IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)

जी–7, सेक्टर–10, द्वारका, नई दिल्ली–110075

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-65/E-297837/2023 Appeal/5th Meeting, 2023
APPLSRC202314578

Surya College of Education, 94,95,97,98,99,105, Nukapalli, Jagtial, Karimnagar, Telangana-505452 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Mr. B. Prathap Reddy, Director (Administration)**
Respondent by	**Regional Director, SRC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Surya College of Education, 94,95,97,98,99,105, Nukapalli, Jagtial, Karimnagar, Telangana-505452** dated 27.03.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO0336/B.Ed./TS/2023/141154** dated 20.02.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i). The institution has submitted faculty approval letter dated 16.05.2019 approved by Registrar Satavahana University. (a). The Principal does not have NET/Ph.D. as per NCTE (Recognition Norms & Procedure). (b). At faculty mentioned as Sl. No. 14 & 16 Assistant Professor does not have NET/Ph.D. as per NCTE (Recognition Norms & Procedure) (Amendment) Regulations, 2017 dated 29.05.2017 notified on 09.06.2017. (ii). The institution did not submit latest staff list duly approved by the Registrar of affiliating Body as pe the prescribed format of NCTE. Further the institution has failed to submit copies of certificates of academic & professional educational qualifications viz. B.Ed., M.Ed., NET Ph.D. etc. and experience certificate of Principal etc. (iii). The institution did not submitted proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. (iv). The institution has submitted Form "A" issued by Branch Manager Rs.400000/- FDR No.36195992404 which has been already expired on 21.10.2021. The institution has not submitted original Form "A". (v). The institution has submitted photocopy of Building Plan in which Multipurpose Hall sized is not readable."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. B. Prathap Reddy, Director (Administration) of Surya College of Education, 94,95,97,98,99,105, Nukapalli, Jagtial, Karimnagar, Telangana-505452 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "(i). We humbly submit that we have submitted the approval letter issued by the Registrar, Satavahana University. (a). Our college Principal is having Ph.D. it has been mentioned in the Registrar's approval letter also. Whereas, in the withdrawal order it has been wrongly mentioned as Principal is not having Ph.D. (b). We humbly submit that the Lecturer at Sl. No. 16 Mr. G. Venkanna is having SET qualification. Due to typographical error, it was missed out. We are submitting herewith the SET certificate. Further, we have obtained latest staff approval from the Registrar and submitting herewith for kind

consideration. (ii). We are submitting herewith the staff approval list in the prescribed format of NCTE. The staff list has been approved by the Registrar, Satavahana University and the same is submitted herewith for kind consideration. (iii). We humbly submit that, SRC has not sought for salary disbursement details in the Final Show Cause Notice. Whereas in the Withdrawal Order it has been mentioned as deficiency. Now we are submitting herewith the Bank statement showing the salary disbursement of staff through account for kind consideration. (iv). We humbly submit that the FDRs of our institutions are regularly renewed. All FDRs in the auto renewal mode. All FDRs are renewed, and we are submitting herewith the original Form 'A' and renewed copies of FDRs for Rs.12 Lakhs for kind consideration. (v). We are submitting herewith the clear and legible copy of the Multipurpose Hall in A2 size sheet. Our institution is having Multipurpose Hall with size of 82x25 Feet 2050 sq. fts. approved building plan is submitted herewith for kind consideration."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 06.05.2003. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 17.01.2015 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.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 20.02.2023.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th May, 2023 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 21.03.2023 approved by the Registrar, Satavahana University, Telangana as per provision of NCTE Regulations, 2014.
(ii) A copy of Bank statement showing the salary disbursement to the faculty.

(iii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.

(iv) A copy of Building Plan showing the Multipurpose Hall as per NCTE norms approved by the Competent Authority.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 20.02.2023. 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 20.02.2023 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Surya College of Education, 94,95,97,98,99,105, Nukapalli, Jagtial, Karimnagar, Telangana-505452**
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 /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-66/E-298101/2023 Appeal/5th Meeting, 2023
APPLSRC202314579

St. Ignatius College of Education, 7, Palayamkottai, Punithavathiyar Street, Tirunelveli, Tamilnadu-627002 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Dr. Sr. L. Vasanthi Medona, Principal**
Respondent by	**Regional Director, SRC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **St. Ignatius College of Education, 7, Palayamkottai, Punithavathiyar Street, Tirunelveli, Tamilnadu-627002** dated 27.03.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/AOS00443 /B.Ed./TN/2023 & F.SRC/NCTE/APSO8729/B.Ed.-A.I./TN/2023** dated 21.02.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i). The institution failed to submit reply to the Final Show Cause Notice dated 03.01.2022."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Sr. L. Vasanthi Medona, Principal of St. Ignatius College of Education, 7, Palayamkottai, Punithavathiyar Street, Tirunelveli, Tamilnadu-627002 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "The institution sent two letters requesting extension of time to submit the response. Unfortunately, SRC not considered our request, and it is withdrawn."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 06.07.2000 & B.Ed.-Al Course with an annual intake of 100 students vide order dated 28.04.2009. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 30.05.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 30.05.2015 and 29.06.2015 respectively for conducting B.Ed. & B.Ed.-Al Programme 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 21.02.2023.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th May, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

(i) A copy of required faculty list approved by the Registrar, Tamilnadu Teachers Education University, Chennai as per provision of NCTE Regulation, 2014 alongwith an Affidavit, bank Statement of disbursement of salary to the faculty.
(ii) A copy of land documents, Land Use Certificate, approved building plan, NEC along with a copy of site plan and Building Completion Certificate approved by the Competent Authority.
(iii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.
(iv) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 21.02.2023. 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 21.02.2023 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, St. Ignatius College of Education, 7, Palayamkottai, Punithavathiyar Street, Tirunelveli, Tamilnadu-627002**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.

IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-75/E-300322/2023 Appeal/5th Meeting, 2023
APPLSRC202314589

St. Ignatius College of Education, 7, Palayamkottai, Punithavathiyar Street, Tirunelveli, Tamilnadu-627002 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Dr. Sr. L. Vasanthi Medona, Principal**
Respondent by	**Regional Director, SRC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **St. Ignatius College of Education, 7, Palayamkottai, Punithavathiyar Street, Tirunelveli, Tamilnadu-627002** dated 17.04.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/ APSO8740/M.Ed./TN/2023 (141255-141254)** dated 21.02.2023 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that "(i). The institution failed to submit reply to the Final Show Cause Notice dated 03.01.2022."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Sr. L. Vasanthi Medona, Principal of St. Ignatius College of Education, 7, Palayamkottai, Punithavathiyar Street, Tirunelveli, Tamilnadu-627002 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "The institution sent two letters requesting extension of time to submit the response. Unfortunately, SRC not considered our request, and it is withdrawn."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course with an annual intake of 25 students vide order dated 04.12.2007. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 30.05.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution for conducting M.Ed. Course of two years duration with an annual intake of 50 students (One unit) from the academic session 2015-16. The recognition of the institution for M.Ed. programme was withdrawn by the SRC vide order dated 21.02.2023.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th May, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

(i) A copy of required faculty list approved by the Registrar, Tamilnadu Teachers Education University, Chennai as per provision of NCTE Regulation, 2014 alongwith an Affidavit, bank Statement of disbursement of salary to the faculty.
(ii) A copy of land documents, Land Use Certificate, approved building plan, NEC along with a copy of site plan and Building Completion Certificate approved by the Competent Authority.
(iii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.
(iv) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 21.02.2023. 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 21.02.2023 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, St. Ignatius College of Education, 7, Palayamkottai, Punithavathiyar Street, Tirunelveli, Tamilnadu-627002**

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

IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-67/E-297953/2023 Appeal/5th Meeting, 2023
APPLWRC202314573

Shikshan Mahavidyalaya IASE (Faculty of Education, Gujarat Vidyapith, 97 TP3, Usmanpura, Ashram Road, Incometax, Ashram Road, Ahmedabad City, Ahmedabad, Gujarat-380009 **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Prof. (Dr.) Dipooba H. Devada, Head/Dean/Director, Faculty of Education (IASE)**
Respondent by	**Regional Director, WRC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF REFUSAL

The appeal of **Shikshan Mahavidyalaya IASE (Faculty of Education, Gujarat Vidyapith, 97 TP3, Usmanpura, Ashram Road, Incometax, Ashram Road, Ahmedabad City, Ahmedabad, Gujarat-380009** dated 16.03.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE/WRC/2324202205241149/ GUJARAT/2022/REJC/150** dated 17.01.2023 of the Western Regional Committee, refusing recognition for conducting ITEP Course on the grounds that "(i). Document related to category as State/Central Government Institution not attached along with online application. (ii). The institution has not submitted the recommendation of the state Govt./U.T. Administration."

II. SUBMISSIONS MADE BY APPELLANT: -

Prof. (Dr.) Dipooba H. Devada, Head/Dean/Director, Faculty of Education (IASE) of Shikshan Mahavidyalaya IASE (Faculty of Education, Gujarat Vidyapith, 97 TP3, Usmanpura, Ashram Road, Incometax, Ashram Road, Ahmedabad City, Ahmedabad, Gujarat-380009 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "(i). Gujarat Vidyapith falls under the category of centrally funded deemed universities who are getting 100 grant from Government, kindly find U.G.C. website link below required to verify https:/ugc.ac.in/oldpdf/nonplangrant.pdf. (ii). As per point one Gujarat Vidyapith is centrally funded deemed university so it does not require any recommendation for routine administrative work from State Govt./U.T. administration."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. 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 ITEP Course on 27.05.2022. The recognition of the institution for ITEP programme was refused by the WRC vide order dated 17.01.2023.

The Committee noted that Government of Gujarat has forwarded letter dated 17.04.2023 wherein the Government of Gujarat recommended to National Council for Teacher Education, New Delhi to include UGC funded deemed University Gujarat Vidyapith Ahmedabad as it has expressed in intension for starting Integrated Teacher Education Programme (ITEP) for Academic Session 2023-24.

The Appeal Committee noted that the institution has applied for ITEP Programme for the academic year 2023-24 in terms of Public Notice dt. 01.05.2022. The Committee further noted that the General Body (GB) of the NCTE in its 56th Meeting, the following decision has been taken for inviting applications for the 2nd Pilot Phase of ITEP for the academic session 2024-25: -

i. **The Council approved the proposal and granted permission for inviting online applications for 2nd Pilot Phase of ITEP for the academic session 2024-25 from the institutions. As per Regulation 2021, the ITEP shall be implemented in a phase-wise manner starting from piloting in multidisciplinary HEIs/TEIs and thereby country wise expansion as per NEP 2020 time frame. Therefore, the institutions fulfilling the eligibility criteria, mentioned above, would be eligible to apply for the 2nd Pilot phase of ITEP for the academic session 2024-25.**
ii. **The Eligibility Criteria for Selection and the Shortlisting Criteria for Processing of Applications, as proposed, was also approved.**
iii. **The Council further decided that the online portal for inviting applications for the 2nd Pilot Phase of ITEP for the academic session 2024-25 be opened accordingly.**

Noting the submission and verbal arguments advanced during the hearing, and considering the documents submitted by the institution in appeal, the 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 keeping in view of decision of 56th GB Meeting and as per the NCTE Regulation, 2021, 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.

