



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

DATE: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**89-23/E-236430/2022 Appeal/10th Meeting, 2022
APPLSRC202114033**

Jenney's College of Education, 2/67, Ramjee Nagar, Manigandam Road, Tiruchirapalli, Tamilnadu- 620012 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	Ms. C. Sheela, Administrative Officer of Jenney's College of Education
Respondent by	Regional Director, SRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Jenney's College of Education, 2/67, Ramjee Nagar, Manigandam Road, Tiruchirapalli, Tamilnadu-620012 dated 11.05.2021 filed under Section 17 of NCTE Act, 1993 against the Order No. F.SRO/NCTE/APSO8048/B.Ed./TN/395th/2021/124760 dated 10.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that: "(i). The institution has submitted certified copy of Land documents. (ii). The institution has not submitted Site Plan. (iii). The institution is required to submit a "Form

A" issued by the respective Bank Manager. (iv). The institution has submitted approving letter of faculty list signed by the Registrar, Tamilnadu Teachers Education University total faculty approved: 1 Principal + 13 Lecturers vide dated 12.07.2017. (v). The institution has not appointed 1 Perspective of Education, 1 Pedagogy Subjects & 1 Performing Arts. (vi). The institution has not submitted latest faculty list duly approved by competent authority."

II. SUBMISSIONS MADE BY APPELLANT: -

Ms. C. Sheela, Administrative Officer of Jenney's College of Education, 2/67, Ramjee Nagar, Manigandam Road, Tiruchirapalli, Tamilnadu-620012 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal Memoranda it is submitted that: - "(i). Institution land document submitted to NCTE on time. (ii). Site plan was submitted on time to NCTE. (iii). The institution has submitted "Form A" issued by the respective bank Manager to NCTE on time. (iv). The institution has appointed one perspective of education, one pedagogy subjects & performing arts faculty as directed by NCTE, and details have been submitted to NCTE on time. (v). The institution has submitted latest faculty list duly approved by competent authority to 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 B.Ed. Course with an annual intake of 100 students vide order dated 26.09.2007. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 03.01.2015. A provisional revised recognition order was issued on 21.04.2015 to the institution for conducting B.Ed. programme of two years duration with an annual intake of 100 students (Two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 10.03.2021.

The Appeal Committee noted that the matter was placed before the Appeal Committee in its 3rd Meeting, 2022 held on 23.03.2022, wherein the Appellate Committee decided not to entrain the appeal on grounds of delay in submission of print out (hard copy) of the appeal as



per extend rules. Impugned withdrawal order dated 10.03.2021 stands confirmed and operative. The petitioners institute moved to the Hon'ble High Court of Delhi by way of W.P.(C). No. 10761/2022 wherein the Hon'ble High Court vide its order dated 18.07.2022 issued the following direction: -

"In light of the fore-going, the impugned order is set-aside and the matter is remanded back to the Appellate Authority of NCTE for deciding the Petitioner's appeal in accordance with law. Petitioner is permitted of file all supporting documents they wish to place reliance upon within a period of one weeks from today before the Appellate Authority, NCTE and thereafter, the said Authority shall decide the application on merits, uninfluenced by any of the observations made in the present order.

Accordingly, the present petition is disposed of in the above terms, along with other pending application.

Needless to say, all rights and contentions of the parties are left open. The Appellate Authority to say, all rights and contentions of the parties are left open. The Appellate Authority, NCTE is requested to decide the appeal within a period of two months form today."

The instant matter was again taken up by the Appeal Committee in its 6th Meeting, 2022 held on 02.09.2022 wherein the Appeal Committee noted that the staff list provided by the institution duly approved by the Registrar, Tamilnadu Teacher University. However, the faculty appointed by the institution are not having the NET qualification as per NCTE norms. The Appeal Committee noted that SRC was justified in withdrawing recognition of the appellant institution on grounds of afore-said deficiency and the Appellant Institution has failed to rectify the deficiency.

The Appeal committee noted that the appellant institution was aggrieved by the appeal order dated 13.09.2022 and the appellant institution again moved to the Hon'ble Madras High Court by the way of W.P.(MD). no. 22749/2022 titled Jenney's College of Education v/s National Council for Teacher Education & Anr, the Hon'ble Court vide order dated 28.09.2022 issued following directions: -

"... 9. As per the submission made by the learned counsel for the Petitioner that only a few teachers who are appointed prior to 2017 are not having the NET qualification and they are willing to rectify the same by appointing fresh candidates as faculty members and this is a rectifiable deficiency, and this Court may show indulgence in the matter. As stated, the appellate authority has not pin-pointed any other deficiency expect the fact that few of the faculty members are not having the NET qualification as they are pointed earlier to the amendment made in the year 2014 and the dame deficiency can be considered by this Court.

10. Accordingly this directs the second respondent to grant three months time (i.e., on or before 31.12.2022) to the Petitioner institution to appoint fresh faculty members with NET qualification in the place of old teachers and thereafter, the Petitioner is directed to submit application/revision



before the first respondent regarding recognition of the Petitioner institution, who in-turn is directed to consider the same and pass appropriate orders regarding recognition of the Petitioner College, on merits and in accordance with, on or before 28.02.2023...."

In compliance of Court order dated 28.09.2022 passed by Hon'ble Madras High Court in W.P.(MD). no. 22749/2022 titled Jenney's College of Education V/s National Council for Teacher Education & Anr, the Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12.12.2022 submitted a copy of latest faculty list duly approved by the affiliating body rectifying the deficiency 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 10.03.2021. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern 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 10.03.2021 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.




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

IV. DECISION: -

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

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Jenney's College of Education, 2/67, Ramjee Nagar, Manigandam Road, Tiruchirapalli, Tamilnadu-620012**
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: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**89-73/E-245265/2022 Appeal/10th Meeting, 2022
APPLSRC202214300**

Navodaya College of Education, Raichur 1129/2 Raichur, Navodaya Nagar, Mantralayam Road, Raichur Karnataka- 584103. 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. Ratan Chavan, Professor of the institution
Respondent by	Regional Director, SRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Navodaya College of Education, Raichur 1129/2 Raichur, Navodaya Nagar, Mantralayam Road, Raichur Karnataka-584103 dated 26.02.2022 filed under Section 17 of NCTE Act, 1993 against the Order No. F.SRO/NCTE/APSO2126/B.Ed./{KA}/2021/129841 dated 07.01.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that: “(i). The institution vide Final Show Cause Notice dt. 03.11.2021 was informed that the land is mortgaged with Canara Bank as per certificate dt. 08.07.2004 and the same is not permissible under NCTE Regulations, 2014. The institution in its

reply dt. 25.11.2021 only mentioned that the land is no more mortgaged with Canara Bank and documents are in society's possession. The institution did not submit sufficient proof for clearance of loan and release of land documents by the bank. The institution had clearly violated the provisions canvassed under clause 8(4)(1) of NCTE Regulations, 2014 which prohibits to mortgage the land. (ii). The institution submitted a copy of sale deed whereas the Encumbrance Certificate No. 19 6-2-139/5 submitted for the land on "Lease" and further the name of claimants in EC is shown as "ICICI Bank Hubli a Branch Manager". (iii). The institution did not submit faculty duly approved by the affiliating body for D.El.Ed. course. (iv). The area of multipurpose hall is shown as 1869.68 sq. mtrs (2012.12 sq. ft.) which is not possible. (v). The building plan submitted by the institution is not approved by the competent authority. (vi). The institution submitted form 'A' issued by the bank for 13 lakhs of FDRs towards Endowment and Reserve Fund but the same is not sufficient for both the courses as per NCTE Regulations, 2014. (vii). The institution vide Final Show Cause Notice dt. 03.11.2021 was directed to submit consolidated staff list duly approved by the affiliating body after issuance of the notice but the institution submitted a copy of letter issued by the Registrar, Gulbarga University on 24.04.2019 regarding approval of 16 faculty and 8 non-teaching staff along with proforma. The proforma is signed by the Registrar, Gulbarga University but the date of approval has not been affixed. (viii). Other documents such as BCC, LUC and building plan etc. cannot be accepted on the face of the deficiency in land documents. (ix). 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. (x). The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulation, 2014."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Ratan Chavan, Professor of Navodaya College of Education, Raichur 1129/2 Raichur, Navodaya Nagar, Mantralayam Road, Raichur Karnataka-584103 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal Memoranda it is submitted that: - "(i). We once again reiterate and submit that; the land is not more mortgaged with Canara bank and there is clearance of loan and release of land documents by the Canara bank and accordingly the Canara bank has issued letter dated 03.01.2022. The details are enclosed as annexure 1. (ii). Since the ATM belonging to ICICI bank. Lease was done in the year



2010 for the usage of student and accordingly the said land was on lease for the period of five years (i.e., from 2010 to 2015) which was become null & void after completion of lease period. Accordingly, EC is issued. Details are enclosed in annexure-II. (iii). We here by submit that, we are not offering D.El.Ed. course since 2014-15 academic year (as per new NCTE-2014 Norms) on wards / never applied and not took NCTE Approval and Never admitted students for D.El.Ed. course. However, here by enclosing the copy of list of colleges displayed by Centralized Admission Cell, Bangalore wherein there is no mention of our college name (Navodaya teacher training institute, Raichur) since there is not existence of D.El.Ed. course. Hence, the institution did not submit faculty list duly approved by the affiliating body for D.El.Ed. course. Details are enclosed in annexure-III and IV. (iv). The area of multipurpose hall is shown as 1869.68 square meters. (2012.12 square feet) which is feasible and sufficient only for B.Ed. Course as per NCTE-2014 Norms. Details are enclosed in annexure-V. (v). The building plan submitted by our institution is approved by the competent authority and which endorsed by Commissioner, C.M.C Raichur date 12.02.2008 who is the competent authority as required. Copy of approved building plan enclosed in annexure-VI. (vi). Once again, we wish to draw kind attention that, the institution has submitted form 'A' issued by the S.B.I and Canara Bank for 13 lakhs (7 lakhs and 5 lakhs) of FDRs towards Endowment and Reserve funds which is sufficient for the B.Ed. course only as per NCTE Regulations, 2014. Since D.El.Ed. course does no exists in the campus. Details are enclosed in annexure-VII, VIII, IX, X and XI. (vii). Here by we wish to the proforma of the approval of list teaching and non-teaching working the Navodaya College of Education, Raichur-584103 Karnataka affiliated to Gulbarga University, Kalaburagi signed by registrar dated 27.04.2019. This is to be kindly be noted. Copy of proforma of the approval of list teaching and non-teaching duly signed by Registrar dated 27.04.2019 is enclosed in annexure-XII and XIII. (viii). Since the deficiency in land documents related to BCC, LUC and building plan etc. were clarified and rectified and accordingly documents were submitted. Hence, we request you to consider the same and accordingly revoke the Recognition of B.Ed. course. Details are enclosed in annexure-XIV, XV, and XVI. (ix). The proof of disbursement of salary to faculty & non-teaching staff through bank account was not mentioned in previous Show Cause Notices, Hence, we did not submit thereof. However, we here by submitting of disbursement of salary is submitted in Annexure. Details are enclosed in annexure-XVII. (x). The proof of disbursement of salary to faculty & non-teaching staff through bank account was not mentioned in previous Show Cause Notices, Hence,



we did not submit thereof. However, we here by submitting of disbursement of salary is submitted in Annexure. Details are enclosed in annexure-XVII.”

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. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 14.02.2015. A provisional revised recognition order was issued on 16.05.2015 to the institution for conducting B.Ed. programme of two years duration with an annual intake of 100 students (Two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 07.01.2022.

The instant matter was placed before the Appellate Committee in its 4th Meeting, 2022 held on 27.04.2022 wherein the Appeal Committee decided that: -

- “(a) The land was mortgaged at the time of withdrawing the recognition by SRC in its 405th meeting held on 13th to 14th December, 2021 as loan clearance certificate from Canara Bank was issued on 03.01.2022. As per prevailing Regulations, Land should be free from all encumbrances and mortgage of land is not allowed under the Regulation;***
- (b) Submitted copy of Building Plan is not legible. It is not clear whether the same is approved by the Competent Authority or not;***
- (c) The Printout of scan copy of faculty list is not readable. The details of the faculty may not be ensured whether they are qualified or not as required under prevailing Regulation, amendments etc.***
- (d) The Sub-leased of owned demarcated land for the Education purpose is not permissible for commercial activities under the prevailing Regulations and amendments etc.***

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

The Appeal committee noted that the appellant institution was aggrieved by the appeal order dated 26.05.2022 and the appellant institution had moved to the Hon’ble Delhi High Court by the way of W.P.(C) No. 15203/2022 titled Navodaya College of Education V/s National

Council for Teacher Education & Anr, the Hon'ble Court vide order dated 03.11.2022 issued following directions: -

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

- (i) Order dated 26th May, 2022, is set-aside and the appeal before the Appeal Committee is restored.***
- (ii) Petitioner-Institute shall submit documents as required by the Appeal Committee including documents relating to redemption of mortgaged property with Canara Bank, etc.***
- (iii) Appeal Committee shall consider the documents furnished by Petitioner-Institute including sub-lease of a portion of land to ICICI Bank Ltd. for ATM purpose, etc., and seek clarification/ additional information, if necessary, which shall forthwith be provided by Petitioner-Institute.***
- (iv) Appeal Committee shall thereafter pass an appropriate order, in accordance with law, and dispose of the appeal as expeditiously as possible, but not later than six weeks from today..."***

In compliance of Court order dated 03.11.2022 passed by Hon'ble Delhi High Court in W.P.(C) No. 15203/2022 titled Navodaya College of Education V/s National Council for Teacher Education & Anr, the Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12.12.2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A loan clearance certificate from Canara Bank dated 17.11.2022 stating that the institution has cleared entire dues and mortgage property returned back to trust.
- (ii) A copy of the approved building plan.
- (iii) A copy of the approved staff list dated 3.3.2002 issued by the Registrar, Raichur University, Raichur.
- (iv) A copy of latest Non-Encumbrance Certificate dated 16.11.2022.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 07.01.2022. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified by the Southern Regional Committee and decision taken accordingly. Further the SRC is directed to verify to documents including documents relating to redemption of mortgaged property with Canara Bank etc. and the documents relating to sub-lease of a portion of land to ICICI Limited for ATM purposes.



