



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-81/E-178173/2021 Appeal/22nd Meeting, 2021
APPLSRC202013772

Dr. Rajabather Tagore Women Teachers Training College, Kilgudalore Village, 12/1, Melpettai Post, Nolambur Road, Tindivanam, Villupuram, Tamil Nadu – 604307 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. K. Giri (Administrative Officer)
Respondent by	Regional Director, SRC
Date of Hearing	29/10/2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Dr. Rajabather Tagore Women Teachers Training College, Kilgudalore Village, 12/1, Melpettai Post, Nolambur Road, Tindivanam, Villupuram, Tamil Nadu – 604307 dated 17.10.2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APSO4272/TN/B.Ed./2020/118486 dated 21.09.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “Certified copy of land documents issued by the competent authority along with notarized English translation has not been submitted. The institution has not submitted notarized copy

of Land Use Certificate. BCC has not been submitted in proper format and the same is in regional language. NEC is in Regional language. The notarized English translation has not been submitted. The institution has submitted staff list of 1+6 against the requirement of 1+15. The institution has also not appointed faculty for Fine Arts, Performing Arts. 'Form A' of Bank regarding with FDRs towards Endowment Fund and Reserve Fund have not been submitted. The Building Plan submitted by the institute shows the size of Multipurpose Hall as 1100 sq. ft. which is less than the requirement of NCTE Regulations."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. K. Giri (Administrative Officer), Dr. Rajabather Tagore Women Teachers Training College, Kilgudalore Village, 12/1, Melpettai Post, Nolambur Road, Tindivanam, Villupuram, Tamil Nadu presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "We have submitted our registered land document duly notarized by the authority. Now we are again submitting the same land document notarized by advocate for your kind reference. Sir we have submitted a notarized copy of land use certificate in our last explanation letter but here we are again resubmitting a copy of land use certificate authorized by notary public. We wish to inform that we have obtained a building completion certificate from a Government approved engineer and the same has been submitted for your good office which is in English language only. NEC has been submitted which has been authorized by a notary public in English. We have given a letter to NCTE stating that now we appoint staff for one basic unit, i.e. as per norms 1+8 only 25 out of 50 students are been admitted during the past 6 years in B.Ed. one unit. Qualified staff for fine arts and performing arts as per NCTE norms, we have published advertisement in newspapers no suitable candidate with necessary qualification was available, however we have appointed one Mrs. Subashini B.A., Dip. in Tailoring and now she is working. As soon as we get another qualified fine arts teacher, we will remove this craft teacher and appoint. Sir herewith we are submitting a copy of FDRs towards endowment fund and reserve fund for your kind perusal. We have only one unit in B.Ed. course and there are only 50 students studying in 1st and 2nd year due to conversion of 1 year course into 2 years degree for the past 6 years only less than 50 students are enrolled and studying, hence we may be permitted to construct the remaining sq. feet area. Sufficient place is available for 1 unit. We have not



availed the sanction of 2nd unit. We pray your good office to accept our prayer and cancel the order which has been issued on 21/09/2020 and allow us to continue our institution run regularly by issuing a new order.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that on appeal dated 17.10.2020 filed by appellant institution against the impugned order of withdrawal dated 21.09.2020 was decided by Appellate Authority by order dated 19.08.2021. Appellate order confirmed the impugned withdrawal order on the grounds that Building Completion Certificate (BCC) submitted by appellant was for a built up area of 1373 Sq.Mtr. which was not enough even for conducting B.Ed. programme with an intake of one unit.

2. Appeal Committee noted that appellant institution filed an WP No. 20571 of 2021 and WMP. Nos. 21804, 21807 and 21810 of 2021 in the High Court of Judicature at Madras. Appeal Committee noted that Hon'ble High Court by its order dated 30.09.2021 has not found any ground to interfere with the order dated 02.02.2021 passed by affiliating University, regulating the withdrawal of affiliation. Hon'ble Court, however, directed NCTE to consider the appeal filed by petitioner on 14.09.2021 and deal with the same on merits and in accordance with law.

3. Appeal Committee noted that appellant institution with its appeal dated 17.10.2020 has submitted a BCC by which the Chartered Engineer had certified that built up area is 1373 Sq.Mtr. the BCC now submitted by appellant institution indicates the built up area 21750 Sq.ft. Both the BCCs are signed by same person on different dates.

4. Appeal Committee noted that appellant institution has not stated any reason for BCC submitted earlier with a built up area of 1373 Sq.Mtr. and subsequent submitting another BCC with built up area 21750 Sq.ft. Appellant has not submitted any other evidence to prove that the second BCC can be relied upon over and above the previous BCC submitted to the Appellate Authority.

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5. Appeal Committee decided that there is no valid and acceptable reason to reconsider its decision conveyed through Appellate order dated 19.08.2021. Appellant institution is free to apply afresh as and when NCTE issues notification inviting fresh applications for the course as per extant regulations.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents available on record, the Appeal Committee of the council Concluded that SRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and order of the SRC is confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Dr. Rajabather Tagore Women Teachers Training College, Kilgudalore Village, 12/1, Melpettai Post, Nolambur Road, Tindivanam, Villupuram, Tamil Nadu – 604307
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 Tamil Nadu.



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**F. No. 89-188/E-165205/2020 Appeal/22nd Meeting, 2021
APPLERC202013730**

Kabiguru College of Education, Rahamatpur, Tehatia, Nadia, West Bengal APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mr. Subash Mondal, (Assistant Secretary).
Respondent by	Regional Director, ERC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Kabiguru College of Education, Rahamatpur, Tehatia, Nadia, West Bengal dated 22.09.2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. ER-282.65/ERCAPP1160/B.Ed./2020/62831 dated 24.07.2020 of the Eastern Regional Committee, withdrawing recognition for conducting B.El.Ed. Course on the grounds that "Validity of FDRs of Rs. 5 lakh and Rs. 3 lakhs have expired on 27.02.2019.

Hence, B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2021-22."

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. Subash Mondal, (Assistant Secretary) Kabiguru College of Education, Rahamatpur, Tehatia, Nadia, West Bengal presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "expiry of FDRs Rs. 5,00,000/- and Rs. 3,00,000/- has occurred due to laches and negligence on part of the bank authority. The appellant has no knowledge about the expiry of validity of the FDRs, as because there is no prior intimation from the bank authority for renewal of the FDRs. The Appellant says that the FDRs will be renewed and/or College authority will make sure that once again FDRs were made and complied with as per rules by the Appellant."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under: - In pursuance of the arguments advanced by appellant and decision taken by Appeal Committee, appellant institution has submitted copies of F.D.Rs with validity duly extended up to 11-11-2026. Appeal Committee decided that appellant institution is required to submit original of these F.D.Rs with certificate issued by respective Bank , to E.R.C within 15 days of the issue of Appeal order.

2. Appeal committee decided to remand back the case to E.R.C for revisiting the matter keeping in view the averment made by appellant that BangiyaGramin Vikas Bank is included in the P.N.B sponsored bank list.

3. 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."

4. 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:-



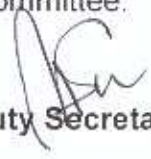
“Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition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

5. Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 24.07.2020 and remand back the case to ERC for further necessary action as per NCTE Regulations, 2014.

IV. DECISION: -

After perusal of the Memoranda of the Appeal, affidavit, documents on record and oral arguments advanced during online hearing of the case on 29.10.2021, Appeal committee of the council, concluded to set aside the impugned withdrawal order dated 24.07.2020 and remand back the case to E.R.C for revisiting the matter.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Kabiguru College of Education, Rahamatpur, Tehatia, Nadia, West Bengal
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-198/E-191102/2021 Appeal/22nd Meeting, 2021
 APPLSRC202114046

Amritalaya College of Education, Chinnamottur Village, Kethandapatti Post, Nattrampalli Taluk, Vellore, Tamil Nadu – 635815 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <u>RESPONDENT</u>
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Representative of Appellant	Mr. M. Munisami, (Admin Officer)
Respondent by	Regional Director, SRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Amritalaya College of Education, Chinnamottur Village, Kethandapatti Post, Nattrampalli Taluk, Vellore, Tamil Nadu – 635815 dated 24/04/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRC/NCTE/APSO4941/B.Ed./TN/2021/125931 dated 13.04.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution has not submitted latest list approved by the affiliating University. As per the old Faculty list, the same is consisting of one principal and 12 Lecturer against the requirement

of 1+15 Lecturers. Some deficiencies are One Lecturer of performing arts is Part timer. Faculty in r/o Fine Arts is not appointed by the institution. The institution is required to submit latest faculty list. The institution has submitted a photocopy of the Building plan instead of certified/notarised one. The same is also not readable in terms of name and authority of the approving building plan. The institution has submitted photocopy of NEC, Site plan instead of certified/notarized copy of these documents.”

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. M. Munisami, (Admin Officer), Amritalaya College of Education, Chinnamottur Village, Kethandapatti Post, Nattrampalli Taluk, Vellore, Tamil Nadu presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that “The Management is having One Principal and 15 Assistant Professors appointed and approved by the Registrar, Tamilnadu Teachers Education University on 09.12.2016 and 17.09.2018. And the same list of one Principal and 15 Assistant Professors appointed on regular basis has been submitted to the Tamilnadu Teachers Education University and approved by the Registrar on 09.04.2021. We submit Latest Faculty List. At the time of inspection, the management submitted original building plan to the NCTE visiting team. The original building plan is verified by the Inspection Team the total built up area is 32400 square feet and copy of the building plan enclosed in the inspection report. In the meanwhile, a show cause notice issued by NCTE, the management once again submitting a photocopy of building plan to the NCTE SRC. Also notarized building plan copy enclosed. At the time of inspection, the management submitted original Non encumbrance certificate to the NCTE visiting team. The original non encumbrance certificate verified by the inspection team and enclosed in the inspection report. In the meanwhile, the management submitting once again the Non encumbrance certificate to the NCTE. Also Notarized copy of Non encumbrance Certificate is enclosed. the management submitting the Notarized copy of site plan is also enclosed.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned order of withdrawal dated



13.04.2021 is on the ground that (i) The list of faculty submitted by appellant institution was deficient as it consisted of a Principal and 12 faculty; Performing Art Faculty was part timer, (ii) Building Plan was not notarised and legible (iii) Certified notarised copy of NEC and Site Plan not submitted.

2. Appeal Committee noted that appellant institution is conducting B.Ed. Course since 2006-07 and with its appeal Memoranda has submitted the documents which were found to be deficient. Appeal Committee, therefore, decided that appellant institution is required to submit to SRC all the documents duly certified and notarised as have been submitted by it with its appeal Memoranda.

3. While perusing the regulatory file, Appeal Committee noted that photographs and videography of the institution building reflects that College building has only one floor i.e. ground floor whereas the BCC submitted with appeal papers is of ground and first floor. The point further needs to be clarified by the appellant institution.

4. Appeal Committee decided to remand back the case to SRC for revisiting the matter after the appellant institution submits required documents within 15 days of the issue of appeal order.

5. 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."

6. 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."

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

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents available on record, the Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter after the appellant institution submits required documents within 15 days of the issue of appeal order.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Amritalaya College of Education, Chinnamottur Village, Kethandapatti Post, Natrampalli Taluk, Vellore, Tamil Nadu – 635815
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 Tamil Nadu



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-203/E-191576/2021 Appeal/22nd Meeting, 2021
APPLNRC202114045

Pramanand College of Education, Anayat, 56/16/01, Gohana, Sonapat, Haryana – 131301, Rajasthan – 327022 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <u>RESPONDENT</u>
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Representative of Appellant	Sh. Rajnish Kumar (President)
Respondent by	Regional Director, NRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF REFUSAL

The appeal of Parmanand College of Education, Anayat, 56/16/01, Gohana, Sonapat, Haryana dated 04/06/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/NRCAPP-3852/B.Ed./335th (Virtual) Meeting/2021/214080-85 dated 18.05.2021 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "the institution has not submitted any proof/evidence to prove that it is a composite institution as per clause 2(b) of NCTE Regulations, 2014. The institution has not submitted NOC of the affiliating body. Building Plan approved by Architect

& Sarpanch instead Competent Government Authority. Building Completion Certificate issued by Chartered Engineer & Sarpanch instead Competent Government Authority. Latest approved faculty list as per NCTE Regulations, 2014 not submitted. However, a copy of old list enclosed. Original FDRs not submitted, photocopy of the FDR shows that these FDR already expired on 27.07.2020. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993.

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Rajnish Kumar (President), Parmanand College of Education, Anayat, 56/16/01, Gohana, Sonapat, Haryana presented online the case of the appellant institution on 17/08/2021 and 29.10.2021. In the appeal and during personal presentation it was submitted that "already submitted many times."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Committee noted that the NRC after issue of a Letter of Intent dated 19/11/2018, issued Show Cause Notices to the appellant on 26/02/2019, 08/11/2020 and 22/01/2021 pointing out various deficiencies. The Committee also noted that the appellant has replied to all the Show Cause Notices. The NRC, after considering the reply to the latest show cause notice, in their order dt. 18/05/2021, refused recognition on the ground that either the documents submitted are still deficient or some other documents have not been submitted at all. The appellant, with the appeal submitted certain documents, namely, (i) a letter dt. 10/06/2021 from MD University, Rohtak granting provisional permission to Parmanand College of Sanskrit to start Shastri Course w.e.f. session 2021-22; (ii) a building plan, approved by an Assistant Engineer PWD (B&R) Sonipat on 29/06/2021; (iii) a copy of Building Completion Certificate, signed by an Assistant Engineer on 29/06/2021; (iv) a copy of the letter dt. 16/11/2018 issued by Choudhary Ranbir Singh University, Jind, provisionally approving the proceedings of selection of faculty of the appellant institution, subject to verification of documents relating to educational qualifications. In this letter the University also asked the appellant to send



various other documents to consider approval of appointment of the selected faculty members; and (v) original Form 'A' issued by SBI, Gohana certifying issue of two FDRs for Rs. 7,70,771/- and Rs. 10,79,063/- on 27/07/2020 with maturity date of 27/07/2025. The bank certified that these FDRs are issued in the Joint names of Paramanand Educational Trust and Regional Director, NRC – regarding No Objection Certificate (NOC) of the affiliating body, the appellant merely enclosed a copy of the order of the Hon'ble High Court of Delhi at New Delhi at 23/02/2018 in W.P. (C) 1723/2018 and not a 'N.O.C.'.

