

F.No.89-104/E-158642/2020 Appeal/16<sup>th</sup> Mtg.-2020/31<sup>st</sup> August, 2020**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 22/09/2020

**ORDER**

**WHEREAS** the appeal of Residency College of Education, Tallapaka (Panchayath), Newboyanapalli, Rajampet, Cuddapah, Andhra Pradesh dated 13/03/2020 is against the Order No. SRO/NCTE/APSO7037/B.Ed./AP/113917 dated 17.01.2020 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the institution submitted photocopies of building plan in the name of Residency Educational Society, Tallapaka Cross Road, Behind Annamaiah Statue, Peddakarampalli (G.P.), Rajampet Mandal, Y.S.R. Kadapa District, AP which is not approved by competent authority, size of Multipurpose Hall not mentioned in the Building Plan. Site Plan submitted by the institution is not approved by the competent authority. The Committee also observed that the institution was granted recognition in the year 2007. In response to Final Show Cause Notice (FSCN) the institution submitted land & building documents which are altogether different. The Management has never applied for shifting of the premises. Even the staff list submitted is not in prescribed format and now where the competent authority could affix the date."

**AND WHEREAS** Sh. M. Prathap, Principal, Residency College of Education, Tallapaka (Panchayath), Newboyanapalli, Rajampet, Cuddapah, Andhra Pradesh presented the case of the appellant institution on 31/08/2020. In the appeal and during personal presentation it was submitted that "South Regional Committee has withdrawn recognition of Residency College of Education running under Residency Educational Society, in which institute failing to submit the reply to the Show Cause Notice (SCN) issued by South Regional Committee in its 383rd meeting held on 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> of January 2020. The institute submitted Building plan in the name of Residency Educational Society which was not approved by competent authority, size of multipurpose hall not mentioned in the building plan. Site plan submitted by the



institution is not approved by the competent authority. The committee also noticed that, in response to Final Show Cause Notice (SCN) the institution submitted land & building documents which are altogether different comparing to the recognition granted year i.e, 2007. "1. Building plan is approved by the competent authority, unfortunately, we missed to enclose that in response to final show cause notice dated 14.10.2019. In recent past, we have applied for fire extinguishers to the state government of Andhra Pradesh and they have asked us to update building plan floor wise for approval. At that time, multipurpose hall is renamed as seminar hall with same area in size. The activity of multipurpose hall and seminar hall is almost similar. It is enclosed as a proof. Site plan is also approved by competent authority (i.e., Panchayath Secretary & Architect) and same as enclosed as a proof. As per the committee observations, buildings plans are separate because Residency College of Education running under Residency Educational society, it performed in its operations in rental building from the 28th September, 2007 to 1st March, 2010. The institute has shifted to permanent building on 3rd March 2010 and same is communicated to the Affiliating University on 03.03.2010. We have no information to submit the shifting details to SRC at that time. Hence, we missed to submit shifting of institute information to SRC in time. We failed to submit the staff list in updated format because the affiliating university has sanctioned the approval for the year 2019-20. Hence, we failed to submit the staff list in updated format. The staff list in updated format with competent authority signature is enclosed as a proof. We are ready to submit the proofs of Land Documents, approved building plan, building completion certificate, Fire Safety certificate etc., PRAYER The appellant therefore prays that the order appealed against may be set aside and appropriate relief granted to the appellant."

**AND WHEREAS** Appeal Committee noted that appellant institution was granted recognition to conduct B.Ed. programme with an intake of 100 seats in the year 2007. Appeal Committee further noted from the relevant regulatory file that postal address of applicant institution as per application was : H.No. 4/21, Main Road Rajampet, Kadpa Dist. (A.P.). For seeking recognition of B.Ed. programme, applicant had submitted land and building documents pertaining to the above address and inspection of the institution



was conducted on 19/12/2006 at the address where the B.Ed. programme was proposed to be conducted.

**AND WHEREAS** Appeal Committee noted that revised recognition order dated 26/05/2015 under NCTE Regulation, 2014 was issued to appellant institution and in the revised recognition order address of the institution is mentioned as : H. No. 4/21, Main Road Rajampet, Kadapa (A.P.). Appeal Committee noted that even at this stage, appellant institution did not inform SRC that it had shifted from its original address.