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

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

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

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

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

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



IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded 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. Moreover, the SRC is directed to verify documents relating to redemption of mortgaged property with Canara Bank etc. and the documents relating to sub-lease of a portion of land to ICICI Limited for ATM purposes. 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, Navodaya College of Education, Raichur 1129/2 Raichur, Navodaya Nagar, Mantralayam Road, Raichur Karnataka-584103
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: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**89-107/E-250605/2022 Appeal/10th Meeting, 2022
APPLSRC202214334**

Ruben College of Education, 45/2, Thadikkarankonam, Thovalai, Kanyakumari, Tamilnadu-629851. 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. Suneeth Ben, Principal
Respondent by	Regional Director, SRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Ruben College of Education, 45/2, Thadikkarankonam, Thovalai, Kanyakumari, Tamilnadu-629851 dated 28.03.2022 filed under Section 17 of NCTE Act, 1993 against the Order No. F.SRO/NCTE/APS03280/B.Ed./TN/2022/130790 dated 14.03.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that: - “The institution was issued a Final Show Cause Notice (FSCN). The institution has failed in submission of its reply with all relevant documents asked under Final Show Cause Notice dated 31.08.2021 till date.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. S. Suneeth Ben, Principal of Ruben College of Education, 45/2, Thadikkarankonam, Thovalai, Kanyakumari, Tamilnadu-629851 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal Memoranda it is submitted that:

- "(i). That the SRC vide its order dated 14th March, 2022 has withdrawn our recognition observing deficiencies which were already clarified / ratified by our institution. The withdrawal order is enclosed herewith as ENCLOSURE 1. (ii). That in order to appreciate various contentions and averments being raised hereinafter by the Appellant, it is necessary to state the following few relevant facts in brief. (iii). That SRC NCTE vide its order dated 07.07.2005 has granted recognition to the appellant institution for running the B.Ed. course in the appellant institution with annual intake of 100 students. A True Copy of the Recognition Order is being enclosed as ENCLOSURE 2. (iv). That it is submitted that firstly the SRC issued a Show Cause notice dated 21.09.2020 and accordingly the institution responded to the reply dated 07.12.2020. A True Copy of the Show cause Notice dated 21.09.2020 is being enclosed as ENCLOSURE 3 and True Copy of the Reply dated 07.12.2020 is being enclosed as ENCLOSURE 4. (v). That it is submitted that the SRC failed to consider the reply submitted by the institution. (vi). That it is submitted that the SRC issued a final cause notice dated 31.08.2021 and accordingly the institution responded to the reply dated 13/09/2021. A True Copy of the Final Show cause Notice dated 31/08/2021 is being enclosed as ENCLOSURE 5 and True Copy of the Reply dated 13/09/2021 is being enclosed as ENCLOSURE 6. (vii). That it is submitted that despite of the submission of all the documents the SRC decided to withdraw the recognition observing the following deficiencies: 1. The institution has not submitted notarized copy of land document of English Translation. 2. The institution has not submitted notarized copy of Land Use Certificate with land area. 3. The institution has not submitted notarized copy of Non - Encumbrance Certificate of English Translation. 4. The institution has not submitted notarized copy of approved and readable building plan. 5. The institution has not submitted notarized copy of Building Completion Certificate neither approved by the competent nor in the prescribed format. 6. The institution submitted notarized copy of Form A, for FDR of Rs. 5 Lakhs has been matured. The institution has not submitted original FORM A and FDRs towards another course 7. The proforma of faculty is not approved / signed by the affiliating body 8. The original affidavit has not been submitted. 9. The website of the institution is not updated. 10. The institution is required to submit latest consolidated staff list



duly approved by the Registrar of the Affiliating University. 11. The institution shall be required to submit an affidavit clearly stating status about land & building and Management. (viii). That it is submitted that institution is herein submitting the following documents to show the fact that the above deficiencies pointed out by the SRC are not correct. 1. Notarized copy of land document in Regional Language and Notarized copy of English Translation. 2. Notarized copy of Land Use Certificate with land area. 3. Notarized copy of Non – Encumbrance in Regional Language and Notarized copy of English Translation. 4. Notarized copy of approved and readable building plan. 5. Notarized copy of Building Completion Certificate approved by the competent authority in the prescribed format. 6. Notarized copy of Form A and renewed FDRs of both B.Ed. & M.Ed., courses. 7. The original affidavit clearly stating status about land & building and Management. 8. The updated screen shot of the updated website. 9. Latest consolidated staff list duly approved by the Registrar of the Affiliating University \ Notarized copy of land document in Regional Language and Notarized copy of English Translation. Notarized copy of Land Use Certificate with land area. Notarized copy of Non – Encumbrance in Regional Language and Notarized copy of English Translation. Notarized copy of approved and readable building plan. Notarized copy of Building Completion Certificate approved by the competent authority in the prescribed format. Notarized copy of Form A and renewed FDRs of both B.Ed. & M.Ed., courses. The original affidavit clearly stating status about land & building and Management. The updated screen shot of the updated website. Latest consolidated staff list duly approved by the Registrar of the Affiliating University are being enclosed herewith as annexure 7 colly. (ix). That it is submitted that though appellant institution vide its reply letters submitted the desired documents to the SRC as asked by them vide show cause notices, however, the SRC rejected the appeal of the Appellant institution. (x). That now the appellant institution is again enclosing with its appeal, the documents which were desired by the SRC through show cause notices and submitted by the petitioner institution with its replies to the SRC. (xi). That it is submitted that the decision taken by the SRC to issue withdrawal order is totally devoid of merit and is not as per statutory provisions, as mandated under NCTE Act, 1993. (xii). That it is submitted that the petitioner institution does not lack instructional facilities required as per the NCTE norms. (xiii). That it appears that SRC proceeded in arbitrary manner without considering the documents properly. (xiv). That is submitted that thus, the withdrawal order dated 14/03/2022 of SRC is not maintainable and the appeal committee is requested to revert the decision taken by SRC and



direct the 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 07.07.2005. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 22.01.2015. A provisional revised recognition order was issued on 18.03.2015 to the institution for conducting B.Ed. programme of two years duration with an annual intake of 100 students (Two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 14.03.2022.

The instant matter was placed before the Appeal Committee in its 5th Meeting, 2022 held on 11.06.2022 wherein the Appeal Committee decided the following: -

“..that the appellant institution was given reasonable opportunities in the shape of first show cause notice and final show cause notice issued on 21.09.2020 and 31.08.2021, respectively 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 reply to Final Show Cause Notice with all relevant documents within the stipulated time which substantiated the removal of deficiencies to continue the granted recognition. The appellant during hearing submitted that they sent reply to Final Show Cause notice vide letter dated 13.09.2021 through ordinary post. On being asked by the Appeal Committee to the appellant to submit any proof of having sent the reply by post, they expressed their inability to furnish as they admitted that they do have the same in their record.

Noting the submissions and verbal arguments advanced during hearing by the appellant, the Appeal Committee observes that the appellant has not submitted of having sent the reply to SCN through post in the appeal alongwith Memoranda of Appeal. Hence, the claim of the appellant institution for submitting reply vide letter dated 13.09.2021 is not tenable.



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

The Appeal committee noted that the appellant institution was aggrieved by the appeal order dated 12.07.2022 and the appellant institution had moved to the Hon'ble Delhi High Court by the way of W.P.(C) No. 15715/2022 titled Ruben College of Education B.Ed. V/s National Council for Teacher Education & Anr, the Hon'ble Court vide order dated 15.11.2022 issued following directions: -

“...(i) Impugned order dated 12th July, 2022 is set-aside, and appeal before the Appellate Authority is restored;

(ii) Appellate Authority shall take into consideration subsequent developments, and in particular, the documents furnished by Petitioner along with the appeal report by Petitioner-Institute and dispose of the appeal as expeditiously as possible, but not later than three months from the date of uploading of the order, in accordance with law;

7. The Court has not expressed any view on the merits of the matter and Appellate Authority, NCTE shall examine the merits of the case uninfluenced by any of the observations made hereinabove...”

In compliance of Court order dated 15.11.2022 passed by Hon'ble Delhi High Court in W.P.(C) No. 15715/2022 titled Ruben College of Education B.Ed. V/s National Council for Teacher Education & Anr, the Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12.12.2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of land document in Regional Language and Notarized copy of English Translation.
- (ii) A copy of Land Use Certificate with land area.
- (iii) A copy of Non – Encumbrance in Regional Language and Notarized copy of English Translation.
- (iv) A copy of approved and readable building plan.
- (v) A copy of Building Completion Certificate approved by the competent authority in the prescribed format.
- (vi) A copy of Form A and renewed FDRs of B.Ed. course.
- (vii) The original affidavit clearly stating status about land & building and Management.
- (viii) The updated screen shot of the updated website.
- (ix) A copy of staff list duly approved by the Registrar of the Affiliating University.



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

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

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

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

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

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

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



IV. DECISION: -

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

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Ruben College of Education, 45/2, Thadikkarankonam, Thovalai, Kanyakumari, Tamilnadu-629851**
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: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**89-108/E-250607/2022 Appeal/10th Meeting, 2022
APPLSRC202214335**

Ruben College of Education, 45/2, Thadikkarankonam, Thovalai, Kanyakumari, Tamilnadu-629851. 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. Suneeth Ben, Principal
Respondent by	Regional Director, SRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Ruben College of Education, 45/2, Thadikkarankonam, Thovalai, Kanyakumari, Tamilnadu-629851 dated 28.03.2022 filed under Section 17 of NCTE Act, 1993 against the Order No. F.SRO/NCTE/APS09171/M.Ed./TN/2022/130723 dated 14.03.2022 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that: - “The institution was issued a Final Show Cause Notice (FSCN). The institution failed in submission of its reply with all relevant documents asked under Final Show Cause Notice dated 31.08.2021 till date.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. S. Suneeth Ben, Principal of Ruben College of Education, 45/2, Thadikkarankonam, Thovalai, Kanyakumari, Tamilnadu-629851 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal Memoranda it is submitted that:

- "(i). That the SRC vide its order dated 14th March, 2022 has withdrawn our recognition observing deficiencies which were already clarified / ratified by our institution. The withdrawal order is enclosed herewith as ENCLOSURE 1. (ii). That in order to appreciate various contentions and averments being raised hereinafter by the Appellant, it is necessary to state the following few relevant facts in brief. (iii). That SRC NCTE vide its order dated 20/10/2008 has granted recognition to the appellant institution for running the M.Ed. course in the appellant institution with annual intake of 25 students and revised provisional recognition order was issued on 22/5/2015 for 50 students. A True Copy of the Recognition Order is being enclosed as ENCLOSURE 2. (iv). That it is submitted that firstly the SRC issued a Show Cause notice dated 21.09.2020 and accordingly the institution responded to the reply dated 07.12.2020. A True Copy of the Show cause Notice dated 21.09.2020 is being enclosed as ENCLOSURE 3 and True Copy of the Reply dated 07.12.2020 is being enclosed as ENCLOSURE 4. (v). That it is submitted that the SRC failed to consider the reply submitted by the institution. (vi). That it is submitted that the SRC issued a final cause notice dated 31.08.2021 and accordingly the institution responded to the reply dated 13/09/2021. A True Copy of the Final Show cause Notice dated 31/08/2021 is being enclosed as ENCLOSURE 5 and True Copy of the Reply dated 13/09/2021 is being enclosed as ENCLOSURE 6. (vii). That it is submitted that despite of the submission of all the documents the SRC decided to withdraw the recognition observing the following deficiencies: 1. The institution has not submitted notarized copy of land document of English Translation. 2. The institution has not submitted notarized copy of Land Use Certificate with land area. 3. The institution has not submitted notarized copy of Non - Encumbrance Certificate of English Translation. 4. The institution has not submitted notarized copy of approved and readable building plan. 5. The institution has not submitted notarized copy of Building Completion Certificate neither approved by the competent nor in the prescribed format. . 6. The institution submitted notarized copy of Form A, for FDR of Rs. 5 Lakhs has been matured. The institution has not submitted original FORM A and FDRs towards another course 7. The proforma of faculty is not approved / signed by the affiliating body 8. The original affidavit has not been submitted. 9. The website of the institution is not updated. 10. The institution is required to submit latest consolidated staff list duly