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 keeping in view of decision of 56th GB Meeting and as per the NCTE Regulation, 2021, 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Shikshan Mahavidyalaya IASE (Faculty of Education, Gujarat Vidyapith, 97 TP3, Usmanpura, Ashram Road, Incometax, Ashram Road, Ahmedabad City, Ahmedabad, Gujarat-380009**
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 /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)

जी–7, सेक्टर–10, द्वारका, नई दिल्ली–110075

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-68/E-298357/2023 Appeal/5th Meeting, 2023
APPLSRC202314581

Sri Ayyappa College of Education, 94/3C, Kothapalli, Eriguthi, Pernambut, Vellore, Tamilnadu-635810 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Mr. R. Saravanan, Chief Executive Officer**
Respondent by	**Regional Director, SRC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Sri Ayyappa College of Education, 94/3C, Kothapalli, Eriguthi, Pernambut, Vellore, Tamilnadu-635810** dated 31.03.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/SRCAPP1992/B.Ed./TN/2023 (141270-141274)** dated 21.02.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i). The institution failed to submit reply to the Final Show Cause Notice dated 24.12.2021."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. R. Saravanan, Chief Executive Officer of Sri Ayyappa College of Education, 94/3C, Kothapalli, Eriguthi, Pernambut, Vellore, Tamilnadu-635810 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "We hereby inform that the documents which was mentioned as not submitted by our institute in the final show cause has already been submitted by us."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 03.03.2014. 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. 18.03.2015 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 21.02.2023.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th May, 2023 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+17) members dated 26.08.2021 approved by Registrar, Tamilnadu Teachers Education University, Chennai as per provision of NCTE Regulation, 2014 alongwith an Affidavit showing details of staff.
(ii) A copy of land documents, building plan, LUC, and Building Completion Certificate.
(iii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.
(iv) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 21.02.2023. 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 21.02.2023 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Sri Ayyappa College of Education, 94/3C, Kothapalli, Eriguthi, Pernambut, Vellore, Tamilnadu-635810**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu

IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)

जी–7, सेक्टर–10, द्वारका, नई दिल्ली–110075

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-70/E-299498/2023 Appeal/5th Meeting, 2023
APPLWRC202314584

Jagadguru Shankaracharya College of Education, Tap/T1-339/10/r/1, Amdi Nagar Hudco, Amdi Nagar, Hostipal Area Bhilai, Durg, Chattisgarh-490009 **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Dr. V. Sujata, Principal**
Respondent by	**Regional Director, WRC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Jagadguru Shankaracharya College of Education, Tap/T1-339/10/r/1, Amdi Nagar Hudco, Amdi Nagar, Hostipal Area Bhilai, Durg, Chattisgarh-490009** dated 03.04.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.WRC/APWO4703/723111/C.G./304th/2019/202719 to 202724** dated 12.04.2019 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i). The institution has not submitted any proof of additional infrastructure. (ii). The institution has not submitted a letter granting approval for the selection or appointment of faculty, issued by the affiliating body as per NCTE Regulations, 2014. (iii). The institution has submitted staff list signed by Registrar, Durg University, Durg which is not as per NCTE amendment Regulations, 2017."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. V. Sujata, Principal of Jagadguru Shankaracharya College of Education, Tap/T1-339/10/r/1, Amdi Nagar Hudco, Amdi Nagar, Hostipal Area Bhilai, Durg, Chattisgarh-490009 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "1. That the WRC in its 304th meeting held on 2nd to 4th April, 2019 (at Sr. No. 8) has arbitrary withdrawn recognition of our institution for conducting the B.Ed. course, wrongly observing the deficiencies which were existed in our institution. A copy of relevant minutes of 304th meeting of WRC held on 2nd to 4th April, 2019 (at Sr. No. 8) is enclosed as Enclosure1. 2. That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief. 3. That WRC vide its order dated 29.07.2008 granted recognition to the appellant institution for running the B.Ed. course in the appellant institution with annual intake of 100 students from the academic session 2006-07. Subsequently, after the new NCTE Regulations, 2014, the WRC issued a revied recognition order dated 31.05.2015 to our institution for running the B.Ed. course with 100 students form the academic session 2016-17. A copy of recognition order dated 29.07.2008 and 31.05.2015 are enclosed as Enclosure 2A & 2B. 4. That subsequently,

our institution submitted its compliance to the revised recognition order and was functioning successfully and uninterruptedly. However, WRC issued the show cause notice dated 04.04.2018, pointing our deficiency regarding staff profile, land documents and FDRs. A copy of show cause notice dated 04.04.2018, pointing our deficiency regarding staff profile, land documents and FDRs. A copy of show cause notice dated 04.04.2018 is enclosure as Enclosure3. 5. That accordingly, the appellant institution vides its letter dated 26.04.2018 submitted the compliance to the show cause notice dated 04.04.2018 alongwith staff list approved by the affiliating body, notarized CLU, NEC, BCC approved building plan and FDRs. A copy of reply letter dated 26.04.2018 of the appellant and staff profile is enclosed as Enclosure 4A, 4B, 4C & 4D (vi). That however, the WRC in its 304th meeting held on 2nd to 4th April, 2019 (at Sr. No. 8), considered the matter of the appellant institution and decided to withdraw recognition of our institution with following observation: "On perusal of the reply of the institution it is observed that the institution has not submitted the following documents: (i). The institution has not submitted any proof of additional built-up area. (ii). The institution has not submitted a letter granting approval for selection or appointment of faculty, issued by the affiliating body as per NCTE Regulations, 2014. (iii). The institution has submitted staff list signed by Registrar, Durg University, Durg which is not as per NCTE Amendment Regulations, 2014." 7. That WRC is wrong in taking a decision of withdrawal of appellant institution, on the grounds which were never pointed out by the WRC. Further, the ground taken by the WRC for withdrawal are itself wrong, as the WRC failed to keep in view that NCTE Amendment Regulation 2017 was likely to amend and the matter was pending in ministry, and the same was informed by the NCTE vide its letter dated 13.08.2018 issued to the Regional Committees with directing that no withdrawal should be made on the basis of amended regulation. A copy of NCTE letter dated 13.08.2018 is enclosed as Enclosure5. 8. That WRC is wrong in taking a decision of withdrawal of appellant institution, as appellant had already compiled to the conditions of Show Cause dated 04.04.2018. The WRC took the decision of withdrawal of the appellant institution submitted along with the relevant documents which was duly accepted by the WRC at that point of time. Further, the approved faculty list submitted by the appellant institution was duly countersigned by the Registrar of affiliating University. 9. That it is submitted that no 2nd show cause notice, in terms of 2nd proviso

to section 17 of the NCTE Act, 1993, was ever issued to the appellant institution granting another opportunity to appellant institution to clarify its stand in the matter. Thus, the decision of withdrawal as taken by the WRC is not as per law and also against the principle of natural justice. 10. That it is submitted that appellant institution is running since the year 2008 and it does not lack any of the infrastructural or instructional facilities required as per the NCTE norms and the WRC itself have issued the recognition/ revised recognition order to the appellant institution for B.Ed. course. Further, if WRC was not satisfied with the document, it should have conducted expert inspection of the appellant institution verifying as to whether the institution is adhering with norms of NCTE or not. 11. That accordingly, the appellant institution approached the Hon'ble Delhi High Court by filing the Writ Petition No.4744/2019 challenging the decision taken by the WRC in its 304th meeting held on 2nd to 4th April, 2019 (at Sr. No. 8). The aforesaid writ petition was heard by the Hon'ble court when the Hon'ble Court passed the order dated 06.03.2023. "5. Considered the submissions made by learned counsel appearing on behalf of the parties and on consideration of the facts and circumstances, this court finds it appropriate to dispose of the present petitions, with direction to the petitioners to approach the appellant committee in terms of Section 18 of NCTE Act, 1993 within a period of 30 days from today. 6. If the petitioners approach the appellate committee within a period of 30 days from today, their appeal would be decided strictly, on the basis of merit without dismissing the same on the ground of limitation. The interim orders dated 03.05.2019 and 08.05.2019 confirmed on 06.11.2019 shall remain in force, till the decision is passed by the appellate committee. A copy of order dated 06.03.2023 passed by the Hon'ble High Court is enclosed as Enclosure 6. 12. That it is submitted that in order to pacify the appeal committee, the appellant institution is also enclosing with its appeal, the documents which were asked by the WRC and submitted by the appellant institution. 13. That it is submitted that thus, the decision of withdrawal as taken by the WRC in its 304th meeting held on 2nd to 4th April, 2019 (at Sr. No. 8) is not maintainable and the appeal committee is requested to revert the decision taken by WRC with further direction to WRC to restore the recognition of appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by the WRC. Jagadguru Shankaracharya College Education date-03/04/2023."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 29.07.2008. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 12.01.2015 for its willingness for adherence of provisions of new Regulations. 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) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 12.04.2019.

The Committee noted that the Hon'ble Court order dated 6th March, 2023 passed in W.P.(C) 4747/2019 wherein the Court directed the NCTE to decide the matter: -

> **"....6. If the petitioners approaches the appellate committee within a period of 30 days from today, their appeal would be decided strictly, on the basis of merit without dismissing the same on the ground of limitation. The interim orders dated 03.05.2019 and 08.05.2019 confirmed on 06.11.2019 shall remain in force, till the decision is passed by the appellate committee...."**

The Appeal Committee in its 5th Meeting, 2023 held on 12.05.2023 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 faculty list provided with memorandum of appeal do not fulfil the criteria laid down by NCTE from time to time. It has been observed that certain faculty do not fulfil the eligibility criteria as per provisions of the NCTE Regulations, 2014. Further, the institution has failed to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of certificate of the Principal.

(ii) 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.

(iii) The institution has submitted one letter dt. 15.07.2010 issued by Steel Authority of India Limited regarding allotment or addition 6.0 Acres land to institution. It appears from said letter that the additional land was allotted to the institution for educational (10+2) & Nursing College purposes only and not for running B.Ed. programme.

(iv) The institution has not submitted a legible copy of the blueprint of the approved building plan. The institution has not submitted certified/notarised copies of the actual land documents, building plan, BCC 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 WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 12.04.2019 issued by WRC is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 12.04.2019 issued by WRC is confirmed.