2. The Committee on perusal of the above documents, made the following observations:-
- (i) The appellant, to prove that theirs is a composite institution, enclosed a copy of the letter dt. 10/06/2021 issued by M.D. University Rohtak for commencing Shiksha Course. But from this letter it is seen that the approval conveyed by the University is to "Parmanand College of Sanskrit" and not to the appellant institution named "Parmanand College of Education". Hence the appellant cannot claim composite status.
 - (ii) Regarding the faculty, the appellant submitted a copy letter of CRS University, Jind dated 16/11/2018, which shows that the appointment of the selected faculty was yet to be approved. From the Regional Committee's file it is seen that the appellant earlier forwarded this letter to the NRC with their letter dated 19/11/2018. The appellant also forwarded the particulars of the faculty in a proforma, inter-alia showing that all of them were appointed on 12/11/2018. However, this list has not been signed the affiliating University. The NRC in their show cause notice dt. 22/01/2021 indicated the information required about faculty in detail. According to that notice the latest / current faculty list approved and signed on each page by the concerned affiliating body in original was to be submitted. **The appellant has not submitted this information.**
 - (iii) Regarding non-submission of NOC, the Committee noted from the file that the Hon'ble High Court of Delhi at New Delhi in their order dt. 29/03/2019 in W.P. (C) 3182/2019 & C.M. Appl 14587/2019 (stay) made certain observations on the issues raised in the Show Cause Notice dt. 26/02/2019, which included non-submission of NOC. In that order the Hon'ble High Court directed that the authority adjudicating the show cause notice would limit itself examining



objections relating to three issues, namely, Joint FDRs; Website printout; and List of faculty.

3. In view of the above position, even if the points relating to composite nature of the institution and 'NOC' are kept aside, the foremost deficiency is absence of a current/latest faculty list approved and signed by the affiliating University as per requirements of the show cause notice dated 26/02/2019. This is a vital and essential academic requirement for conducting quality teacher education programme and maintenance of standards therefor. Despite giving sufficient opportunities, the appellant was not able to furnish required evidence to prove its composite status as per clause 2(b) of NCTE Regulation, 2014 and list of faculty in the prescribed Performa.

4. Clause 2 (b) of NCTE Regulation, 2014 defines composite institution as :

“Composite institution” means a duly recognised higher education institution offering undergraduate or postgraduate programmes of study in the field of liberal arts or humanities or social sciences or sciences or commerce or mathematics, as the case may be, at the time of applying for recognition of teacher education programmes, or an institution offering multiple teacher education programmes;

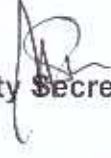
5. Appeal Committee noted that provisional approval of affiliating University granted by letter dated 10.06.2021 for Shastri Course could not have been appropriately considered by NRC in its 355th (virtual) meeting held on 15-16 April, 2021. Appeal Committee decided to confirm the impugned refusal order dated 18.05.2021 issued by NRC



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents available on record, the Appeal Committee of the Council concluded to confirm the impugned refusal order dated 18.05.2021 issued by NRC.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Pramanand College of Education, Anayat, 56/16/01, Gohana, Sonapat, Haryana – 131301, Rajasthan – 327022
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan.



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-215/E-192368/2021 Appeal/22nd Meeting, 2021
APPLWRC202113952

LokshahiShikshan Sansthan College of Education, Nagbhid, 24, 25, Tahshil Road, Nagbhid, Chandrapur, Maharashtra – 441205 APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. S.M. Sawarkar, (Secretary)
Respondent by	Regional Director, WRC
Date of Hearing	29/10/2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of LokshahiShikshan Sansthan College of Education, Nagbhid, 24, 25, Tahshil Road, Nagbhid, Chandrapur, Maharashtra – 441205 dated 22/02/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW02217/123305/322nd/220/212987 dated 19.12.2020 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “Recognition was granted to the institution on 05.03.2007 on rented premises with a condition to shift the institution in its own premises within a period of three years from the date of issue of recognition order. The institution has not shifted the institution in its own

[Signature]

premises till date. Accordingly, Show Cause Notice was issued to the institution on 06.10.2020. The institution has not submitted the reply of the Show Cause Notice till date. In view of above, the Committee decided that the recognition of B.Ed. programme of the institution be withdrawn under section 7(3) of the NCTE Act from the next academic session 2021-22."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. S.M. Sawarkar (Secretary), LokshahiShikshan Sansthan College of Education, Nagbhid, 24, 25, Tahshil Road, Nagbhid, Chandrapur, Maharashtra presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "As per recognition of 05.03.2007 to run annual intake of 100 students but as per NCTE norms we are running the course with intake of 50 students only. Due to financial position and covid-19 situation not shifted in own premises but have purchased land and planning for construction is in progress by the architect. Yes, but replay is not given. Yes, due to institute is running on backward and tribal area with humble request not to withdraw the granted permission to run the institute with intake of 50 students instead of 100 students in the rented premises with all necessary facilities available and our LokshahiShikshan Sanstha begs to give extra time period for shifting in our own premises due to covid-19 and bad financial position of the institute and give a chance to give education to poor backward and tribal students of the district we achieved good and appreciable result in the University with giving metritis's students from our college till today."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution was granted recognition by an order dated 05.03.2007 to conduct B.Ed. programme. The recognition order was subject to the condition that the institution intending to run the Teacher education programme in rented premises are required to submit report in compliance of the requirements of NCTE Regulation on the subject regarding their shift to permanent building. Appeal Committee further noted that a Show Cause Notice (SCN) dated 06.10.2020 was issued to appellant institution seeking written representation regarding its non-shifting to permanent premises.



2. Appeal Committee noted that appellant institution has tried to justify that it being financially in bad position, located in backward area and Covid pandemic situation could not shift.

3. Appeal Committee noted that it is more than 14 years that appellant institution was required to implement the shifting process and which the appellant institution has not been able to comply. Appeal Committee therefore decided to confirm the impugned order of withdrawal dated 19.12.2020 issued by WRC.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents available on record and oral arguments advanced during online hearing, the Appeal Committee of the Council concluded to confirm the impugned order of withdrawal dated 19.12.2020 issued by WRC.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, LokshahiShikshan Sansthan College of Education, Nagbhid, 24, 25, Tahshil Road, Nagbhid, Chandrapur, Maharashtra – 441205
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra.



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-229/E-193334/2021 Appeal/22nd Meeting, 2021
 APPLWRC202113992

Maa Girija Devi Training College, Jamna, 692/3, Jamna, Bhind, Madhya Pradesh – 477001 APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. Sandeep Mishra (Secretary)
Respondent by	Regional Director, WRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF REFUSAL

The appeal of Maa Girija Devi Training College, Jamna, 692/3, Jamna, Bhind, Madhya Pradesh – 477001 dated 24.03.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/**APP3206/233/263rd**/2016/176574 dated 13.12.2016 of the Western Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “The case file was seen, Show Cause Notice was issued to the institution on 26/07/2016 on the ground that the land for the existing D.El.Ed. (222460) course and the proposed B.Ed. (APP3206)

are different. Since the institution has not submitted any reply to this Show Cause Notice, Recognition is refused."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Sandeep Mishra (Secretary), Maa Girija Devi Training College, Jamna, 692/3, Jamna, Bhind, Madhya Pradesh presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "Appellant duly replied to the aforementioned Show Cause Notice vide letter dated 16.08.2016 and submitted the Building Completion Certificate approved by the government engineer. The aforementioned reply was duly received by WRC, NCTE on 18.08.2016. Appellant has cleared all the deficiency/ ambiguities of the said Show Cause Notice dated 26.07.2016, as the appellant has submitted. the Building Completion Certificate approved by the government engineer. WRC has erroneously without considering the 'entire facts of the case, refused to grant recognition to the appellant for conducting B.Ed. Course, whereas the appellant is having adequate financial resources, accommodation, library and laboratory as prescribed in the norms and standards and fulfils all such other conditions relating to infrastructural facilities as required for proper function of the institution for the purpose of teacher education course. Appellant satisfies all criteria stipulated in the Regulation, 2014 in terms of infrastructure as well as faculty. The entire ground of passing the impugned order dated 05.12.2016 is perverse, arbitrary, and illegal in the eye of law, as the appellant has cleared all the deficiency/ ambiguities, as mentioned in the refusal order. The relevant extract of the order is as under. *AND WHEREAS, the matter was placed before the WRC in its 263rd Meeting held 25-27, 2016 and Committee observed that ... Show Cause Notice was issued to the institution on 26/07 / 2016 on the ground that the for existing DEI.Ed. (222460) course and the proposed B.Ed. (APP3206) are different.*"

III. OUTCOME OF THE CASE



Appeal Committee noted that appellant has not enclosed with its appeal Memoranda copies of (i) Impugned refusal order dated 13.12.2016, (ii) Show Cause Notice dated 26.07.2016. (iii) said reply to the SCN dated 16.08.2016. Relevant regulatory file is not available.

2. Appeal Committee noted that appeal preferred by appellant institution is time barred as the delay is of more than 4 years and 9 months. Reason for delay given by appellant that it had represented to NCTE office on 15.12.2020 and 05.02.2021 because the office of WRC got shifted to Delhi is not convincing and acceptable for the long delay of 4 years and nine months after the issue of impugned order dated 05.12.2016.

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

4. Appeal Committee decided not to accept the appeal on grounds of inordinate delay without any valid and convincing reason.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee concluded not



to condone the delay of more than 4 years and nine months and appeal is not admitted.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Maa Girija Devi Training College, Jamna, 692/3, Jamna, Bhind, Madhya Pradesh – 477001
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 Madhya Pradesh



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-260/E-198458/2021 Appeal/22nd Meeting, 2021
APPLSRC202114113

Sri Kalaimagal College of Education, Adhiperamanur, Natrampalli, Vellore, Tamil Nadu – 635852 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. D. Sankaran (Chairman)
Respondent by	Regional Director, SRC
Date of Hearing	29/10/2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Sri Kalaimagal College of Education, Adhiperamanur, Natrampalli, Vellore, Tamil Nadu – 635852 dated 04/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS04685/B.Ed./{TN}/2021/129033 dated 02.11.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution has not submitted certified copy of land documents. The Institution is required to submit certified copy of land documents issued by concerned Tehsildar/Revenue Officer. (If the same are in Regional Language the institution is also

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required to submit notarised copy of English version of land documents). The Institution has not submitted a copy of Land Use Certificate. The institution is required to submit an attested/notarised copy of Land Use Certificate issued by the Competent Authority. The institution has not submitted a copy of Non-Encumbrance Certificate issued by the Competent Authority. The institution is required to submit an attested/notarised copy of Non-Encumbrance Certificate issued by the Competent Authority. The institution has not submitted a copy of approved building plan. The institution is required to submit an attested/notarised copy of the approved Building Plan (if institution is running more than one Teacher Education programme, it shall be required to submit an exclusive earmarked building plan for each of the recognised Teacher Education programme.) An attested/notarised copy of site plan showing all the plot/Survey No. mentioned in the land documents in one location alongwith land area and built up area. The institution has not submitted a copy of Building Completion Certificate. The institution is required to submit an attested/notarised copy of Building Completion Certificate issued by the Competent Authority. The institution has not submitted Staff list as per the prescribed Format duly approved by Registrar of the affiliating body. The institution is required to submit Staff list duly approved by the Registrar of the affiliating body as per the prescribed format. *(In case the institution is running more than one teacher education programme, it is required to submit staff list duly approved by the Affiliating body for each of the recognised teacher education programme being run by the Institution.)*

The institution has not submitted original FDRs to the SRC, NCTE. The institution is required to submit a Form 'A' issued by the respective Bank Manager towards creation of FDR of Rs. 7 lakh and 5 lakh, totalling Rs. 12 lakh towards Endowment Fund & Reserve Fund into joint account for a duration of 5 years alongwith a copy of the FDRs."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. D. Sankaran (Chairman), Sri Kalaimagal College of Education, Adhiperamanur, Natrampalli, Vellore, Tamil Nadu presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that **"We have submitted necessary documents on 18.09.2020 and we have couriered the same through Blue Dart Express dated 19.09.2020."**



III. OUTCOME OF THE CASE

Appeal Committee noted that appellant institution preferred online appeal on the basis of minutes of 401st Meeting of SRC and impugned order was issued subsequently by SRC.

2. Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the submission made by appellant with regard to the reply sent by courier to the first Show Cause Notice (SCN). Appellant with its appeal Memoranda has submitted copy abstract issued by Tamilnadu Land References which indicates that land document No. 26/202 registered on 24.07.2002 was in the name of Tvl. Sri Kalaimagal Educational and Charitable Trust. Appellant with its appeal Memoranda has further submitted copy of (i) land documents, Change of Land Use Certificate signed by Tehsildar; NEC issued online in bilingual, Building plan; Site Plan; Faculty List; FDRs and Print-out of website. Appeal Committee decided that appellant institution is required to submit to SRC within 15 days of the issue of appeal order originals copies of required documents. Appeal committee further decided to remand back the case to SRC for revisiting the matter and issue of fresh Speaking order. Attention of SRC is also invited to of the NCTE Act wherein it is specified that order of withdrawal shall be made applicable from academic year following next to the date of issue of withdrawal order.

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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.”

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

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

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Sri Kalaimagal College of Education, Adhiperamanur, Natrampalli, Vellore, Tamil Nadu – 635852
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 Tamil Nadu





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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-261/E-198447/2021 Appeal/22nd Meeting, 2021
APPLERC202114117

Taramaa Primary Teachers Training Institute, Saldahari, Mednipur, West Bengal. APPELLANT	Vs	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. Goutam Kumar Pal, (Advisory Managing Committee)
Respondent by	Regional Director, ERC
Date of Hearing	29/10/2021
Date of Pronouncement	26.11.2016

ORDER

I. GROUND'S OF APPEAL

The appeal of Taramaa Primary Teachers Training Institute, Saldahari, Mednipur, West Bengal dated 04/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Recognition Order No. ER-239.6.164(Part-4)/ID No.-9154/B.Ed./2017/53154 dated 02.05.2017 of the Eastern Regional Committee, granting recognition for conducting B.Ed. Course with an intake of one Unit.

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Goutam Kumar Pal, (Advisory Managing Committee), Taramaa Primary Teachers Training Institute, Saldahari, Mednipur, West Bengal presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "The Head of the appeal Committee, G-7, Sector-10, Dwarka, Near Metro Station, New Delhi – 110075. Appellant: President, Tara Maa Primary Teacher's Training Institute, Subject: Prayer to the NCTE Appeal Committee for reconsideration of the decision of the ERC-NCTE (239th Meeting of the ERC) in issuing 7(16) in favour of "TARA MAA PRIMARY TEACHER'S TRAINING INSTITUTE" considering therein the sanction of 50 intakes instead of 100 intakes applied for. Respected Sir, With humble respect and cordial honour I, the undersigned appellant, being authorized signatory of "Tara Maa Primary Teacher's Training Institute", beg to draw your kind attention to our following arguments in connection with the subject cited above and pray to your noble self to reconsider the case in favour of our esteemed institution. That our institution, "Tara Maa Primary Teacher's Training Institute" (ERCAPP33) was recognized by the NCTE sanctioning D.El.Ed. Course with 50 intakes from the academic session, 2015-2016 under the Regulations, 2009 vide Recognition Order No. ERC/7-181.6.33/2012/D.El.Ed/2015/30662, Dated : 01.03.2015. Vide Annexure-A. That as per NCTE norms, 2014, all Teacher Education Institutions must come under composite scheme and so, we applied on 31.05.2016 for recognition of B.Ed. course with 100 intakes (ERCAPP2016 14050 Application Id.9154) vide Annexure -B. That seeking B.Ed. course with 100 intakes, we submitted on 27.04.2017 affidavit on willingness as per prescribed format. Vide Annexure-C. That as per NCTE guidelines, we submitted to the V.T. members notarized Essential Data Sheet seeking 10 intakes. Vide Annexure-D. That as per NCTE norms, seeking 10 intakes for B.Ed. course we submitted Undertaking on NJS of Rs. 100/- Vide Annexure-E. That considering our prayer, 7(13) was issued on 24.04.2017 pursuing the decision taken in the 238th meeting of the ERC vide No. NCTE/ERC/ERCAPP2016 46050/Bachelor of Education (B.Ed.)/SCN/WB/2017. Vide Annexure – F. That in compliance with the 7(13), we submitted all requisite papers we submitted as per ERC-NCTE prescribed format, the Teacher Panel List Approved by the affiliating Body. Vide Annexure-G. That after reply of 7(13), as per decision taken in the 239th ERC Meeting, we got 7(16) for B.Ed. course with 50 intakes was just due to insufficient faculties which were 15 instead of 16 as per NCTE norms, 2014. Vide Annexure -H. That on 11.05.2017, we applied to the affiliating University for holding the interview to



fulfil the faculty-quota recruiting 1(one) more faculty for our B.Ed. section. Vide Annexure – I. That on 17.05.2017, the University, considering our application, had taken the interview. Vide Annexure-J. That after interview, a new faculty – list was prepared and duly approved by the university. Vide Annexure-K. That we submitted the said Panel of faculties to the ERC-NCTE and further applied for 100 intakes for the B.Ed. section Vide Annexure -L & K. That not having any reply from the ERC-NCTE, we communicated to the department and as per department's advice, we further applied for the same purpose. Vide Annexure – M. That unfortunately for all mankind, the COVID-19 had come to us all and we are to still run very risky life. Even in such pentatonic situation, we have sent a letter to the ERC- NCTE through E-mail on 28.07.21 just reminding our estimated prayer submitted several times. Vide Annexure -N. That it may be submissively noted that the deficiency of necessary faculties (one short -15 instead of 16) was due to wrong conception of the university nominated Expert persons. In the first interview held on 29.04.2017, 26 candidates had turned up. The university (Selection Committee) had prepared and approved the faculty- list of 16 candidates. But among them, 1(one) was the Technical Staff. We had placed before the Expert Persons nominated by the university our requirement of extra faculty. But they had ignored the proposal for which we are to face such bitter consequence. Vide Annexure – O. That after receiving the decision under 7(16), we had taken all necessary steps in favour of 100 intakes. Further interview was held and the university also had approved a new Panel of requisite faculties which was submitted to the ERC-NCTE for favorable consideration Vide Annexure – J & K. That before issuing 7(16), if the ERC-NCTE would issue any letter showing the deficiency of requisite faculties in support of our seeking intakes – just would give a chance to the appellant, we could easily comply with the same submitting rectified documents taking forthwith all necessary steps. That lastly, we were waiting for the notification from the NCTE inviting fresh application for additional intake. But we have not yet got any favorable chance. In the circumstances, seeking the additional unit of 50 intakes for our B.Ed. section we with great submission appeal to your honor for reconsideration of the decision of the ERC-NCTE laid down in the 239th meeting. Sincerely Yours, dulalkuity president Tara Maa PTTI.”

III. OUTCOME OF THE CASE




Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that minutes of the 239 Meeting of ERC held on 28th April to 2nd May, 2017 indicate the reason as to why recognition for B.Ed. course was restricted to 50 seats (1 Unit). Reason as indicated in the minutes was that the appellant institution in response to Letter of intent could submit a faculty list containing the names of 15 faculty (1 Principal + 14 faculty). NCTE Regulation prescribe for 1+ 15 faculty for an intake of 2 Units. Though the appellant institution has been able to appoint another faculty subsequently, the important point is that recognition cannot be granted in a piecemeal way and the Appeal of appellant is also delayed by more than 4 years. Appeal Committee, therefore, decided not to condone the delay of more than 4 years and thus recognition order for one unit dated 02.05.2017 is confirmed.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents available on record and oral arguments advanced during online hearing/submissions, Appeal Committee of the Council concluded not to condone the delay of more than 4 years in preferring appeal. Hence, Appeal is not admitted.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Taramaa Primary Teachers Training Institute, Saldahari, Mednipur, West Bengal**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal.



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-262/E-198459/2021 Appeal/22nd Meeting, 2021
APPLSRC202114116

J.K. College of Education, J.K. Nagar, Dindigul, District Tamil Nadu. APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. B. Sivakumar, (CEO)
Respondent by	Regional Director, SRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of J.K. College of Education, J.K. Nagar, Dindigul, District Tamil Nadu, dated 04/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No SRO/NCTE/APS04661/B.Ed. (TN)/2021/127961-7968 dated 30.07.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has submitted a self – attested photocopy of all documents which are mentioned in final show cause notice instead of notarized copy of this document."

- The institution has submitted a photocopy of NEC in Regional language. The institution required to submit an English Translated & Notarized copy of NEC.

- The Institution has submitted a photocopy of building plan which is neither readable nor approved. The institution is required to submit a notarized copy of building plan .
- The institution has submitted a photocopy of BCC in which built-up area is mentioned as 21497 SQFT/1997.14 SQM. Which is not sufficient as per NCTE norms.
- The institution has not appointed faculty for fine arts & performing art as per NCTE regulation, 2014. The faculty appointed by the institution for 2 basic unit of B.Ed. as 1+15 as per NCTE norms.
- Separate staff list not submitted for B.Ed. and M.Ed. courses"

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. B. Sivakumar (CEO), J.K. College of Education, J.K. Nagar, Dindigul, District Tamil Nadupresented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "We have submitted all the documents attested by notary public. We have submitted the documents which was translated in English language and attested by notary Public. The building plan which we got approval on 24.08.2009 and attested by notary public. The Built-Up Area of our institution is 48325.00 SQFT. As per the NCTE norms, we have submitted TNTEU approved staff 1+15, including fine arts, and performing arts. We have submitted separate approved staff list for B.Ed. and M.Ed. courses with notaries."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution is recognised to conduct B.Ed. programme. Appellate Institution with its appeal Memoranda has submitted notarised copies of documents which were found to be deficient. Appellant is required to submit to SRC within 15 days of the issue of appeal order, originals/notarised copies of documents submitted by it with its appeal Memoranda. Appeal Committee decided to remand back the case to SRC for revisiting the matter and issue of fresh speaking order.

2. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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.”

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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.”

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

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and online submissions made on 29.10.2021, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, J.K. College of Education, J.K. Nagar, Dindigul, District Tamil Nadu.**
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 Tamil Nadu.**



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-263/E-198461/2021 Appeal/22nd Meeting, 2021
APPLSRC202114115

J.K. College of Education, J.K. Nagar, Dndigul, District Tamil Nadu. APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. B. Sivakumar, (CEO)
Respondent by	Regional Director, SRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of J.K. College of Education, J.K. Nagar, Dndigul, District Tamil Nadu. dated 04/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS09445/M.Ed./(TN)/2021/127945-7952 dated 30.07.2021 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that "The institution has submitted a self – attested photocopy of all documents which are mentioned in final show cause notice instead of notarized copy of this document"

- The institution has submitted a photocopy of NEC in Regional language. The institution required to submit an English Translated & Notarized copy of NEC.
- The Institution has submitted a photocopy of building plan which is neither readable nor approved. The institution is required to submit a notarized copy of building plan.

- The institution has submitted a photocopy of BCC in which built-up area is mentioned as 21497 SQFT/1997.14 SQM. Which is not sufficient as per NCTE norms.
- The institution has not appointed faculty for fine arts & performing art as per NCTE regulation, 2014. The faculty appointed by the institution for 2 basic unit of B.Ed. as 1+15 as per NCTE norms.
- Separate staff list not submitted for B.Ed. and M.Ed. courses.

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. B. Sivakumar, (CEO), J.K. College of Education, J.K. Nagar, Dindigul, District Tamil Nadu presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "We have submitted all the documents attested by notary public. We have submitted the documents which was translated in English language and attested by notary Public. The building plan which we got approval on 24.08.2009 and attested by notary public. The Built-Up Area of our institution is 48325.00 SQFT. As per the NCTE norms, we have submitted TNTEU approved staff 1+15, including fine arts, and performing arts. We have submitted separate approved staff list for B.Ed. and M.Ed. courses with notaries."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution is recognised to conduct M.Ed. programme since 2009-10 with an intake of 25 seats. The intake was increased to 50 seats in the year 2015. Appellate Institution with its appeal Memoranda has submitted notarised copies of documents which were found to be deficient. Appellant is required to submit to SRC within 15 days of the issue of appeal order, originals/notarised copies of documents submitted by it with its appeal Memoranda. Appeal Committee decided to remand back the case to SRC for revisiting the matter and issue of fresh speaking order.

2. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."



3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

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

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and online submissions made on 29.10.2021, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, J.K. College of Education, J.K. Nagar, Dindigul, District Tamil Nadu.
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 Tamil Nadu



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-264/E-198581/2021 Appeal/22nd Meeting, 2021
 APPLSRC202114119

K.B.R. College of Education, Narasa Reddy Kandriga, Nellore, Andhra Pradesh. APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sri K. Babu Reddy (Trustee)
Respondent by	Regional Director, SRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of K.B.R. College of Education, Narasa Reddy Kandriga, Nellore, Andhra Pradesh. dated 09/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO.9335 dated 14.06.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has submitted notarized photocopy in which total built-up area is not mentioned; approving authority seal not readable; and area of multipurpose hall less than 2000sqft. The institution has submitted notarized photocopy of site plan in which total site area is not mentioned. The institution has

submitted Building Completion Certificate in which area of multipurpose hall is not mentioned. The institution has submitted xerox copy of FDRs of Rs. 5 Lakhs & Rs. Lakhs which was matured on 08.09.2020. The institution has not submitted For, 'A' (original) towards proof of joint FDRs in a scheduled book with SRC, NCTE towards endowment Fund & Reserve Fund sum of Rs. 5 lakhs respectively. The institution has submitted staff list which is not approved by affiliating body. The institution has submitted list in which SK. Sharmila Bhanu, T. Ramurthy do not have NET/Ph.D. as per NCTE (Recognition Norms & Procedure) (Amendment) Regulation, 2017 dated 29.05.2017 notified on 09.06.2017. The institution has not submitted the faculty list approved by affiliating body.