approved by the Registrar of the Affiliating University. 11. The institution shall be required to submit an affidavit clearly stating status about land & building and Management. (viii). That it is submitted that institution is herein submitting the following documents to show the fact that the above deficiencies pointed out by the SRC are not correct. 1. Notarized copy of land document in Regional Language and Notarized copy of English Translation. 2. Notarized copy of Land Use Certificate with land area. 3. Notarized copy of Non – Encumbrance in Regional Language and Notarized copy of English Translation. 4. Notarized copy of approved and readable building plan. 5. Notarized copy of Building Completion Certificate approved by the competent authority in the prescribed format. 6. Notarized copy of Form A and renewed FDRs of both B.Ed. & M.Ed., courses. 7. The original affidavit clearly stating status about land & building and Management. 8. The updated screen shot of the updated website. 9. Latest consolidated staff list duly approved by the Registrar of the Affiliating University. \ Notarized copy of land document in Regional Language and Notarized copy of English Translation. Notarized copy of Land Use Certificate with land area. Notarized copy of Non – Encumbrance in Regional Language and Notarized copy of English Translation. Notarized copy of approved and readable building plan. Notarized copy of Building Completion Certificate approved by the competent authority in the prescribed format. Notarized copy of Form A and renewed FDRs of both B.Ed. & M.Ed., courses. The original affidavit clearly stating status about land & building and Management. The updated screen shot of the updated website. Latest consolidated staff list duly approved by the Registrar of the Affiliating University are being enclosed herewith as annexure 7 colly. (ix). That it is submitted that though appellant institution vide its reply letters submitted the desired documents to the SRC as asked by them vide show cause notices, however, the SRC rejected the appeal of the Appellant institution. (x). That now the appellant institution is again enclosing with its appeal, the documents which were desired by the SRC through show cause notices and submitted by the petitioner institution with its replies to the SRC. (xi). That it is submitted that the decision taken by the SRC to issue withdrawal order is totally devoid of merit and is not as per statutory provisions, as mandated under NCTE Act, 1993. (xii). That it is submitted that the petitioner institution does not lack instructional facilities required as per the NCTE norms. (xiii). That it appears that SRC proceeded in arbitrary manner without considering the documents properly. (xiv). That is submitted that thus, the withdrawal order dated 14/03/2022 of SRC is not maintainable and the appeal committee is requested to revert the decision taken by SRC and



direct the 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 M.Ed. Course with an annual intake of 25 students vide order dated 20.10.2008. Further, the enhancement of intake of 10 seats from existing 25 to 35 is permitted vide order dated 01.09.2010 from the session 2010-2011. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 22.01.2015. A provisional revised recognition order was issued on 22.05.2015 to the institution for conducting M.Ed. programme of two years duration with an annual intake of 50 students (One basic unit) from the academic session 2015-16. The recognition of the institution for M.Ed. programme was withdrawn by the SRC vide order dated 14.03.2022.

The instant matter was placed before the Appeal Committee in its 5th Meeting, 2022 held on 11.06.2022 wherein the Appeal Committee decided the following: -

“...that the appellant institution was given reasonable opportunity in the shape of final show cause notice issued on 31.08.2021 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 reply to Final Show Cause Notice with all relevant documents within the stipulated time which substantiated the removal of deficiencies to continue the recognition. The appellant during hearing submitted that they sent reply to Final Show Cause notice vide letter dated 13.09.2021 through ordinary post. On being asked by the Appeal Committee to the appellant to submit any proof of having sent the reply by post, they expressed their inability to furnish as they admitted that they do have the same in their record.

Noting the submissions and verbal arguments advanced during hearing by the appellant, the Appeal Committee observes that the appellant has not submitted of having sent the reply to SCN through post in the appeal alongwith Memoranda of Appeal. Hence, the claim of the appellant institution for submitting reply vide letter dated 13.09.2021 is not tenable.



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

The Appeal committee noted that the appellant institution was aggrieved by the appeal order dated 12.07.2022 and the appellant institution had moved to the Hon'ble Delhi High Court by the way of W.P.(C) No. 15690/2022 titled Ruben College of Education V/s National Council for Teacher Education & Anr, the Hon'ble Court vide order dated 15.11.2022 issued following directions: -

“...(i) Impugned order dated 12th July, 2022 is set-aside, and appeal before the Appellate Authority is restored;

(ii) Appellate Authority shall take into consideration subsequent developments, and in particular, the documents furnished by Petitioner along with the appeal report by Petitioner-Institute and dispose of the appeal as expeditiously as possible, but not later than three months from the date of uploading of the order, in accordance with law;

7. The Court has not expressed any view on the merits of the matter and Appellate Authority, NCTE shall examine the merits of the case uninfluenced by any of the observations made hereinabove...”

In compliance of Court order dated 15.11.2022 passed by Hon'ble Delhi High Court in W.P.(C) No. 15690/2022 titled Ruben College of Education V/s National Council for Teacher Education & Anr, the Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12.12.2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of land document in Regional Language and Notarized copy of English Translation.
- (ii) A copy of Land Use Certificate with land area.
- (iii) A copy of Non – Encumbrance in Regional Language and Notarized copy of English Translation.
- (iv) A copy of approved and readable building plan.
- (v) A copy of Building Completion Certificate approved by the competent authority in the prescribed format.
- (vi) A copy of Form A and renewed FDRs of M.Ed., courses.
- (vii) The original affidavit clearly stating status about land & building and Management.
- (viii) The updated screen shot of the updated website.
- (ix) A copy of staff list duly approved by the Registrar of the Affiliating University.



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

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

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

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

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

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

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



IV. DECISION: -

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

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Ruben College of Education, 45/2, Thadikkarankonam, Thovalai, Kanyakumari, Tamilnadu-629851**
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: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**89-58/E-243697/2022 Appeal/10th Meeting, 2022
APPLSRC202214288**

Chand Bi Bi College of Education for Women, 5-470/15/71/D/1, Gulbarga, Near Ring Road, Gunj, Karnataka-585104. 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 the institution
Respondent by	Regional Director, SRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Chand Bi Bi College of Education for Women, 5-470/15/71/D/1, Gulbarga, Near Ring Road, Gunj, Karnataka-585104 dated 18.02.2022 filed under Section 17 of NCTE Act, 1993 against the Order No. F.SRO/NCTE/AOSO0073/B.Ed./{KA}/2021/129846 dated 07.01.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that: - “The institution was issued a Final Show Cause Notice on 30.11.2019. The institution failed to submit reply to the Final Show Cause Notice (FSCN).”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of Chand Bi Bi College of Education for Women, 5-470/15/71/D/1, Gulbarga, Near Ring Road, Gunj, Karnataka-585104 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal Memoranda it is submitted that: - "(i). The institution is submitting a notarized copy of land documents. (ii). The institution is submitting a copy of building plan with sizes as per NCTE Norms approved by the Secretary Gram Panchayat at KAPNOOR competent authority and the copy is notarized. (iii). The institution is submitting a copy of staff list which is approved by the Registrar Karnataka State AKKAMAHADIVI WOMENS UNIVERSITY Vijayapura. Of the affiliating university. The staff list (16) is appropriate for 02 units as prescribed by NCTE. The institution is submitting a bank statement of last 02 months of 06 staffs who are drawing a consolidated salary and earlier the staff were given salaries through cash. In future the salaries will be given through bank. The other 10 staff are under govt. aided and are drawing salaries directly credited by the RBI in personal accounts. Copies of HRMS Enclosed. (iv). In a building plan a well-built multipurpose hall available with an area of 2048 square feet in ground floor. (v). FDRs details submitted towards Endowment and Reserve Funds in Form 'A' under prescribed format. (vi). The information of the college are uploaded as the website is functional as prescribed by NCTE. (vii). Documents related to registration and byelaws of trust are submitting. (viii). An approved staff list of 16 members duly signs by the Registrar Karnataka State Akkamahadevi Womens University Vijayapura. With notarized. (ix). An affidavit stating the status about land and building and management at the time of recognition and its present status 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 Secondary (B.Ed.) Course with an annual intake of 100 students vide order dated 17.01.2002. Thereafter, promulgation of NCTE Regulations, 2014 the institution consented to come under new Regulations vide a notarized affidavit dated 21.01.2015. A provisional revised recognition order was issued on 16.05.2015 to the institution for conducting B.Ed. programme



of two years duration with an annual intake of 100 students (Two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 07.01.2022.

The Appeal Committee noted that the matter was placed before the Appellate Committee in its 4th Meeting, 2022 wherein it was decided that: -

“...that the recognition of the appellant institution was withdrawn by SRC vide impugned withdrawal order dated 07.01.2022 on the ground of non-submitting reply to Final Show Cause Notice dated 30.11.2019 whereas the appellant has stated in the appeal that they had submitted reply to said FSCN by letter dated 7.12.2021 through Speed Post. As evidence of having sent reply/letter to SRC for the said Show Cause Notice, the appellant has furnished a copy of the Speed Post receipt dated 7.12.2021 in the appeal alongwith memoranda of Appeal.

In view of the above submission, the Appeal Committee interinely decided to seek clarification from SRO as to whether the aforementioned reply was received in SRO or not. A copy of letter dated 7.12.2021 alongwith Speed Post Receipt dated 7.12.2021 may be forwarded to SRO for verification. The SRO may be requested to furnish the clarification in a time bound manner so that the instant appeal may be disposed of within the prescribed time limit.

Appeal Committee further decided to reserve its final decision on the appeal and defer the matter to the ensuing Appeal Committee Meeting till the clarification is received from SRO.

The matter was again placed before the Appellate Committee again in its 5th Meeting, 2022 held on 11.06.2022 wherein the Committee noted the following:-

“...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 08.06.2022 has informed that *“the reply dated 7.12.2021 has not been received in hard form by the SRC. Non-filing of reply to final show cause notice the SRC has no other alternative except to withdraw the recognition and accordingly the withdrawal order dated 07.1.2022 has been issued by SRC”*.

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 appellant institution moved to the Hon'ble Delhi High Court by the way of W.P.(C) No. 11788/2022 titled Chand Bi Bi College of Education for Women V/s National Council for



Teacher Education & Anr, the Hon'ble Court vide order dated 08.08.2022 issued following directions: -

"...5. Considering the fore going, the impugned order of the Appellate Authority dated 12th July, 2022 is quashed. The matter is now remanded back to the Appellate Authority for fresh consideration. Counsel for Petitioner-College states that no additional documents are required to be placed before the Appellate Authority. Accordingly, it is ordered that the Appellate Authority shall take into consideration the documents already placed before them and take a fresh decision thereon, within a period of four weeks from today, in accordance with law. It is therefore, clarified that the Petitioner-College shall be entitled to participate and admit students in respect of the academic session 2022-23. Respondents are directed to update the status of Petitioner-College on their website within a period of one week from today and send an intimation in respect thereof to the concerned affiliating university within the same timelines..."

In compliance of Court order dated 08.08.2022 passed by Hon'ble Delhi High Court in W.P.(C) No. 11788/2022 titled Chand Bi Bi College of Education for Women V/s National Council for Teacher Education & Anr, the Appeal Committee considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal and observed that the appeal of the institution is still deficient on the following points: -

- (i) The built-up area shown in the building plan is only 3120 sq. ft. which is not adequate. As per provisions of the NCTE Regulations, 2014 and norms and standards made thereunder, the minimum required built up area required is 2000 Sq. Meters for running 2 units of B.Ed. programme.
- (ii) The institution submitted a notarised copy of land documents dated 26th June, 1989 which is in favour of Md. Ashfaq Ahmed Chulbul. It is neither in the name of society/institution as per provisions 8 (4) (iii) of NCTE Regulation 2014. However, the institution has submitted another land documents as Memorandum of Gift dated 19th January, 2006 in the name of the Trust of the institution whereas the recognition was granted in 2002.
- (iii) The Non-Encumbrance certificate dated 20.06.2016 is in favour of Md. Ashfaq Chulbul which is not acceptable
- (iv) The submitted staff list shows that the all the faculty Members was appointment before 9th June, 2017 and the same was approved on 20.11.2021. The proof regarding disbursement of salary of the teaching and non-teaching staff, whether it is being paid through cheque/online payment has also not been submitted.



Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 07.01.2022 issued by SRC is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 07.01.2022 issued by SRC is confirmed.

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Chand Bi Bi College of Education for Women, 5-470/15/71/D/1, Gulbarga, Near Ring Road, Gunj, Karnataka-585104**
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: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**89-124/E-158939/2020 Appeal/10th Meeting, 2022
APPLERC202013662**

Government College of Physical Education for Women, Dinhata, LR4958, Baro Nachina, Dinhata Road, Cooch Behar, West Bengal-736135. 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. Swapna Ray Barma, Representative of the institution
Respondent by	Regional Director, ERC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OFS OF WITHDRAWAL

The appeal of **Government College of Physical Education for Women, Dinhata, LR4958, Baro Nachina, Dinhata Road, Cooch Behar, West Bengal-736135** dated 13.05.2020 filed under Section 17 of NCTE Act, 1993 against the Order No. **F.No.ER-280.13/APE00650/B.P.ED./2020/62567** dated 03.03.2020 of the Eastern Regional Committee, withdrawing recognition for conducting B.P.Ed. Course on the grounds that:- “(i). No reply has been received against the final show cause notice issued on 18.01.2019.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Swapna Ray Barma, Representative of Government College of Physical Education for Women, Dinhata, LR4958, Baro Nachina, Dinhata Road, Cooch Behar, West Bengal-736135 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal Memoranda it is submitted that: - "With due respect, I informing to you that I have received the show cause letter on 12/03/2020 from your good office and sent the reply by mail on 13th March, 2020 at 4.56 p.m. and also sent the speed post on 12/03/2020. I also informed to you that the letter vide memo no. ERC/265.14(1).113/APE00650/B.P.Ed./2019 /59025 dated 18/01/2019 received on 29/01/2019. But we don't send the reply within stipulated time because we receive the building completion certificate from the Executive Engineer, Cooch Behar Division, Cooch Behar on 18.02.2019 and sent the reply by mail (erc@ncte-india.org) on 23rd February, 2019 on 1.10 p.m. So, under the above circumstance, earnest request to you please kindly consider the matter and do the needful action."