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Jagadguru Shankaracharya College of Education, Tap/T1-339/10/r/1, Amdi Nagar Hudco, Amdi Nagar, Hostipal Area Bhilai, Durg, Chhattisgarh-490009**
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 /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)

जी–7, सेक्टर–10, द्वारका, नई दिल्ली–110075

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-71/E-299499/2023 Appeal/5th Meeting, 2023
APPLWRC202314585

Swami Shri Swaroopanand Saraswati Mahavidyalaya, 219/1 Part, Hudco Bhilai, Amdi Nagar, Hospital Area Bhilai, Bhilai, Durg, Chattisgarh-490009 **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Dr. Hansa Shukla, Principal**
Respondent by	**Regional Director, WRC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Swami Shri Swaroopanand Saraswati Mahavidyalaya, 219/1 Part, Hudco Bhilai, Amdi Nagar, Hospital Area Bhilai, Bhilai, Durg, Chattisgarh-490009** dated 03.04.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.WRC/APWO1985/723076 & APWO4129/723076(Addi.) B.Ed./C.G./304th/ 2019/202793 to 202798** dated 12.04.2019 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i). The institution has not submitted a letter granting approval for the selection or appointment of faculty, issued by the affiliating body as per NCTE Regulations, 2014. (ii). The institution has submitted staff list signed by Registrar, Durg University, Durg which is not as per NCTE Amendment Regulations, 2017."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Hansa Shukla, Principal of Swami Shri Swaroopanand Saraswati Mahavidyalaya, 219/1 Part, Hudco Bhilai, Amdi Nagar, Hospital Area Bhilai, Bhilai, Durg, Chattisgarh-490009 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "(i). That the WRC in its 304th meeting held on 2nd to 4th April, 2019 (at Sr. No. 12) has arbitrary withdrawn recognition of our institution for conducting the B.Ed. course, wrongly observing the deficiencies which were existed in our institution. A copy of relevant minutes of 304th meeting of WRC held on 2nd to 4th April, 2019 (at Sr. No. 12) is enclosed as Enclosure1. (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 WRC vide its order dated 24.04.2006 granted recognition to the appellant institution for running the B.Ed. course in the appellant institution with annual intake of 100 students from the academic session 2006-07. Thereafter, WRC vide its order dated 29.07.2008 granted recognition to the appellant institution for running the B.Ed. course with additional intake of 100 students, thereby increasing the total intake of our institution to 200. Subsequently, after the new NCTE Regulations, 2014, the WRC issued a revised recognition order dated 20.05.2015 to our institution for running the B.Ed. course with 200 students from the academic session 2016-27. A copy of recognition order dated 27.04.2006, 29.07.2008 and

20.05.2015 are enclosed as Enclosure 2A, 2B & 2C. (iv). That subsequently, our institution submitted its compliance to the revised recognition order and was functioning successfully and uninterruptedly. However, WRC issued the show cause notice dated 02.09.2016, pointing our deficiency regarding staff profile, land documents and FDRs. A copy of show cause notice dated 02.09.2016 is enclosed as Enclosure 3. (v). That, accordingly, the appellant institution vide its letter dated 20.09.2015 submitted the compliance to the show cause notice dated 02.09.2016 along with staff list duly approved by the affiliating body, notarized CLU, NEC, BCC, approved building plan and FDRs. A copy of reply letter dated 20.09.2016 of the appellant and staff profile is enclosed as Enclosure 4A & 4B. (vi). That thereafter, WRC in its 287th Meeting held on 30-31.01.2018 considered the case of our institution and issued show cause notice 05.02.2018 to our institution directing the appellant institution to submit the revised/ latest documents. A copy of show cause notice dated 05.02.2018 is enclosed as Enclosure. (vii). That, accordingly, the appellant institution vide letter dated 01.03.2018 submitted the compliance to the show cause notice dated 05.02.2018 along with the staff profile approved by the new affiliating authority i.e., Durg University, building completion certificate and FDR etc. Thereafter, the appellant institution vides another letter dated 15.03.2018 submitted list of two additional faculty approved by the affiliating body. A copy of reply letter dated 01.03.2018 and 15.03.2018 and staff profile are enclosed as Enclosure 6A, 6B & 6C. (viii). That thereafter, WRC, in its 293rd meeting held on 12th to 14th June 2018 considered the reply of our institution submitted in respect of B.Ed. course, together with the file of M.Ed. Courses, and issued show cause notice dated 22.06.2018 directing appellant to submit separate approved staff list and FDRs for both the courses. A copy of show cause notice dated 22.06.2018 is enclosed as Enclosure 7. (ix). That accordingly, the appellant institution vide its letter dated 19.07.2018 submitted the compliance to the show cause notice dated 22.06.2018 along with the staff profile approved by the new affiliating authority. A copy of reply letter 19.07.2018 and staff profile are enclosed as Enclosure 8A & 8B. (x). That however, the WRC in its 304th meeting held on 2nd to 4th April, 2019 (at Sr. No. 12), considered the matter of the appellant institution and decided to withdraw recognition of our institution with following observation: "Our perusal of the reply of the institution it is observed that the institution has not submitted the following documents: (a). The institution has not submitted a letter granting approval for selection or appointment of faculty, issued by the affiliating body as per NCTE Regulations, 2014. (b). The institution has submitted staff list signed by Registrar, Durg University, which is not as per NCTE amendment Regulations, 2017." (xi). That WRC in wrong in taking a decision of withdrawal of appellant institution, on the grounds which were never pointed out by the WRC. Further, the ground taken by the WRC for withdrawal are itself wrong, as the WRC failed to keep in view that NCTE Amendment Regulation 2017 was likely to amend

and the matter was pending in ministry, and the same was informed by the NCTE vide its letter dated 13.08.2018 issued to the regional committees with directing that no withdrawal should be made on the basis of amended regulation. A copy of NCTE letter dated 13.08.2018 is enclosed as Enclosure 9. (xii). That WRC is wrong in taking a decision of withdrawal of appellant institution, as appellant had already complied to the conditions of Show Cause Notice dated 02.09.2016, 05.02.2018 and 22.06.2018. the WRC took the decision of withdrawal of the appellant institution without thoroughly taking note of the reply of the appellant institution submitted along with the relevant documents which was duly accepted by the WRC at that point of time. Further, the approved faculty list submitted by the appellant institution was duly countersigned by the Registrar of affiliating university. (xiii). That it is submitted that appellant institution is running since the year 2006 and I do not lack any of the infrastructural or instructional facilities required as per the NCTE norms and the WRC itself have issued the recognition/ revised recognition or der to the appellant institution for B.Ed. course. Further, if WRC was not satisfied with the document, it should have conducted expert inspection of the appellant institution verifying as to whether the institution is adhering with norms of NCTE or not. (xiv). That accordingly, the appellant institution approached the Hon'ble Delhi High Court by filing the Writ Petition No.4742/2019 challenging the decision taken by the WRC in its 304th meeting held on 2nd to 4th April, 2019 (at Sr. No.12). the aforesaid writ petition was heard by the Hon'ble Court when the Hon'ble Court passed the order dated 06.03.2023: "5.considered the submissions made by learned counsel appearing on behalf of the parties and on consideration of the facts and circumstances, this court finds it appropriate to dispose of the present petitions, with direction to the petitioners to approach the appellant committee in terms of Section 18 of NCTE Act, 1993 within a period of 30 days from today. 6. If the petitioners approach the appellate committee within a period of 30 days from today, their appeal would be decided strictly, on the basis of merit without dismissing the same on the ground of limitation. The interim orders dated 03.05.2019 and 08.05.2019 confirmed on 06.11.2019 shall remain in force, till the decision is passed by the appellate committee. A copy of order dated 06.03.2023 passed by the Hon'ble high Court is enclosed as Enclosure 10. (xv). That accordingly, the appellant institution has preferred its online appeal being ID No. 4113 dated 05.04.2023 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 11. (xvi). That it is submitted that in order to pacify the appeal committee, the appellant institution is also enclosing with its appeal, the documents which were asked by the WRC and submitted by the appellant institution (xvii). That it is submitted that thus, the decision of withdrawal as taken by the WRC in its 304th meeting held on 2nd to 4th April, 2019 (at Sr. No. 12) is not maintainable and

the appeal committee is requested to revert the decision taken by WRC with further direction to WRC to restore the recognition of appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by the WRC."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 200 students vide order dated 29.07.2008 & 27.04.2006. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 12.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 20.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 200 seats (Two basic units of 50 students each & Additional two 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 12.04.2019.

The Committee noted that the Hon'ble Court order dated 6th March, 2023 passed in W.P.(C) 4742/2019 wherein the Court directed the NCTE to decide the matter.

> **"....6. If the petitioners approaches the appellate committee within a period of 30 days from today, their appeal would be decided strictly, on the basis of merit without dismissing the same on the ground of limitation. The interim orders dated 03.05.2019 and 08.05.2019 confirmed on 06.11.2019 shall remain in force, till the decision is passed by the appellate committee...."**

The Appeal Committee in its 5th Meeting, 2023 held on 12.05.2023 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 faculty list provided with memorandum of appeal do not fulfil the criteria laid down by NCTE from time to time. It has been observed that certain faculty do not fulfil the eligibility criteria as per provisions of the

NCTE Regulations, 2014. Further, the institution has failed to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of certificate of the Principal.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 12.04.2019 issued by WRC is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 12.04.2019 issued by WRC is confirmed.

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Swami Shri Swaroopanand Saraswati Mahavidyalaya, 219/1 Part, Hudco Bhilai, Amdi Nagar, Hospital Area Bhilai, Bhilai, Durg, Chhattisgarh-490009**
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 /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)

जी–7, सेक्टर–10, द्वारका, नई दिल्ली–110075

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-72/E-299496/2023 Appeal/5th Meeting, 2023
APPLERC202314577

DAV College of Teacher Education, Khata No. - 112, Plot No. - 445, Kumbha - II, Kumbha - II Road, Koraput, Odisha-764020 **APPELLANT**	**Vs**	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Mr. Pradeep Kumar Danga, Principal**
Respondent by	**Regional Director, ERC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. OUTCOME OF THE CASE

The Appeal Committee noted that the Appeal of the appellant institution was rejected vide order dated 30.11.2022. The operative part of the order is reproduced as under: -

> **"The Appeal Committee noted that the matter was taken up by the Appeal Committee in 36th meeting of the Appeal Committee held on 26th November, 2019 wherein the Committee noted that *"ever since the issue of revised recognition order dated 31.5.2015 under NCTE Regulation, 2014, the appellant institution has not been able to appoint faculty required for an intake of 100 seats as per Norms and Standards (Appendix 4) of NCTE Regulation, 2014. Even on the date of appeal hearing the appellant did not have the required number of faculty. Appeal Committee considers that appointment of faculty possessing requisite qualifications and experience with the approval of affiliating body is utmost essential for smooth conducting of the course. Since the appellant institution has failed to comply with the NCTE Regulations, even after getting two Show Cause Notice (SCNs), Appeal Committee decided to confirm the withdrawal order dated 05.08.2019."***

IV. DECISION: -

> ***Appeal Committee as per extant appeal rules decided that since the matter has already been decided by the virtue of 36th Appeal Committee meeting held on 26.11.2019, the same issue cannot adjudicated by the Appeal Committee for the second time. Hence the current order dated 13.12.2019 will continue to stand."***

The Appeal Committee noted that as per provisions of the NCTE Act, 1993 **"Any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an Appeal to the Council within such period as may be prescribed."** In the instant Appeal the institution is challenging the withdrawal order passed by the ERC dated 5.8.2019 second time before the Appeal Committee which has already been adjudicated by the Appeal Committee vide order dated 13.12.2019, as such the appeal is deserved to be rejected.