**AND WHEREAS** Appeal Committee noted that for seeking compliance of the Terms and Conditions of the revised recognition order dated 26/05/2015, two Show Cause Notice (SCNs) dated 18/02/2019 and 14/10/2019 were issued to appellant institution. It is from the reply dated 23/10/2019 submitted by appellant institution to the SCNs, SRC noted that applicant institution had shifted from the place where it was granted initial recognition to conduct B.Ed. programme. Appeal Committee noted that before grant of recognition, inspection of the land and building, where course applied for is proposed to be conducted, is made to assess the preparedness of applicant institution to conduct the course and availability of suitable infrastructure such as (a) Classrooms, (b) Labs, (c) Library, (d) Multipurpose Hall, (e) Play ground and space for other misl. activities. Appeal Committee noted that Clause 8 (9) of NCTE Regulation, 2014 mentions that prior approval of the Regional Committee concerned shall be necessary which may be accorded after due inspection of the institution at new site. Further as per NCTE, Regulations, application for change of premises in specified format along with processing fee and other relevant documents shall be submitted by the institution online to the Regional office for prior approval of change of premises.

**AND WHEREAS** Appeal Committee holds that it is a matter of grave concern that regulatory body is not even informed of the change of address of the institution for years. Appellant had also failed to submit evidence of having appointed faculty with the approval of affiliating body for the years 2016-17, 2017-18, 2018-19. Appeal Committee decided to confirm the impugned order of withdrawal dated 17/01/2020.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded to confirm the impugned order of withdrawal dated 17/01/2020.

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

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

  
(T. Pritam Singh)  
H.O.D.

1. The Principal, Residency College of Education, 52/1, 53/1, 53/1, Tallapaka (Panchayath), Newboyanapalli, Rajampet, Cuddapah – 516126, Andhra Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.



(3)

F.No.89-106/E-158608/2020 Appeal/16<sup>th</sup> Mtg.-2020/31<sup>st</sup> August, 2020**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 22/09/2020

**ORDER**

**WHEREAS** the appeal of Vishwa Bharti Sansthan, Gokulpura, Sikar, Rajasthan dated 13/03/2020 is against the Order No. Old App/RJ---/236/2017/169448 dated 23.03.2017 of the Western Regional Committee, thereby returning the application for conducting D.El.Ed. course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** Appeal Committee noted that appellant institution had filed a S.B. Civil Writ Petition no. 17538 of 2019 in the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble Court vide order dated 21/10/2019 directed the petitioner to file appeal before NCTE with directions to NCTE to decide the appeal on merits ignoring the limitation period.

**AND WHEREAS** Dr. Kamal Sikhwal, Director, Vishwa Bharti Sansthan, Gokulpura, Sikar, Rajasthan presented the case of the appellant institution on 31/08/2020. In the appeal and during personal presentation it was submitted that "This institution has submitted application for grant of recognition of D.El.Ed. (STC) course on 31.10.2008 along with required processing fees and other documents. NRC in 134<sup>th</sup> meeting dated 20th to 22th November 2008 decided to return application. Being aggrieved from the order of NRC, NCTE, this institution had filed a S.B. Civil writ petition No. 11908/2016 in Hon'ble High Court of Rajasthan, Jaipur and Hon'ble High Court passed an order on 02.09.2016 in which Hon'ble High Court directed petitioner to move an application before NRC, NCTE for recognition of D.El.Ed. (STC) course and Hon'ble



High Court directed NRC, NCTE to decide the application of petitioner by a reasoned and speaking order in accordance with regulations, 2014 in a non-discriminatory manner. This institution again submitted application for recognition for D.El.Ed. (STC) course along with processing fees and other documents on 20.10.2016 on the direction of Hon'ble High of Rajasthan, Jaipur. NRC, NCTE again returned the application of this institution for grant of recognition for D.El.Ed. (STC) Course on 23.03.2017. Being aggrieved from the order of NRC, NCTE, this institution filed a S.B. Civil Writ Petition No. 17538/2019 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court passed order on 21.10.2019 in which Hon'ble High Court directed petitioner to file an appeal to NCTE u/s 18 of NCTE Act, 1993 and Hon'ble High Court had directed NCTE to decide the appeal of petitioner on merits ignoring the limitation period. Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once applications are invited the regional committee had no right to reject it on the grounds of ban imposed subsequently by the state govt." Appellate Authority, NCTE had already decided by its order dated 16.10.2017 that "The ground of non-submission of application online cannot be held against the appellant at this stage and therefore, the matter deserve to be remanded to the NRC for taking further action as per the NCTE Regulations 2014" Appellate Authority, NCTE had already decided by its order dated 27.02.2018 that "That all three ground mentioned in the show cause notice are the requirements, introduced for the first time, in the NCTE regulations 2014 and which are to be fulfilled when the applications are invited pursuant to these Regulations. The appellant originally submitted an application in the year 2007 and the then existing Regulations did not contain the requirements mentioned in the show cause notice. The NRC also processed the offline application submitted in January 2016. Therefore, Committee noted that the submission of the appellant vis a vis the ground of refusal deserve to be accepted and concluded that the matter deserve to be remanded to NRC with a direction to take further action as per NCTE Regulations 2014." Appellate Authority, NCTE had already decided by its order dated 16.03.2018 that "The Show Cause Notice (S.C.N.) dated 18.03.2017 on the ground that Appellant had not submitted online application was not justified as there was no way the appellant, whose application was pending since Sept. 2008, could have complied with the requirement of submitting application online more so when the



