

F.No. 89-296/E-126791/2019/5<sup>th</sup> Mtg.-2021/22<sup>nd</sup> January, 2021**NATIONAL COUNCIL FOR TEACHER EDUCATION**

G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 22/01/2021

**ORDER**

**WHEREAS** the appeal of College of Education, Dispur, Amarawati Path, Kamrup, Assam dated 18/07/2019 is against the Order No. ER-273.2.5/(AS-S/E-12/96)/B.Ed./2019/60922 dated 27.06.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "show Cause Notice u/s 17(1) were issued on 20.04.2018, 14.12.2018, 21.02.2019 & 16.05.2019. Principal does not possess Ph.D. qualification. Faculty in Fine Arts appointed on part-time basis is not accepted. FDR Rs. 5 lakh is not in joint made with RD, ERC, NCTE. Building completion certificate is not submitted."

**AND WHEREAS** Sh. Mandira Bordoloi, Principal and Dr. Horendra Ch. Das, G.B. Member, College of Education, Dispur, Amarawati Path, Kamrup, Assam dated presented the case of the appellant institution on 27/08/2019. In the appeal and during personal presentation it was submitted that 1. That, the show cause notices given u/s 17(1) issued on 20.02.2018, 14.12.2018, 21.02.2019 and 16.05.2019 by Eastern Regional Committee, National Council for Teacher Education, Bhubaneswar were duly replied by the appellant. Principal of the college viz. Mrs. Lucky Malakar who did not possess Ph.D. (although pursuing the course) had resigned. The senior most faculty member is now holding the post of Principal in-charge in addition to her other duties. For filling up the post of regular Principal, advertisement is published in newspapers and college website. Moreover, with a view to fill up another post of faculty member to maintain number of faculties 1+15 as per NCTE Norm, a post of lecturer in Teaching of Mathematics has also been published in newspapers and college website. The process of filling the said post is also expected to be completed at the earliest. Faculty in Fine Arts was earlier appointed on part-time basis. In response to the observation made by the respondent in its meeting held on 30<sup>th</sup>-31<sup>st</sup> may and 1<sup>st</sup> June, 2019 services of Shri Bhaben Ch. Das, part-time

Kesav Y. Das



faculty in fine arts has been regularized as a full time faculty and the appellant has complied with the requirement of NCTE Norms. FDR for Rs. 5.00 lakhs on Central Bank of India, Bhangagarh Branch, Guwahati, Assam vide a/c no.-3630371647 in joint mode of College of Education, Guwahati and Regional Director, ERC, NCTE Bhubaneswar has been duly affected as per NCTE Guidelines. Building Completion Certificate from the Competent Authority i.e. Public Works Department, Guwahati, Assam has been obtained, for 7650.36 sq. ft (711 sq. meter). Another plot of land with a 4 story RCC Building measuring 8495 sq. ft. (789.50 sq. meter) has been hired, which will meet the necessary requirement for total built up of the College of Education, Guwahati. at present the total built up area stands at 16145.36 sq. ft. (1500.50 sq. meter)."

**AND WHEREAS** Appeal Committee noted that revised recognition order dated 22/05/2015 was issued permitting the appellant institution to conduct B.Ed. programme with 2 basic units of 50 seats each under the NCTE Regulation, 2014. The revised recognition order was subject to fulfilment of certain conditions and reporting compliance thereof to the ERC. Appeal Committee noted that a number of Show Cause Notices (SCNs) were issued to appellant institution and most of these SCNs were replied to also by the appellant institution. Appeal Committee further noted that inspite of the correspondence exchanged between the Regional Committee and appellant institution, all the deficiencies particularly the deficiency of academic faculty and the required built-up area have not been complied to so far. The appellant institution as on the date of appeal has still not been able to appoint a qualified regular Principal and faculty appointed is also short by 3 members. Appellant has stated that deficiency in the required built-up area is made good by hiring another building. The statement is not found acceptable as any new place where the institution purpose to conduct the course is to be inspected and declared suitable after being assessed as adjacent and conducive for conducting the programme. Appeal Committee, considering that appellant is still deficient in faculty/Principal and adequate built-up area of its own, decided to confirm the order of withdrawal dated 27/06/2019.

