000 = 12,00,000/-) issued by Indian Overseas Bank, Kottur Branch.
- (iv) A copy of Non-Encumbrance Certificate.
- (v) A list of Administrative & Professional Staff approved Competent Authority.
- (vi) A copy of Building Plan, signed by Civil Engineer, Kottur Town Panchayat.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 28.02.2022. The Committee, noting that the document



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

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

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

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

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

Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 28.2.2022 and remand back the case to SRC for further necessary action as per NCTE Regulations, 2014.

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

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to consider the documents



submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority, and if SRC deemed appropriate to verify the infrastructure & instructional facilities, the SRC is free to conduct inspection of the institution.

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, KMG College of Education, 208/1B3, Angalakurichi, Valparai main road, Angalkurichi, Pollachi, Coimbatore, Tamilnadu-642007**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**
3. **Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.**



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-47/E-241084/2022 Appeal/7th Meeting, 2022
APPLSRC202214268**

Ayira Vaisya College of Education, 5/338 Sowkathali Street, Paramakudi, Ramanathapura, Tamilnadu-623707 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	Dr. V. Umamaheswari, Principal of Ayira Vaisya College
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Ayira Vaisya College of Education, 5/338 Sowkathali Street, Paramakudi, Ramanathapura, Tamilnadu-623707** dated 02.02.2022 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No. **F.SRO/NCTE/APS09441/B.Ed./{TN}/2021/29712** dated 30.12.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The Institution was issued a Final Show Cause Notice on 31.08.2021. The Institution failed to submit reply to the Final Show Cause Notice (FSCN).”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. V. Umamaheswari, Principal, Ayira Vaisya College of Education, 5/338 Sowkathali Street, Paramakudi, Ramanathapura, Tamilnadu-623707 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal memoranda it is submitted that "We had sent the documents for Final Show Cause Notice by courier on 15.09.2021. But we have received the withdrawal order on 30.12.2021. Once again, we submit the queried documents of Final Show Cause Notice for withdrawal order through Online Appeal."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 21.10.2008 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 30.4.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 30.12.2021 for B.Ed. programme.

The petitioner institution has filed a Writ Petition (C) No. 9343/2022 in the Hon'ble High Court of Delhi at New Delhi against the impugned Withdrawal Order No. F.SRO/NCTE/APS09441/B.Ed./{TN}/2011/29712 dated 30.12.2021 issued by SRC. And Hon'ble Court vide order dated 13.09.2022 directed as under:

"9. The court has heard the counsel for the parties. Since the stated documents were placed on record before the Appellate Authority but were not taken into consideration and, keeping in view the afore-noted submissions and in light of the position taken by co-ordinate benches of this Court, the instant petition is allowed with the following directions:

"(i) Appellate Authority's order dated 26th May, 2022 is set-aside, and appeal before Appellate Authority is restored;

(ii) Appellate Authority shall take into consideration, the documents furnished by Petitioner alongwith the appeal report; and pass an



appropriate order, in accordance with law and dispose of the appeal as expeditiously as possible but not later than one month from today;

(iv) Petitioner shall be entitled to take benefit of the proviso to Section 17 (1) of the NCTE Act, 1993 and is thus, entitled to admit students for the academic session 2022-23; and

(v) Respondents are directed to update the status of Petitioner, within a period of one week from today, and send an intimation in respect thereof to the affiliating university of Petitioner as well as to the concerned Department of Education to enable them to participate in the counselling and admission process for the academic session 2022-23.

10. Needless to say, Appellate Authority shall examine the merits of the case uninfluenced by any of the observations made hereinabove.

11. The court has not expressed any opinion on the merits of the case. All rights and contentions of the parties are left open.

12. With the above directions, the present petition is disposed of along with pending application(s).

13. The date already fixed i.e., 10th October, 2022, stands cancelled."

The Appeal Committee noted that the Appeal of the institution dated 02.02.2022 against the impugned order dated 30.12.2021 issued by SRC was considered by the Appeal Committee in its 4th meeting, 2022 held on 26.04.2022. The appeal Committee after considering the memorandum of appeal and the documents submitted alongwith it, rejected the said appeal and confirm the impugned withdrawal vide appellate order dated 26.05.2022 on the following grounds:

"Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal committee noted that the recognition of the appellant institution for annual intake of 100 seats was granted vide order dated 21.10.2008 and after promulgation of NCTE Regulation, 2014 giving thereby the willingness by affidavit, a revised provisional Recognition order for 100 students (two units) was issued on 30.04.2015.