NCTE Portal for registering fresh applications was not open. Appeal Committee, therefore, decided to remand back the case to NRC for restarting the processing of application from the stage where it was decided to issue L.O.I. The Govt. of Rajasthan had imposed ban for grant of recognition for B.Ed./ D.El.Ed. (STC) Course on 17.11.2008 and this institution had applied to NRC, NCTE for grant of recognition for D.El.Ed. (STC) Course prior to the ban imposed by Govt. of Rajasthan i.e. 24.10.2008. Therefore, the decision of the Govt. did not apply to this institution. The Hon'ble High Court of Rajasthan had already considered this fact and ordered NRC, NCTE to process the application of this institution. so, the returning of application of this institution for grant of recognition for D.El.Ed. (STC) course is totally wrong, unjustified, unconstitutional and irrelevant. Therefore, the returning order issued to this institution for D.El.Ed. (STC) Course By NRC, NCTE on 23.03.2017 is totally wrong, unjustified, unconstitutional and illegal."

**AND WHEREAS** Appeal Committee noted that appeal filed by appellant pertains to its application of year 2008 seeking recognition for D.El.Ed. programme. Relevant Regulatory file is not available as NRC had returned the applications in original alongwith documents submitted and the processing fee was also ordered to be returned. Briefly speaking application of the appellant institution ceased to exist between the date of return of application to a date when appellant institution resubmitted its application after seeking orders dated September, 2016 of Hon'ble High Court of Rajasthan. Appeal Committee noted that application submitted for the 2<sup>nd</sup> time was also returned by NRC by a letter dated 23/03/2017 on the grounds that application has to be submitted in compliance with the extant NCTE, Regulation, 2014. Appeal Committee noted that there is a gap of 12 years between the dates of submission of first application and the present appeal and NCTE Regulation have changed twice in the intervening period. Appellant had considerably delayed filing of appeals on both the occassion. Hard copy of present appeal was submitted on 30/06/2020 i.e. almost 8 months after the order dated 21/10/2019 of Hon'ble High Court.



**AND WHEREAS** it has been brought to the notice of the Committee in the meeting held on 31/08/2020 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

**AND WHEREAS** the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. The Committee also noted that in view of the NRC returning the application in original to the appellant, with a request to the NCTE to refund the processing fee also, virtually no application existed after the year 2008 and 23.03.2017 respectively. In view of this position, the Committee concluded that (i) No appeal lies against a non existent application. (ii) N.R.C. was justified in returning the




application at the particular time. The appeal deserves to be rejected and the decision of the N.R.C. confirmed. The appellant institution is however, free to apply afresh as and when NCTE issues Notification inviting application for Teacher Education courses.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above, the Committee concluded that (i) No appeal lies against a non-existent application. (ii) N.R.C. was justified in returning the application at the particular time. The appeal deserves to be rejected and the decision of the N.R.C. confirmed. The appellant institution is, however, free to apply afresh as per extant NCTE Regulations, as and when NCTE issues Notification inviting fresh applications for the course.

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

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

  
(T. Pritam Singh)  
H.O.D.

1. The Director, Vishwa Bharti Sansthan, 644/573, 651/573, 574, Gokulpura, Sikar – 332001, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, 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, Jaipur.