II. **DECISION: -**

Appeal Committee as per extant appeal rules decided that since the matter has already been decided by the virtue of 36th Appeal Committee meeting held on 26.11.2019, the same issue cannot be adjudicated by the Appeal Committee. Hence the current order dated 13.12.2019 will continue to stand.

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, DAV College of Teacher Education, Khata No. - 112, Plot No. - 445, Kumbha - II, Kumbha - II Road, Koraput, Odisha-764020**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Odisha.

IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-74/E-300037/2023 Appeal/5th Meeting, 2023
APPLSRC202314586

KR College of Physical Education, 385, Vedasandur, NH-7, K.R. Nagar, Dindigul, Tamilnadu-624710 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Dr. P. Paramasivam, Administrative Officer**
Respondent by	**Regional Director, SRC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **KR College of Physical Education, 385, Vedasandur, NH-7, K.R. Nagar, Dindigul, Tamilnadu-624710** dated 13.04.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/SRCAPP14537/B.P.Ed./TN/2023/ 141275** dated 21.02.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.P.Ed. Course on the grounds that "The institution failed to submit reply to the Final Show Cause Notice dated 23.09.2020."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. P. Paramasivam, Administrative Officer of KR College of Physical Education, 385, Vedasandur, NH-7, K.R. Nagar, Dindigul, Tamilnadu-624710 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "(i). That the fact is the SRC NCTE was unfortunately not considered and also not placed in the 388th meeting held on 14th & 15th September 2020 as they mentioned of our K R College of Physical Education matter. So, we are not getting any Show Cause Notice from the SRC NCTE till now. But they wrongly mentioned they issued Show Cause Notice in the withdrawal order. These above minutes documents are still available on the SRC NCTE meeting website online. (ii). That the fact is we are not receiving show cause notice so far. But we receiving the Final Show Cause Notice as they mentioned. After we prepared all the original documents as mentioned in the Final Show Cause Notice. After that, we submitted all the required documents through Professional Courier, Vedasandur Branch on 06.10.2020. We submitted all the documents within the time limit given by the SRC NCTE. Now we once again submit to you for your consideration. We request you kindly consider our submission and give the appropriate relief to our institution and our students."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.P.Ed.

Course with an annual intake of 100 students vide order dated 02.05.2016. The recognition of the institution for B.P.Ed. programme was withdrawn by the SRC vide order dated 21.02.2023.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th May, 2023 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 30.09.2020 approved by the Registrar, Tamilnadu Physical Education and Sports University, Chennai as per provision of NCTE Regulations, 2014.
(ii) A copy of land documents, LUC, NEC, Building Plan, Site Plan and BCC etc.
(iii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.
(iv) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 21.02.2023. 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 21.02.2023 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, KR College of Physical Education, 385, Vedasandur, NH-7, K.R. Nagar, Dindigul, Tamilnadu-624710**

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

IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-76/E-300323/2023 Appeal/5th Meeting, 2023
APPLSRC202314588

Adarsh College of Teacher Education, 136, Malleboinpally, Pochamma Gadda, Jadcherla, Mahbub Nagar, Telangana-509301 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Mr. S. Achyutha Reddy, Director**
Respondent by	**Regional Director, SRC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Adarsh College of Teacher Education, 136, Malleboinpally, Pochamma Gadda, Jadcherla, Mahbub Nagar, Telangana-509301** dated 16.04.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO0225/B.Ed./TS/2023/141516** dated 23.03.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i). The institution has submitted all the documents regarding land & building in photocopy without any attestation. (ii). The institution has submitted a Building Plan in which Multi-purpose Hall Area is not sufficient as per NCTE Norms. (iii). The institution did not submit an original affidavit and Form 'A'. (iv). The bank statement shown the name as "Mohammed Rafiq" and as per approved faculty list the name shown as "Mohd. Ilyas". The institution is required to submit an Affidavit on Rs. 100/- Non-Judicial Stamp paper clearly mentioning the name and account number of each of the faculty appointed for B.Ed. programme and also stating herein that the faculty are being paid salary through cheque/RTGS/NEFT. The Affidavit should be supported with documents like photocopy of passbook of each of faculty showing the disbursement of salary through bank account to individual faculty members (at-least for 3 months)."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. S. Achyutha Reddy, Director of Adarsh College of Teacher Education, 136, Malleboinpally, Pochamma Gadda, Jadcherla, Mahbub Nagar, Telangana-509301 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "(i). We are submitted original certified copy of land document which is issued by sub registrar Jadcherla and I am herewith submitting latest certified copy of land document (original) obtaining from the sub registrar Jadceherla sub registrar duly notarized. (ii). Now I am herewith submitting the building plan as per NCTE norms which is attested and notarized copy in this building plan multipurpose hall area is clearly mentioned 2016 sq. ft. (As per NCTE norms 2000 sq. ft. is enough). (iii). I am herewith submitting the original affidavit as per NCTE norms

and submitting Form 'A' along with copies of FDRs. (iv). I am herewith submitting the latest staff approval list as prescribed in NCTE format and approved by the registrar Palamuru University along with an affidavit mentioning the name and account no each of the faculty appointed for B.Ed. along with the photocopy of the passbook of each faculty showing the disbursement of salary through bank account last three months bank statement of each individual faculty members."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. 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. 20.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 13.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units) from the academic session 2015-16. Further on the basis of request of the institution the SRC vide order dated 09.08.2017 decided for reduction of intake from 2 units to 1 unit. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 23.03.2023.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th May, 2023 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+8) dated 27.03.2023 approved by the Registrar, Palamuru University, Mahabub Nagar, Telangana as per provision of NCTE Regulation, 2014 alongiwth an Affidavit with salary disbursement details etc.
(ii) A copy of land document, building plan etc.
(iii) A copy of Fixed Deposit Receipt towards Endowment and Reserve Fund.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 23.03.2023. 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 23.03.2023 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Adarsh College of Teacher Education, 136, Malleboinpally, Pochamma Gadda, Jadcherla, Mahbub Nagar, Telangana-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 Telangana.

IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-77/E-300366/2023 Appeal/5th Meeting, 2023

APPLSRC202314590

Pasumpon Muthuramalinga Thevar College, 3, Vadugapatti, Madurai Main Road, Usilampatti, Madurai, Tamilnadu-625532 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Dr. K. Kalyana Sundaram, Assistant Professor**
Respondent by	**Regional Director, SRC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Pasumpon Muthuramalinga Thevar College, 3, Vadugapatti, Madurai Main Road, Usilampatti, Madurai, Tamilnadu-625532** dated 18.04.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/SRCAPP14728/B.P.Ed./TN/2023/141193** dated 20.02.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.P.Ed. Course on the grounds that "The institution failed to submit reply to the Final Show Cause Notice dated 23.09.2020."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. K. Kalyana Sundaram, Assistant Professor of Pasumpon Muthuramalinga Thevar College, 3, Vadugapatti, Madurai Main Road, Usilampatti, Madurai, Tamilnadu-625532 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "The NCTE SRC issued Final Show Cause Notice dated 23.09.2020, the management replied to the SRC on 19.11.2020, the same reply has been accepted and put up in the SRC in its 2nd March 2022 meeting and issued withdrawal order to the management dated 14.02.2022. After that the Management prefer appeal to the NCTE and received order dated 12.07.2022 remand back to the NCTE SRC based on the appeal order NCTE SRC issue show cause notice and the management replied for it also to SRC. The matter is still pending in SRC. In the meanwhile, we have received withdrawal order from NCTE SRC dated 20th Feb 2023, the institution failed to submit the reply to the Final Show Cause dated 23.09.2020."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.P.Ed.

Course with an annual intake of 100 students vide order dated 07.04.2017. The recognition of the institution was withdrawn vide order dated 14.03.2022. The institution preferred an Appeal against the order dated 14.03.2022 whereby the Appeal Committee vide is order dated 12.07.2022 decided to remand back the case. The recognition of the institution for B.P.Ed. programme was again withdrawn by the SRC vide order dated 20.02.2023.

The Appeal Committee in its 5th Meeting, 2023 held on 12.05.2023 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 submitted a letter dated 20.9.2022 approving 2 (two) faculty (Assistant Professor) issued by the Registrar, Tamil Nadu Physical Education and Sports University. The remaining faculty list submitted by the institution is of year 2017. There is no evidence to Appellant that staff list has been approved by the affiliating University in recent time. Further, the institution has failed to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of certificate of the Principal.

(ii) 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 20.02.2023 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 20.02.2023 issued by SRC is confirmed.

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Pasumpon Muthuramalinga Thevar College, 3, Vadugapatti, Madurai Main Road, Usilampatti, Madurai, Tamilnadu-625532**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.

IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)

जी–7, सेक्टर–10, द्वारका, नई दिल्ली–110075

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-78/E-300886/2023 Appeal/5th Meeting, 2023
APPLSRC202314594

Senthil College of Education, 36, Pondicherry, Thiyagaraja, Pondicherry, Puducherry-605001 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Mr. D. Sendil Kumar, Secretary**
Respondent by	**Regional Director, SRC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Senthil College of Education, 36, Pondicherry, Thiyagaraja, Pondicherry, Puducherry-605001** dated 28.04.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO2970/B.Ed./PO/2023/(140420-140424)** dated 31.01.2023 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i). The institution has not submitted latest approved faculty list by affiliating University. (ii). 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. (iii). The institution has not submitted Land Usage Certificate approved by the Competent Authority. (iv). The institution has not submitted an affidavit clearly stating status about land & building and Management in original."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. D. Sendil Kumar, Secretary of Senthil College of Education, 36, Pondicherry, Thiyagaraja, Pondicherry, Puducherry-605001 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "(i). The duly approved faculty is list is being submitted herewith for kind consideration please. Copy attached. (ii). The institution is herewith submitting proof of salary of last six months disbursed to the staff. (iii). The duly approved land usage certificate is being submitted herewith. (iv). The affidavit is submitted herewith for consideration please. It is most respectfully submitted that the decision of Withdrawal of Recognition is based on wrong and incorrect facts i.e., the institution has time and again complied with all the norms and regulations of NCTE Act. It is pertinent to mention that the recognition of the institution was withdrawn vide order dt. 31.01.2023 despite having submitted all the documents as requisite under the final show cause notice. The institution herein is submitting all the requisite documents for your kind perusal and necessary action. It is pertinent to mention that due to wrong and arbitrary decision of SRC, the institution which is running successfully since 2005. The institution urges for

reversing/setting aside the withdrawal order as passed on the grounds mentioned above and requests to for an early action in this regard. The institution with folded hand and utmost respect prays that the withdrawal order as passed by the SRC by set aside and quashed in the interest of justice as the SRC has failed to appreciate the correct facts and documents available on record. The institution has a good name in the vicinity and is imparting quality education since 2005. You are requested to kindly take a lenient view and restore the recognition granted to the institution with immediate effect."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 28.11.2005. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 05.02.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 13.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units). Thereafter, a Corrigendum was issued to the institution on dated 20.05.2019 with an annual intake of 50 students each (two basic units). The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 31.01.2023.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th May, 2023 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 06.03.2023 approved by affiliating University as per provision of NCTE Regulations, 2014 alongwith an Affidavit with details of proof of disbursement of salary to faculty & non-teaching staff through bank account.