II. SUBMISSIONS MADE BY APPELLANT:-

Sri K. Babu Reddy (Trustee), K.B.R. College of Education, Narasa Reddy Kandriga, Nellore, Andhra Pradesh presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "Latest Building plan submitted. Multipurpose hall above 2000sqft. Latest Building Completion Certificate submitted multipurpose hall is mentioned. Latest FDR & Form A Submitted. Latest Faculty list approved by affiliating body submitted."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution is recognised to conduct B.Ed. programme with an intake of 100 seats since 2012-13. Appeal Committee noted that appellant institution with its appeal memoranda and submissions made during online appeal hearing on 29.10.2021 submitted copies of documents which were found to be deficient in the impugned order of withdrawal dated 30.07.2021. These documents include: Building Completion Certificate (BCC) with multipurpose hall of 4303 Sq.ft.; Form 'A' FDRs, Faculty list; Building Plan; and Site Plan.

2. Appeal Committee is decided to remand back the case to SRC for revisiting the matter. The appellant institution is required to submit to SRC within 15 days of the issue of



appeal order original of FDRs and Faculty list and notarised copies of remaining documents.

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

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

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and online submissions made during the appeal hearing on 29.10.2021, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

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


Deputy Secretary (Appeal)

Copy to :-

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



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-265/E-198643/2021 Appeal/22nd Meeting, 2021
APPLNRC202114120**

Shri K. N. Singh Mahila Mahavidyalaya, Sagari, Azamgarh, Uttar Pradesh. APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. Raj bahadur, (Manager)
Respondent by	Regional Director, NRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Shri K. N. Singh Mahila Mahavidyalaya, Sagari, Azamgarh, Uttar Pradesh, dated 09/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/NRCAPP-3515/337th Meeting/2021/214605 dated 16.07.2021 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Show cause notice u/s 17 dated 09.11.2020 and Final show cause notice u/s 17 dated 20.04.2021 was issued. The institution has not submitted reply to Final Show Cause Notice (FSCN) dated 20.04.2021. The institution is deficient on following grounds:-

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- The latest/current faculty list approved & signed each page by concerned affiliating body in original with the details of their teaching subject, date of birth, date of selection, date of joining, academic qualification, teaching experience, NET/Ph.D.(NCTE's GOI dated 09.06.2017), salary structure and related documents duly attested by authorized management representative not submitted. And, notarized original affidavit of Rs. 100/- on non-judicial stamp paper by the management and Rs. 10/- on non-judicial stamp paper by each selected/appointed faculty in the NCTE prescribed proforma are required to be submitted.
- Details of salary disbursed to the faculty alongwith six months Bank statement and account number of each faculty member has not been submitted.
- Copies of valid Fixed Deposit Receipts Nationalised/Scheduled Bank towards Endowment & Reserve Fund in the joint operation mode with RD, NRC, NCTE & Management alongwith duly filled Bank Form 'A' in original, verified/signed by the Manager of the Bank as per NCTE Regulations, 2014 are has not been submitted.
- Downloaded copies of documents from the website of the institution with hyperlinks submitted.
- Building Completion Certificate signed by the Competent Government Authority has not been submitted.

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Raj bahadur (Manager), Shri K. N. Singh Mahila Mahavidyalaya, Sagari, Azamgarh, Uttar Pradesh presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that **"All documents send by institution post on dated 02.12.202 and received by NRC/NCTE on 08.12.2020"**

For covid-19 whole lock down by government so Institution did not get your letter. Documents were already sent by the institution on 02.12.2020. to the NRCE/Advisor and by the Nurse/Adjective on 08.12.2020. When the final Show Cause Notice dated 20.04.2021 was sent, the Covid-19 became a complete Lockdown due to which the institution was closed and the letter was not received Due to Non-Receipt of final notice dated 20.04.2021 on the Institution, No reply was sent. All the papers were sent to the NRC/NCTE alongwith the necessary attachments at all points. Recognition under section- 17 was withdrawn showing deficiency on seven points in the meeting on 23.07.2021, it was sent to the Regional Director, NRC/NCTE for reconsideration but no action was taken on it."



III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the recognition of the appellant institution was withdrawn by the impugned withdrawal order dated 16.07.2021 on the following grounds of non-submission of reply to Final Show Cause Notice dated 20.04.2021. However, Appellant has categorically denied having received the Final Show Cause Notice (FSCN) dated 20.04.2021 as the period was hit by Covid pandemic.

2. Appeal Committee noted that the appellant institution with its Memoranda of Appeal has submitted his explanation that the reply to Final Show Cause Notice was not given as the same was not received by them.

3. Noting the submission of the appellant regarding non-receipt of Final Show Cause Notice (FSCN), the Appeal Committee observed that there might be a probability of the same under the prevailing situation of COVID19 at that point of time leading to Nationwide Lockdown which affected the services being provided by the Govt./Pvt. agencies including the Postal services.

4. The Appeal Committee further noted that the appellant institution vide letter dated 23.07.2021 had requested RD, NRC to re-consider its decision of withdrawing recognition from the academic session 2022-23 as the NRC did not take cognizance of point-wise reply/explanation submitted by them through Registered Post bearing No.RU016335320IN dated 02.12.2020.

5. Appeal Committee noted that the appellant institution alongwith its online appeal has submitted the following documents vide letter dated 9.9.2021 as were required to be submitted in reply to Final Show Cause Notice:-

- a) Renewal of its Society on 4.6.2021.
- b) Details of approved faculty in the prescribed Format
- c) Affidavit of each of the appointed faculty
- d) Bank Statement showing credit of salary paid to the faculty members



- e) Letter of communication dated 15/6/2017 and 15/7/2020 issued by Veer Bahadur Singh Purvanchal University, Jaunpur conveying the approval of staff list
- f) Joint FDRs of Rs. 7 Lakh and Rs. 5 Lakh as endowment and reserve fund valid upto 23.11.2025 drawn from Union Bank of India alongwith Form "A".
- g) Print of out its website
- h) BCC having built up area 4409.90 Sq.Mtrs. issued by Gram Panchayat, Jaunpur.

6. Taking into account the above circumstances and submissions made alongwith Appeal and during online hearing, the Appeal Committee decided to remand back the case to the NRC with a direction to consider the reply/documents submitted in the Appeal vide letter dated 9.9.2021 and take further necessary action as per Regulations, 2014. The appellant is directed to submit to NRC the above documents within 15 days from the issue of order on Appeal.

7. 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."

8. 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."

9. Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 16.07.2021 and remand back the case to NRC for further necessary action as per NCTE Regulations, 2014.



IV. DECISION:-

NOW THEREFORE After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced during the hearing in the case, Appeal Committee of the Council concluded to set aside the impugned withdrawal order dated 16.07.2021 and remand back the case to NRC for further necessary action as indicated above.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Shri K. N. Singh Mahila Mahavidyalaya, Sagari, Azamgarh, Uttar Pradesh.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-266/E-199173/2021 Appeal/22nd Meeting, 2021
APPLWRC202114042

Parakh College of Education, Kharpa, Ratibad, Bhopal, Madhya Pradesh. APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mr. Mohd. Faisal Khan (Director)
Respondent by	Regional Director, WRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF REFUSAL

The appeal of Parakh College of Education, Kharpa, Ratibad, Bhopal, Madhya Pradesh, dated 25/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No WRC/APP2990/223/B.ED./303rd /2019/201748 dated 07.08.2019 of the Western Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “The Institution has not submitted the approved staff list after LOI.”

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. Mohd. Faisal Khan (Director), Parakh College of Education, Kharpa, Ratibad, Bhopal, Madhya Pradesh, presented online the case of the appellant institution on

29/10/2021. In the appeal and during personal presentation it was submitted that "Immediately after receipt of L.O.I. the college initiated the steps for selection & appointment of faculty and approval thereof by the affiliating University. Petitioner Society vide letter dated 03.04.2018 submitted a representation to the Regional Director, WRC informing that the indefinite strike of employees of Baraktullah University is still going on It was informed that the institution is continuously in touch with officials of Baraktullah University, but the employees have also informed regarding making available the staff profile after the strike comes to an end. Regional Director, WRC was informed that the staff profile will be submitted after the strike comes to an end. Petitioner society vide letters dated 04.09.2019, 15.09.2019, 30.12.2019, 04.02.2020 & 16.02.2020 represented to the affiliating university regarding completion of interview of Principal and Assistant Professors it is submitted that contrary to the mandatory requirement, the affiliating body delayed constitution of selection committee, selection process of faculty and approval of faculty and after lapse of more than 3 years and 8 months form issuance of LOI, the Baraktullah University finally vide its letter dated 18.01.2021. issued the notification regarding approval of faculty. Thus, the delay in selection, appointment and approval of faculty happened on account of the affiliating university and the said delay in no manner is attributable to the institution."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that a letter of intent (LOI) dated 28.04.2017 was issued to appellant institution. Appellant institution was advised to complete all formalities necessary after issue of LOI well before 02.05.2017 so that it can be considered for the session 2017-18. Appellant Institution was issued Show Cause Notice (SCNs) on 20.02.2018, 06.07.2018 to submit compliance. Whereas the appellant institution kept on consistently seeking extension of time, the fact remains that compliance was not reported till issue of impugned refusal order dated 07.03.2019. Appellant was informed that in case appellant is not satisfied with the refusal order it may prefer appeal within 60 days of the issue of appeal order.




2. Appeal Committee noted that appellant has preferred appeal on 27.05.2021 which is delayed by more than 24 months. Further the list of faculty submitted and seen approved in January, 2021 is observed to be deficient as it does not contain the column relating to NET/SLET or Ph.D qualification of the faculty.

3. Appeal Committee noted that appellant has already taken more than 4 years to submit faculty list which is still incomplete, Appeal Committee does not find any justification to allow further time to the appellant institution to comply with the conditions of Letter of intent. Appeal is accordingly not admitted on ground of delay.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and online argument advanced during online hearing of the appeal on 29.10.2021, Appeal Committee of the Council concluded to reject the appeal and decided not to admit it on ground of inordinate delay.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Parakh College of Education, Kharpa, Ratibad, Bhopal, Madhya Pradesh.**
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 Madhya Pradesh.**



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-267/E-199212/2021 Appeal/22nd Meeting, 2021
APPLSRC202114127

Dr. M.R. Reddy College of Education, Parkal, Bhupally Road Parkal, Warangal, Telangana APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mr. Rasheed Ahmed Pasha (Principal)
Respondent by	Regional Director, SRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of Dr. M.R. Reddy College of Education, Parkal, Bhupally Road Parkal, Warangal, Telangana dated 23/06/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APP SO0044/B.Ed./ {TS}/2021/127599-7606 dated 28.07.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "At the time of recognition institution submitted a copy of sale deed dated 27.03.1998. In response to FSCN the Institution submitted gift settlement deed dated 17.11.2015 Both the land documents are different, and the Institution failed to submit satisfactory explanation. The Institution has submitted new CLU at time of RPRO. The Institution has submitted photocopy of Building Plan but the stamps and signature of

Approving Authority are not legible. Moreover the total built up area is not mentioned in building plan. As per the building plan, the size of multipurpose hall is shown as 1350 Sq.Ft. which is less than 2000 Sq.Ft. required under NCTE Regulations not appointed faculty of performing Arts, Health and Physical Education and fine arts."

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. Rasheed Ahmed Pasha (Principal), Dr. M.R. Reddy College of Education, Parkal, Bhupally Road Parkal, Warangal, Telanganapresented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "There is no infrastructural deficiencies in the College and the objections are only technical and there is no lapse on the part of the appellant NCTE granted recognition in 2001 i.e. 20 years back and since then the institution has improved 10 times of infrastructural development and there are no adverse remark against the institution. The withdrawal cannot be denied based on technical deficiencies. The College is running in the same place from the beginning, so shifting conditions was removed enclosed the copy. Now we are submitting CLU with notarized. Now we are submitting building plan with stamps and Signatures Approving Authorities are legible and total built up area is mentioned in building plan. Now we are submitting multipurpose hall is available in first floor with 2000 Sq.Ft. Dimensions (70X302100 Sq.Ft.) Revised plan enclosed herewith. We appointed faculty of performing Arts, Health and Physical Education and fine Arts List is Enclosed herewith."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant with its appeal memoranda and submissions made during online hearing has failed to submit a complete and comprehensive list of faculty duly approved by affiliating University. the Building Plan submitted has no address of property. The availability of Multipurpose Hall with adequate size, ought to have been confirmed by submitting a Building Completion Certificate issued by competent authority.

2. Appeal Committee noted that impugned order of withdrawal dated 28.07.2021 merits confirmation from academic year 2022-23. Appeal Committee decided to confirm the impugned order of withdrawal dated 28.07.2021 issued by SRC.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and online argument advanced during online hearing of the appeal on 29.10.2021, Appeal Committee of the Council concluded to confirm the impugned order of withdrawal dated 20.01.2020 issued by SRC.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Dr. M.R. Reddy College of Education, Parkal, Bhupally Road Parkal, Warangal, Telangana
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Telangana.