4



F.No.89-107/E-158641/2020 Appeal/16<sup>th</sup> Mtg.-2020/31<sup>st</sup> August, 2020  
**NATIONAL COUNCIL FOR TEACHER EDUCATION**  
 G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 22/09/2020

### ORDER

**WHEREAS** the appeal of Bethlahem College of Education, Paloor, Karungal, Moosari, Killiyoor, Kanyakumari, Tamil Nadu dated 17/03/2020 is against the Order No. SRO/NCTE/APSO3593/B.Ed/TN/2020/15432 dated 27.02.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "the NEC is in regional language and notarized English version copy not submitted. The Building Plan is neither approved not legible. Further, the area of Multipurpose Hall do not match with the BCC. The proforma of faculty for B.Ed. course was signed by the Registrar, TNTEU on 13.07.2017 and the faculty is not qualified for B.Ed. course as per NCTE Regulations, 2014 (amended vide notification dt. 09.06.2017). Further, the faculty strength for both courses is less than the requirement of NCTE, Regulations. Form 'A' not submitted along with FDRs. FDRs are not maintained as required under NCTE Regulations for both courses."

**AND WHEREAS** Dr. Justin Antony Selvaraj, Member, Bethlahem College of Education, Paloor, Karungal, Moosari, Killiyoor, Kanyakumari, Tamil Nadu presented the case of the appellant institution on 31/08/2020. In the appeal and during personal presentation it was submitted that "NEC issued by the Registration Department Government of Tamil Nadu by e-service is in both the languages of Tamil and English. Now notarised English version is attached for your kind perusal. Building Plan approval was submitted and the same was also accepted by the Committee. As regards Building Completion Certificate is concerned, the same was also submitted to the NCTE long back. The copy of the same was also furnished along with the letter dated 08.01.2020. further, the college is functioning in the same building from the year 2005. No additional construction is made. It was already scrutinised by the committee and having satisfied with the same, recognition was granted to the college. The qualification approval from



TNTEU, signed by the registrar obtained on 15.10.2015 and as per the University's advice, new revised qualification approval in the new format was obtained on 12.02.2020. and found all the faculties are qualified. The copy is attached. Form 'A' from the State Bank of India for Rs. 12 lakhs (FDR no 34968179790 dt. 02.06.2015) for B.Ed. Degree programme and Rs. 12 lakhs (FDR No. 34968186094 dt. 02.06.2015) for M.Ed. Degree programme is submitted. College fulfills all the conditions of eligibility including availability of teaching and non-teaching staff with full qualification, entire instructional facilities, etc., and the college is functioning for the past 14 years."

**AND WHEREAS** Appeal Committee noted that appellant institution is recognised to conduct B.Ed. programme since 2005 with an intake of 100 seats. Appeal Committee further noted that revised recognition order dated 20/03/2015 was issued under NCTE Regulation, 2014 permitting the institution to have two basic units of 50 students each. Appellant institution in compliance with the Terms and Conditions of revised recognition order submitted to SRC by its letter dated 28/10/2015 copies of:- (a) land documents (English & Tamil) (b) N.E.C., (c) Building Plan, (d) C.L.U., (e) Building Completion Certificate, (f) FDRs of Rs. 12 lakh, (g) Staff profile.

**AND WHEREAS** Appeal Committee noted that further in response to a Show Cause Notice (SCN) dated 20/12/2019, Appellant institution again by its letter dated 08/01/2020 submitted copy of (i) land document, (ii) C.L.U., (iii) Approved building plan, (iv) Site Plan, (v) B.C.C., (vi) Staff List, (vii) FDRs, (viii) Print out of website. Appellant has also submitted copies of above documents with its appeal memoranda. In addition copies of Form 'A' issued by State Bank of India in respect of FDRs for B.Ed. and M.Ed. programme have been submitted. Appeal Committee noted that appellant has submitted a list containing names of 31 faculty for B.Ed. and 9+1 faculty for M.Ed. programme. Appellant Committee finds that impugned order does not clearly specify the shortfalls of faculty list. The area of Multipurpose hall in the B.C.C. is 6390 and the area shown in Meters in the Building Plan is 602 sq. meters which is almost same. Appeal Committee noted that impugned order of withdrawal dated 27/02/2020 withdrawing both the courses i.e. M.Ed., B.Ed. (Basic Intake) B.Ed. (Addl. Intake) by a

single order without much justification is not proper and lacks merit. Scrutiny of the regulatory file for B.Ed. programme reveals that appellant institution has been very prompt in submitting compliances and clarifying the points raised by SRC from time to time. Appeal Committee decided to set aside the impugned order of withdrawal dated 27/02/2020 issued by SRC.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents available on regulatory file and online submission made by appellant, Appeal Committee concluded to set aside the impugned order of withdrawal dated 27/02/2020 issued by SRC.