**AND WHEREAS** in pursuance of an order dated 16/12/2020 issued by Hon'ble High Court of Delhi the matter was placed before Appellate Authority on 22/01/2021.

Kesav J. 4/8/21



**AND WHEREAS** Appeal Committee noted that appellant institution after issue of Appellate order dated 26/09/2019 confirming the impugned withdrawal order dated 27/06/2019 approached the Hon'ble High Court of Delhi at New Delhi and the Hon'ble High Court by its order dated 16/12/2020 in W.P. Case No. 10473/2020 issued directions quashing the appeal order dated 26/09/2019 and the matter to be reconsidered keeping in view all compliances made by petitioner institution. Hon'ble High Court further, in the order said that Appeal Committee may cause inspection under Section 13 of the Act. Hon'ble Court in its order referred above further said that if the Appeal Committee concludes that said that the institution fulfils the requirement for either one basic unit (50 seats) or two basic units (100 seats), it will accordingly allow the petitioners to admit students for the present academic year 2020-21. The Appeal Committee shall consider and decide the matter as expeditiously as possible and will dispose of the appeal preferably within four weeks.

**AND WHEREAS** Dr. Namita Goswami, Principal and Dr. D. Dutta, Adviser presented the case of appellant institution on 22/01/2021 and referred to the directions issued by Hon'ble High Court. Appellate Authority asked the appellants whether they are willing the case to be considered for an intake of 50 seats. Appellant categorically submitted in writing that institution has appointed a Principal and 15 faculty and the case shall be considered for intake of 100 seats. Appellate Authority according considered the case keeping in view the regulatory provisions for an intake of 100 seats (2 units) in the B.Ed. programme.

**AND WHEREAS** Appeal Committee noted that the appellant institution has submitted (i) the new list of faculty approved by the affiliating body on 08/10/2020, (ii) FDRs and (ii) Revised Building Completion Certificate.

**AND WHEREAS** Appeal Committee noted that for an intake of 100 seats the minimum required built up area is 2000 sq. meters. Appellant institution submitted a Building Completion Certificate (B.C.C.) with its letter dated 24/12/2020. The built-up area of 2218 sq. meters mentioned in the Building Completion Certificate included 302 sq. meters of area covered with G.I. roofing and 668 sq. meters of area in a leased building located nearby. Appellant during the course of appeal hearing on 22/01/2021

*Kesav Y. K.*

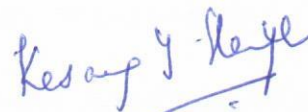


submitted copy of the same Building Completion Certificate where built up area having G.I. roofing as mentioned earlier is shown as R.C.C. slab. The Building Completion Certificate except for a change in the roofing is exactly the same as was furnished earlier. The entry pertaining to R.C.C. slab at 4<sup>th</sup> floor is therefore, not substantiated. Appeal Committee further noted that any built-up space leased at a place different than the address of institution particularly space in a warehouse cannot be held as conducive to conducting a programme in teacher education. Clause 8 (7) of NCTE Regulation, 2014 mentions that no temporary structure shall be allowed in the institution even if it is in addition to the prescribed built-up area. Clause 8 (11) of the NCTE Regulations provide that revised land area related norms shall not be applicable to the existing institutions but required built up area shall have to be increased by existing institutions to conform to the revised norms. NCTE Regulation, 2014 require a built-up area of 2000 sq. meters for an intake of 100 seats (2 units). Appeal Committee does not take into account the 668.90 sq. meters of built-up area located at a distance of 100 meters in a warehouse and stated to have been taken on lease by the institution on 30/12/2019.

**AND WHEREAS** Appeal Committee finally decided to confirm the impugned order of withdrawal dated 27/06/2019 and the Appellate order dated 26/09/2019.

**NOW THEREFORE, the Council hereby confirms the Order appealed against.**

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



(Mrs. Kesang Yangzom Sherpa)  
Member Secretary

1. The Principal, College of Education, 87, Dispur, Amarawati Path, Dispur, Kamrup, Assam – 781005.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Assam, Dispur.