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-268/E-199214/2021 Appeal/22nd Meeting, 2021
 APPLSRC202114123

Taj College of Education, Shaikh Roja, Gulbarga, Alan Road, Gulbarga, Karnataka APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <u>RESPONDENT</u>
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Representative of Appellant	Mr. Syed Zueb Sherwale (Secretary)
Respondent by	Regional Director, SRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OFS WITHDRAWAL

The appeal of Taj College of Education, Shaikh Roja, Gulbarga, Alan Road, Gulbarga, Karnataka dated 13/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APSO3103/B.Ed./ {KA}/2019/114031 dated 20.01.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The CLU submitted by the institution was not approved by the complete authority., Conversion of Land for Education Purpose was not mentioned. The CLU was not in favour of Trust/Institution. The NEC was not submitted duly approved by the Competent Authority. The Institution has not submitted original blue-prints of building plan. The copy of BP submitted which is not in favour of Trust/Institution. The approving authority also not mentioned. Site plan submitted by the institution was not approved by the competent authority. The BCC submitted by the institution was not in prescribed format. The institution submitted photocopy

of Staff list (1+11) countersigned by Principal, Karnataka Educational & Welfare Trust and countersigned by Register, Gulbarga University. Date of appointment has not been shown in the staff list. The institution has not appointed faculty for Performing Arts.

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. Syed Zoeb Sherwale (Secretary), Taj College of Education, Shaikh Roja, Gulbarga, Alan Road, Gulbarga, Karnataka presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "Appellant fulfils all the requirements under the provisions of NCTE Act, Rules and relevant Regulations including the Norms and Standards for the concerned Teacher Education Programme such as instruction facilities, infrastructural facilities, library, land accommodation, financial resources, laboratory, etc. for running the programme and has selected/appointed duly qualified teaching staff as per NCTE norms and as per the approval of faculty given by the affiliating bodies. Because the institution is having CLU duly approved by the competent authority and the said land is solely for the education purpose and CLU has been issued in favour of the appellant. Competent authority has issued the NEC in respect of the land of the institution and it has been duly approved by the competent authority. Appellant/Institution is having Blueprint of approved Building plan signed by the Competent Govt. Authority indicating the name of course, name of institution, Khasra No./Plot No. Total Land area, total built-up area with the measurements of the Multi – Purpose Hall as well other infrastructural facilities such as class rooms etc. Appellant/Institution is having Site Plan duly approved by the competent authority. Appellant/Institution has been duly issued, Building Completion Certificate in prescribed format by the competent authority. Appellant/Institution is affiliated to Gulbarga University, Gulbarga, Karnataka and it has duly approved the list of faculty, wherein the details of the faculty are mentioned as per the NCTE norms and standards. Moreover, the list of faculty shows the date of appointment of the faculties."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal noted that impugned order of withdrawal was issued on 20.01.2020 and appeal has been preferred in September, 2021 i.e. after a delay of about 18



months over and above the period admissible for filing appeal and the reason given by appellant is 'Due to Covid Pandemic.'

2. Appeal Committee noted that entire period of 18 months delay cannot be attributed to Covid pandemic and appellant should have submitted authenticated and proper documents required by the SRC. Appeal Committee noted that Building Plan submitted by appellant does not contain address of the property. It is difficult to assume a Building Plan without address of property where construction is proposed. Appeal Committee further noted that sale deed submitted by appellant is for agricultural land at Survey No. 98/1 whereas BCC is for property at ward no. 19.

3. Appeal Committee noted that onus lies on the appellant institution to have properly corroborated the information relating to matching of the address of property and have obtained and submitted a Non Encumbrance Certificate which is not found available with the appeal Memoranda. Impugned order of withdrawal issued in January, 2020 was made applicable from next academic year i.e. 2021-22 which has already commenced. Appeal Committee, therefore, decided to confirm the impugned order of withdrawal dated 20.01.2020 issued by SRC.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and online argument advanced during online hearing of the appeal on 29.10.2021, Appeal Committee of the Council concluded to confirm the impugned order of withdrawal dated 20.01.2020 issued by SRC.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Taj College of Education, Shaikh Roja, Gulbarga, Alan Road, Gulbarga, Karnataka**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**
3. **Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Karnataka**



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-269/E-199225/2021 Appeal/22nd Meeting, 2021
APPLNRC202114126

Pandit Laxmi Narayan Memorial Mahavidyalaya, Gharbara, Khair, Aligarh, Uttar Pradesh APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. Ajay Kumar Sharma, (Principal)
Respondent by	Regional Director, NRC
Date of Hearing	29/10/2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Pandit Laxmi Narayan Memorial Mahavidyalaya, Gharbara, Khair, Aligarh, Uttar Pradesh dated 15.09.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/UP-3448/337th Meeting/2021/214652 dated 16.07.2021 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The latest/current faculty list approved & signed each page by concerned affiliating body in original with the details of their teaching subject, date of birth, date of selection, date of joining, academic qualifications, teaching experience, NET/Ph.D. (NCTE's GOI dated 09.06.2017), salary structure and related documents duly attested by authorized

management representative not submitted. Notarized original affidavit of Rs. 100/- on non-judicial stamp paper by the management and Rs. 10/- non judicial stamp paper by each selected/appointed faculty in the NCTE prescribed proforma are required to be submitted. Details of salary disbursed to the faculty along with six months Bank statement and account number of each faculty member has not been submitted. Copies of valid Fixed Deposit Receipts Nationalised/Scheduled bank towards Endowment & Reserve Fund in the joint operation mode with RD, NRC, NCTE & Management alongwith duly field Bank from "A" in original, verified/signed by the Manager of the bank as per NCTE Regulations, 2014 are has not been submitted. Downloaded copies of documents from the website of the institution with hyperlinks of the same as per provisions of 7 (14) of the NCTE Regulations, 2014 has not been submitted. Building completion Certificate signed by the Competent Government Authority has not been submitted. Hence, NRC decided to withdraw the recognition of B.Ed. course under Section-17 of the NCTE Act, 1993 from the end of the academic session next following the date of communication of withdrawal order i.e. 2022-2023.

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Ajay Kumar Sharma, (Principal) Pandit Laxmi Narayan Memorial Mahavidyalaya, Gharbara, Khair, Aligarh, Uttar Pradesh presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "This Institution was granted recognition for One year B.Ed. Course with annual intake of 100 seats (1 Unit) by NRC, NCTE vide Order No. NRC/NCTE/F-7/UP-3448/157 Meeting/2010/18905 dated : 26.03.2010 NRC, NCTE had issued revised recognition order to this institution for 2 years B.Ed. course for 100 seats (2 unit) vide order No. NRC/NCTE/UP-Common orders/2015/115484-510 dated 09.06.2015. This institution was granted permanent affiliation for B.Ed. course from Dr. B.R. Ambedkar University, Agra from the session 2011-2012 vide order No. Aff./180/12 dated 19.05.2012. This college got Accreditation from **National Assessment and Accreditation Council, Bangalore (NAAC)** at "B" grade with CGPA of 2.74 on Four Point scale on 03.03.2015. Secretary of institution, Mr. Sanjay Kumar Sharma was hospitalized due to serious illness from 2016. In January 2018, it was confirmed that he was suffering from Liver Tumor. After taking treatment from various hospitals, he had not



recovered and ultimately, he was died on 29.03.2019 in Asian Institute of Medical Science, Faridabad, Haryana, Copy of Medical Reports and death certificate are annexed. This institution had not received any show cause notice dated 05.04.2018 issued by NRC, NCTE as stated in Withdrawal Order. This institution had also not received any final show cause notice dated 13.08.2020 issued by NRC, NCTE as stated in Withdrawal Order. One Principal and 16 Lecturer working in this college were approved by the Dr. B.R. Ambedkar University, Agra. Teaching Staff mentioned at Sr. No.4 of approval letter dated 23.07.2010, Sr. No. 1 of approval letter dated 08.02.2012, sr. no. 1 and 2 of approval letter dated 26.03.2012, sr. no. 3 and 4 of approval letter dated 30.06.2014 and sr. no. 1 to 11 of approval letter dated 28.10.2020 (1+16 = 17) are approved from Affiliating Body and working in this college for 2 units of 2 years B.Ed. Course. Copy of affidavit on stamp paper of Rs. 100/- execute by Secretary of the management regarding appointment of duly qualified and experienced staff as per NCTE and University norms. Affidavits executed by each Teaching Staff on stamp paper of Rs. 10/- and duly notarized are annexed. Due to Covid-19, all educational institution are closed as per Central and State Govt. order from March, 2020 to August, 2021. In compliance to the State Govt. Order this college also remain closed from March,2020 to August,2021. Hence the salary to staff has not been disbursed in above period through bank. From September 2021 college is opened as per State Govt. Order. Salary of above period will be disbursed to staff as per norms. Copy of Joint FDR of Rs. 5 Lakhs towards Endowment Fund and copy of Joint FDR of Rs.7 Lakhs towards Reserve Fund and Form "A" duly signed by the Manager of the Bank are annexed. Website of the institution is updated and working properly. The address of website of this college is <http://www.plnmemorialcollege.in>. The website of the institution is hyperlinked of the same as per provisions of 7 (14) of NCTE Regulations, 2014. Printout copy of website of the college is annexed. Total Built up Area of the college is 4536.74Sqm. Building Completion Certificate is annexed. This College is permanently affiliated to Dr. B.R. Ambedkar University, Agra. This college is not recognition under section 2 (f) and 12 (b) of UGC Act, 1956. This college has Accreditation from NAAC with "B" grade. It shows that this college is full filling all the norms. And standard prescribed by NCTE and University for 2 years B.Ed. course. Due to casual death of Secretary of the institution, Mr. Sanjay Kumar Sharma, this institution has not submitted documents to NRC, NCTE in due time. NRC, NCTE has withdrawn the recognition of 2 years B.Ed. course of this institution on illegal, unconstitutional, unjustified, and unlawful grounds."



III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned order of withdrawal dated 16.07.2021 issued by NRC is on the grounds that appellant institution has not replied to the two Show Cause Notice (SCNs) dated 05.04.2018 and 13.08.2020. Appeal Committee noted that appellant's argument that it did not receive any of the SCNs is not well founded as Covid pandemic started in India in March, 2020 and its first phase was almost over by August, 2020. Moreover, the SCN was mainly on the ground that appellant institution has not reported compliance of conditions laid down in the revised recognition order dated 09.06.2015. Appellant institution even without having been issued the SCNs was required to submit evidence of compliance of terms and conditions of the NCTE Regulation, 2014.

2. The deficiencies pointed out in the SCNs were pointed out in the impugned order of withdrawal dated 16.07.2021. Appellant could have availed opportunity to submit required documents with its appeal Memoranda or during the course of appeal hearing.

Documents submitted by appellant do not include comprehensive list of faculty, as per format prescribed by NCTE duly signed and authenticated by Registrar of affiliating University. Appellant has also failed to submit evidence of having paid salary to faculty in accordance with the provisions 10(2) of NCTE Regulation, 2014. Appellant at least could have submitted evidence of salary disbursement to approved and selected faculty for a period before the start of Covid pandemic.

3. Appeal Committee noted that copies of FDRs submitted don't mention that it is in joint name through the copy of form 'A' mention that name of R.D. NRC has been included in the FDRs.

4. Appeal Committee considering the facts of the case, which include non-compliance of the regulatory provisions and submission of required documents called by the Regional Committee, decided to confirm the impugned order of withdrawal dated 16.07.2021 issued by NRC.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and online argument advanced during online hearing of the appeal on 29.10.2021, Appeal Committee of the Council concluded to confirm the impugned order of withdrawal dated 16.07.2021 issued by NRC.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Pandit Laxmi Narayan Memorial Mahavidyalaya, Gharbara, Khair, Aligarh, Uttar Pradesh
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-270/E-199219/2021 Appeal/22nd Meeting, 2021
APPLSRC202114128**

Rahmans College of Education, Yeshwanthpur, Hyderabad Road Jangaon, Warangal, Telangana. APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mohd. Mujeeb Ur Rahman (Secretary)
Respondent by	Regional Director, SRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUNDS OF REFUSAL

The appeal of Rahmans College of Education, Yeshwanthpur, Hyderabad Road Jangaon, Warangal, Telangana dated 15/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NSRO/NCTE/APSO0309/B.Ed./ {TS}/2021/128409 dated 27.08.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The Institution was issued a Final Show Cause Notice (FSCN). The Institution has submitted its reply on 11.03.2020. The Committee observed the reply submitted by the institution and found following deficiencies:

- The Institution has submitted faculty list in which lecturer at Sl. No. 3,5,6,7, does not have NET/Ph.D. as per NCTE (Recognition Norms & Procedure) (Amendment)

Regulations, 2017 dated 29.05.2017 notified on 09.06.2017. and the institution failed to appoint faculty for Fine Arts/Performing Arts.

- (ii) The Institution has submitted photocopy of Building Completion Certificate but not approved by competent authority.
- (iii) The Institution has submitted photocopy only of Land Conversion Certificate and not submitted Notarized/attested copy land conversion certificate.
- (iv) The Institution has submitted blueprint of Building plan in which two multipurpose hall size 25.9 x 32.3 and 25.9 x 32.3 both multipurpose hall size are less than 2000 Sq.fts. and demarcated area of D.El.Ed. Programme is not mentioned in Building Plan.
- (v) The institution has submitted "Form A" with photocopy FDRs Rs.5 Lakhs and 3 Lakhs.
- The Institution is required to submit details of FDRs for Endowment Fund and Reserve Fund of Rs.12 lakhs."