**NOW THEREFORE**, the Council hereby remands back the case of Bethlahem College of Education, Paloor, Karungal, Moosari, Killiyoore, Kanyakumari, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

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

  
(T. Pritam Singh)  
H.O.D.

1. The Secretary/Correspondent, Bethlahem College of Education, Paloor, Plot No. 4-171 F, Karungal, Moosari, Killiyoore, Kanyakumari – 629157, Tamil Nadu.
2. The Secretary, Ministry of Human Resource Development, 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, Chennai.





6

F.No.89-109/E-158611/2020 Appeal/16<sup>th</sup> Mtg.-2020/31<sup>st</sup> August, 2020

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 22/09/2020

### ORDER

**WHEREAS** the appeal of Ganpat Sahai P.G. College (B.Ed. Vibhag), Payagipur, Head P.O. Sultanpur, Praygraj Sultanpur Sadar, Sultanpur, Uttar Pradesh dated 17/03/2020 is against the minutes of 313 Meeting of NRC, NCTE 25-27<sup>th</sup> Feb., 2020 dated 27.02.2020 of the Northern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "the website of the institution has not been updated as per NCTE norms. The list of faculty posted on website does not match with the list submitted."

**AND WHEREAS** Sh. Arun Kumar Tiwari, Physiotherapist, Ganpat Sahai P.G. College (B.Ed. Vibhag), Payagipur, Head P.O. Sultanpur, Praygraj Sultanpur Sadar, Sultanpur, Uttar Pradesh presented the case of the appellant institution on 31/08/2020. In the appeal and during personal presentation it was submitted that "As per requirement of LOI the faculty as per NCTE norms was appointed duly approved by affiliating body and FDR of rupees 12 lakh was prepared. The website was created and all relevant information were uploaded on the website. NRC has not considered our reply in proper manner and rejected the recognition which is against the Rule."

**AND WHEREAS** Appeal Committee noted that a Letter of Intent (L.O.I.) dated 14/09/2015 was issued to appellant institution seeking compliance from the appellant institution within a period of 2 months. Appellant institution failed to submit compliance and NRC after issuing a Show Cause Notice (SCN) dated 02/12/2015 issued a refusal order dated 27/12/2016. As per provisions of the NCTE Act (Section -18), appellant

institution was allowed 60 days time to prefer appeal against the refusal order. Appellant institution failed to prefer timely appeal and first appeal preferred by appellant on 17/09/2018 was not admitted on grounds of delay of more than 2 years. Appellant had subsequently got relief from the Hon'ble High Court of Delhi. Hon'ble High Court in its order dated 29/04/2019 stated that NRC as well as Appellate Committee in NCTE was in error in holding that the reply to S.C.N. was not filed within stipulated time. Hon'ble High Court of Delhi further set aside the refusal order dated 27/12/2016 and consequent Appeal order dated 18/02/2019 with directions to NRC to reconsider the case of appellant institution.

**AND WHEREAS** Appeal Committee noted that Hon'ble High Court of Delhi had set aside the refusal order dated 27/12/2016 and Appellate order dated 18/02/2019 on the basis of averments made by petitioner that reply to Show Cause Notice was filed by the petitioners on 22<sup>nd</sup> December, 2015 (Referred to in para 5). Appeal Committee noted that appellant institution in its appeal dated 17/09/2018 nowhere mentioned that it had ever submitted reply to Show Cause Notice.

**AND WHEREAS** appellant almost after 4 years of the L.O.I. dated 14/09/2015 having been issued sought condonation of delay to prefer appeal which was not allowed by the Appellate Authority. The averments made by appellant before Hon'ble High Court of Delhi on the basis of which appellate order dated 18/02/2019 is set aside are not substantiated.

**AND WHEREAS** it is however, a different issue now at this stage as to how the petitioner made altogether fresh averments before the Hon'ble Court stating that reply dated 22/12/2015 to S.C.N. 02/12/2015 was submitted and Hon'ble High Court ordered the delay to be condoned and NRC asked to reconsider the matter.

**AND WHEREAS** Appeal Committee noted that NRC after getting the order dated 29/04/2019 of Hon'ble High Court and after giving appellant an opportunity to appear



before NRC on 21/06/2019 for personal hearing, issued a Show Cause Notice (SCN) dated 03/07/2019 for seeking from appellant institution:-

- (i) Faculty list duly approved by affiliating university.
- (ii) FDRs in joint name.
- (iii) N.O.C. of affiliating university.
- (iv) Evidence of Composite Institution.
- (v) Website
- (vi) N.E.C. issued by Competent Authority.
- (vii) Ban on D.El.Ed. course rendering composite status not possible.