(ii) A copy of Land Use Certificate Building Completion Certificate approved by the Competent Authority.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 31.01.2023. 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 31.01.2023 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Senthil College of Education, 36, Pondicherry, Thiyagaraja, Pondicherry, Puducherry-605001**
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 Puducherry.

IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)

जी–7, सेक्टर–10, द्वारका, नई दिल्ली–110075

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-80/E-300989/2023 Appeal/5th Meeting, 2023
APPLSRC202314591

D.R.M Elementary Teacher Education, 492, 498, 499, Charlapally, Nalgonda, Telangana-508001 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Representative of the institution**
Respondent by	**Regional Director, SRC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **D.R.M Elementary Teacher Education, 492, 498, 499, Charlapally, Nalgonda, Telangana-508001** dated 24.04.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO3214/D.T.Ed./TS/2022/ (139060-139064)** dated 18.01.2023 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that "(i). The institution failed to submit reply to the Final Show Cause Notice dated 08.09.2022. (ii). Further, it is also observed that the institution has not filled Performance Appraisal Report (PAR)."

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of D.R.M Elementary Teacher Education, 492, 498, 499, Charlapally, Nalgonda, Telangana-508001 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "Institution failed to submit reply to the Final Show Cause Notice dated 08.09.2022, reason for chairman admitted hospital in ICU."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. Appeal Committee noted that the appellant institution was granted recognition for Elementary (D.Ed.) Course with an annual intake of 50 students vide order dated 05.08.2005. The recognition of the institution for D.El.Ed. programme was withdrawn by the SRC vide order dated 18.01.2023.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 12th May, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

(i) A copy of required faculty list approved by the Director, SCERT as per provision of NCTE Regulations, 2014 alongwith an Affidavit and proof of salary disbursement.

(ii) A copy of land documents, Land Use Certificate, NEC, approved building plan, site plan and BCC approved by the Competent Authority.

The Appeal Committee noted that the institution was still found deficient in terms of submission of PAR for the session 2020-21. However, in light of the Hon'ble High Court of Delhi order dated 13.03.2023 passed in LPA 190/2021 & LPA 520/2022 & others, the Appeal Committee decided to remand back the matter. The relevant extract of the order dated 13.03.2023 is being reproduced hereunder:

> **"....19. Section 12 of NCTE Act, which deals with the functions of the Council, is very specific that it is the function of the NCTE to evolve a suitable performance appraisal system. In 48th meeting of the Council also it was decided that NCTE should be authorised to proceed in the matter through a proforma developed by the NCTE. In the absence of any material to show that the proforma attached which the notice under challenge was evolved or even approved by the NCTE. The notice under challenge which necessitates on the Teacher Education Institutions running NCTE recognized Teacher Education Courses to file a Performance Appraisal Report annually is unsustainable and, therefore, the same is liable to be quashed as the same is in violation of the provisions of the NCTE Act. This Court is not going into the second question as to whether the amount of Rs.5,000/- which is to be submitted by the Central and State Government Institutions along with the Performance Appraisal Report is in the nature of fee or in the nature of tax as the same is an academic exercise for the present.**
>
> **20. With these observations, the notice under challenge is set aside. The appeals are allowed. Pending applications, if any, are disposed of."**

The Appeal Committee noted that the order dated 08.04.2021 passed in W.P.(C). No. 4382/2021, the Hon'ble High Court of Delhi has directed as under: -

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 18.01.2023 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 to the SRC in light of the aforesaid Hon'ble High Court order dated 13.03.2023 which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2021, 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, D.R.M Elementary Teacher Education, 492, 498, 499, Charlapally, Nalgonda, Telangana-508001**
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 /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)

जी–7, सेक्टर–10, द्वारका, नई दिल्ली–110075

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-52/E-293446/2023 Appeal/5th Meeting, 2023
APPLERC202314564

Sri Ramkrishna College of Education, 23/309, 26, 26/307, Bikrampur, Bikrampur Lakshmisagar Road, Simlapal, Bankura, West Bengal-722151 **APPELLANT**	**Vs**	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Shri Anup Kumar Patra, President & Sreekumar Nair, Executive**
Respondent by	**Regional Director, ERC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Sri Ramkrishna College of Education, 23/309, 26, 26/307, Bikrampur, Bikrampur Lakshmisagar Road, Simlapal, Bankura, West Bengal-722151** dated 16.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-316.16/NCTE/ERCAPP97/2012/B.Ed./WB/2022/67049** dated 27.12.2022 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has submitted its reply dated 15.11.2022 in response to the Final Show Cause Notice dated 19.10.2022 which is still deficient on the following grounds: (i). Only the photographs submitted by the institution cannot establish that the science lab, computer lab, sports room and Multipurpose Hall have been created with sufficient nos. of equipment/apparatus/furniture and are appropriate to run the programme. (ii). The institution has placed flexi board mentioning the institution's name and address instead of permanent board. (iii). The entire milieu of the college and its building shown in the video CD of the institution is not conducive for an educational institution. (iv). The entire building shown in the video CD of the institution is in shabby condition and is not appropriate to run Teacher Education course. (v). Video CD of this institution and other institution namely Sarada Institute of Teacher Education, Plot No.-RS23/290, Street No. N/A, Vill. -Bikrampur, P.O.-Bikrampur, Tehsil/Taluka-N/A, Town/City-Bankura, Dist.-Bankura, West Bengal-722151 reveals that both the buildings are same and one. The institution has misled NCTE by carrying out inspection of both institution in the same building."

II. SUBMISSIONS MADE BY APPELLANT: -

Shri Anup Kumar Patra, President & Sreekumar Nair, Executive of Sri Ramkrishna College of Education, 23/309, 26, 26/307, Bikrampur, Bikrampur Lakshmisagar Road, Simlapal, Bankura, West Bengal-722151 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "(i). The inspection team had duly conducted videography of the institution wherein the institution is having science lab, computer lab, sports room and multipurpose hall with required equipment/apparatus/furniture based on this. The recognition order was issued on

07.09.2020 subsequently the affiliating body has issued the affiliation order. The photograph and copy of the bills are attached. (ii). The board displayed during inspection was made flex to look attractive which was placed above the permanent inscribed details of the institute. Presently the inscribed details of the institution are displayed which is made ready reference with enclosed photograph. (iii). The building of the institute is well furnished and as per norms of NCTE, the environment of the building is fully educational. The photograph of the building attached herewith. (iv). The building of the institution is fully equipped as per norms of NCTE and was verified by the VT members of NCTE vide ERC order dated 7th September 2020. Order copy of ERC, NCTE is enclosed. (v). The building of Sri Ramakrishna College of Education was constructed as per the norms of NCTE and is located on plot no. 23/309, 26, 26/307 which clearly is different from the plot no quoted in the withdrawal order. No other institute is running for utilizing this building for any other purpose. This institute is conducting the B.Ed. programme in this building and the built-up area is 1554.64 sq.mts. therefore, there is no question of Sarda Institute of Teacher Education using the same building. The land deed of Sri Ramakrishna College of Education is enclosed herewith."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 50 students vide order dated 31.05.2015. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 27.12.2022.

The instant matter was placed in 4th Meeting of Appellate Committee held on 29.03.2023, whereby the Appeal Committee has decided to grant 2nd Opportunity to the institution. The operative part of the decision is as under: -

> **"The Appeal Committee noted the documents submitted alongwith its appeal memoranda and submission made during online appeal hearing on 29th March 2023. The Appeal Committee observed that merely submission of photographs and other document without any documentary evidence issued by the competent Govt. authority may not be considered as a substantial document for claim of the appellant institution to consider the appeal, particularly where ground of withdrawal of recognition are related with mandatory infrastructural facilities. Hence the Appeal Committee decided that the appellant institution is required to submit the**

following documents duly authenticated/verified by the competent authority of the concerned State Govt. so that the decision of the Appeal Committee become authenticated: -

(i) The institution is required to submit a certificate issued by the local Revenue Officer (Tehsildar/SDM) certifying that the institution is the owner and in possession of land & building for running the B.Ed. programme from the address given in the recognition order since 31.5.2015 to till date.

(ii) Further the institution shall submit latest Building Completion Certificate (BCC) issued by the competent govt. engineer alongwith an Affidavit on Rs.100/- stamp paper stating therein that institution is the owner and in possession of said land and building.

(iii) In addition, since the institution prior to withdrawal of the recognition was a recognised institution, an affidavit containing details of approved & appointed faculty with their account number showing that the salary is being paid through bank for last 6 months duly supported by list of faculties approved by the affiliating body and bank statement is required to be submitted.

In view of above, the Committee decided to grant another (Second) opportunity to the appellant institution with the direction to submit the aforesaid documents on or before next date of the Appeal Committee Meeting."

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May 2023. The Committee noted that in case of Sri Ramkrishna College of Education, one of the ground of withdrawal of recognition was that **"video CD of this institution and other institution namely Sarda Institute of Teacher Education, Plot No.- RS23/290, Street No. N/A, Vill. _ Bikrampur, P.O.-Bikrampur, Tehsil/Taluka-N/A, Town/City-Bankura, Dist.-Bankura, West Bengal-722151 reveals that both the buildings are same and one. The institution has misled NCTE by carrying out inspection of both institution in the same building."** The Committee further noted that in the case of Sarda Institute of Teacher Education one of the ground of withdrawal of recognition was that **"Video CD of this institution and other institution namely Sri Ramkrishna College of Education, Plot No. 548, Vill-Belun, P.O- Ashudkola, Tehsil/Taluka-Goghat, Town/City- Bengai, District-Hooghly, State-West Bengal, Pin Code-712611 reveals that both the buildings are same and one. The institution has misled NCTE by carrying out inspection of both institutions in the same building."**

The Appeal Committee noted that in both the case 2 (two) different Video CD has been submitted which need re-verification by the Visiting Team.