The Appeal Committee noted that the appellant institution was given reasonable opportunities in the Shape of First Show Cause Notice and Final Show Cause Notice issued on certain grounds on 16.09.2019 and Final Show Cause Notice on 31.08.2021 to submit its written representation for rectifying the so-called short comings in the given time limit.

The Appeal Committee further noted that the recognition of the appellant was withdrawn on the grounds of not submitting reply to Final Show Cause Notice issued on 31.08.2021. The appellant in the memoranda of appeal has explained that "they had sent documents for Final Show Cause Notice by consider on 15.09.2021". The evidence of having dispatched the consignment and its delivery at destination is neither available in the regulatory file of SRC nor



submitted in the appeal by the appellant institution. Hence, the appellant has not justified its claim of having sent the reply /documents related to Final Show Cause Notice.

Noting the submission and oral arguments advanced during hearing by the appellant, the Appeal Committee observes that the SRC was justified in withdrawing recognition and decided that the instant appeal deserved to be rejected and therefore the impugned withdrawal order of SRC is confirmed."

The Committee in compliance of the order dated 13.09.2022 passed by the Hon'ble High Court of Delhi in W.P.(C). 9343/2022 titled **Ayira Vaisya College of Education v/s National Council for Teacher Education & Anr**, perused the relevant records and the documents submitted by the appellant institution and the committee noted that the appellant institution vide letter dated nil alongwith Memoranda has submitted the following documents with a request to consider it as a compliance of deficiencies pointed out in impugned Withdrawal Order dated: 30.12.2021

- (i) A copy of Land Documents (both regional language and English version) (Sale Deed).
- (ii) A copy of land document issued by Tahsildar, Paramakudi.
- (iii) A copy of Building Completion Certificate issued by Executive Engineer, Paramakudi Town Panchayat, Paramakudi on 4.12.2017.
- (iv) A copy of Land Use Certificate issued by Tahsildar, Paramakudi on 10.10.2017
- (v) A copy of FDRs & Form 'A' Rs. (3,00,000 + 5,00,000 + 4,00,000 = 12,00,000/-) issued by State Bank of India.
- (vi) A copy of Non-Encumbrance Certificate issued by Government of Tamilnadu Registration Department vide letter dated 19.11.2020.
- (vii) A list of faculty members (1+15) Approved by Registrar of Affiliating Body vide dated 04.10.2021.
- (viii) A copy of Building and Site Plan approved by the authority in Regional Language.
- (ix) Institution has submitted website domain name as per clause 7(14) (I) of NCTE Regulation, 2014.

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

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



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

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

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

Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 30.12.2021 and remand back the case to SRC for further necessary action as per NCTE Regulations, 2014.

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

IV. DECISION: -

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



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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Ayira Vaisya College of Education, 5/338 Sowkathali Street, Paramakudi, Ramanathapura, Tamilnadu-623707**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-227/E-270408/2022 Appeal/7th Meeting, 2022
APPLSRC202214452**

R.G.R Siddhanthi College of Education, 703, Secunderabad, Bolton Road, Hyderabad, Telangana-500003 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	Sabiha Hussain, Director
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.10.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **R.G.R Siddhanthi College of Education, 703, Secunderabad, Bolton Road, Hyderabad, Telangana-500003** dated 13/09/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APSO6277/B.Ed./AP/2022/132008** dated 12/05/2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution has not submitted NEC. The institution has submitted a building plan in which multi-purpose hall area is not mentioned which is a violation of clause 6(ii)(b) of Appendix

4 of NCTE Regulations, 2014. The institution has not submitted a BCC in prescribed format as per NCTE Regulation 2014. Six faculties namely, Mrs. B. Sreelatha, Mrs. D. Srilatha, Mrs. Habeeba Tabassum, Mrs. R. Santoshi, Mrs. B. Alivelu, Mrs. R. Anitha were appointed after notification (dt. 09.06.2017) of NCTE (Amendment) Regulations, 2014 and are not possessing NET/P.HD. qualification, hence, not eligible to be appointed. The proforma of faculty is signed by the Dean and Registrar, Osmania University but the date of approval is not mentioned. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014. The institution did not submit account as required under clause 10(2) of NCTE Regulations, 2014. The institution did not submit registration certificate and byelaws of the managing society/trust."