II. SUBMISSIONS MADE BY APPELLANT:-

Mohd. Mujeeb Ur Rahman (Secretary), Rahmans College of Education, Yeshwanthpur, Hyderabad Road Jangaon, Warangal, Telanganapresented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "Adverting to the NCTE withdrawal order of recognition, we are running the college from the academic year 2002-2003 to the best satisfactional affiliating university & State Government. To our surprise citing simple lapses NCTE has withdrawn recognition. Now we complied with all the short comings. (a) We are submitting total faculty list as per NCTE, 2017 Norms proforma duly signed by competent authority and Notarized. (b) Now we are submitting Building Completion Certificate approved by the competent authority and notarized. (c) We are submitting the Land Conversion Certificate approved by the competent authority and notarized. (d) Our multipurpose hall in ground floor with dimensions 33.3 fts x 64.2 fts 2,152.37 Sq.fts. But unfortunately, we submitted blue print, in that multipurpose hall mentioned as seminar hall in ground floor. In first floor seminar halls mentioned as multipurpose hall. Now we are submitting rectified blur print approved by competent authority and notarized. We are not running D.El.Ed. course from 2018-19 onwards and we already informed to the TSCERT and TSDEECET vide Lr. No.



RETEI/JN/TSDEECET/2019/526 Dated: 13.08.2019 and requested to Commissioner and Director of School Education, Hyderabad for NOC vide Lr. No. RETEI/JN/TSCERT/2021/554 dated: 18.08.2021 as well as we submitted a letter to the Regional Director, SRC NCTE, New Delhi for withdrawal of D.El.Ed. Course Vide Lr. No. RETEI/JN/NCTE/D.El.Ed./APSO2605/2021/255 dated: 02.09.2021. (e) We were already submitted FDR for 8 lakhs. Now we are submitting additional 4 lakhs as per your direction. We are submitting totally FDRs for Endowment Fund and Reserve Fund of Rs. 12 lakhs Form 'A' issued by concerned branch managers. As the academic year is fast approaching keeping in view the continuity of the institution and the survival of faculty we earnestly request the appeal committee to reconsider our case at the earliest."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution is recognised to conduct B.Ed. course from academic session 2003-04. Appeal Committee further noted that appellant with its appeal Memoranda has submitted a fresh list of faculty approved by affiliating body on 15.09.2021. This list meets the requirement of amended NCTE Regulations. Appellant has also submitted notarised copies of land documents Building Plan, BCC, CLU, Building Plan, FDRs (Rs. 5 lakh + 4 lakh + 3 lakh) with form 'A'.

2. Appeal Committee decided that appellant institution is required to submit to SRC within 15 days, authenticated notarised and originals of documents as required by SRC.

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

5. Appeal Committee decided to remand back the case to SRC for revisiting the matter in light of orders of Court referred to above.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and online argument advanced during online hearing of the appeal, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

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


Deputy Secretary (Appeal)

Copy to :-

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



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-271/E-199216/2021 Appeal/22nd Meeting, 2021
APPLSRC202114124

Al-Azhar Training College, Kumaramangalam, Thodupuzha, Ezhalloor Road, Thodupuzha, Idukki, Kerala.685605 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mr. Thajudeen S.S. (Administrative Officer)
Respondent by	Regional Director, SRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF REFUSAL

The appeal of Al-Azhar Training College, Kumaramangalam, Thodupuzha, Ezhalloor Road, Thodupuzha, Idukki, Kerala dated 14/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRC/NCTE/APS00619/B.Ed./ {KL}/383/2020/14372 Letter No.

SRC/NCTE/APS00619/B.Ed./ {KL}/399th/2021/127068 dated 05.07.2021 of the Southern Regional Committee, revisiting the request made by appellant to increase the intake from one unit to two units for B.Ed. Course on the grounds that “Now the Management of the institution again seeking permission for increase of intake which is not permissible, as such

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SRC cannot consider the request made by the Management as per the NCTE Regulations. If the management wants to increase their intake they have to make an applications to the NCTE against the notification inviting applications to be issued by the NCTE Headquarters. Therefore, the Committee decided that the request made by the institution for increasing the seats in its B.Ed. programme from 1 unit to 2 units may not be considered as per the existing provisions of the NCTE Act."

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. Thajudeen S.S. (Administrative Officer), Al-Azhar Training College, Kumaramangalam, Thodupuzha, Ezhalloor Road, Thodupuzha, Idukki, Kerala presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "Your above-mentioned Appellant had applied to the Regional Committee under Section 15 of the National Council for Teacher Education Act, 1993 (73 of 1993) for enhancement of seats from 50 to 100 by sanctioning of additional unit of 50 students. It is submitted that the Appellant is an educational and charitable trust running teacher education institution by name Al Azhar Training College at Thodupuzha, Idukki District of Kerala State started in the academic year 2004-05 as per recognition order u/s 14(3) a of the Act with an annual intake of 100 students for B.Ed. program. In the Year 2014, a new set of Regulations were issued by this Hon'ble Council. There was a total change in the pattern of studies and B.Ed. was changed to a 2 year Course from a 1 year Course. Also, the Unit strength of every batch was reduced from 100 to 50. However, all existing institutions were permitted to have 2 Units of 50 students each. Appellant also submitted its willingness to comply with the NCTE Regulations 2014 and opted for retaining 2 units of 50 students each year and on 26.05.2015, this Hon'ble Council has granted recognition to the Appellant for conducting B.Ed. programme with an annual intake of 100 students in 2 units from the academic year 2015-16. In the subsequent years, especially during the academic session 2015-16 the Appellant got only 23 students since there was shortage of students seeking admission for B.Ed. course. Therefore, the Appellant decided to retain only 1 unit of 50 students intake and requested with Regional Committee reduce the intake from 2 units of 100 students to 1 unit of 50 students. Copy of the said order is enclosed herewith as Annexure-III. On submitting compliance of the conditions by the



Appellant based on annexure III the Regional Committee granted order of continuation of recognition to the Appellant's institution by order dated 22.01.2020. Copy of the said order granting continuation of recognition to Appellant college allowing reduction of intake from 100 to 50 is produced herewith as Annexure-IV. But in the meanwhile, the number of students seeking admission to B.Ed. programme increased enormously and the Appellant institution having adequate infrastructural and other facilities to accommodate 100 students since its inception, applied with the Regional Committee Application, for increase of seats to 100 i.e., the original intake as granted in 2005. The Southern Regional Committee New Delhi refused to grant such sanction for enhancement of existing intake capacity vide its order dated 05.07.2021. Copy of which is attached as Annexure-V. For the reasons set out below, Appellant submits that the request for enhancement of seats ought to have been granted by the Regional Committee. The Regional Committee erred in deciding the matter on the following grounds. Ground of Appeal A. The order impugned in this appeal is contrary to law, facts, probabilities and circumstances of the case and the order is passed without properly analyzing the facts and circumstances of the case. The order impugned is not a reasoned one and passed without following the procedure contemplated under sub section 3 (a) of Sec. 15 of the Act wherein the Regional Committee is to grant or refuse permission on satisfying as to whether the recognized institution has adequate facilities or not, to accommodate the students to be admitted by the order. It is submitted that Section 15 of the NCTE Act states that if an institution intends to start a new course, it may make an application to seek permission from the Regional Committee concerned. Regulation 5 of the NCTE Regulations deals with the manner of making application and the time limit. Regulation 5(2) and (3) are relevant for the present purpose. It says that the application form may be downloaded from the website of the Council and the applications shall be submitted online along with the processing fee and with the required documents. Regulation 7(2) deals with the summary rejection of the applications for certain reasons. The impugned order passed by the Regional Committee states that the reason for rejection of application submitted by the Appellant herein as under: "Now the Management of the institution again seeking permission for increase of intake which is not permissible, as such SRC cannot consider the request made by the Management as per the NCTE Regulations. In the management wants to increase their intake they have to make an application to the NCTE against the notification inviting applications to be issued by the NCTE Headquarters.



Therefore, the Committee decided that the request made by the institution for increasing the seats in its B.Ed. programme from 1 unit to 2 units may not be considered as per the existing provisions of the NCTE Act." It is respectfully submitted that the aforesaid reasoning of the respondent in the impugned order cannot stand the test of law. According to the NCTE Act and the regulations which has been extracted above, an Application can be submitted by the Institution by downloading the same from the website of the council. The Appellant has scrupulously adhered to the same. However, the Regional Committee has rejected it on the Ground that no invitation has been issued by the council. This position is contrary to the act and the regulations in as much as the Act and the Regulations do not describe the publishing of application from by the council. Instead, it is made clear by regulation 5(2) (a) and (b) read with 7(3) are the Grounds on which the committee can reject an application. It is submitted that the committee cannot reject an application under law for the reasons stated in the impugned order and therefore the impugned order being contrary to Regulation 7 ought to be set aside." The appellant institution has started in the year 2004-05 with intake capacity of 100 students per year with recognition granted by the Regional Committee on satisfying the Committee that the appellant institution is having all the required infrastructural and other facilities to accommodate 100 students every year. The appellant institution was originally granted with 100 seats and continued as such till the academic year 2014-15. But in the subsequent year due to the shortage of students for admission, the appellant had voluntarily gave-up one unit and opted for one basic unit as per Regulation 2014. Now the Appellant is seeking to reinstate that 50 seats that have been voluntarily surrendered. It is therefore submitted that the infrastructures and other facilities has already been in existence for the purpose of carrying out the studies of 100 students for the B.Ed. course. The necessary NOC Form the Government of Kerala and Affiliation form the Mahatma Gandhi University, Kerala have also been furnished to the Regional Committee which has not been considered. The rejection of the application of the Appellant on this Ground is therefore unfair and is grossly unjust to the Appellant and to the students who have otherwise got admission, had the Regional Committee given their sanction. The Regional Committee ought to have found that the Appellant institution is having adequate infrastructural and other facilities for accommodating 100 students every year as the recognition to the institution has originally granted with 100 seats in the academic year 2004-05 which was granted by the committee on satisfying that the institution was having



the required infrastructural and other facilities and continued to admit 100 students till the academic year 2014. The application for additional batch is refused by the committee only on the reason that the Appellant can apply for the same against the notification to be issued by NCTE for that purpose which is against the provisions of NCTE Act.

III. OUTCOME OF THE CASE


Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that intake of B.Ed. course was reduced on the request made by appellant by its letter dated 25.06.2016. Appeal Committee noted that once the intake is reduced any further request for enhancement of intake has to be considered in accordance with the extant regulations. Appellant institution is entitled to submit a fresh application seeking enhancement of seats under section 15 of the NCTE Act and as per NCTE Regulation, 2014 as and when NCTE issues notification inviting application for the course.

2. Appeal Committee decided to confirm the impugned decision conveyed by SRC to appellant institution by letter dated 15.07.2021.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and online argument advanced during online hearing of the appeal, Appeal Committee of the Council concluded to confirm the impugned letter dated 05.07.2021.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Al-Azhar Training College, Kumaramangalam, Thodupuzha, Ezhalloor Road, Thodupuzha, Idukki, Kerala.685605
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-272/E-199469/2021 Appeal/22nd Meeting, 2021
APPLERC202114136**

Govt. Hindi Teacher Training College, Kamrup, North Guwahati, Kamrup, Assam APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi – 110075. RESPONDENT
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Representative of Appellant	Dr. Manideepa Barua, (Principal)
Respondent by	Regional Director, ERC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF REFUSAL

The appeal of Govt. Hindi Teacher Training College, Kamrup, North Guwahati, Kamrup, Assam dated 21/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ERC/7-89(1).7/2008/13497(1) dated 21.10.2008 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "The Institution has not submitted the list of Teaching Staff in prescribed format. As per affidavit submitted total land area is less than requirement of NCTE Norms. Building Plan approved by Competent Authority not submitted. Building Completion Certificate from Competent

Authority not submitted. Website as required under NCTE Regulation has not been launched.”

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. ManideepaBarua (Principal), Govt. Hindi Teacher Training College, Kamrup, North Guwahati, Kamrup, Assam presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that “Govt. Hindi Teacher Training College, North Guwahati is purely a Govt. Institution. It is fully financed by the State Govt. Teaching Faculty and non Teaching staff are appointed and paid by the State Govt. The Institution Cannot Appoint any staff at its own level. To develop the material infrastructure such as college building etc. Approval of the state Govt. is essential required this is further stated that the refusal of recognition was made on the following major grounds.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution had applied for recognition of Hindi ShikshanParangat Course of one year duration in the year 2005. Grant of recognition was refused under section 14(3)(b) of NCTE Act by an order dated 21.10.2008. It was made clear to the appellant institution that in case institution is not satisfied with the refusal order, it can prefer appeal under section 18 of the Act within 60 days.

2. The instant appeal has been preferred after a lapse of 13 years and in between this period of inordinate delay the NCTE Regulations laying down the norms and standards for teacher education programmes have been changed twice in the years 2009 and 2014. Recognition for any teacher education programme can now be granted under NCTE Regulation, 2014.



3. Appeal Committee considering the inordinate delay decided not to admit the present appeal on grounds of delay. Appellant institution is however, free to apply afresh as per extant regulations as and when NCTE issues notification inviting application for specific teacher education course.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and online argument advanced during online hearing of the appeal, Appeal Committee of the Council concluded not to admit the appeal on grounds of delay.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Govt. Hindi Teacher Training College, Kamrup, North Guwahati, Kamrup, Assam
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Assam.



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-273/E-199387/2021 Appeal/22nd Meeting, 2021
APPLSRC202114129

KoviloorAndavar College of Physical Education And Sports Science, Koviloor, Managiri, Sivaganga, Tamilnadu APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. G. Ravindran (Principal)
Respondent by	Regional Director, SRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of KoviloorAndavar College of Physical Education And Sports Science, Koviloor, Managiri, Sivaganga, Tamilnadu dated 06/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS04652/B.P.Ed./ {TN}/2021/127855-7862 dated 29.07.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.P.Ed. Course on the grounds that “The NOC dated 08.09.2007 by Higher Education Department, Govt. of Tamil Nadu was issued with the condition to remove the high-tension voltage track passing through the proposed lands for the safety of students. The institution is required to submit a certificate for removal of the same.”