The Committee further noted that the appellant during the Appeal has submitted a **Memo No- 630/sim/23** dated 12.05.2023 issued by the Revenue Officer, Block Land & Land Reforms Office, Simlapal, Bankura, wherein the following has been certified: -

> **"This is to certify that Sri Ramkrishna College of Education, Vill+PO-Bikrampur, PS-Simlapal, Dist- Bankura, Pin-722151 is situated at its own land (Mouja-Katjuria, J.L., No- 60, Plot No-23/309, 26/307, & 26) The institution is the owner of land and building for running the B.Ed. programme since 2020. This institution has been successfully running from the above-mentioned address."**

The Appeal Committee in the light of the submission made by the appellant Institution during on-line hearing held on 12.05.2023 pass the following orders: -

(i) Inspection under Section 13 of the NCTE Act, 1993 shall be conducted by the Eastern Regional Committee (ERC), NCTE as per laid down procedure specifically verifying the following: -

(a) The infrastructure and instructional facilities available with the institution as per provisions of the NCTE Regulations, 2014
(b) The Appellant Institution is the owner of the land and building having full possession on it, as claimed by Appellant.
(c) Whether the building of the institution has been constructed as per National Building Code and the same is fully safe and structurally sound having load bearing capacity as pe the Code/ Standards, to run the teacher training course.
(d) Whether safeguard against fire hazard has been provided in all parts of the building
(e) Whether the institution's campus, building, furniture etc. is barrier free/accessible.
(f) Building Completion Certificate mentioning total Land area and built-up area
(g) Whether any other institute is also running in the same premises or not.

The Appeal Committee further directed the Eastern Regional Committee (ERC), NCTE that on being receipt of the report of the Visiting Team, the same shall be examined by the ERC, and furnish a report as to whether the institution is fulfilling the norms and standards as per provisions of the NCTE Regulations or not, to enable the Appeal Committee to take appropriate decision in the matter.

Noting the submission and verbal arguments advanced during the hearing, the Appeal Committee decided to keep the matter pending until the Report is submitted by the Eastern Regional Committee (ERC) as it is very necessary to ascertain whether institution is having infrastructure & instructional facilities viz-a-viz fulfilling the norms & standards as per provisions of the NCTE Regulations, 2014. Thus, it may not be advisable to remand back the case for the reasons that it will have an adverse effect on the quality of education and fate of students. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the Appeal is kept pending till the report is submitted by Eastern Regional Committee (ERC), NCTE in terms of direction given herein above. 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Sri Ramkrishna College of Education, 23/309, 26, 26/307, Bikrampur, Bikrampur Lakshmisagar Road, Simlapal, Bankura, West Bengal-722151**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal.

IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-53/E-294353/2023 Appeal/5th Meeting, 2023
APPLERC202314568

Sarda Institute of Teacher Education, 23/290, Bikrampur, Bikrampur Lakshmisagar Road, Simlapal, Bankura, West Bengal-722151 **APPELLANT**	**Vs**	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Shri Anup Kumar Patra, President & Sreekumar Nair, Executive**
Respondent by	**Regional Director, ERC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Sarda Institute of Teacher Education, 23/290, Bikrampur, Bikrampur Lakshmisagar Road, Simlapal, Bankura, West Bengal-722151** dated 25.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-316.15/NCTE/ERCAPP1816/D.El.Ed./WB/2022/67065** dated 27.12.2022 of the Eastern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that "The institution has submitted its reply dated 31.10.2022 in response to the Final Show Cause Notice dated 19.10.2022 which is still deficient on the following grounds: (i). Only the photographs submitted by the institution cannot establish that the science lab, computer lab, sports room and Multipurpose Hall have been created with sufficient nos. of equipment/apparatus/furniture and are appropriate to run the programme. (ii). The institution has not submitted the Fire Safety Certificate issued by the Competent Govt. Authority. (iii). The entire milieu of the college and its building shown in the video CD of the institution is not conducive for an educational institution. (iv). The entire building shown in the video CD of the institution is in shabby condition and is not appropriate to run Teacher Education course. (v). Video CD of this institution and other institution namely Sri Ramkrishna College of Education, Plot No. 548, Vill-Belun, P.O-Ashudkola, Tehsil/Taluka-Goghat, Town/City- Bengai, District-Hooghly, State-West Bengal, Pin Code-712611 reveals that both the buildings are same and one. The institution has misled NCTE by carrying out inspection of both institutions in the same building."

II. SUBMISSIONS MADE BY APPELLANT: -

Shri Anup Kumar Patra, President & Sreekumar Nair, Executive of Sarda Institute of Teacher Education, 23/290, Bikrampur, Bikrampur Lakshmisagar Road, Simlapal, Bankura, West Bengal-722151 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "(i). The visiting team came to visit the institution on 10.06.2022 & 11.06.2022, as per the notice dated 26.05.2022 and had inspected of all relevant documents and papers and had taken videography of the institution and upon inspection, they found that the institution was having all infrastructural facilities, instructional facilities, financial resources and the teaching staff, et cetera as per the NCTE Act, rules and relevant regulations including norms and standards for the said Teacher Education Programme. The appellate institution shall

refer to and rely upon the copy of the inspection report & recommendation of the visiting team at the hearing. The institution having Science Lab, Computer Lab, Sports Room and Multipurpose Hall with the required equipment/apparatus and furniture. The photograph and copy of the bills are attached. (ii). During the Show Cause Notice there was no mention of Fire Certificate. Since it is pointed out in the withdrawal, enclosed please find the Fire Certificate issued by WBFS vide license no: FL0125182227800126 date: 19.07.2022. (iii). The building of the institute along with the other facilities available is well furnished and as per the norms of NCTE, the environment of the building is education friendly and totally conducive for educational purpose. The photograph of the building is attached herewith. (iv). The institution is running the D.El.Ed. course for the last seven years and it's our sincere effort to maintain the building as per the norms of NCTE. The building of the institution is fully equipped as per norms of NCTE was verified by the VT members of NCTE during its initial inspection before getting recognition order, vide order no. ERC/7-181.6.22/NCTE/ERCAPP1816/D.El.Ed./2015/30732, dated-03.03.2015. order copy of ERC NCTE is enclosed. (v). The building of Sarada Institute of Teacher Education was build as per the Norms of NCTE and is located on plot 23/290 which clearly is different from the plot no quoted in the withdrawal order. No other institute is running or utilizing this building for any other purpose. This institute is conducting the D.El.Ed. programme I this building and the built-up area is 1636.88 sq.mts. therefore, there is no question of Sri Ramkrishna College of Education using the same building. The land education is enclosed herewith."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. Appeal Committee noted that the appellant institution was granted recognition for D.El.Ed. Course with an annual intake of 50 students vide order dated 03.03.2015. The recognition of the institution for D.El.Ed. programme was withdrawn by the ERC vide order dated 27.12.2022.

The instant matter was placed in 4th Meeting of Appellate Committee held on 29.03.2023, whereby the Appeal Committee has decided to grant 2nd Opportunity to the institution. The operative part of the decision is as under: -

> **"The Appeal Committee observed that merely submission of photographs and other document without any documentary evidence issued by the competent**

Govt. authority may not be considered as a substantial document for claim of the appellant institution to consider the appeal, particularly where ground of withdrawal of recognition are related with mandatory infrastructural facilities. Hence the Appeal Committee decided that the appellant institution is required to submit the following documents duly authenticated/verified by the competent authority of the concerned State Govt. so that the decision of the Appeal Committee become authenticated: -

(i) The institution is required to submit a certificate issued by the local Revenue Officer (Tehsildar/SDM) certifying that the institution is the owner and in possession of land & building for running the D.El.Ed. programme from the address given in the recognition order since 3.3.2015 to till date.

(ii) Further the institution shall submit latest Building Completion Certificate (BCC) issued by the competent govt. engineer alongwith an Affidavit on Rs.100/- stamp paper stating therein that institution is the owner and in possession of said land and building.

(iii) In addition, since the institution prior to withdrawal of the recognition was a recognised institution, an affidavit containing details of approved & appointed faculty with their account number showing that the salary is being paid through bank for last 6 months duly supported by list of faculties approved by the affiliating body and bank statement is required to be submitted.

In view of above, the Committee decided to grant another (Second) opportunity to the appellant institution with the direction to submit the aforesaid documents on or before next date of the Appeal Committee Meeting."

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May 2023. The Committee noted that in case of Sarda Institute of Teacher Education, one of the ground of withdrawal of recognition was that **"video CD of this institution and other institution namely Sarda Institute of Teacher Education, Plot No.- RS23/290, Street No. N/A, Vill. _ Bikrampur, P.O.-Bikrampur, Tehsil/Taluka-N/A, Town/City-Bankura, Dist.-Bankura, West Bengal-722151 reveals that both the buildings are same and one. The institution has misled NCTE by carrying out inspection of both institution in the same building."** The Committee further noted that in the case of Ramkrishna College of Education, one of the ground of withdrawal of recognition was that **"Video CD of this institution and other institution namely Sri Ramkrishna College of Education, Plot No. 548, Vill-Belun, P.O- Ashudkola, Tehsil/Taluka-Goghat, Town/City- Bengai, District-Hooghly, State-West Bengal, Pin Code-712611 reveals that both the**

buildings are same and one. The institution has misled NCTE by carrying out inspection of both institutions in the same building."

The Appeal Committee noted that in both the case 2 (two) different Video CD has been submitted which need re-verification by the Visiting Team.

The Committee further noted that the appellant during the Appeal has submitted a **Memo No- 628/sim/23** dated 12.05.2023 issued by the Revenue Officer, Block Land & Land Reforms Office, Simlapal, Bankura, wherein the following has been certified:

> **"This is to certify that Sarda Institute of Teacher Education, Vill+PO-Bikrampur, PS-Simlapal, Dist- Bankura, Pin-722151 is situated at its own land (Mouja-Katjuria, J.L., No- 60, Plot No-23/290) the institution is the owner of land and building for running the D.El.Ed. programme since 2015. This institution has been successfully running from the above-mentioned address."**

The Appeal Committee in the light of the submission made by the appellant Institution during on-line hearing held on 12.05.2023 pass the following orders: -

(i) Inspection under Section 13 of the NCTE Act, 1993 shall be conducted by the Eastern Regional Committee (ERC), NCTE as per laid down procedure specifically verifying the following: -

(a) The infrastructure and instructional facilities available with the institution as per provisions of the NCTE Regulations, 2014
(b) The Appellant Institution is the owner of the land and building having full possession on it, as claimed by Appellant.
(c) Whether the building of the institution has been constructed as per National Building Code and the same is fully safe and structurally sound having load bearing capacity as pe the Code/ Standards, to run the teacher training course.
(d) Whether safeguard against fire hazard has been provided in all parts of the building
(e) Whether the institution's campus, building, furniture etc is barrier free/accessible.
(f) Building Completion Certificate mentioning total Land area and built-up area
(g) Whether any other institute is also running in the same premises or not.