**AND WHEREAS** Appeal Committee noted that the name of appellant institution i.e. 'Ganpat Sahai P.G. College' itself indicates that Degree courses and P.G. courses are being conducted in the institution and for grant of recognition of B.Ed. programme, the appellant institution is a composite institution irrespective of the fact whether recognition for D.El.Ed. course is granted or not granted. Appellant also submitted evidence that website of the institution has been modified suitably to exactly reflect the names of faculty approved by affiliating university. As affiliating university has approved the list of faculty and application of the institution pertains to year 2012, the requirement of N.O.C. from affiliating university need not be pressed at this stage. Appeal Committee considering the submissions made by appellant during the appeal hearing decided to remand back the case to N.R.C. for revisiting the matter. Appellant institution is required to submit to NRC originals of documents required by NRC within 15 days of the issue of appeal order.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded to remand back the case to N.R.C. for revisiting the matter. Appellant institution is required to submit to NRC originals of documents required by NRC within 15 days of the issue of appeal order.

**NOW THEREFORE, the Council hereby remands back the case of Ganpat Sahai P.G. College (B.Ed. Vibhag), Payagipur, Head P.O. Sultanpur, Praygraj Sultanpur Sadar, Sultanpur, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.**

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

  
(T. Pritam Singh)  
H.O.D.

- 1. The Manager, Ganpat Sahai P.G. College (B.Ed. Vibhag), Payagipur, 355, 354, 361, 352, Head Post Office Sultanpur, Praygraj Sultanpur NH-303, Sadar, Sultanpur – 228001, Uttar Pradesh.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.



7



F.No.89-110/E-158610/2020 Appeal/16<sup>th</sup> Mtg.-2020/31<sup>st</sup> August, 2020

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 22/09/2020

**ORDER**

**WHEREAS** the appeal of College of Teacher Education (Maulana Azad National Urdu University), Chandanpatti, Ilyas Ashraf Nagar, Laheriasarai, Bahadurpura, Darbhanga, Bihar dated 23/03/2020 is against the Order No. ER-278.37/APE00698/B.Ed./2020/62215 dated 01.02.2020 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "approved list of teaching faculty is not duly approved by the affiliating body."

**AND WHEREAS** Prof. Md. Faiz Ahmad, Professor and Dr. M.A. Sikandar, Associate Professor, College of Teacher Education (Maulana Azad National Urdu University), Chandanpatti, Ilyas Ashraf Nagar, Laheriasarai, Bahadurpura, Darbhanga, Bihar presented the case of the appellant institution on 31/08/2020. In the appeal and during personal presentation it was submitted that Appellant being a central university with national jurisdiction has established and managing constituent institutions in the name of college of teacher education (CTES) with the approval of the Government of India, Ministry of Human Resource Development and University Grants Commission. These institutions are fully funded by the University Grants Commission. Appellants had to depend upon the UGC for sanction of additional teaching posts for conversion of one year B.Ed. programmes into two years for running the teacher education programmes in the CTE Darbhanga (Bihar). The University Grants Commission, as per its communication no. F.no.15-5/2012(cu) Vol. v, dated 07-11-2019 had conveyed sanction of 12 additional teaching posts of assistant professor level for the CTE Darbhanga for B.Ed. and M.Ed. programmes due to conversion of one year duration to two year as per the NCTE Regulations, 2014. Appellant has taken necessary steps and advertised the newly sanctioned positions through notification no.59/2019 dated 26.11.2019. The present strength of faculty at CTE Darbhanga for B.Ed. and M.Ed. programmes is 21 the list of teachers on the rolls of the CTE Darbhanga as on 23.03.2020. Appellant, therefore,



prays that the impugned order dated 1.2.2020 of the Respondent (ERC, NCTE) withdrawing the recognition for B.Ed. programme for CTE, Darbhanga from the next academic year 2020-21 deserves to be set aside by the Appellate Authority."


**AND WHEREAS** Appeal Committee noted that appellant institution is a Central University funded by U.G.C. Appellant university is conducting B.Ed. programme since the year 2007 and was required to increase the number of faculty as per requirements of NCTE Regulation, 2014. Filling up of vacancies in Central University required sanction of additional posts with the approval of U.G.C. and due recruitment process also was to be followed. Appellant university in the meanwhile had appointed full time contractual faculty which is qualified and approved by Registrar.