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 50 students vide order dated 04.07.2007. A provisional revised recognition order was issued on 29.05.2015 with an annual intake of 100 students (Two basic units) from the academic session 2015-16. The recognition of the institution for B.P.Ed. programme was withdrawn by the ERC vide order dated 03.03.2020.

The instant matter was placed before the Appeal Authority in its 17th Meeting, 2020 held on 01.09.2020 wherein the Appeal Committee decided the following: -

"The institution was issued a show cause notice dated 18.01.2019 in sequence to an earlier notice dated 20.04.2018 institution was required to submit (a) faculty list approved by Affiliating Body. (b) Approved building plan. (c) Building Completion Certificate (d) FDRs (e) Print out of website.



The Appellant has submitted copies of (i). Building Plan (ii). BCC (iii). Faculty list which, it appears, were sent to ERC after issue of impugned order of withdrawal. Appellant institution being a Government College is not required to submit Fixed Deposit Receipt on account of Endowment and Reserve Fund. On perusal of documents submitted with Appeal Memoranda it is noticed that the faculty list contains one Associate Professor and 3 Assistant Professors. The list is not approved by Affiliating University. Building Completion Certificate submitted does not indicate the built-up area. The Appeal Committee noted that appellant institution has been conducting B.P.Ed. programme with depleted academic faculty and also has not made efforts to reply to the Show Cause Notices issued by ERC. Appeal Committee, therefore, decided to confirm the impugned order of withdrawal dated 03.03.2020. After perusal of the memoranda of appeal, affidavit, documents on record and oral arguments advanced during online hearing, Appeal Committee concluded to confirm the impugned order of withdrawal dated 03.03.2020."

The appellant institution moved to the Hon'ble Calcutta High Court by the way of WPA 2922/2022 titled Government College of Physical Education for Women, Dinhata V/s National Council for Teacher Education & Anr, the Hon'ble Court vide order dated 22.11.2022 issued following directions: -

"...In so far as the impugned decision of the Respondent No.1 is concerned dated October 11, 2022 read with October 19, 2022, in addition to the charges mentioned in the show cause notice as discussed above, the Respondent No.1 had proceeded on the third charge, namely, non-appointment of Principal at the College, it is in clear violation of the elementary principle of natural justice, since such charge was not mentioned in the show cause notice and the petitioner did not have any opportunity to deal with the same and hence no decision could have been taken on the basis of such third new charge, suo motu, by the authority.

On this score the impugned decision of the Respondent No. 1 dated October 11, 2022 read with October 19, 2022 in so far as the decision relates to non-appointment of Principal is concerned stands set aside and quashed.

In so far as the rest of the two charges mentioned in the show cause notices, were dealt with by the petitioner were subjected before the Appellate Authority and the Respondent No.1, for the reasons discussed above, the decision of the Appellate Authority dated September 29, 2020 Annexure P11 to the writ petition and the impugned decision of the Respondent No.1 in synk therewith dated October 11, 2022 Annexure P17 and the relevant extract at page 157 to the writ petition alongwith any further or other decision or decisions taken by the Respondent Nos. 1 to 3 in terms of the said decision of the Respondent No.1 dated October 11, 2022 stands set aside and quashed.

However, the Appellate Authority shall re-visit the issues without any fetter and strictly in accordance with law and also without being influenced by any observations made by this Court in this order, on the basis of the existing materials before it and also on the existing materials submitted with the Respondent Nos. 1 to 3 by the petitioner.



The petitioner will be at liberty to participate in the physical hearing before the Appellate Authority as also before the Respondent No.1, if necessary, at any stage and they shall also be at liberty to produce all the relevant materials and documents which have already been produced by them either before the Appellate Forum or before the Respondent Nos. 1 to 3 already existing on records in physical form.

It is made clear that the petitioner shall be heard by the Statutory appellate authority subject to compliance of all the formalities and regulation required for this purpose and the Appellate Authority shall give at least fifteen days prior hearing notice to the petitioner.

It is made clear that this order shall not preclude the Respondent No.1 from taking any step or further steps strictly in accordance with law.

The Appellate Authority shall conclude the proceeding and arrive at a reasonable conclusion thereof and pass its reasoned order in accordance with law, positively, within a period of six weeks from the first date of hearing to be fixed by the Appellate Authority..."

In compliance of Court order dated 22.11.2022 passed by Hon'ble Calcutta High Court in WPA No. 2922/2022 titled Government College of Physical Education for Women, Dinhata V/s National Council for Teacher Education & Anr, the Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12.12.2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) The institution has submitted faculty list of 01 Associate Professor + 5 Assistant Professors full time and 5 part time faculty.

As far as appointment of Principle is concerned, the Committee noted that the earlier decision taken by the Appeal Committee w.r.t to appointment of Principle has been set-aside by the Hon'ble High Court. The institution is required to appoint faculty for B.P.Ed. which are as under: -



5.1 Academic Faculty

- (i) Number (for a basic unit of one hundred students):
- | | | |
|-------------------------|---|-----------------------------|
| 1. Principal | : | One |
| 2. Associate Professors | : | Two |
| 3. Assistant Professors | : | Six |
| 4. Assistant Professors | : | Three (Part Time) if needed |
| 5. Sports Trainers | : | Three (Part Time) |
| 6. Yoga Trainer | : | One (Part Time) |
| 7. Dietician | : | One (Part Time) |
- (ii) For an additional intake of one hundred students, the number of full-time teacher educators shall be increased by eight Lecturers/Assistant Professors in physical education.
- (iii) Appointment of teachers in physical education shall be such as to ensure the availability of expertise for teaching all courses/ subjects and activities related to physical education

The Committee noted that the institution has not appointed one Associate Professor and one Assistant Professor, Sports Trainers, Yoga Trainers & Dietician, which are mandatory in terms of 5.1 of appendix 7 of NCTE Regulation, 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 dated 03.03.2020 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 dated 03.03.2020 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, Government College of Physical Education for Women, Dinhata, LR4958, Baro Nachina, Dinhata Road, Cooch Behar, West Bengal-736135
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: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-249/E-277969/2022 Appeal/10th Meeting, 2022
APPLERC202214473**

Lilong Haoreibi College, DAG Chitha-2418, Lilong, Indo Myanmar Highway, Thoubal, Manipur-795130. 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. Md. Raheijuddin Sheikh, Principal
Respondent by	Regional Director, ERC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OF REFUSAL

The appeal of **Lilong Haoreibi College, DAG Chitha-2418, Lilong, Indo Myanmar Highway, Thoubal, Manipur-795130** dated 02.11.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE/ERC/2324202205121052/MANIPUR/2022/REJC/53** dated 14.10.2022 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “As per decision taken by ERC in its 308th Meeting, Show Cause Notice was issued to the institution on the ground that the institution is neither having a minimum accreditation of NAAC “B” nor having certificate of institutes of Eminence/Institutions of National Importance, which was the basic criteria to apply for ITEP. The institution has not submitted the

reply of the Show Cause Notice, as such, the institution does not fulfil the basic criteria to apply for ITEP. Hence, the committee decided that the application submitted by the institution for-ITEP be rejected under section 14/15 of NCTE Act, 1993.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Md. Raheijuddin Sheikh, Principal of Lilong Haoreibi College, DAG Chitha-2418, Lilong, Indo Myanmar Highway, Thoubal, Manipur-795130 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal memoranda it is submitted that “The institute has been accredited under NAAC b grade (CGPA2.39). The certificate was uploaded in the portal at the time of submission of proposal, but it was not examined or downloaded. Further, the scanned copy of the NAAC certificate was submitted at the query mail: erc@ncte-india.org as clarification of the first show cause submitted on 14/09/2022 but the mail was not acknowledged or returned till date however, the above clarification was not submitted on the portal as it has already been submitted through the mail provided for query.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The recognition of the institution for B.Ed. programme was refused by the ERC vide order dated 14.10.2022.

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th December, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned order:

- (i) A copy of accreditation of NAAC “B” having certificate of institutes of Eminence/Institutions of National Importance, which was the basic criteria to apply for ITEP.
- (ii) A copy of ITEP detailed report.

The Committee noted that refusal order was passed on the ground that the institution is neither having a minimum accreditation of NAAC “B” nor having certificate of institutes of Eminence/Institutions of National Importance, which was the basic criteria to apply for ITEP. The



institution has now submitted the required documents alongwith Memorandum of Appeal fulfilling the basis criteria to apply for ITEP.

After considering the appeal memoranda and documents submitted by the institution, the Committee decided to remand back the matter to the ERC to decide the matter a fresh.

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.

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, Lilong Haoreibi College, DAG Chitha-2418, Lilong, Indo Myanmar Highway, Thoubal, Manipur-795130**
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 Manipur.**



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

DATE: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-250/E-277972/2022 Appeal/10th Meeting, 2022
APPLWRC202214468**

Keshari Shikshan Samiti, 3428, Khokhara, Main Road, Janjgir, Jangir-Champa, Chhattisgarh-495668 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	Mr. Suresh Yadav, Representative of the institution
Respondent by	Regional Director, WRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OFS WITHDRAWAL

The appeal of Keshari Shikshan Samiti, 3428, Khokhara, Main Road, Janjgir, Jangir-Champa, Chhattisgarh-495668 dated 28.10.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No. WRC/APP920/366th/ C.G/B.Ed./2022/220485 dated 04.10.2022 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted the Building Completion Certificate in prescribed format in original issued by competent government authority indicating the total built up area, total land area and khasra no. (ii). The institution has not uploaded the necessary information on its official website. (iii). The institution has also not submitted the filled copy of the performance appraisal report.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Suresh Yadav, Representative of Keshari Shikshan Samiti, 3428, Khokhara, Main Road, Janjgir, Jangir-Champa, Chhattisgarh-495668 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal memoranda it is submitted that “(i). Because the appellant is having Building Completion Certificate in prescribed formant issued by competent Government Authority indicating the total built up area, total land area and khasra no. A copy of building completion certificate has been attached with the appeal memorandum. (ii). Because the appellant has duly uploaded the necessary information on its official website. [A copy of screen shot of the website of the appellant institution is attached with appeal memorandum]. (iii). Because the appellant/institution is well established institution and has duly filled the PAR for the academic sessions 2020-21 as is reflective from the Public Notice issued by the NCTE vide no. F.NCTE-Reg1012/11/2021-Reg.Sec.HQ dated 03.05.2022. Copy of Public Notice dated 03.05.2022 is attached with appeal memorandum.”

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 30.08.2011. A revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units) from the academic session 2015-16.

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th December, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of Building Completion Certificate issued by competent government authority indicating the total built up area, total land area and plot no. etc.
- (ii) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.
- (iii) A proof of submission of the Performance Appraisal Report.



The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 04.10.2022. The Committee, noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Western Regional Committee and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 04.10.2022 is set-aside and the Appellate Committee has decided to remand back the case to WRC for revisiting the matter.

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.



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.

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Keshari Shikshan Samiti, 3428, Khokhara, Main Road, Janjgir, Jangir-Champa, Chhattisgarh-495668**
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 Chhattisgarh.**



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

DATE: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-252/E-278473/2022 Appeal/10th Meeting, 2022
APPLSRC202214472**

Nalanda College of Teacher Education, 32, 33, Malleboinpally, Pochamma Street, Mahabub Nagar, Jadcherlla Mandal, Mahbub Nagar, Andhra Pradesh-509301. 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. K. Chandrashekar Rao, Secretary
Respondent by	Regional Director, SRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal of Nalanda College of Teacher Education, 32, 33, Malleboinpally, Pochamma Street, Mahabub Nagar, Jadcherlla Mandal, Mahbub Nagar, Andhra Pradesh-509301 dated 29.10.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APSO0260/B.Ed./AP/2021/129770 dated 31.12.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted latest faculty list duly approved by the Registrar of the Affiliating University. (ii). The institution has not submitted Form “A” issued by the Branch Manager in favour

of NCTE. (iii). The submitted photocopy of building plan don't show the area for separate toilet facilities for male and female students for staff and for PWD. (iv). The institution notarized photocopy of Land Document in regional language. English notarized translated copy of land documents not submitted by the institution. (v). The institution did not submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulation, 2014 for B.Ed. course. (vi). The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulation, 2014. (vii). 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."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. K. Chandrashekar Rao, Secretary of Nalanda College of Teacher Education, 32, 33, Malleboinpally, Pochamma Street, Mahabub Nagar, Jadcherla Mandal, Mahbub Nagar, Andhra Pradesh-509301 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal it is submitted that "(i). That the SRC vide withdrawal order dated 31.12.2021, has withdrawn our recognition for conducting B.Ed. course, observing the deficiencies which were already clarified / ratified by our institution. A copy of the order dated 31.12.2021 is enclosed as Enclosure 1. (ii). That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief. (iii). That SRC NCTE vide its order dated 03.03.2003 granted recognition to the appellant institution for running the B.Ed. course from the academic year 2002-03 with annual intake of 120 students. A copy of SRC order dated 03.03.2003 is enclosed as Enclosure 2. (iv). That subsequent to coming into force the new NCTE Regulations 2014, the SRC issued revised recognition order dated 13.05.2015 to the appellant institution for conducting the B.Ed. course with annual intake of 100 students. (v). That subsequently, appellant institution sought shifting of its premises and the SRC issued the recognition order dated 16.02.2016 to appellant institution for conducting the B.Ed. course at shifted premises. A copy of SRC order dated 16.02.2016 is enclosed as Enclosure 3. (vi). That thereafter, in view of lesser number of admissions, appellant institution submitted an application on 01.06.2016 for reduction of intake and SRC issued recognition order on 05.09.2017 granting recognition to appellant institution for running the B.Ed. course with an annual intake of 50 students from the academic session 2017-