- The FDRs for Endowment and Reserve Fund is being maintained for one year only instead of five years as required under NCTE Regulation.
- The building plan of the institution is neither approved nor legible.
- The Multipurpose Hall size is not sufficient.
- The institution has not submitted the latest staff list approved by the affiliating University for all the existing programmes.”

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. G. Ravindran (Principal), Koviloor Andavar College of Physical Education And Sports Science, Koviloor, Managiri, Sivaganga, Tamilnadu presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that “The Show Cause Notices issued from time to time by SRC had no mention of the High Tension Voltage Track passing through the proposed lands. Therefore, this reason of withdrawal came first time in our notice. However, the High Tension Voltage Track passing through the proposed lands had been removed in the year 2008 itself and thereafter the Land Usage Certificate was got issued by the president, Koviloor panchayat vide their letter dated 21.01.2008. Moreover, we are enclosing a copy of the fresh certificate dated 28-07-2021 issued by the President, Koviloor Panchayat as material proof that this deficiency does not exist. A new certificate furnishing the details regarding non existing of the high-tension voltage track dated 27-08-2021 is enclosed. The FRRs of Endowment and Reserve Fund for B.P.Ed. have been got prepared initially for a period of Five years. The same were due for renewal and the bank itself made an auto renewal for a period of one year. The same FDRs is continuing, and no loan has been obtained from these FDRs. The same FDRs have been now maintained for five years duration as per the NCTE directions. Copy of the FDRs of Five-year duration is attached. Our College got recognition in 2007. The Building Plans were duly approved by the competent authority. During compliance to the revised recognition order we have extended built-up area as per the building plan submitted. However, the approval was in Tamil Language (Regional Language). The translation of the approval was done in English and it was duly signed by Notary public and attested by the college Principal in a legible form. We have sufficient separate Multipurpose hall with dais and with RCC roofing to accommodate more than two hundred students. And we have a very vast free area around the multipurpose hall with compound wall to conduct various sports events like Silambam,



Karate, Yoga, Playfestivals, Medical Camps, Playing Kabaddi & Kho on mats etc. Approved plan of the Multipurpose hall is attached as a material proof. The latest Staff Approval from Tamil Nadu Physical Education and Sports University could not be obtained due to the pandemic situation during that period. However, we have obtained the latest list of faculty for B.P.Ed. programme duly approved by the affiliating body i.e. Tamil Nadu Physical Education and Sports University. The approved faculty list is submitted.

III. OUTCOME OF THE CASE


Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution with its appeal Memoranda has submitted copies of documents found wanted in the case. The letter dated 04.09.2021 issued by affiliating body is for approval of one Principal, two Associate Professors, 6 Assistant Professors, 3 Sport Trainers, One Yoga Trainer and one Dietician. Appeal Committee noted that staff Profile in Annexure-III indicates that two Associate Professors namely Dr. U Saroja and Dr. K. Umarani are shown as faculty for M.P.Ed. Appellant institution is required to clarify this ambiguity. At the same time the impugned withdrawal dated 29.07.2021 issued by SRC should have been made applicable from the next academic year i.e. 2022-23 onwards.

2. Appeal Committee decided to remand back the case to SRC for revisiting the matter and the appellant institution is required to submit to SRC within 15 days of the issue of impugned order copy of list of faculty separately for B.P.Ed. and M.P.Ed. programmes alongwith renewed FDRs and other documents submitted by it with its appeal Memoranda.

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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.”

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

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter after the appellant submits required documents.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, KoviloorAndavar College of Physical Education And Sports Science, Koviloor, Managiri, Sivaganga, Tamilnadu
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 Tamil Nadu.



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-274/E-199336/2021 Appeal/22nd Meeting, 2021
APPLNRC202114087

LCRT College of Education, MehranaGohana Road, Panipat, Haryana-132103 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <u>RESPONDENT</u>
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Representative of Appellant	Sh. Ankit Tayal, (Member of Society)
Respondent by	Regional Director, NRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF REFUSAL

The appeal of LCRT College of Education, MehranaGohana Road, Panipat, Haryana-132103 dated 31/07/2021 filed under Section 18 of NCTE Act, 1993 is against the 331st Mtg. (Minutes based) dated 03.03.2021 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “Reply not submitted within 60 days of LOI.”

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Ankit Tayal, (Member of Society) LCRT College of Education, Mehrana Gohana Road, Panipat, Haryana-132103 presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that **"Institute has submitted its reply well within time of 60 days on 15th of March, 2019. However, the Concerned Authority did not consider the reply or issued any Show Cause Notice on that reply U/s 15 (3) (B) Provision before rejecting the any case, the NCTE must give a reasonable opportunity to the institution to represent its case. Despite regulatory reminding NCTE of the file, the NCTE neither consider our reply nor gave any chance for representation before rejecting the matter."**

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that NRC in its 331st Meeting held on 03.03.2021 decided to close the file with no further action required at the end of NRC.

2. Appeal Committee noted that there is no formal order of refusal issued under section 14 or 15 of the Act. It means that the decision of NRC was not formalised and vetted. Appellant has, however, preferred appeal against the decision taken by NRC in its 331st Meeting.


3. Appeal Committee decided that the case is required to be revisited by NRC particularly in view that no Show Cause Notice was issued after the appellant had submitted letters dated 14.03.2019 and 04.05.2019.

4. As formal refusal order under section 14 or 15 was not issued by NRC, Appeal Committee decided to refer back the case to NRC for revisiting the matter.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral argument advanced during online hearing, Appeal Committee of the Council concluded to remand back the case to NRC for revisiting the matter.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, LCRT College of Education, MehranaGohana Road, Panipat, Haryana-132103**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**
3. **Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Haryana**



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-275/E-199324/2021 Appeal/22nd Meeting, 2021
APPLNRC202114135

Rohtash Singh Memorial College of Education, Daulatpur, Salawa, Meerut, Uttar Pradesh APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. Vinod Rana (Chairman)
Respondent by	Regional Director, NRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF REFUSAL

The appeal of Rohtash Singh Memorial College of Education, Daulatpur, Salawa, Meerut, Uttar Pradesh dated 18/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRCAPP-10370 dated 09.09.2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "In the reply dated 05.09.2017 submitted by the institution in response to SCN dated 22.07.2017, the institution has not submitted any proof/evidence to prove that it is composite institution as per clause 2(b) of NCTE Regulation 2014 The committee decided that the application is rejected and recognition/Permission is refused u/s 14/15."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Vinod Rana (Chairman), Rohtash Singh Memorial College of Education, Daulatpur, Salawa, Meerut, Uttar Pradesh presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 but the institution, composite institution as per clause 2 (b) of NCTE Regulation 2014 from the related University dated 29.01.2021. The affiliation of B.A. and B.Com has been received. Due to not being the affiliation of the said institution the application submitted by the institution, the same was cancelled/rejected and there is no other reason to cancel the application of the institution. NCTE it is requested, by looking into the favor on humanity basis the application so submitted by the institution be kindly re-considered and for the res institution of the panel, for future proceedings there on, the humbly request is made."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned refusal order dated 26.09.2017 was issued after issuing two Show Cause Notices (SCNs) dated 16.02.2017 and 22.07.2017. Committee noted that appellant institution in reply to the Show Cause Notice had failed to provide any evidence to prove that it is a composite institution as per requirement of clause 2(b) of the NCTE Regulation 2014.

2. Appeal Committee noted that appeal preferred by appellant institution is time barred as the delay is of more than 4 years. Reason for delay given by appellant in the Appeal Memoranda that it had represented to NCTE office is not convincing and acceptable for the long delay of more than 4 years after the issue of impugned order dated 09.09.2017. The affiliation letter enclosed with the Appeal Memoranda itself is dated 29.1.2021.

3. Appeal Committee noted that according to the provisions of Section 18 (1) of the NCTE Act, 1993, any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed. According to the provisions of Rule 10 of the NCTE Rules, 1997, any person



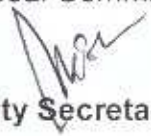
aggrieved by an order made under the above-mentioned Sections of the Act may prefer an appeal to the Council within sixty days of issue of such orders. According to the provisions of Section 18 (2) of the NCTE Act, no appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor; provided such an appeal may be admitted after the expiry of the period prescribed therefor, if the appellant satisfied the Council that he had sufficient cause for not preferring the appeal within the prescribed period.

4. Appeal Committee decided not to accept the appeal on grounds of inordinate delay without any valid and convincing reason.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee concluded not to condone the delay of more than 4 years. Hence the appeal is not admitted.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Rohtash Singh Memorial College of Education, Daulatpur, Salawa, Meerut, Uttar Pradesh**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**
3. **Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh**



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-276/E-199304/2021 Appeal/22nd Meeting, 2021
APPLNRC202114130

Shaheed Bhagat Singh College of Education, Daulatpur, Salawa, Meerut, Uttar Pradesh APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. Vinod Rana (Chairman)
Respondent by	Regional Director, NRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Shaheed Bhagat Singh College of Education, Daulatpur, Salawa, Meerut, Uttar Pradesh dated 16/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. **NRC/NCTE/UP-2148/337th Meeting/2021/214846** dated 19.07.2021 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "NRC decided to withdraw the recognition of B.Ed. course u/s 17 of the NCTE Act, 1993 from the end of the academic session next following the date of communication of withdrawal order i.e. 2022-23."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Vinod Rana (Chairman), Shaheed Bhagat Singh College of Education, Daulatpur, Salawa, Meerut, Uttar Pradesh presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "NRC decided to withdraw the recognition of B.Ed. course u/s 17 of the NCTE Act, 1993 from the end of the academic session next following the date communication of withdrawal order i.e. 2022-2023". A detailed order be issued to the institution for respective course. The file bearing File No. NRC/NCTE/UP-2148/337th Meeting/2021/214846 dated 19.07.2021 duly received to institution accordingly and in accordance with the letter received from NCTE dated: 05.04.2018, the respondent institution through its letter has placed his right in the office of NCTE office on 01.08.2018 from the said source. As received to the institution File No. NRC/NCTE/UP-2148/310th Meeting/2019/207120 dated 26/12/2019 accordingly some of the un-social elements of the institution have hate and bad intention because the said institution is in the rural area. Most of the time, due to the un-social elements the managing committee live intention and fabricated complaint's is made by them to the managing committee of the institution the letter issued from NCTE dated 26.12.2019 was not received. Due to not being received the said letter, the institution could not reply the letter. By the Hon'ble NCTE, the common order F. No. NRC/NCTE/Common Order/RRO/2021/213799 dated: 30.03.2021 by the institution's managing committee pandemic period and the members of the family having been affected with corona positive and owing to the death due to pandemic the reply was not submitted of the Hon'ble NCTE public notice and the said forgetting is based on humanity due to the corona period. A File No. NRC/NCTE/UP-2148/337th Meeting 2021/214846 dated: 19.07.2021 duly received to institution according some important issues to which the institution by the Hon'ble NCTE portal by virtue of portal in appeal and by the institution by keeping its right by the NCTE, NRC. Hence, NRC decided to withdraw the recognition session next following the date of communication of withdrawal order i.e. 2022-2023. A detailed withdrawal order be issued to the institution for respective course, the institution duly received the File No. NRC/NCTE/UP-2148/337th Meeting 2021/214846 dated: 19.07.2021, against the same whatsoever the demands were made, by enclosing the entire details, the appeal was filed. It is now requested with the Hon'ble NCTE that by looking into the favor of the institution and owing the various deaths

held owing the Pandemic and several persons expired of the managing committee and other members and due to non-replying of the public notice the affiliation of the institution was given break and was reverted back of sessions 2022-2023 is not true and correct in the interest of justice. From the decision taken by the Hon'ble NCTE the institution has suffered mentally excessively. The required information from the institution is being delivered and its hard copy is also being delivered for kind perusal By looking in the welfare of the institution, it is humbly requested with the Hon'ble NCTE that the withdrawal order i.e. 2022-2023, a detailed withdrawal order be issued to the institution for respective course. The Institution duly received File No. NRC/NCTE/UP-2148/337th Meeting 2021/214846 dated: 19.07.2021, be again instituted with the institution and oblige."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned order of withdrawal dated 19.07.2021 is made applicable from the academic session 2022-23.

2. Appeal Committee noted that appellant with its appeal memoranda has submitted copy of a letter dated 10.09.2021 conveying approval to the appointment of one principal and 15 NET qualified faculty. Appellant has further submitted a notary attested affidavit in which date of selection and appointment of faculty is shown as 10.09.2021 which is post withdrawal order dated 19.07.2021. Appellant has also submitted copy of FDRs, Form 'A', Building Completion Certificate (BCC) and a bank statement of salary disbursement of certain persons from October, 2020 to March 2021. Bank statement submitted by the appellant has no relevance as the list of faculty is seen approved and appointed on 10.09.2021. Appellant has failed to submit evidence to prove that it had requisite number of faculty approved and appointed during the preceding years of withdrawal.


3. Appeal Committee, therefore, decided to confirm the impugned order of withdrawal dated 19.7.2021 issued by NRC.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and arguments advanced during online hearing, Appeal Committee of the Council concluded to confirm the impugned order of withdrawal dated 19.07.2021 issued by NRC.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Shaheed Bhagat Singh College of Education, Daulatpur, Salawa, Meerut, Uttar Pradesh**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi**
3. **Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh**



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-278/E-200406/2021 Appeal/22nd Meeting, 2021
APPLNRC202114121

Faiz-E-Aam Modern Degree College, Mathura, 72 Civil Lines, Mathura Uttar Pradesh APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <u>RESPONDENT</u>
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Representative of Appellant	Dr. Mohd. Ilyas (HOD/Principal)
Respondent by	Regional Director, NRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Faiz-E-Aam Modern Degree College, Mathura, 72 Civil Lines, Mathura Uttar Pradesh dated 09/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/UP-1571/337th Meeting/2021/214590 dated 16.07.2021 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The latest/current faculty list approved and signed each page by concerned affiliating body in original with the details of their teaching subject, date of birth, date of selection, date of joining, academic qualification, teaching experience, NET/Ph.D(NCTE's GOI dated 09.06.2017), salary structure and related documents duly attested by authorized

management representative not submitted. And, notarized original affidavit of Rs. 100/- on non-judicial stamp paper by each selected/appointed faculty in the NCTE prescribed Performa are required to be submitted. Details of salary disbursed to the faculty along with six months Bank Statement and account number of each faculty member has not been submitted. Downloaded copies of documents from the website of the institution with hyperlinks of the same as per provisions of 7(14) of the NCTE Regulations, 2014 has not been submitted."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Mohd. Ilyas (HOD/Principal), Faiz-E-Aam Modern Degree College, Mathura, 72 Civil Lines, Mathura Uttar Pradesh presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "List of B.Ed. faculty approved on 07.12.2020 is sent herewith on prescribed NCTE format with notarized Original non judicial stamp of Rs. 10/- of appointed faculty and Rs. 100/- Notarized original non judicial stamp by the manager. Registrar has given a list of experts on dated 17.06.2019. Later on he has changed the norms of experts and again issued experts on dated 03.10.2020. That staff of the college is duly approved by the university as per NCTE norms. Copy of staff approved was also sent through email on 28.12.2020. On the other hand despite sending approval to NCTE & pendency of case in Hon'ble High Court withdrawal of recognition under section 17 (1) is totally prejudice therefore humbly requested to quash/reconsider order passed by NRC, NCTE in the interest of natural justice. That the petition no. 20384/2019 is pending at Hon'ble High Court Allahabad in which NCTE is also respondent. Six months Bank Statement of salary disbursed top the faculty duly mentioned account number of each faculty member is sent herewith Downloaded copies of documents from the website of the institution with hyperlinks of the same as per provisions of 7(14) of the NCTE Regulations, 2014 is mentioned on official website of institution i.e. www.faizeaamcollege.com."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that following a letter dated 15.12.2019



received from Dr. B.R.A. Ambedkar University alleging irregularities in appointment of faculty, two Show Cause Notice (SCNs) dated 02.07.2019 and 24.02.2020 were issued to appellant institution.


2. Appeal Committee noted that appellant institution has not submitted details of list of faculty mentioning the date of their appointment, qualification/experience etc. duly countersigned by the affiliating authority. Appellant has submitted a list of faculty signed by its own Secretary and in this list date of appointment of Principal and faculty is shown as prior to the dates of approval. Salary disbursement statement indicates some cheque payment starting from August, 2021. The appellant was required to substantiate whether it had the requisite number of faculty duly approved by affiliating University and payment of salary to appointed faculty in terms of Clause 10(2) of NCTE Regulations.

3. As appellant institution has failed to submit material evidence in support of having appointed faculty with the approval of affiliating University as reported by University by its letter dated 15.02.2019. Appeal Committee decided to confirm the impugned order of withdrawal dated 16.07.2021 issued by NRC.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and arguments advanced during online hearing, Appeal Committee of the Council concluded to confirm the impugned order of withdrawal dated 16.07.2021 issued by NRC.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Faiz-E-Aam Modern Degree College, Mathura, 72 Civil Lines, Mathura Uttar Pradesh**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-279/E-200710/2021 Appeal/22nd Meeting, 2021
APPLSRC202114139

Kumadvathi College of Education, Thimlapura, Shimoga Road, Shikaripura, Shimoga, Karnataka APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <u>RESPONDENT</u>
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Representative of Appellant	Dr. Shivakumar, (Principal)
Respondent by	Regional Director, SRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Kumadvathi College of Education, Thimlapura, Shimoga Road, Shikaripura, Shimoga, Karnataka dated 09/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/UP-1571/337th Meeting/2021/214590 dated 16.07.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Proforma of faculty has been signed by the Registrar, Kuvempu University but the date of approval 22.11.2019 has been mentioned only on two pages of proforma and not mentioned all pages. Faculty namely Jayashree V Rakkasagi and Kiran Kumar K are having less than 55 marks in P.G. and not qualified as per NCTE Regulations, 2014. Documents of managing Society/Trust of the college not submitted. The

building plan submitted is neither approved by the competent authority nor legible. The website of the institution is not uploaded with information prescribed under para 8 (6), 8(14) and 10(3) of NCTE Regulations, 2014. The Institution did not submit an Affidavit clearly stating status about land & building and management (Society/Trust) at the time of recognition and its present status giving following details.

- (i) Details of land and building available at the time of recognition with the Institution.
- (ii) Details of land and building now available with the Institution.
- (iii) Status of Management at the time of recognition and its present status.

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Shivakumar (Principal), Kumadvathi College of Education, Thimlapura, Shimoga Road, Shikaripura, Shimoga presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "Latest proforma of faculty duly signed by the Registrar, Kuvempu University, dated 24.09.2021 is enclosed. New staff has been appointed as per NCTE Regulations, 2014 and approved by the Registrar, Kuvempu University dated 24.09.2021 details are enclosed. A notarized document of Trust has been enclosed. Original Building plan approved by the competent authority is enclosed. The website of the Institute is upgraded as per NCTE Regulations, 2014. Website ID alongwith notarized screenshot of the website is also enclosed. Notarized Affidavit of Rs.200/- is enclosed stating status about Land, Building and Management (Society/Trust)."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution was recognized to conduct B.Ed. programme in the year 2000 and subsequently revised recognition order was issued on 16.05.2015 for an intake of 100 seats (2units of 50 seats). Intake of B.Ed. programme was subsequently modified to be for one unit (50 seats).

2. Appeal Committee noted that appellant institution with its appeal Memoranda has submitted copies of all the documents which were found to be deficient in the impugned

order of withdrawal. Appellant has replaced few faculty members and the list is now signed on each page. Copies of other documents required have also been submitted.

3. Appeal Committee decided that appellant institution is required to submit to SRC within 15 days of the issue of Appeal order originals/authenticated copies of all the documents. Appeal Committee further decided to remand back the case to SRC for revisiting the matter. Otherwise also, the impugned order issued on 27.08.2021 should have been made affective from the academic session 2022-23.

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

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

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to set aside the impugned order of withdrawal and remand back the case to SRC for revisiting the matter as indicated above.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Kumadvathi College of Education, Thimlapura, Shimoga Road, Shikaripura, Shimoga, Karnataka
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-281/E-200977/2021 Appeal/22nd Meeting, 2021
APPLSRC202114138

Rajeev College of Education, Hassan, 8 th Cross Road, K.R. Puram, Karnataka APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Smt. Mini Varghese (Principal)
Respondent by	Regional Director, SRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER

I. GROUND S OF WITHDRAWAL

The appeal of Rajeev College of Education, Hassan, 8th Cross Road, K.R. Puram, Karnataka dated 23/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order NoSRO/NCTE/APS02328/B.Ed./ {KA}/2021/128360 dated 24.08.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The Institution submitted a copy of building plan but the same is neither approved nor legible. LUC does not show total land area, area of multipurpose hall not mentioned in the building plan and BCC. The institution has submitted staff list as 1+7 against the requirement of 1+15 for 2 basic units of B.Ed. Course as per NCTE Regulations, 2014

II. SUBMISSIONS MADE BY APPELLANT:-

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Smt. Mini Varghese (Principal), Rajeev College of Education, Hassan, 8th Cross Road, K.R. Puram, Karnataka presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "Original blue-print of building plan approved by competent authority is submitted. LUC showing the land area and area of multipurpose halls is mentioned in BCC and earmarked in building plan is submitted. Fresh qualified staff approved by the competent affiliating body is submitted."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution was recognised to conduct B.Ed. programme from the academic session 2004-05 and revised recognition order was issued on 15.05.2015 under NCTE Regulation, 2014.

2. Appeal Committee noted that appellant with its appeal memoranda has submitted copies of Building Plan, Building Completion Certificate, Land Use Certificate. All these documents are issued by concerned Municipal Authorities and size of Multipurpose Hall shown in building plan at 5th floor, is adequate. Appeal Committee further noted that impugned order of withdrawal dated 24.08.2021, has been made applicable from academic year 2021-22 which is not in consonance with the provisions of NCTE Act.

3. Appeal Committee decided that appellant institution is required to submit to SRC copies of all the documents duly authenticated, within 15 days of the issue of Appeal order. Appeal Committee further decided to remand back the case to SRC for revisiting the matter.

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."



5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

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

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and arguments advanced during online presentation of the case, Appeal Committee of the Council concluded to set aside the impugned order of withdrawal and remand back the case to SRC for revisiting the matter.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Rajeev College of Education, Hassan, 8th Cross Road, K.R. Puram, Karnataka
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka



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

DATE: 26/11/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-283/E-204543/2021 Appeal/22nd Meeting, 2021
APPLSRC202114131

Christ College of Education For Women, Adhiyamankottai Village, A.Jettihalli, Nallampalli, Dharmapuri, Tamil Nadu APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <u>RESPONDENT</u>
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Representative of Appellant	Dr. Josephine Samson, (Joint Secretary)
Respondent by	Regional Director, SRC
Date of Hearing	29.10.2021
Date of Pronouncement	26.11.2021

ORDER


I. GROUND OF WITHDRAWAL

The appeal of Christ College of Education For Women, Adhiyamankottai Village, A.Jettihalli, Nallampalli, Dharmapuri, Tamil Nadu dated 17/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order NoSRO/NCTE/APS04841/B.Ed./{TN}/2021/128418 dated 27.08.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Vide last reminder letter dated 10.03.2021 (after two Show Cause Notices) the institution was informed that the Multipurpose Hall is not adequate as per NCTE Regulations, 2014. In response the institution

had submitted a building plan showing the multipurpose hall. The multipurpose hall has been shown with combination of workshop (40'x30') and Assembly Hall (65'x20'), Thus, the deficiency of multipurpose hall has not been rectified by the institution. Vide last Reminder letter dated 10.03.2021 (after two show cause notices) the institution was informed that the notarized English Translation of Non-Encumbrance Certificate has not been submitted. In response, the institution had submitted the same, but the NEC now submitted shows the nature of land as "Agricultural". This is not acceptable as per NCTE Regulations, 2014. The website of the institute is not updated with the information prescribed under para 8(6), 8(14) and 10(3) of NCTE Regulations, 2014."

II. SUBMISSIONS MADE BY APPELLANT:-

The representative of Christ College of Education For Women, Adhiyamankottai Village, A.Jettihalli, Nallampalli, Dharmapuri, Tamil Nadu presented online the case of the appellant institution on 29/10/2021. In the appeal and during personal presentation it was submitted that "As per your letter in the 401st Meeting of the Southern Regional Committee (SRC) held on 11th& 12th August 2021. Bringing it to your kind notice that we did not mention 40'x30' and 65x20 in our previous reply. We would like to clarify that our multipurpose Hall is 105 x 20.6 Sq.ft which is a total of 2163 Sq.ft. as per NCTE norms. Also enclosing NCTE norms which say Multipurpose hall required is 2000 sqft. Kindly consider this. We have rectified the Non-Encumbrance Certificate English Translation with the latest EC directly from the Tamilnadu Registration Department website for our survey no.512/2. Our land is not agricultural land but purely dry land and it is only for the purpose of the Educational Institutions. Previously we were no able to take English Translation directly from the Tamilnadu Registration Department website. Now we have attached the English Translation and Notarized copy and enclosed college view photo. Kindly consider this. As per your letter in the 401th Meeting of the Southern Regional Committee (SRC) held on 11th& 12th August, 2021. Bringing it to your kind notice that our website : www.christedu.in is always updated and all the necessary information said is up to date. Here by we are attaching full notarized copy of our website."



III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that relevant regulatory file is not made available to verify the credential of documents made available by appellant to SRC. Appellant has however, with its appeal memoranda has submitted copies of Encumbrance Certificate and Building Plan as evidence of land categorised as 'Dry Land' and Building Plan with adequate size of Multipurpose Hall.

2. Appeal Committee further noted that impugned order of withdrawal dated 27.08.2021 has been made applicable from the academic year 2021-22 which is not in consonance of the provisions of NCTE Act. Appeal Committee noted that appellant institution is conducting B.Ed. programme since 2007 on the same land which has now been objected for the reason that nature of land is 'Agriculture.

3. Appeal Committee decided that impugned order of withdrawal needs to be remanded back to SRC for revisiting the matter in light of submission made by appellant that as per revenue records the land is categorised as 'Dry Land' and multipurpose Hall is of adequate size. Appeal Committee further decided that appellant institution is required to submit to SRC. copies of documents submitted by it with its appeal memoranda and a Building Completion Certificate in prescribed Performa.

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

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

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and arguments advanced during online presentation of the case, Appeal Committee of the Council concluded to set aside the impugned order of withdrawal and remand back the case to SRC for revisiting the matter.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Christ College of Education For Women, Adhiyamankottai Village, A.Jettihalli, Nallampalli, Dharmapuri, Tamil Nadu
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 Tamil Nadu.