**AND WHEREAS** Appeal Committee decided that appellant university is required to submit to ERC within 15 days of the issue of appeal order a detailed list of faculty in the prescribed format duly approved by Registrar of the University. Appeal Committee further decided to remand back the case to ERC for revisiting the matter.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded to remand back the case to ERC for revisiting the matter.

**NOW THEREFORE**, the Council hereby remands back the case of College of Teacher Education (Maulana Azad National Urdu University), Chandanpatti, Ilyas Ashraf Nagar, Laheriasarai, Bahadurpura, Darbhanga, Bihar to the ERC, NCTE, for necessary action as indicated above.

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

  
(T. Pritam Singh)  
H.O.D.

1. The Registrar I/C, College of Teacher Education (Maulana Azad National Urdu University), Chandanpatti, Plot No. 2, Khasra No. 1851, Ilyas Ashraf Nagar, Laheriasarai, Bahadurpura, Darbhanga – 846001, Bihar.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.



12

F.No.89-115/E-158599/2020 Appeal/16<sup>th</sup> Mtg.-2020/31<sup>st</sup> August, 2020**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 22/09/2020

**ORDER**

**WHEREAS** the appeal of Shri Mansa Girls College Samiti, Udaipurwati, Udaipurwati, Sikar, Rajasthan dated 13/03/2020 is against the Order No. Old App/RJ---/218/2017 dated 23.03.2017 of the Western Regional Committee, thereby returning the application for conducting B.Ed. course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

**AND WHEREAS** Appeal Committee noted that appellant institution has filed a S.B. Civil Writ Petition No. 3325 of 2019 in the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur and the Hon'ble High Court by its order dated 05/11/2019 granted liberty to the petitioner to file appeal before NCTE. Hon'ble High Court further directed NCTE to decide appeal on merits.

**AND WHEREAS** Dr. Kamal Sikhwal, Director, Shri Mansa Girls College Samiti, Udaipurwati, Udaipurwati, Sikar, Rajasthan presented the case of the appellant institution on 31/08/2020. In the appeal and during personal presentation it was submitted that "This institution submitted application for grant of recognition of B.Ed. course on 27.10.2008 along with required processing fees and other documents. NRC in 134<sup>th</sup> meeting dated 20<sup>th</sup> to 22<sup>nd</sup> November 2008 is decided to return application for new syllabus. Institution had filed a S.B. Civil Writ Petition No. 11909/2016 in Hon'ble High Court of Rajasthan, Jaipur Hon'ble High Court had passed an order on 02.09.2016 in which Hon'ble High Court had directed to petitioner to move an application before NRC, NCTE for recognition of B.Ed. course and Hon'ble High Court directed NRC,



NCTE to decide the application of petitioner by a reasoned and speaking order in accordance with Regulations, 2014 in a non-discriminatory manner. This institution again submitted the application for recognition for B.Ed. course along with processing fees and other documents on 20.10.2016 on the direction of Hon'ble High Court of Rajasthan, Jaipur. NRC, NCTE again returned the application of this institution for grant of recognition for B.Ed. Course on 23.03.2017. That being aggrieved from the order of NRC, NCTE, this institution has filed a S.B. Civil Writ Petition No. 3335/2019 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court passed order on 05.11.2019 in which Hon'ble High Court had directed petitioner to file an appeal to NCTE u/s18 of NCTE Act, 1993 and Hon'ble High Court had directed to NCTE to decide the appeal of petitioner on merits ignoring the limitation period. Appellate Authority, NCTE had already decided by its order dated 27.11.2017 that "Once application are invited, the Regional Committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." That the Appellate Authority, NCTE had already decided by its order dated 16.10.2017 that "The ground of non-submission of application online can not be held against the appellant at this stage and therefore, the matter deserve to remanded to the NRC for taking further action as per the NCTE Regulation 2014." That the Appellant Authority, NCTE had already decided by its order dated 27.02.2018 that " That all three ground mentioned in the show cause notice are the requirements, introduced for the first time, in the NCTE Regulations 2014 and which are to be fulfilled when the application are invited pursuant to these Regulations. The appellant originally submitted an application in the year 2007 and the then existing Regulations did not contain the requirements mentioned in the show cause notice. The NRC also processed the offline application submitted in January 2016. Therefore, Committee noted that the submission of the appellant vis a vis the ground of refusal deserve to be accepted and concluded that the matter deserve to remanded to NRC with a direction to take further action as per NCTE Regulation 2014." That Appellate Authority, NCTE had already decided by its order dated 16.03.2018 that "The Show Cause Notice (S.C.N.) dated 18.03.2017 on the ground that Appellant had not submitted online application was not justified as there was no way the appellant, whose application was pending since Sept. 2008, could have complied with the requirement of submitting



application online more so when the NCTE Portal for registering fresh applications was not open. Appeal Committee, therefore, decided to remand back the case to NRC for restarting the processing of application from the stage where it was decided to issue L.O.I. The Govt. of Rajasthan had imposed ban for grant of recognition for B.Ed. Course on 17.11.2008 and this institution had applied to NRC, NCTE for grant of recognition for B.Ed. Course prior to the ban imposed by Govt. of Rajasthan i.e. 27.10.2008. Therefore, the decision of the Govt. did not applied to this institution. The Hon'ble High Court of Rajasthan had already considered this fact and ordered to NRC, NCTE to process the application of this institution so, the returning of application of this institution for grant of recognition for B.Ed. course is totally wrong, unjustified, unconstitutional and un-relevant. Therefore, the returning order issued to this institution for B.Ed. Course by NRC, NCTE on 23.03.2017 is totally wrong, unjustified, unconstitutional and illegal. It is also against the principles of natural justice. So, it is prayed that the returning order dated 23.03.2017 issued by NRC, NCTE be set aside and direction be issued to NRC, NCTE to process the application of this institution for grant of recognition for B.Ed. Course as per NCTE Regulations, 2014 for 02 units (100 seats)."

**AND WHEREAS** Appeal Committee noted that whereas appellant has preferred appeal against a refusal/rejection order of 2008, copy of Minutes of 134<sup>th</sup> Meeting of NRC have been enclosed and copy of impugned letter or order has not been made available. Appeal Committee noted that appeal filed by appellant pertains to its application of year 2008 seeking recognition for B.Ed. programme. Relevant Regulatory file is not available as NRC had returned the applications in original alongwith documents submitted and the processing fee was also ordered to be returned. Briefly speaking application of the appellant institution ceased to exist after 2008 and between the date of return of application to a date when appellant institution resubmitted its application. After seeking orders dated September, 2016 of Hon'ble High Court of Rajasthan the appellant resubmitted application. Appeal Committee noted that application submitted for the 2<sup>nd</sup> time was also returned by NRC by a letter dated 23/03/2017 on the grounds that application has to be submitted in compliance with the



extant NCTE, Regulation, 2014. Appeal Committee noted that there is a gap of 12 years between the dates of submission of first application and the present appeal and NCTE Regulations have changed twice in the intervening period. Apart from NRC, Appellant had considerably delayed filing of appeal. Hard copy present appeal was submitted on 30/06/2020 i.e. almost 8 months after the order dated 21/10/2019 of Hon'ble High Court.

**AND WHEREAS** it has been brought to the notice of the Committee in the meeting held on 31/08/2020 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

**AND WHEREAS** the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition

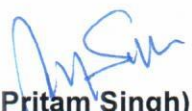


for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. The Committee also noted that in view of the NRC returning the application in original to the appellant, with a request to the NCTE to refund the processing fee also, virtually no application existed after the year 2008 and 23.03.2017. In view of this position, the Committee concluded that (i) No appeal lies against a non-existent application. (ii) N.R.C. was justified in returning the application at the particular time. The appeal deserves to be rejected and the decision of the N.R.C. confirmed. The appellant institution is however, free to apply afresh as and when NCTE issues Notification inviting application for Teacher Education courses.

**AND WHEREAS** after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above, the Committee concluded that (i) No appeal lies against a non-existent application. (ii) N.R.C. was justified in returning the application at the particular time. The appeal deserves to be rejected and the decision of the N.R.C. confirmed. The appellant institution is, however, free to apply afresh as per extant NCTE Regulations, as and when NCTE issues Notification inviting fresh applications for the course.

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

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

  
(T. Pritam Singh)  
H.O.D.

1. The Secretary, Shri Mansa Girls College Samiti, 1972, Udaipurwati, Gudha Road, Udaipurwati, Sikar – 333307, Rajasthan
2. The Secretary, Ministry of Human Resource Development, 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, Jaipur.