18. A copy of SRC order dated 08.08.2017 is enclosed as Enclosure 4. (vii). That thereafter, appellant institution was functioning successfully and uninterruptedly. (viii). That thereafter, the SRC took a general decision to issue show cause notices to all institutions to observe compliances made by them. Accordingly, the SRC issued the show cause notice dated 06.03.2019. A copy of SRC show cause notice dated 06.03.2019 is enclosed as Enclosure 5 (ix). That thereafter, the appellant institution submitted its reply to the show cause notice dated 06.03.2019. (x). That thereafter, the SRC again took a general decision to issue show cause notices to all institutions to observe compliances made by them. Accordingly, SRC issued the common final show cause notice dated 21.11.2019 to all such institution. A copy of SRC show cause notice dated 21.11.2019 is enclosed as Enclosure 6. (xi). That it is submitted that the SRC issued final show cause on altogether new / different grounds, which were neither were communicated to the appellant institution earlier nor specified to appellant institution. (xii). That thereafter, the appellant institution submitted the requisite documents to SRC (through speed post on 06.12.2019) in response to the show cause notice dated 21.11.2019. A copy of the speed post receipt dated 06.12.2019 is enclosed as Enclosure 7. (xiii). That thereafter, nothing was communicated to the appellant institution. (xiv). That subsequently, in Sep. 2022, the representative of the appellant institution visited the affiliating university (Palamuru University) whereby it came to notice that the recognition of the institution has been withdrawn by the SRC. (xv). That upon visiting the website of SRC, it is found that the SRC has withdrawn recognition of our institution in its 405th meeting held on 13th -14th December 2021. A copy of minutes of 405th meeting of SRC held on 13th -14th December 2021 is enclosed as Enclosure 8. (xvi). That it is relevant to state that no formal intimation has been received by the appellant institution regarding withdrawal of recognition by the SRC. Thereafter, the appellant institution vide its letter dated nil requested the SRC to provide the formal withdrawal order. A copy of appellant's letter is enclosed as Enclosure 9. (xvii). That thereafter, the SRC provided a copy of the withdrawal order dated 31.12.2021. In the said withdrawal order, the SRC has made the following deficiencies in its 405th meeting: "1. The institution has not submitted latest faculty list duly approved by the Registrar of the affiliating University. 2. The institution has not submitted Form "A" issued by the Branch Manager in favour of NCTE. 3. The submitted photocopy of building plan don't show the area for separate toilet facilities for male and female students for staff and for PWD. 4. The institution notarized photocopy of Land Document in regional language. English notarised translated copy of land documents not submitted by the institution.



5. The institution did not submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulations, 2014 for B.Ed. course. 6. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. 7. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014.” (xviii). That so far as the deficiency pointed out at Point No.1, it is submitted that the appellant institution submitted the copy of faculty list to the SRC in reply to the final show cause notice, and the said faculty list is duly approved by the registrar of the affiliating university. A copy of faculty list approved by Registrar of the affiliating university is enclosed as Enclosure 10. (xix). That so far as the deficiency pointed out at Point No.2, it is submitted that the appellant institution submitted the copy of FDRs to the SRC in reply to the final show cause notice, and said FDRs contains the total amount of more than the required 12 Lakhs and the said FDRs are valid up to 2023 & 2025 respectively. A copy of FDRs is enclosed as Enclosure 11 (xx). That so far as the deficiency pointed out at Point No.3, it is submitted that the appellant institution submitted the copy of building plan to the SRC in reply to the final show cause notice and said building plan clearly shows the separate toilet facilities for male and female students for staff and for PWD. A copy of building plan is enclosed as Enclosure 12. (xxi). That so far as the deficiency pointed out at Point No.4, it is submitted that the appellant institution submitted the copy of land document to the SRC in reply to the final show cause notice, and now the appellant institution is placing the translated copy (English version) of the land documents with this appeal. A translated copy of land document is enclosed as Enclosure 13. (xxii). That so far as the deficiency pointed out at Point No.5, it is submitted that the appellant institution submitted the details of administrative and professional staff to the SRC in reply to the final show cause notice, and the same is again enclosed with this appeal. Details pertaining to administrative & professional staff is enclosed as Enclosure 14. (xxiii). That so far as the deficiency pointed out at Point No.6, it is submitted that the appellant institution submitted the bank statement to the SRC in reply to the final show cause notice, and the same is again enclosed with this appeal. A copy of bank statement is enclosed as Enclosure 15. (xxiv). That so far as the deficiency pointed out at Point No.7, it is submitted that the appellant institution submitted the requisite information to the SRC in reply to the final show cause notice, and the same is uploaded on the website of the appellant institution on www.nalandatti.in. (xxv). That thus, SRC has withdrawn the recognition of our institution on the wrong observations. (xxvi). That, therefore, the appellant



institution has preferred its online appeal being ID No. dated 21.10.2022 under section 18 of NCTE Act, 1993. As per procedure, the Appellant institution is submitted herewith the hardcopy of online appeal. A copy of the online appeal of the appellant institution is enclosed as Enclosure 16. (xxvii). That it is submitted that our institution does not lack anything on the basis of which, withdrawal of our institution may sustain. in order to pacify the appeal committee, the appellant institution is also enclosing with its appeal, the documents which were asked by the SRC and submitted by the appellant institution. (xxviii). 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. (xxix). That it is submitted that at one stage, the appellant institution is running with an intake of 120 students duly approved by the SRC and now appellant institution is running with a reduced annual intake of 50 students only, therefor, no question of lack of facilities or faculties in the appellant institution, arises. (xxx). That it is submitted that thus, the decision of SRC to withdraw the recognition of appellant institution, is not maintainable and the appeal committee is requested to revert the same with direction to SRC to restore 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 03.03.2003. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 23.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units 50 students each) from the academic session 2015-16. The institution was allowed shifting of premises vide order dated 16.2.2016 to Sy. No. 32, 33, Malleboinpally village, Jadecheria Mandal, Mahabubnagar District 509301, Andhra Pradesh. Subsequently on the request of the institution the intake of the institution was reduced from 2 units to 1 unit vide order dated 5.9.2017.



The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th December, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of latest faculty list duly approved by the Registrar of the Affiliating University.
- (ii) A copy of Form "A" issued by the Branch Manager, Union Bank of India towards maintenance of Endowment Fund & Reserve Fund.
- (iii) A copy of the approved building plan.
- (iv) A copy of salary disbursement to the faculty & non-teaching staff through bank account.
- (v) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Committee noted that there is delay in filing of appeal, and during the hearing of appeal, the institution has explained the delay. Institution has prayed to condone the delay on the basis of submission made by institution, the Committee decided to condone the delay, as such delay in filing of appeal is hereby condoned.

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

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

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

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

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



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

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

IV. DECISION: -

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

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Nalanda College of Teacher Education, 32, 33, Malleboinpally, Pochamma Street, Mahabub Nagar, Jadcherla Mandal, Mahbub Nagar, Andhra Pradesh-509301**
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: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-253/E-279256/2022 Appeal/10th Meeting, 2022
APPLSRC202214469**

B.S. Bugudi B.Ed. College, 83, Tandur, Chengespur, Rangareddy, Telangana- 501141. 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. B. Tulasidas, Secretary/Correspondent
Respondent by	Regional Director, SRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **B.S. Bugudi B.Ed. College, 83, Tandur, Chengespur, Rangareddy, Telangana-501141** dated 29.10.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/SRCAPP14218/B.Ed./TS/2022/135909** dated 10.10.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has submitted photocopy of faculty of 1+9 members however, the date of appointment and experience have not been mentioned in the faculty list. (ii). The institution has declared that they are not maintaining students’ attendance register. (iii). The institution has not submitted bank statement for the disbursement of salaries. (iv). The Sub-

Committee constituted by the SRC visited the institution on 27.04.2022 and they found that only 22 students were present, the faculty available at the institution are not the same who are in approved list of the University. (v). The infrastructural and instructional facilities are very poor. The functioning of the institution is not academically in congenial environment.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. B. Tulasidas, Secretary/Correspondent of B.S. Bugudi B.Ed. College, 83, Tandur, Chengespur, Rangareddy, Telangana-501141 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal memoranda it is submitted that “(i). That the SRC vide withdrawal order dated 10.10.2022, has withdrawn our recognition for conducting B.Ed. course, observing the deficiencies which were already clarified / ratified by our institution. A copy of SRC order dated 10.10.2022 is enclosed as Enclosure 1. (ii). That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief. (iii). That SRC NCTE vide its order dated 12.04.2016 granted recognition to the appellant institution for running the B.Ed. course from the academic year 2016-17 with annual intake of 50 students. A copy of SRC order dated 12.04.2016 is enclosed as Enclosure 2. (iv). That thereafter, appellant institution was functioning successfully and uninterruptedly. Thereafter, SRC conducted inspection of our institution on 27.04.2022. (v). Thereafter, SRC in its 411th meeting held on 24-24.05.2022, pursuant to which, a letter was issued to us by the SRC on 04.06.2022 and the same was replied by us vide letter dated 16.06.2022. A copy of detailed reply dated 16.06.2022 of the appellant institution is enclosed as Enclosure 3. (vi). That however, SRC in its 414th meeting held on 26-27.09.2022 considered our reply mentioning therein the following deficiencies: 1. The institution has submitted photocopy of faculty of 1+9 members however the date of appointment and experience have not been mentioned in the faculty list. 2. The institution has declared that they are not maintaining students’ attendance register. 3. The institution has not submitted bank statement for the disbursement of salaries. 4. The Sub-Committee constituted by the SRC visited the institution on 27.4.2022 and they found that only 22 students were present, the faculty available at the institution are not the same who are in approved list of the University. 5. The infrastructural and instructional facilities are very poor. The functioning of the institution is not academically in congenial environment. Hence the recognition granted to B.S. Bugudi B.Ed. College,



Plot/Khasara No.1, Tandur Village & Post, Tandur Taluk & City, Rangareddi District – 501141, Telangana for B.Ed. course is withdrawn under Section 17(1) of NCTE Act, 1993 from the academic year 2023-2024. On withdrawal of recognition, the affiliation if any granted under Clause 8(10) of NCTE Regulation, 2014 by the concerned affiliating body from the next academic session stands withdrawn. A copy of relevant minutes of SRC 414th meeting of SRC is enclosed as Enclosure 4. (vii). That thereafter, SRC issued the withdrawal order dated 10.10.2022 withdrawing recognition of our institution for conducting the B.Ed. course from the academic session 2023-2024. (viii). That so far as the deficiency pointed out at Point No.1 is concerned, it is submitted that the appellant institution had submitted the faculty list containing therein the date of appointment and experience of faculty, however, a copy of the list as submitted before the SRC, is again being submitted with this appeal for ready reference of the appeal committee, which is enclosed as Enclosure 5. (ix). That so far as the deficiency pointed out at Point No.2 is concerned, it is submitted that the appellant institution is maintaining the students' attendance register and had submitted the same to the SRC, however, a copy of the same is again being submitted with this appeal for ready reference of the appeal committee, which is enclosed as Enclosure 6. (x). That so far as the deficiency pointed out at Point No.3 is concerned, it is submitted that the appellant institution had submitted the bank statement for the disbursement of salaries, however, a copy of the bank statement as submitted before the SRC, is again being submitted with this appeal for ready reference of the appeal committee, which is enclosed as Enclosure 7. (xi). That so far as the deficiency pointed out at Point No.4 is concerned, it is submitted that the faculty available in the appellant institution is the same which has been approved by the affiliating university, which can be re-verified by the SRC and the same is also clear from the bank statement. (xii). That so far as the deficiency pointed out at Point No.5 is concerned, it is submitted that the appellant institution has adequate infrastructural and instructional facilities, which are as per the norms of NCTE Regulations, 2014 and the SRC in the year 2016, itself had granted its recognition to our institution only after ascertaining the infrastructural and instructional facilities. Further, affiliation has also been granted to our institution by the affiliating university on 30.04.2022 for running the said B.Ed. course, and the same has been granted after due verification of the documents and also the physical inspection of our institution. It is relevant to state that the affiliating university conducts inspection of an institution in the likewise manner of SRC / NCTE and grants the affiliation only after fulfilling the standards by such an institution, in consonance with norms of the SRC / NCTE and also the



State Govt. A copy of university affiliation letter dated 30.04.2022 is enclosed as Enclosure 8. (xiii). That thus, SRC has withdrawn the recognition of our institution on the wrong observations. (xiv). That, therefore, the appellant institution has preferred its online appeal being dated 29.10.2022 under section 18 of NCTE Act, 1993. As per procedure, the Appellant institution is submitted herewith the hardcopy of online appeal. A copy of the online appeal of the appellant institution is enclosed as Enclosure 9. (xv). That it is submitted that our institution does not lack anything on the basis of which, withdrawal of our institution may sustain. in order to pacify the appeal committee, the appellant institution is also enclosing with its appeal, the documents which were asked by the SRC and submitted by the appellant institution. (xvi). That it is submitted that the appellant institution is running since the year 2016 and does not lack any infrastructural and instructional facilities required as per the NCTE norms and the SRC itself have issued the recognition / revised recognition order to the appellant institution for B.Ed. course. (xvii). That it is submitted that thus, the decision of SRC to withdraw the recognition of appellant institution, is not maintainable and the appeal committee is requested to revert the same with direction to SRC to restore 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 of two years duration with an annual intake of 50 students vide order dated 12.04.2016. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 10.10.2022.