II. SUBMISSIONS MADE BY APPELLANT: -

Sabiha Hussain, Director, R.G.R Siddhanthi College of Education, 703, Secunderabad, Bolton Road, Hyderabad, Telangana-500003 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal memoranda it is submitted that "All required documents were submitted when the show cause notices were issued. Points mentioned in withdrawal order (FEW) not mentioned in show cause notices. However, all necessary documentation is being enclosed with hard copy and few important documents are being uploaded online (Because file size given is very less.)"

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 14.07.2007 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 19.5.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 12.05.2022 for B.Ed. programme.



Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 submitted copies of documents which were found to be deficient in the impugned order of withdrawal dated 12.05.2022. These documents include:

- (i) A copy of Land Use Certificate signed by Tahsildar on dated 22.01.2022.
- (ii) A copy of Building Completion Certificate certified by the Competent Authority.
- (iii) A list of Faculty Member, signed by the Registrar of Affiliating Body.
- (iv) Screenshot of website homepage.
- (v) A copy of FDRs receipt alongwith Form 'A'.
- (vi) A copy of Building Plan.
- (vii) Photographs of College building.

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

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

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

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

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



Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 12.05.2022 and remand back the case to SRC for further necessary action as per NCTE Regulations, 2014.

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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, R.G.R Siddhanthi College of Education, 703, Secunderabad, Bolton Road, Hyderabad, Telangana-500003
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Telangana.



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

DATE: 19/10/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-103/E-178487/2021//2022 Appeal/7th Meeting, 2022
APPLSRC202113956**

Andhra Muslim College of Education, 982, Guntur, Ponnur Road, Guntur, Andhra Pradesh – 522003 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	Shri G. Nageswara Rao, Administrative Officer
Respondent by	Regional Director, SRC
Date of Hearing	07.10.2022 & 08.10.2022
Date of Pronouncement	19.09.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Andhra Muslim College of Education, 982, Guntur, Ponnur Road, Guntur, Andhra Pradesh – 522003** dated 25/02/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No **SRO/NCTE/APS08435/B.Ed./AP/2020/122113-2119** dated 29/12/2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “Institution has not submitted certified copy of land document. The institution has submitted Building Plan but not readable and not legible. The institution has not submitted the “Form A” issued by the respective Bank Manager towards creation of FDR of Rs. 7 lakh and 5

lakh, totalling Rs. 12 lakh towards Endowment fund & Reserve fund into joint account for a duration of 5 years along with a copy of the FDRs. The institution has submitted a faculty list which is not approved by the affiliating body. Some deficiencies are:- (a) Five Lecturers do not have NET/Ph.D. as per NCTE (Recognition Norms & Procedure) (Amendment) Regulations, 2017 dated 29.05.2017 notified on 09.06.2017. A letter regarding approval of faculty issued by the affiliating body has not submitted by the institution.”

II. SUBMISSIONS MADE BY APPELLANT: -

Shri G. Nageswara Rao, Administrative Officer, Andhra Muslim College of Education, 982, Guntur, Ponnur Road, Guntur, Andhra Pradesh – 522003 appeared online to present the case of the appellant institution on 07.10.2022 & 08.10.2022. In the appeal memoranda it is submitted that “we have already submitted the duly certified copies of the land document, 11.09 acres along with the required affidavit. The Building Plan is in fact a blue-print and hence in the photostat copy it is not readable. However, a computer copy which is readable has already been forwarded. The Form "A" letter from the Andhra /Union Bank stating that the FDRs joint accounts has already been forwarded. The approval statement of the affiliating authority i.e. Acharya Nagarjuna University duly signed by the Committee Members for the period 2019-20 and 2020.21 was already forwarded. We are on the outlook for the NET/Ph.D. candidates and fulfil the same for the future year 2021.2022 since the University has accorded permission has been forwarded. Nagarjuna University has issued the approval for the staff for the year 2019-20 and 2020-21 statement regarding approval of faculty issued by the affiliated body i.e. Acharya Nagarjuna University has already been forwarded earlier.””