The Appeal Committee further directed the Eastern Regional Committee (ERC), NCTE that on being receipt of the report of the Visiting Team, the same shall be

examined by the ERC, and furnish a report as to whether the institution is fulfilling the norms and standards as per provisions of the NCTE Regulations or not, to enable the Appeal Committee to take appropriate decision in the matter.

Noting the submission and verbal arguments advanced during the hearing, the Appeal Committee decided to keep the matter pending until the Report is submitted by the Eastern Regional Committee (ERC) as it is very necessary to ascertain whether institution is having infrastructure & instructional facilities viz-a-viz fulfilling the norms & standards as per provisions of the NCTE Regulations, 2014. Thus, it may not be advisable to remand back the case for the reasons that it will have an adverse effect on the quality of education and fate of students. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the Appeal is kept pending till the report is submitted by Eastern Regional Committee (ERC), NCTE in terms of direction given herein above. 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Sarda Institute of Teacher Education, 23/290, Bikrampur, Bikrampur Lakshmisagar Road, Simlapal, Bankura, West Bengal-722151**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal.

IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-56/E-295795/2023 Appeal/5th Meeting, 2023
APPLERC202314572

Govt. Banikanta College of Teacher Education, 584/585/497/588, Lachit Nagar, By Lane-8, Lachit Nagar, Guwahati, Ulubari, Guwahati, Assam-781007 **APPELLANT**	**Vs**	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Dr. Mousumi Bordoloi, Principal**
Respondent by	**Regional Director, ERC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF REFUSAL

The appeal of **Govt. Banikanta College of Teacher Education, 584/585/497/588, Lachit Nagar, By Lane-8, Lachit Nagar, Guwahati, Ulubari, Guwahati, Assam-781007** dated 13.03.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE/ERC/2324202205201112/ASSAM/2022/REJC/113** dated 27.01.2023 of the Eastern Regional Committee, refusing recognition for conducting B.A. B.Ed./ B.Sc. B.Ed. Course on the grounds that "As per decision of the ERC taken in its 318th meeting held on 9th January 2023, Final Show Cause Notice was issued to the institution to submit the reply. The Committee further noted that the institution has uploaded it reply online on 14.01.2023 and the institution is still deficient on the following grounds: The institution has never earlier intimated at stage of processing of application that it shall run with the collaboration of the B. Borooah College. Also, it has not submitted any MoU with B. Borooah College allowing the applicant institution to use their infrastructure for the proposed ITEP. Hence, the Committee decided that the recognition sought by the institution for ITEP be refused under section 14/15 of the NCTE Act, 1993."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Mousumi Bordoloi, Principal of Govt. Banikanta College of Teacher Education, 584/585/497/588, Lachit Nagar, By Lane-8, Lachit Nagar, Guwahati, Ulubari, Guwahati, Assam-781007 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "(i). In the application for Integrated Teacher Education Programme, there was no scope for mentioning the name of the collaborating HEI. But in the replies to all the Show Cause Notices, it was very clearly mentioned that Govt. Banikanta College of Teacher Education prayed to start the integrated B.Ed. programme in collaboration with B. Borooah College. (ii). In the all the Show Cause Notices issued to Govt. Banikanta College of Teacher Education, there is no mention about the non-submission of MoU was not reflected in any of the Show Cause Notices. Without giving reasonable

opportunity and with seeking justification for non-submission of MoU, the Honorable NCTE, ERC passed the refusal order under section 14/15 of NCTE Act, 1993."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. 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 ITEP Course on 31.05.2022. The recognition of the institution for ITEP programme was refused by the ERC vide order dated 27.01.2023.

The instant matter was placed in 4th Meeting of Appellate Committee held on 29.03.2023, whereby the Appeal Committee has decided to grant 2nd Opportunity to the institution. The operative part of the decision is as under: -

"The Appeal Committee noted that it has collaborated with B.Borooah College and submitted a copy of Memorandum of Association on Integrated B.Ed. Programme. The Appeal Committee noted that as per the Selectin Criteria for Institutions/Universities under Pilot of 4-year Integrated Techer Education Programme (ITEP) forwarded by the MoE vide O.M. dated 26th November, 2021 inter-alia provides the following: -

(i) Institutions graded with NAAC 'B' & above or Institutes of Eminence/Institutions of National Importance

- **NAAC grading should have been valid for some period of time in last 2 years in case new applications have been filed.**
- **IoNI (under the purview of Ministry of Education)**

The O.M. dated 26th November 2021 further provides the following: -

Note: Out of the selected Universities/Institutions for pilot, few would be government B.Ed. colleges which will offer ITEP in collaboration with nearby multidisciplinary HEIs, affiliated to the same University, in conformity with the UGC guidelines. Some Universities notified as Skill Universities along with multi-disciplinary environment may also be considered.
The Appeal Committee noted that the institution has not submitted NAAC Certificate before the Appeal Committee, as such the Committee decided to grant one more opportunity to the institution to submit NAAC Certificate in the name of Govt. Banikanta College of Teacher Education, 584/585/497/588, Lachit Nagar, By Lane-8, Lachit Nagar, Guwahati, Ulubari, Guwahati, Assam-781007

In view of the above, the Appeal Committee as per extant appeal rules decided to grant another (Second) opportunity to the appellant to present its case before Appellate Authority."

The Appeal Committee in its 5th Meeting, 2023 held on 12.05.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of refusal order and observed that the appeal of the institution is still deficient on the following points: -

(i) The Appeal Committee noted that despite giving an opportunity to the institution for submitting the NAAC Certificate, the institution has failed to submit the same.

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 refusing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned refusal order dated 27.01.2023 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 refusing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned refusal order dated 27.01.2023 issued by ERC is confirmed.

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Govt. Banikanta College of Teacher Education, 584/585/497/588, Lachit Nagar, By Lane-8, Lachit Nagar, Guwahati, Ulubari, Guwahati, Assam-781007**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Assam.

IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)

जी–7, सेक्टर–10, द्वारका, नई दिल्ली–110075

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-59/E-296582/2023 Appeal/5th Meeting, 2023
APPLWRC202214481

Mauli College of Education (B.Ed.) Wadala, 350, Solapur Barshi Road, Wadala, Solapur North, Sholapur, Maharashtra-413222 **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Representative of the institution**
Respondent by	**Regional Director, WRC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Mauli College of Education (B.Ed.) Wadala, 350, Solapur Barshi Road, Wadala, Solapur North, Sholapur, Maharashtra-413222** dated 22.11.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **File No. F.No.WRC/APW02783/123355/366th/MH/2022/220771** dated 03.11.2022 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i). Certified copy of land documents not submitted. (ii). Approved staff profile as per the NCTE norms/Regulations not submitted. (iii). Originally notarized copy of the building plan not submitted. (iv). Non-encumbrance certificate duly approved by the competent authority not submitted. (v). Approved Building Completion Certificate duly signed by the competent authority in the prescribed proforma not submitted. (vi). Institution has also not uploaded the necessary information on its website."

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of Mauli College of Education (B.Ed.) Wadala, 350, Solapur Barshi Road, Wadala, Solapur North, Sholapur, Maharashtra-413222 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "(i). We have submitted the college documents at the time of establishment of the college. We are sending these documents to you again. (ii). The approval letter of the teacher who is doing the said course has been received from the government on the year 2019. Due to government reservation, the Roster verification teaching has not been completed. Due to this reason regular assistant professors could not be recruited. (iii). We have submitted the college documents at the time of establishment of the college. We are sending these documents to you again. (iv). We have submitted the college documents at the time of establishment of the college. We are sending these documents to you again. (v). We have submitted the college documents at the time of establishment of the college. We are sending these documents to you again. (vi). Institution has also uploaded all documents."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. Appeal Committee noted that the appellant institution was granted recognition for BTED B.Ed. (CO-ED) Course with an annual intake of 100 students vide order dated 23.01.2007. 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 03.11.2022.

The instant matter was placed in 4th Meeting of Appellate Committee held on 29.03.2023, whereby the Appeal Committee has decided to grant 2nd Opportunity to the institution. The operative part of the decision is as under: -

"The Committee noted that WRC in its 359th Meeting held on 18 April 2022 decided that due to non-submission of resolution of the society regarding reduction of seats from 100 to 50, the request for reduction of B.Ed. intake cannot be processed and the same was communicated to the institution vide letter dated 12.5.2022.

In view of the same the Appeal Committee decided that one opportunity may be given to institution to submit the following documents: -

(i) A certified copy of resolution passed by the sponsoring body regarding reduction of intake from 100 to 50 for B.Ed. programme.

(ii) An affidavit containing details of approved & appointed faculty with their account number showing that the salary is being paid through bank for last 6 months duly supported by list of faculties approved by the affiliating body and bank statement is required to be submitted.

(iii) A copy of the Building Completion Certificate issued by the competent Govt. authority.

In view of the above, the Appeal Committee as per extant appeal rules decided to grant another (Second) opportunity to the appellant to present its case before Appellate Authority."

The Appeal Committee in its 5th Meeting, 2023 held on 12.05.2023 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 faculty list provided with memorandum of appeal do not fulfil the criteria laid down by NCTE from time to time. It has been observed that certain faculty do not fulfil the eligibility criteria as per provisions of the NCTE Regulations, 2014. Further, the institution has failed to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of certificate of the Principal.

(ii) 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 WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 03.11.2022 issued by WRC is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 03.11.2022 issued by WRC is confirmed.

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Mauli College of Education (B.Ed.) Wadala, 350, Solapur Barshi Road, Wadala, Solapur North, Sholapur, Maharashtra-413222**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra.

IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)

जी–7, सेक्टर–10, द्वारका, नई दिल्ली–110075

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-37/E-289703/2023 Appeal/5th Meeting, 2023
APPLSRC202314546

Seethi Sahib Memorial Teacher Training Institute, 57, Kakkad, Nellikkaparamba, Kozhikode, Kerala-673602 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Mr. Abdul Hameel, Administrator**
Respondent by	**Regional Director, SRC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Seethi Sahib Memorial Teacher Training Institute, 57, Kakkad, Nellikkaparamba, Kozhikode, Kerala-673602** dated 26.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO0824/D.El.Ed./{KL}/ 2022/137454** dated 24.11.2022 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that "(i). The institution failed to submit reply to the Final Show Cause Notice dated 07.09.2022. (ii). Further it is also observed that the institution has not filled Performance Appraisal Report (PAR)."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Abdul Hameel, Administrator of Seethi Sahib Memorial Teacher Training Institute, 57, Kakkad, Nellikkaparamba, Kozhikode, Kerala-673602 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "Facts of the case in connection with a withdrawal order issued by NCTE Southern Regional Committee numbering F.SRC/NCTE/APSO0824/D.El.Ed./(KL)/2022/137454 dated 24th November 2022, we would like to prefer this appeal u/s 18 of the NCTE Act 1993 with the following facts and grounds: - (i). The above said withdrawal order was received at the office of the appellant is on 02.12.2022. If the computation of days starts from the receipt of the impugned order, then there is no delay at all. If the computation starts from the issuance of the impugned order, then there is three days delay in filing this appeal. The office staff who received the order by mail failed to communicate with the top officials about receipt of this order in time. Thereby, the appellant didn't receive any communication in time in this regard. There is no intentional delay occurred in filing this appeal. Hence, if any delay found, may kindly by condoned. If required a separate delay condone application also could be filed. (ii). The appellant is ready to furnish Performance Appraisal Report at any time. There were some lapses from the part of the trustees due to changes in trusteeship. All those issues have been sorted out. (iii). It is admitted that there was a blockade in the web site for some time which has been cured properly. Now there is no hurdle in its operation. (iv). Since the interchange in the trusteeship, no reply on showcase also submitted. We apologies the difficulty faced by your good office. Now all such issued have been cleared.

(v). Ours is an institution conducting D.El.Ed. course with an annual intake of 100. Besides that, we do have B.Ed. course with and annual intake of 50 our college is a prestigious and well reputed in this locality. Hundreds of poor and downtrodden classes of pupils are getting benefits from this institution. Withdrawal of recognition of this institute will cause a great havoc among general public of this locality. (vi). The impugned order of the SRC, NCTE is illegal, improper and against law. Hence it would not be published in Gazette of India Part III. (vii). The SRC NCTE went wrong in issuing a withdrawal order without giving much opportunity to the appellant. (viii). The SRC NCTE ought to have applied the principles of natural justice and ought to have given much time to the appellant for production of documents. (ix). The SRC NCTE ought to have taken a lenient view towards the appellant, since it is concerned with education of needy pupils. In the above circumstances, with the above grounds and further grounds may be brought at the time of argument of this appeal, it is most humbly prayed that this Hon'ble Court may be pleased to allow this appeal and the impugned withdrawal order may kindly be set aside."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record during the online hearing on 12th May, 2023. Appeal Committee noted that the appellant institution was granted recognition for Elementary (D.Ed.) Course of two year's duration with an annual intake of 100 (50 Malayalam and 50 English) students vide order dated 12.08.2004. The recognition of the institution for D.El.Ed. programme was withdrawn by the SRC vide order dated 24.11.2022.

The Appeal Committee in its 5th Meeting, 2023 held on 12.05.2023 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 Appeal Committee noted that the Appellant institution has not submitted any response to Final Show Cause Notice issued by the SRC and further the institution has also not submitted/filed any certified/notarised documents in support of its claim before the Appeal Committee. Hence the same is not acceptable since all these documents are photocopy and merely photocopy cannot be relied.

(ii) The institution has not submitted faculty list duly approved by the Director, SCERT. Further, the institution has failed to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed. etc. and experience of certificate of the Principal.

(iii) 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 24.11.2022 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 24.11.2022 issued by SRC is confirmed.

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Seethi Sahib Memorial Teacher Training Institute, 57, Kakkad, Nellikkaparamba, Kozhikode, Kerala-673602**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Kerala.

IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-6/E-286654/2023 Appeal/5th Meeting, 2023
APPLSRC202314514

Rabindranath Tagore College of Education, 215, Kummera, Chevella, Rangareddy, Telangana-501503 **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Representative of the institution**
Respondent by	**Regional Director, SRC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Rabindranath Tagore College of Education, 215, Kummera, Chevella, Rangareddy, Telangana-501503** dated 05.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.APSO0248/B.Ed./AP/2013-14/52165** dated 07.06.2013 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i). Approved building plan issued by competent civil authority is not submitted. (ii). Original building completion certificate from competent Govt. engineer is not submitted. The institution has submitted the BCC approved by Private Engineer not by Govt. Engineer, which is not permissible as per NCTE Regulations, 2009. (iv). Original FDRs of Rs. 5 & 3 lacs towards endowment and reserve fund from a Nationalised Bank in joint account is not submitted."

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of Rabindranath Tagore College of Education, 215, Kummera, Chevella, Rangareddy, Telangana-501503 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that "Ours is the own building. All the relevant paper submitted."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. The Appeal Committee noted that the institution was granted recognition for B.Ed. programme vide order dated 03.07.2003 with a specific mention therein that the institution has made arrangement for conducting the course in rented premises. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 07.06.2013. The SRC vide order dated 04.08.2015 issued a RPRO with a mentioned that the recognition granted to the institution was withdrawn for not shifting and the institution has obtained "Interim Suspension" of withdrawal order from the Hon'ble High Court

of Andhra Pradesh in W.P. 16789 of 2013 and the same is pending before the Hon'ble Court.

The instant matter was placed in 4th Meeting of Appellate Committee held on 29.03.2023, whereby the Appeal Committee has decided to defer the matter of the Appellant institution. The operative part of the decision is as under: -

"The Appeal Committee on perusal of the records submitted by the institution noted that it is not clear from the record as to when that court case was disposed of and after disposing of Writ Petition whether SRC has issued any order or not? and whether the institution has shifted its building. Therefore, the Appeal Committee take the decision to ask the institution to submit the following documents so that the decision of the Appeal Committee become authenticated.

(i) The institution has to submit status of W.P. No. 16789 of 2013, as to whether the court case is disposed of or not. If the court case is disposed of a copy of the order of the same.

(ii) The institution is required to submit latest status of shifting of the building of the institution, as to whether the institution has constructed a new building on the land for which papers were submitted to the SRC, NCTE at the time of recognition. Whether the institution has shifted their building on another land.

(iii) The status of approval of SRC regarding shifting of building of the institution. If the institution has shifted the building, then whether they have taken prior permission from the SRC, NCTE.

(iv) The reasons for non-affiliation by the affiliating University which informed the SRC that the institution was not allowed to participate in counselling for the academic session 2021-2022.

(v) The status of the faculty available with the institution as on date alongwith an affidavit containing details of approved & appointed faculty with their account number showing that the salary is being paid through bank for last 6 months duly supported by list of faculties approved by the affiliating body and bank statement is required to be submitted.

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

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May 2023. The Committee noted that the recognition of the institution was withdrawn by the SRC vide order dated 7.6.2013. Further the SRC vide letter dated 15.11.2022 confirmed the withdrawal order dated 7.6.2013 on the ground that affiliating University not allowed the institution to participate in counselling for the academic session 2021-2022. The institution vide letter dated

29.3.2023 submitted that the institution is 20 years old college running successfully and due to non-verification of the documents by the NCTE this problem has arrived.

The Appeal Committee in the light of the submission made by the appellant Institution during on-line hearing held on 12.05.2023 pass the following orders: -

(i) **Inspection under Section 13 of the NCTE Act, 1993 shall be conducted by the Southern Regional Committee (SRC), NCTE as per laid down procedure specifically verifying the following: -**

(a) The infrastructure and instructional facilities available with the institution as per provisions of the NCTE Regulations, 2014
(b) The Appellant Institution is the owner of the land and building having full possession on it, as claimed by Appellant.
(c) Whether the building of the institution has been constructed as per National Building Code and the same is fully safe and structurally sound having load bearing capacity as pe the Code/ Standards, to run the teacher training course.
(d) Whether safeguard against fire hazard has been provided in all parts of the building
(e) Whether the institution's campus, building, furniture etc. is barrier free/accessible.
(f) Building Completion Certificate mentioning total Land area and built-up area

The Appeal Committee further directed the Southern Regional Committee (SRC), NCTE that on being receipt of the report of the Visiting Team, the same shall be examined by the SRC, and furnish a report as to whether the institution is fulfilling the norms and standards as per provisions of the NCTE Regulations or not, to enable the Appeal Committee to take appropriate decision in the matter.

Noting the submission and verbal arguments advanced during the hearing, the Appeal Committee decided to keep the matter pending until the Report is submitted by the Southern Regional Committee (SRC) as it is very necessary to ascertain whether institution is having infrastructure & instructional facilities viz-a-viz fulfilling the norms & standards as per provisions of the NCTE Regulations, 2014. Thus, it may not be advisable to remand back the case for the reasons that it will have an adverse effect on the quality of education and fate of students. 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 is kept pending till the report is submitted by Southern Regional Committee (SRC), NCTE in terms of direction given herein above. 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/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Rabindranath Tagore College of Education, 215, Kummera, Chevella, Rangareddy, Telangana-501503**
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 /एनसीटीई अपीलीय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

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

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

Date /दिनांक - 22/05/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

File No. 89-62/E-296878/2023 Appeal/5th Meeting, 2023
APPLWRC202314574

Krishna D.El.Ed. College, 241, Ralayti, Bhawani Mandi Road, Jhalrapatan, Khanpuriya, Jhalawar, Rajasthan-326023 **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Representative of the institution**
Respondent by	**Regional Director, WRC**
Date of Hearing	12.05.2023
Date of Pronouncement	22.05.2023

ORDER/आदेश

I. GROUNDS OF REFUSAL

The appeal of **Krishna D.El.Ed. College, 241, Ralayti, Bhawani Mandi Road, Jhalrapatan, Khanpuriya, Jhalawar, Rajasthan-326023** dated 18.03.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE NRCAPP-4782/D.El.Ed./RJ/366th/2022/221881** dated 05.01.2023 of the Western Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "(i). Final Show Cause Notice was decided in 364th WRC meeting. (ii). Reply not received within 15 days from the date of uploading the minutes on the website. (iii). Committee decided to refuse the recognition for D.El.Ed. course."

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of Krishna D.El.Ed. College, 241, Ralayti, Bhawani Mandi Road, Jhalrapatan, Khanpuriya, Jhalawar, Rajasthan-326023 appeared online to present the case of the appellant institution on 12.05.2023. In the appeal memoranda it is submitted that: "All the documents already submitted by the institution in the office of Regional Committee twice firstly through reply dated 02.08.2021 to 337th meeting minutes and secondly through reply dated 18.10.2021 to show cause notice dated 27.09.2021 through speed post."

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 12th May, 2023. 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 D.El.Ed. Course on 27.12.2012. The recognition of the institution for D.El.Ed. programme was refused by the WRC vide order dated 05.01.2023.

The Appeal Committee noted that the application of the institution for D.El.Ed. programme was refused vide order dated 05.01.2023 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 05.01.2023 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 05.01.2023 of WRC is confirmed.

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Krishna D.El.Ed. College, 241, Ralayti, Bhawani Mandi Road, Jhalrapatan, Khanpuriya, Jhalawar, Rajasthan-326023**
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.