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th December, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of faculty list (1+10) members dated 04.11.2022 approved by the Registrar, Osmania University, Telangana.
- (ii) A copy of documents showing the details of infrastructural and instructional facilities created by the institution.



- (iii) A copy of register of Students' Attendance and details of bank statement regarding disbursement of salaries.

The Appeal Committee noted that in compliance of order dated 21.1.2021 passed by the Hon'ble High Court of Telangana, at Hyderabad, the inspection was conducted by the SRC alongwith Registrar of the affiliating University. The deficiencies pointed out by the Visiting Team Members w.r.t. faculty, attendance of students and disbursement of salary etc, the institution has now submitted all the requisite documents. The Appeal Committee considered all the documents submitted by the institution in Memorandum of Appeal and decided that the institution has rectified all the deficiencies as pointed out by the SRC in the withdrawal order dated 10.10.2022 and decided to remand back the matter to the SRC. The Committee noted that the document submitted in appeal vis a vis the grounds mentioned in the order of withdrawal, require to be verified by the Southern 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 10.10.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.



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

IV. DECISION: -

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

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, B.S. Bugudi B.Ed. College, 83, Tandur, Chengespur, Rangareddy, Telangana-501141**
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: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-254/E-279354/2022 Appeal/10th Meeting, 2022
APPLSRC202214475**

Amitha College of Education B.Ed., 02, Mahalakshipuram, 3 rd Main Road, Bangalore North, Bangalore, Karnataka-560086 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. Ajay Kumar, Administrative Officer
Respondent by	Regional Director, SRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal of **Amitha College of Education B.Ed., 02, Mahalakshipuram, 3rd Main Road, Bangalore North, Bangalore, Karnataka-560086** dated 06.09.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APSO2174/B.Ed./KA/2020/15815** dated 06.03.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted LUC duly approved by the competent authority. (ii). The institution has submitted Building Plan which is not approved by the competent authority not legible. (iii). The institution submitted a letter from university regarding

to the staff (1+7) which is insufficient as per NCTE Regulations, 2014. (iv). The institution has not submitted Form 'A' in respect of FDR of Rs. 12 lakhs as per NCTE Regulations."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Ajay Kumar, Administrative Officer of Amitha College of Education B.Ed., 02, Mahalakshipuram, 3rd Main Road, Bangalore North, Bangalore, Karnataka-560086 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal memoranda it is submitted that "(i). LUC submitted with signed competent authority with notarized is enclosed. (ii). Building plan with signed competent authority with notarized is enclosed. (iii). Staff Approval with signed by Competent Authority with notarized is enclosed as per NCTE Norms. (iv). Form A" of 12 lakhs 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 25.11.2004. The recognition of the institution was withdrawn by the SRC vide order dated 07.08.2014. Further, the revised order was issued to the institution vide order dated 17.02.2016 with an annual intake of 50 students. Further, a restoration order was issued to the institution vide order dated 13.07.2016 by the SRC. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 06.03.2020.

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th December, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of faculty list (1+10) members dated 23.7.2021 approved by the Registrar, Bangalore University as per provisions of the NCTE Regulations, 2014.
- (ii) A copy of Land Use Certificate (LUC) duly approved by the competent authority.
- (iii) A copy of Building Plan approved by the competent authority.
- (iv) A copy of Form 'A' in respect of FDR of Rs. 12 lakh as per NCTE Regulations.



The Committee noted that vide order dated 17.02.2016 has already been passed with respect conducting B.Ed. programme of two years duration with an annual intake of 50 students each from one basic unit from the academic session 2015-16.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 06.03.2020. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern Regional Committee and decision taken accordingly.

The Committee noted that there is delay in filing of appeal, and during the hearing of appeal, the institution has explained the delay. Institution has prayed to condone the delay on the basis of submission made by institution, the Committee decided to condone the delay, as such delay in filing of appeal is hereby condoned.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 06.03.2020 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.



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

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The 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, Amitha College of Education B.Ed., 02, Mahalakshipuram, 3rd Main Road, Bangalore North, Bangalore, Karnataka-560086
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: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-255/E-263637/2022 Appeal/10th Meeting, 2022
APPLSRC202113989**

University College of Physical Education, 52, Kalaburagi, Sedam Road, Janan Ganga, Gulbarga, Karnataka-585106 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 the institution
Respondent by	Regional Director, SRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal University College of Physical Education, 52, Kalaburagi, Sedam Road, Janan Ganga, Gulbarga, Karnataka-585106 dated 22.03.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APSO0042/KA/B.P.ED./2021/123065-3070** dated 19.01.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.P.Ed. Course on the grounds that "The institution has not responded to the Final Show Cause Notice issued on 16.10.2020."

II. SUBMISSIONS MADE BY APPELLANT: -

The representative of University College of Physical Education, 52, Kalaburagi, Sedam Road, Janan Ganga, Gulbarga, Karnataka-585106 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal memoranda it is submitted that "The Govt. of Karnataka and Gulbarga University has been closed seal down /Lockdown due To Covid-2019, therefore we are not applied for within time and also documents submitted on 30.01.2021."

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 50 students vide order dated 05.03.2002. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 16.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 29.05.2015 for conducting B.P.Ed. course of two years duration with an annual intake of 100 (two section of 50 each) from the academic session 2015-16. The recognition of the institution for B.P.Ed. programme was withdrawn by the SRC vide order dated 19.01.2021.

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th December, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of faculty list dated 30.7.2022 approved by the Registrar, Gulbarga University as per provisions of the NCTE Regulations, 2014.
- (ii) A copy approved building plan, Site Plan.
- (iii) A copy of photographs showing all infrastructure & instructional facilities

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 19.01.2021. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern 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 19.01.2021 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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



IV. DECISION: -

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

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, University College of Physical Education, 52, Kalaburagi, Sedam Road, Janan Ganga, Gulbarga, Karnataka-585106**
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: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-256/E-279567/2022 Appeal/10th Meeting, 2022
APPLSRC202214261**

Bharathi Vidyalaya College of Education, 147/1, 142/2, Nathampennai, Trichy Road, Tirugokarnam, Pudukkottai, Tamilnadu-622002. 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. Nagarjan, Representative of the institution
Respondent by	Regional Director, SRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Bharathi Vidyalaya College of Education, 147/1, 142/2, Nathampennai, Trichy Road, Tirugokarnam, Pudukkottai, Tamilnadu-622002** dated 27.01.2022 filed under Section 17 of NCTE Act, 1993 against the Order No. **F.SRO/NCTE/APS07607/B.Ed./{TN}/2021/129350** dated 01.12.2021 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. Nagarjan, Representative of Bharathi Vidyalaya College of Education, 147/1, 142/2, Nathampennai, Trichy Road, Tirugokarnam, Pudukkottai, Tamilnadu-622002 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal Memoranda it is submitted that “(i). That it is submitted that the SRC vide its order dated 30/11/2021 has withdrawn our recognition observing deficiencies which were already clarified by the institution. A True Copy of the SRC, NCTE Withdrawal Order dated 30/11/2021 is being annexed herewith and marked as Annexure 1. (ii). That in order to appreciate various contentions being raised hereinafter by the Appellant herein, it is necessary to state the following few relevant facts in brief. (iii). That it is submitted that Appellant institution submitted the application to the SRC, NCTE for starting the B.Ed. course and also submitted documents as per the NCTE Regulations. (iv). The SRC, NCTE after conducting the expert visit and verifying the Appellant infrastructural and instructional facilities vide its order issued LOI and directed the appellant to get the staff approval, etc. (v). That it is submitted that accordingly the affiliating body constituted the selection panel for the appointment of the faculties. (vi). That, accordingly, the necessary compliance was submitted by the Appellant to the SRC requesting it to issue the recognition order. (vii). That, accordingly, the SRC after scrutiny of the documents and all relevant factors granted permission vide its order dated 26/09/2007 for running the B.Ed. Course. A true copy of the recognition order dated 26/09/2007 is annexed herewith as ANNEXURE 2 (viii). That it is submitted that the NCTE issued the Revised Regulation 2014, and the institution submitted its compliance of the new Regulation. (ix). That it is submitted that the SRC, NCTE issued a revised recognition order dated 05/05/2015 to the appellant institution. A True Copy of the Revised Recognition Order dated 05/05/2015 is being annexed herewith as ANNEXURE 3. (x). That it is submitted that the SRC, NCTE issued the Show Cause Notice 20/12/2019 to the institution to submit the documents. It is submitted that the Show Cause notice has to be replied within 30 days from the receipt. A True Copy of the Show Cause Notice dated 20/12/2019 is being annexed herewith as ANNEXURE 4 (xi). That it is submitted that the institution vide its letter dated 13/09/2021 submitted the compliances along with all the documents. A True Copy of the Compliance dated 13/09/2021 is being annexed herewith as ANNEXURE 5. (xii). That it is submitted that surprisingly the SRC, NCTE without verifying the documents submitted by the institution, issued another show cause notice with reference 401st



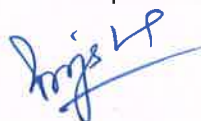
minutes of the meeting & SRC NCTE dated:11,12, August 2021 and the same is annexed. ANNEXURE 6. (xiii). That it is submitted that the SRC, NCTE vide its withdrawal order dated 30/11/2021 withdrew the recognition of the Appellant institution on the grounds without giving any opportunity to the institution. (xiv). That it is submitted that the SRC vide its order dated 30/11/2021 withdrew the recognition of the Appellant Institution pointing out certain other point also which was not a part of show cause notice and Appellant had no opportunity to justify. (xv). That it is submitted that the withdrawal order of the SRC totally devoid of the merit and is not as per the statutory provisions as mandated under NCTE Act, 1993. (xvi). That there has been delay on the part of the institution in filing the appeal is because of the lockdown due to the pandemic COVID 19. Kindly condone the delay in interest of justice. (xvii). That it is submitted that the Appellant herein is producing all the documents before the Appeal Committee. (xviii). That it is submitted that it appears that SRC, NCTE proceeded in arbitrary manner without considering the documents proper.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 26.09.2007. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 19.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 05.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units) from the academic session 2015-16.

The Appeal Committee considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal and observed that the appeal of the institution is still deficient on the following points: -

- (i) The Appeal Committee noted that submitted Building Completion Certificate is not clear whether the institution is possessing the adequate built-up area or not as it is mentioned in sq.mt. or sq. feet.
- (ii) The institution has not submitted a copy of approved building plan.
- (iii) The submitted staff list shows that the faculty was appointment before 9th June, 2017 and the same was approved in the year 2021. The proof regarding disbursement of salary of the



teaching and non-teaching staff, whether it is being paid through cheque/online payment has also not been submitted.

- (iv) The institution has not submitted certified/notarised copies of the actual land documents etc., hence the same is not acceptable since all these documents are photocopy and merely photocopy cannot be relied.

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 SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 01.12.2021 issued by SRC is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 01.12.2021 issued by SRC is confirmed.

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Bharathi Vidyalaya College of Education, 147/1, 142/2, Nathampennai, Trichy Road, Tirugokarnam, Pudukkottai, Tamilnadu-622002**
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: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-258/E-280879/2022 Appeal/10th Meeting, 2022
APPLSRC202214464**

St. Marys College of Education, 174, Garividi at Cheepurupalli, Rajam Road, Vizianagaram, Andhra Pradesh-535128 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. K. Rajkumar, Secretary/ Correspondent
Respondent by	Regional Director, SRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal of **St. Marys College of Education, 174, Garividi at Cheepurupalli, Rajam Road, Vizianagaram, Andhra Pradesh-535128** dated 23.09.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO0263/B.Ed./AP/2022/132969-132973** dated 25.07.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution failed to submit reply to the Final Show Cause Notice dated 11.01.2021.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. K. Rajkumar, Secretary/Correspondent of St. Marys College of Education, 174, Garividi at Cheepurupalli, Rajam Road, Vizianagaram, Andhra Pradesh-535128 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal memoranda it is submitted that "We humbly submit that we have not received first show cause notice on 08-11-2019 sent by you. The final show cause notice was received by our college on 22-01-2021. We have sent the reply through registered post and courier service in time. But on 05-07-2022 and 06-07-2022 minutes of 412th meeting in NCTE portal. We found that our reply to the show cause notice was not received in time. Delivery of reply to the show cause notice might have been delayed by postal transaction due to covid-19. Therefore, we request you to kindly consider our case sympathetically and grant recognition from the academic year 2023-2024, for which act of kindness we will be ever grateful to you sir."

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 120 students vide order dated 03.03.2003. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 27.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 11.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units) from the academic session 2015-16.

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th December, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of faculty list (1+15) members dated 21.01.2022 approved by the Registrar, Andhra University, as per provisions of the NCTE Regulations, 2014.
- (ii) A copy of land documents, approved building plan, Building Completion Certificate and Non-Encumbrance Certificate (NEC) etc.
- (iii) A proof of speed post showing sending the reply towards Final Show Cause Notice.
- (iv) A copy of Form 'A' along with FDRs receipt issued by Andhra Bank.



The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 25.07.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern 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 25.07.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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



IV. DECISION: -

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

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, St. Marys College of Education, 174, Garividi at Cheepurupalli, Rajam Road, Vizianagaram, Andhra Pradesh-535128**
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: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-260/E-281319/2022 Appeal/10th Meeting, 2022
APPLSRC202214476**

Sri Siddartha D.El.Ed. College, 122/2, Huchhagondana Halli, B.H. Road, Kotenayakana Halli, Tiptur, Tumkur, Karnataka- 572202. 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. Nanjudappa B., Administrative Officer
Respondent by	Regional Director, SRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Sri Siddartha D.El.Ed. College, 122/2, Huchhagondana Halli, B.H. Road, Kotenayakana Halli, Tiptur, Tumkur, Karnataka-572202 dated 09.11.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRC/NCTE/APSO3459/D.Ed./KA/2022/134531 dated 05.09.2022 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “(i). Built up area shown by the institution for running the institution is 10507 sq. ft. which is not sufficient to run D.Ed. programme as per NCTE Regulation,

2014. (ii). The institution has submitted proforma showing staff list of 1 Principal and four teaching faculty members only which is also not approved by affiliating body. (iii). The institution has not submitted English translated version of the land documents. (iv). Multipurpose hall area is not shown in BCC.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Nanjudappa B., Administrative Officer of Sri Siddhartha D.El.Ed. College, 122/2, Huchhagondana Halli, B.H. Road, Kotenayakana Halli, Tiptur, Tumkur, Karnataka-572202 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal memoranda it is submitted that “(i). We have taken stringent action to build the additional building, it will be completed by March 2024. (ii). D.El.Ed. college affiliating body is director D.S.E.R.T. Bangalore, Karnataka staff list approved by director D.S.E.R.T Bangalore is produced. (iii). English version of the land documents is produced. (iv). It is clearly visible in the blueprint of existing Building plan.”

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 D.El.Ed. Course with an annual intake of 60 students vide order dated 12.08.1998. The recognition of the institution for D.El.Ed. programme was withdrawn by the SRC vide order dated 05.09.2022.

The Appeal Committee in its 10th meeting held on 12.12.2022 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution has not submitted a copy of Building Completion Certificated and in Appeal Memorandum submitted that **“we have taken stringent action to build the additional building, it will be completed by March, 2024.”** This is not acceptable.

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 SRC was justified in



withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 05.09.2022 issued by SRC is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 05.09.2022 issued by SRC is confirmed.

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Sri Siddartha D.El.Ed. College, 122/2, Huchhagondana Halli, B.H. Road, Kotenayakana Halli, Tiptur, Tumkur, Karnataka-572202**
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: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-261/E-281800/2022 Appeal/10th Meeting, 2022
APPLERC202214483

International Institute of Higher Education, 931, 932, Gajachak, Janipur, Mohammadpur, Patna, Bihar-801505 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	Mr. Tarique Haider, Secretary of the institution
Respondent by	Regional Director, ERC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OF REFUSAL

The appeal of International Institute of Higher Education, 931, 932, Gajachak, Janipur, Mohammadpur, Patna, Bihar-801505 dated 23.11.2022 filed under Section 18 of NCTE Act, 1993 is against the Order **ERC/255.12.2/9295/D.El.Ed./ERCAPP201646376/2018/57021** dated 17.05.2018 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that “(i). VT constituted online with the schedule from 23.04.2018 to 13.05.2018. (ii). The VT expert viz. Dr. Raj Kumar Yadav vide email dated 16.04.2018 informed that the institution is not ready for inspection of present and requested for

conduct of inspection after two or three months. (iii). As per NCTE Regulation 2014, inspection of the institution shall not be conducted as per the consent of the institution.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Tarique Haider, Secretary of International Institute of Higher Education, 931, 932, Gajachak, Janipur, Mohammadpur, Patna, Bihar-801505 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal memoranda it is submitted that “The secretary of the college on 03/04/2017 made an application there in to hold the inspection for a while because her mother is suffering from severe cardiac attack. The secretary wrote the mail to NCTE ERC regarding this issue. It is pertinent to state here that the management has made a huge investment in creating infrastructural and instructional facilities of the college. Therefore, I would request you to order for inspection of the college and decide the merit on this.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution had submitted an application to the Eastern Regional Committee for grant of recognition for seeking permission for running the D.El.Ed. course on 11.06.2016. The recognition of the institution for D.El.Ed. programme was refused by the ERC vide order dated 17.05.2018.

The Appeal Committee noted that the application of the institution for D.El.Ed. programme was refused vide order dated 17.05.2018 and since then the institution has not been granted recognition. The Committee further noted that General Body of the NCTE in its 55th meeting held on 14.07.2022 *inter-alia* has taken a following policy decision that the applications pending before the Regional Committees of NCTE shall not be processed further:-

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 has 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 17.05.2018 refusing recognition for D.El.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 17.05.2018 of ERC is confirmed.

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, International Institute of Higher Education, 931, 932, Gajachak, Janipur, Mohammadpur, Patna, Bihar-801505**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**
3. **Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Bihar.**



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

DATE: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-262/E-281803/2022 Appeal/10th Meeting, 2022
APPLERC202214482**

National Institute of Higher Education, 931, 932, Gajachak, Janipur, Mohammadpur, Patna, Bihar-801505 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	Mr. Tarique Haider, Secretary of the institution
Respondent by	Regional Director, ERC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OF REFUSAL

The appeal of **National Institute of Higher Education, 931, 932, Gajachak, Janipur, Mohammadpur, Patna, Bihar-801505** dated 23.11.2022 filed under Section 18 of NCTE Act, 1993 is against the Order **ERC/260.12(i).1/ERCAPP201646382 (ID No. 9336)/B.Ed./2018/57893** dated 11.09.2018 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “(i). VT constituted online with the schedule from 23.02.2018 to 15.03.2018. (ii). The VT expert viz. Dr. R. Ananthan and Dr. Kadarala Laxmiprasad vide their emails dated 07.08.2018 informed that the institution is not ready for inspection. (iii). As per NCTE Regulation 2014, inspection of the institution shall not be conducted as per the consent of the

institution. (iv). Further, recognition to D.El.Ed. Course in respect of another application (ERCAPP201646376) of the said institution was refused vide order dated 17.05.2018 as decided in 255th ERC meeting, hence the application for B.Ed. Course comes under the category of standalone institution, which is not permissible as per NCTE Regulation, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Tarique Haider, Secretary of National Institute of Higher Education, 931, 932, Gajachak, Janipur, Mohammadpur, Patna, Bihar-801505 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal memoranda it is submitted that “The secretary of the college on 03/04/2017 made an application there in to hold the inspection for a while because her mother is suffering from severe cardiac attack. The secretary wrote the mail to NCTE ERC regarding this issue. It is pertinent to state here that the management has made a huge investment in creating infrastructural and instructional facilities of the college. Therefore, I would request you to order for inspection of the college and decide the merit on this.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution had submitted an application to the Eastern Regional Committee for grant of recognition for seeking permission for running the B.Ed. course on 11.06.2016. The recognition of the institution for B.Ed. programme was refused by the ERC vide order dated 11.09.2018.

The Appeal Committee noted that the application of the institution for B.Ed. programme was refused vide order dated 11.9.2018 and since then the institution has not been granted recognition. The Committee further noted that General Body of the NCTE in its 55th meeting held on 14.07.2022 *inter-alia* has taken a following policy decision that the applications pending before the Regional Committees of NCTE shall not be processed further: -



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 has 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 11.09.2018 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 11.09.2018 of ERC is confirmed.

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, National Institute of Higher Education, 931, 932, Gajachak, Janipur, Mohammadpur, Patna, Bihar-801505**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**
3. **Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Bihar.**



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

DATE: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-263/E-282312/2022 Appeal/10th Meeting, 2022
APPLWRC202214484**

Jhalod Vidya Samaj Trust (Jamuben Kantilal Desai B.Ed. College), 165, Jhalod, Dahod Road, Dohad, Gujarat-389170 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	Dr. Ashish Modi, Representative of the institution
Respondent by	Regional Director, WRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Jhalod Vidya Samaj Trust (Jamuben Kantilal Desai B.Ed. College), 165, Jhalod, Dahod Road, Dohad, Gujarat-389170 dated 24.11.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW00196/323103/371st/2022/220581 dated 11.10.2022 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). Initial recognition was granted to B.Ed. course of one year dated 24.07.2003. (ii). Revised order was issued for B.Ed. course of two years dated 31.05.2015. (iii). In the matter of compliance of revised recognition in light of NCTE Regulations, 2014, 1st Show Cause Notice issued dated 24.08.2016. (iv). Final show cause notice dated 13.08.2020. (v). The

Signs

institution has not submitted reply of final show cause notice. (vi). The institution is still deficient on the grounds mentioned in the final show cause notice dated 13.08.2020. (vii). The institution has also not submitted Performance Appraisal Report (PAR) for the academic session 2020-2021."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Ashish Modi, Representative of Jhalod Vidya Samaj Trust (Jamuben Kantilal Desai B.Ed. College), 165, Jhalod, Dahod Road, Dohad, Gujarat-389170 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal Memoranda it is submitted that "(i). The letter had, infect, not received any show cause notice dated 24.08.2016 issued by WRC. It had come to our knowledge only through the Final Show Cause Notice, dated 13.08.2020. It may kindly be noted that we are not in receipt of any letter dated 24.08.2016 from WRC. We received the letter we would have definitely replied to that. (ii). The institution had received the final show cause notice dated 13.08.2020 on 21.08.2020. and in response to the final show cause notice the institution had sent its detailed reply through its letter no. 20/2020-21 along with all the requisite documents by speed post on 09.09.2020. The copy of the reply along with the photocopy of the speed post receipt is attached for your reference as Annexure A. (iii). The institution had already submitted the performance appraisal report (PAR) online (PAR Code: P2021010822) on 11.03.2022 along with all the requisite details and the prescribed fees of Rs. 15000/- via transaction ID: p2021010822b29c5580ada6d1684619 and the transaction ref. no.: 220311115676636. The printed copy of the online submitted PAR alongwith the copy of your notification No. 1384 whereby it is stated that our institution has submitted the performance appraisal report are annexed as annexure b. It may please be noted that Jhalod Vidya Samaj trust is the managing trust which has been running the B.Ed. college at Jhalod with the name as Jamuben Kantilal Desai B.Ed. college. Hence, all the communication with the NCTE has been done by us in the name of Jamuben Kantilal Desai B.Ed. college. (iv). Immediately after receiving the original Fixed Deposit Receipt of Endowment Fund of Rs. 5,00,000/- and reserve fund of Rs. 3,00,000/- for renewal from you, the institution had renewed the FDRs and the original receipts of the duly renewed FDRs, no. 470101 and 470102 were sent to your office, along with the Form 'A' duly signed by the bank authority, on 03.02.2021. The copy of the same is annexed as annexure c."



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 24.07.2003. A revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units of 50 students each) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 11.10.2022.

The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th December, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of proof of submission of Performance Appraisal Report.
- (ii) A copy of speed post receipt as a proof for submission of reply to Final Show Cause Notice.
- (iii) A copy of detailed reply submitted by the institution in response to Final Show Cause Notice etc.

The Committee noted that the recognition was withdrawn on one of the ground about non-submission of PAR by the institution. The Committee on perusal of the Appeal Memorandum found that the institution has filled the PAR.

The Appeal Committee noted that the institution vide letter dated 08.08.2020 submitted a request for reduction of intake from 2 unit to 1 unit. Accordingly, the Appeal Committee decided that the institution shall file a representation before the Western Regional Committee (WRC) in this regard and the WRC is directed to scrutinize the representation along with requisite documents. The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 11.10.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Regional Committee and decision taken accordingly.



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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 11.10.2022 is set-aside and the Appellate Committee has decided to remand back the case to WRC for revisiting the matter.

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.



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.

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Jhalod Vidya Samaj Trust (Jamuben Kantilal Desai B.Ed. College), 165, Jhalod, Dahod Road, Dohad, Gujarat-389170**
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: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-264/E-282310/2022 Appeal/10th Meeting, 2022
APPLWRC202214485**

Kaushalya Devi Girls B.Ed. College, 1,2,3, Deeg, Saharai Road, Bharatpur, Rajasthan-321203 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	Representative of the institution
Respondent by	Regional Director, WRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OF REFUSAL

The appeal of Kaushalya Devi Girls B.Ed. College, 1,2,3, Deeg, Saharai Road, Bharatpur, Rajasthan-321203 dated 25.11.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No.WRC/NRCAPP-12607/364th/B.Ed./NCTE/2022/220366 dated 30.09.2022 of the Western Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “(i). Show Cause Notice was issued to the institution vide letter dt. 29.03.2022. (ii). Institution has submitted reply vide letter dt. 25.04.2022 received in WRC on 25.05.2022. (iii). Proof of submission of initial application to NRC in original, self-attested not submitted. (iv). Proof of rejection of initial application. (v). Proof of payment of processing fee at

the time of initial application, self-attested (photocopy of DD/Bank Statement/Certificate from Bank etc.) not submitted. (vi). Land was registered after the making of application.”

II. SUBMISSIONS MADE BY APPELLANT: -

The representative of Kaushalya Devi Girls B.Ed. College, 1,2,3, Deeg, Saharai Road, Bharatpur, Rajasthan-321203 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal memoranda it is submitted that “(i). Cancel the refusal order and conduct VT for inspection for B.Ed. course. (ii). Proof of submission of initial application to NRC has been submitted alongwith the reply of the Show Cause Notice. However, that has not been considered. The same will be shown to the Appeal Committee at the time of hearing. (iii). Proof of submission rejection of the initial application has been submitted alongwith the reply to the show cause notice. However, that was ignored while considering the case. (iv). Proof of processing of application fee at the time of initial application has been submitted but that was not considered, and the application was rejected on these grounds. (v). Land was initially a paternal property which was in herded from ancestors. The land was gifted to the society initially. The same was subsequently got registered as the regulation 2005 was not very explicit in so far as the possession of land is concerned.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution had submitted an application to the Western Regional Committee for grant of recognition for seeking permission for running the B.Ed. course on 27.10.2008. The recognition of the institution for B.Ed. programme was refused by the WRC vide order dated 30.09.2022.

The Appeal Committee noted that the application of the institution for B.Ed. programme was refused vide order dated 30.09.2022 and since then the institution has not been granted recognition. The Committee further noted that General Body of the NCTE in its 55th meeting held on 14.07.2022 *inter-alia* has taken a following policy decision that the applications pending before the Regional Committees of NCTE shall not be processed further: -



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 has 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 WRC dated 30.09.2022 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 30.09.2022 of WRC is confirmed.

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



Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Kaushalya Devi Girls B.Ed. College, 1,2,3, Deeg, Saharai Road, Bharatpur, Rajasthan-321203
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 Rajasthan.



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

DATE: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-265/E-282303/2022 Appeal/10th Meeting, 2022
APPLWRC202214490

Naresh Shikshak Prashikshan Mahavidyalaya, 645/587/1, Singhana, Chirawa Road, Khetri, Jhunjhunu, Rajasthan-333504	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Ishwar Chand Sharma, Representative of the institution
Respondent by	Regional Director, WRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Naresh Shikshak Prashikshan Mahavidyalaya, 645/587/1, Singhana, Chirawa Road, Khetri, Jhunjhunu, Rajasthan-333504 dated 01.12.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No.WRC/RJ-1142/370th/RJ/B.Ed./2022/221035 dated 25.11.2022 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). Original certified copy of registered land documents not submitted, instead photocopy submitted. (ii). The title of land and building has not been transferred in the name of institution as per Clause 8 (4)(iii) of NCTE Regulation, 2014. (iii).

Khata/Khasra/Steet No./Ward No. is not mentioned in the Building Completion Certificate. (iv). Fire safety certificate dated 24.11.2020 issued by officer of Nagar Palika, Mandal-Khetri, Jhunjhunu, Rajasthan which does not indicate the validity date and it has not been issued by the Fire Safety Department. (v). The validity of FDRs already expired on 10.06.2021. (vi). The institution has not maintained/updated and not uploaded all requisite information on its website as per Clause 7(14)(i) and 8(14) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Ishwar Chand Sharma, Representative of Naresh Shikshak Prashikshan Mahavidyalaya, 645/587/1, Singhana, Chirawa Road, Khetri, Jhunjhunu, Rajasthan-333504 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal memoranda it is submitted that “(i). That this institution had applied to NRC NCTE for grant of recognition for B.Ed. course on 17.02.2007 after satisfied from the documents submitted by the institution VT report and inspection and inspection CDN NRC NCTE had granted recognition for B.Ed. course to this institution on 26.08.2008. the revised recognition order of two-year B.Ed. course for 02 units had been issued by NRC NCTE on 18.05.2015 to this institution copy of recognition orders for B.Ed. course issued by NRC NCTE is annexed and marked as annexure 4. (ii). That this institution had submitted compliance report regarding revised recognition order issued by NRC NCTE dated 18.05.2015 to NRC NCTE on 13.06.2016 copy of receipt is annexed and marked as annexure 5. (iii). That NRC NCTE had issued as how cause notice vide letter no. NRC/NCTE/NRCAPP2018193067193116 dated 12.04.2018 regarding compliance of revised recognition order for B.Ed. course. The name of this college is mentioned at serial no. 07 copy of the show cause notice is annexed and marked as annexure 6. (iv). That this institution had again submitted compliance report regarding revised recognition order in compliance to the show cause notice dated 12.04.2018 to NRC NCTE on 02.05.2018 copy of receipt is annexed and marked as annexure 7. (v). That NRC NCTE had issued show cause notice to this institution vide letter no. NRC/NCTE/RJ142285th Meeting 2018194677 dated 19.05.2018 copy of show cause notice is annexed and marked as annexure 8. (vi). That this institution had submitted a detailed reply alongwith required documents to NRC NCTE on 30072018 in compliance to the show cause notice dated 19.05.2018. copy of reply letter is annexed and marked as annexure 9. (vii). That NRC NCTE had withdrawn the recognition of B.Ed. course of this institution vide letter dated 11.01.2019. copy of withdrawal order is annexed



and marked as annexure 10. (viii). That this institution had submitted an appeal us 18 of NCTE Act, 1993 to appellate authority accepted the appeal of this institution vide order dated 15.05.2019 and case had been remanded bank to NRC NCTE for necessary action copy of appeal order dated 15.05.2019 is annexed and marked an annexure 11. (ix). That compliance to the appeal order dated 15.05.2019 NRC NCTE had constituted visiting team for inspection of this college the visiting team had conducted the inspection of this college on 24.08.2019 after satisfied from the VT report and other documentary evidence submitted by this institution NRC NCTE had issued a letter of restoration of recognition of B.Ed. course to this institution vide letter no. NRC/NCTE/RJ1142346th Meeting 2019206176 dated 04.10.2019. copy of restoration order for B.Ed. course is annexed and marked as annexure 12. (x). That WRC NCTE had again issued show cause notice regarding revised recognition order vide letter no. WRC/NCTE/SCN/RJ2020211645 dated 02.11.2020. The name of this institution had mentioned at serial no. 180 copy of show cause notice is annexed and marked as annexure 13. (xi). That this institution had again submitted compliance report along with required documents regarding revised recognition order in compliance to the show cause notice dated 02.11.2020 to WRC NCTE on 02.12.2020 copy of receipt is annexed and marked as annexure 14. (xii). That WRC NCTE has not considered the reply and documents submitted by this institution and has issued withdrawal order for B.Ed. course to this institution on 25.11.2022 on melafidellegal and unconstitutional basis copy of withdrawal order is annexed and marked an annexure 15. (xiii). That certified copy of registered land documents was submitted to WRC NCTE alongwith the reply letter of SCN on 02.12.2020. Original certified copy of land documents is annexed and marked an annexure 16. (xiv). That land available in the name of society for running of Naresh Shikshak Prashikshan Mahavidyalaya Singhana is converted for educational purpose copy of CLU is annexed and marked an annexure 17. (xv). That land title certificate issued by Sub Tehsildar Singhana Dist. Jhunjhunu Raj dated 07.12.2020 regarding land and building of this institution was submitted to WRC NCTE on 02.12.2020. Copy of the above certificate is annexed and marked an annexure 18. (xvi). That land is available in the name of society for running Naresh Shikshak Prashikshan Mahavidyalaya Singhana only B.Ed. course is running in the college campus no other courses institutions are running the college campus land can be registered only in the name of person or artificial persons as per land registration act in the Rajasthan land is available in the name of society of almost recognized teacher education institution in the state of Rajasthan, Hence, land had not been transferred in the name of



institution instead of society. (xvii). That Khasra no. is mentioned in the building completion certified copy of BCC is annexed and marked as annexure 19. (xviii). That this institution had submitted fire safety certificate dated 24.11.2020 issued by Nagar Palika Mandal Khetri, Dist. Jhunjhunu to WRC NCTE with reply letter of SCN fire safety certificate for educational institutes industries in revenue area Singhana are issued by Nagar Palika mandal Khetri in this regard executive officer Nagar Palika mandal Khetri Dist. Jhunjhunu has issued a certificate dated 13.11.2022. copy of fire safety certified dated 28.11.2022 and certificate dated 03.11.2022 are annexed and marked as annexure 20. (xviii). That reply of SCN dated 02.11.2020 was submitted to WRC NCTE by this institution on 02.12.2020. The FDRs for endowment fund and reserve fund was valid up to 10.06.2021. The renewal of FDRs was possible only after 10.06.2021. Institution had renewed the above FDRs which valid upto 10.06.2026. Copy of certificate issued by bank. Form 'A' and copy of FDRs for 5 lakhs and 7 lakhs are annexed and marked as annexure 21. (xix). That name of college website www.nttcollegesinghana.in. the printout copy with hyperlink is annexed and marked as annexure 22. (xx). That WRC NCTE had decided to issue show cause notice to the institution mentioned ATSRNO171819 and 26INITS371st Meeting held on 21-22 September 2022 in the state of Rajasthan after reply of show cause notice issued to above institutions in the month of October 2022, but WRC NCTE has not issued show cause notice to our institution and withdrawn their recognition dual measurement cannot be taken in the same case. (xxi). So, it is prayed that withdrawal order dated 25.11.2022 issued by WRC NCTE be set aside and direction be issued to WRC NCTE to issue restoration order for B.Ed. course to this 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 26.08.2008. A revised provisional recognition order was issued to the institution on dt. 18.05.2015 for conducting B.Ed. course with an annual intake of 100 students (Two basic unit of 50 students each) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 25.11.2022.



The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th December, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A certified copy of registered land documents
- (ii) A copy of Building Completion Certificate showing Khata/Khasra/Steet No./Ward No. is not mentioned in the Building Completion Certificate.
- (iii) A copy of Fire safety certificate dated 28.11.2022. issued by officer of Nagar Palika, Mandal-Khetri, Jhunjhunu, Rajasthan
- (iv) A copy of Form 'A' with a copy of FDR
- (v) A copy of screen shot of website showing uploading the documents on the website of the institution.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 25.11.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Western 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 25.11.2022 is set-aside and the Appellate Committee has decided to remand back the case to WRC for revisiting the matter.



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.

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.

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Naresh Shikshak Prashikshan Mahavidyalaya, 645/587/1, Singhana, Chirawa Road, Khetri, Jhunjhunu, Rajasthan-333504**
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 Rajasthan.



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

DATE: 21/12/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-266/E-282311/2022 Appeal/10th Meeting, 2022
APPLSRC202214492**

Taj College of Education, 98/1, Gulbarga, Aland Road, Gulbarga Super Market, Gulbarga, Karnataka-585101 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 the institution
Respondent by	Regional Director, SRC
Date of Hearing	12.12.2022
Date of Pronouncement	21.12.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Taj College of Education, 98/1, Gulbarga, Aland Road, Gulbarga Super Market, Gulbarga, Karnataka-585101 dated 02.12.2022 filed under Section 18 of NCTE Act, 1993 is against the Order F.SRC/NCTE/APSO3103/B.Ed./{KA}/2022/(136913-136917) dated 17.11.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has submitted faculty list of 1+13 members which is not sufficient for running B.Ed. 2 units as per clause 5.1 of appendix 4 of NCTE Regulations 2014. (ii). The institution has submitted Register with respect to the salary of the teaching and non-teaching staff. It reveals that the institution is paying salary in cash to the faculty members

which is not admissible under Regulation 2014. (iii). The institution did not submit latest NEC issued by Competent Authority. (iv). The institution has submitted blueprint of Building Plan in which multipurpose area hall size is not mentioned and not approved by competent authority.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of Taj College of Education, 98/1, Gulbarga, Aland Road, Gulbarga Super Market, Gulbarga, Karnataka-585101 appeared online to present the case of the appellant institution on 12.12.2022. In the appeal memoranda it is submitted that “(i). Because the appellant/institution is having sufficient duly qualified faculty, approved by the affiliating University i.e., Gulbarga University, Karnataka vide No. GUK/ACA/B.Ed. Staff Approval/2022-23 dated 10.11.2022. Latest faculty list is annexed with appeal memorandum. (ii). Because the appellant/institution started paying salary to the teaching and non-teaching staff in the respect bank account, which is evident from the Bank statement. Bank statement is attached with the appeal memorandum. (iii). Because the competent authority has issued the NEC in respect of the land of the institution, and it has been duly approved by the competent authority. The NEC is attached with appeal memorandum. (iv). Because the appellant/college is having adequate infrastructure in terms NCTE norms and regulations for conducting teachers training course. The appellant is submitting the blueprint of Building Plan which shows the area of multipurpose hall size, duly approved by the competent authority. Building plan is annexed with appeal memorandum.”

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 Secondary (B.Ed.) Course with an annual intake of 100 students vide order dated 03.01.2006. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 31.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 27.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 17.11.2022.



The Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th December, 2022 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of faculty list dated 10.11.2022 approved by the Registrar, Gulbarga University, Karnataka as per provisions of the NCTE Regulations, 2014.
- (ii) A copy of bank statement showing disbursement of salary of the teaching and non-teaching staff.
- (iii) A copy of Non-Encumbrance Certificate (NEC) and a copy of building plan showing size of multipurpose hall as per NCTE norms.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 17.11.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern 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 17.11.2022 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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



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

IV. DECISION: -

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

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



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Taj College of Education, 98/1, Gulbarga, Aland Road, Gulbarga Super Market, Gulbarga, Karnataka-585101**
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.**