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 23.8.2007 and after promulgation of NCTE Regulations, 2014 giving thereby willingness in an affidavit for its adherence by the institution, a revised recognition order was issued on 6.5.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students for two basic units



from the academic session 2015-16. The Appeal Committee further noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 29.12.2020 for B.Ed. programme.

The Committee noted that the petitioner institution has filed a **Writ Petition (C) No. 12812/2022** in the Hon'ble High Court of Delhi at New Delhi against the impugned Withdrawal Order No. **SRO/NCTE/APS08435/B.Ed./AP/2020/122113-2119** dated 29/12/2020 issued by SRC. And Hon'ble Court vide order dated **07.09.2022** directed as under:

“ ...This above extract indicates that the request of Petitioner for reduction of intake from two units to one unit had been accepted, which evidently has not been taken into account by the Appellate Authority as is apparent from the extract of the Appellate Order, in para No. 5 above.

In the view of the fore-going, there is a manifest error in the impugned decision of Appellate Authority and accordingly, the same is set-aside and the matter is remanded back to Appellate Authority, and appeal is restored.

The Appellate Authority shall now consider the appeal afresh, in light of observations made hereinabove, taking into consideration the minutes of 389th meeting of SRC and the other documents and material presented by Petitioner before the Appellate Authority, NCTE.

The Appellate Authority is directed to decide the appeal expeditiously, not later than one month from the date of this order.

With the above directions, the present petition is disposed of, along with pending application.”

The Committee noted that the appeal of the institution dated 25.02.2021 against the impugned order dated 19.12.2020 issued by the SRC was considered by the Appeal Committee in its 17th Meeting, 2021 held on 23.07.2021. The Appeal Committee after considering the memorandum of appeal and the documents submitted along with it, rejected the said appeal and confirmed the impugned withdrawal vide the appeal order dated 19.08.2021 on the following grounds:

“Appeal Committee perused the relevant records and the documents submitted by appellant institution and noted that appellant institution was granted recognition in the year 2007 for conducting B.Ed. programme with an intake of 100 seats and the revised recognition order dated 06/05/2015 is also for 100 seats. Appeal Committee noted that appellant institution by its



letter dated 28/02/2019 informed SRC that current affiliation granted by the University is for 50 seats. Appeal Committee further observed that appellant institution by its letter dated 06/11/2020 had submitted to SRC attested copies of land deed, non-encumbrance certificate, L.U.C., List of faculty, FDRs, Building Completion Certificate etc. Appellant institution being recognised for conducting B.Ed. programme since 2007 should try to understand that it was required to submit originally certified copy of land document and not the attested copy of land document. Further the institution was required to submit a formal request to SRC for reduction in the intake from 100 seats to 50 seats as being affiliated for 50 seats does not mean that intake sanctioned in the recognition order has been reduced. Appeal Committee decided that so long the intake in a programme approved by the Regional Committee is 100 (2 units), the appellant institution is under an obligation to comply with the requirements of recognition order. As appellant institution is not in possession of the required faculty and has also failed to submit originally certified copy of land and related documents, the impugned order of withdrawal dated 29/12/2020 deserves to be confirmed."

In compliance of order dated 07.09.2022 passed by the Hon'ble Delhi High Court in **W.P.(C). 12812/2022 titled Andhra Muslim College of Education v/s National Council for Teacher Education & Anr**, perused the relevant records and the documents submitted by the appellant institution and the committee noted that the appellant institution vide letter dated 24.2.2021 alongwith Memoranda has submitted the following documents with a request to consider it as a compliance of deficiencies pointed out in impugned Withdrawal Order dated 29.12.2020: -

- (i) A copy of Sale Deed dated 30.04.1987
- (ii) A copy of approved Building Plan
- (iii) Form 'A' issued by Andhra/ Union bank
- (iv) Faculty list (1+10) approved by the affiliating university

The Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the SRC in its 389th meeting held on 12-14 Oct. 2020 accepted the request of institution for reduction of intake from 2 units to 1 unit in B.Ed. course. The SRC while withdrawing the recognition of the institution has not considered the same.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 29.12.2020. The Committee, noting that the document submitted in appeal vis a vis the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.



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

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

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

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

Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 29.12.2020 and remand back the case to SRC for further necessary action as per NCTE Regulations, 2014.

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

IV. DECISION: -

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



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

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Andhra Muslim College of Education, 982, Guntur, Ponnur Road, Guntur, Andhra Pradesh – 522003**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh.