170778/2020/Appeal Section-HQ

F.No.89-178/E-163905/2020 Appeal/26th Mtg.-2020/27th October, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/11/2020

ORDER

WHEREAS the appeal of Holy Angels College of Education for Women, Jadayampalayam, Mettupalayam, Coimbatore, Tamil Nadu dated 20/03/2020 is against the Order No. SRO/NCTE/APSO9587/B.Ed/TN/2020/114835 dated 19.02.2020 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the Institute did not submit a certified copy of land documents. The LUC cannot be relied upon the face of deficiency in NEC. The NEC shows the nature of land as "House Site." The Multipurpose Hall size is less than the requirement of NCTE regulations. The BCC is not in proper prescribed format. The Institute submitted only 1+5 faculty against the requirement 1+15 under NCTE regulations. A photocopy of FDRs submitted only for Rs. 5 Lakhs instead of original against the requirements of Rs 12 Lakhs and Form "A" is also not submitted. Domain name of the website being run by the Institution not provided. The Institution did not submit documents of Managing Trust/ Society."

AND WHEREAS Mrs. Ruby Devakumar, Trustee and Sh. Devakumar, Trustee, Holy Angels College of Education for Women, Jadayampalayam, Mettupalayam, Coimbatore, Tamil Nadu presented the case of the appellant institution on 27/10/2020. In the appeal and during personal presentation and in a letter dt. 23/10/2020 it was submitted that "(i) copies of land documents signed by the Sub-Registrar, Mettupalayam, and English and Tamil versions are enclosed; (ii) LUC clearly states that the mentioned land is used for educational purpose and 'No Objection Certificate' is issued by Mettupalayam Tehsildar; (iii) N.E.C. states that the land belongs to the Holy Angels Trust; (iv) the size of the Multipurpose Hall is 2399.29 sq. ft. and a copy of the building plan and multipurpose hall is enclosed; (v) B.C.C. in prescribed format signed by Authorised Engineer and certified by the competent local Government body is enclosed; (vi) on 11/09/2017 NCTE issued a revised order reducing the intake from 2 units to one unit, on their request, and since 2017 they are running only one unit; (vii) a staff list of one

Principal and eight teaching staff approved TNTEU is enclosed and affiliation is granted upto 2022; (viii) photo copies of FDRs and letter is Form 'A' for the requisite amount are enclosed; (ix) a copy of Domain name of the website is enclosed and (x) a copy of registered trust document is enclosed."

AND WHEREAS the Committee, noting that the appellant has submitted the documents found wanting in the withdrawal order and the appellant has been granted recognition for one unit only, concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents submitted in appeal, to be sent to them by the appellant, and take necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the SRC all the documents submitted in appeal, within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the SRC with a direction to consider the documents submitted in appeal, to be sent to them by the appellant, and take necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the SRC all the documents submitted in appeal, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Holy Angels College of Education for Women, Jadayampalayam, Mettupalayam, Coimbatore, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

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

Kesang Y Sherpa

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

1. The Secretary/Correspondent, Holy Angels College of Education for Women, S.F.-205, Jadayampalayam, Mettupalayam, Coimbatore, Tamil Nadu – 641302.
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, Chennai.

170778/2020/Appeal Section-HQ

F.No.89-179/E-164023/2020 Appeal/26th Mtg.-2020/27th October, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/11/2020

ORDER

WHEREAS the appeal of Dr. S.R.J. College of Education, Voc Nagar, Thanjavur, Tamil Nadu dated 09/09/2020 is against the Order No. SRC/NCTE/APSO4099/B.Ed./2020/116508-6514 dated 04.08.2020 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the institution has submitted land document which is in the name of the individual. The Gift Deed date was not clear in the translated version. The building plan submitted by the institution where multipurpose hall size not reflecting. Approving authority is in regional language. The BCC submitted by the institution which was not approved by the competent authority. The faculty namely S. Elakkiya was not qualified as per NCTE Regulations, 2014. The strength of staff for 2 basic units of B.Ed. was not enough as per NCTE Regulations, 2014. Also, the institution is required to submit latest staff list duly approved by the affiliating university as per NCTE Regulations, 2014 for 2 basic units of B.Ed. course. The NEC submitted by the institution shows the land as "Agricultural Land". Documents like NEC, Building Plan, LUC, BCC etc. can not be accepted on the face of deficiency in land documents. Details have not been uploaded on website are required under NCTE, Regulations, 2014."

AND WHEREAS Sh. Rajesh B. Bramana, Vice Chairman, Dr. S.R.J. College of Education, Voc Nagar, Thanjavur, Tamil Nadu presented the case of the appellant institution on 27/10/2020. In the appeal and during personal presentation it was submitted that "The finding of the SRC, NCTE that the institution has submitted the land documents in the name of the individual, is incorrect and contrary to the facts of the present case. It is important to note that the land was purchased by the Chairman (Shri

R. Balasubramanian) of the Trust in the Year 2008 and a Gift Deed was executed in favour of the Sri Raghva Janaki Ammal Educational and Charitable Trust @ Dr. S.R.J. Educational and Charitable Trust on 29.02.2012 vide registered Gift Deed having Document No. 638/2012. That the contention of the SRC, NCTE is also self-contradictory as regard to the ownership of the land, wherein it says that it is in the name of individual and further records that there is lacuna in the Gift Deed. It is pertinent to mention here that the Gift Deed is in the favour of appellant Trust. The appellant has duly submitted the Gift Deed in favour of the trust, wherein the date and month clearly mentioned at the top of the translated copy of the Gift Deed and only due to the typographic error the year of the deed is missing in the translated version. The building plan was made in the year 2009 and the same was approved by the competent authority in regional language, during that time the Floor size was not given specifically in every room instead the Length and width wise measurement in Sq./Meters are provided for every room. Now the floor wise room Specification with size of all the rooms including Multipurpose hall with size 2096.65 Sq. Ft. and Common Hall with size of 2497.59 Sq. Ft. is given in a separate blue-print sheet. The building plan was signed and approved by the competent authority in regional language and now the same is translated and attested by the Notary Public. The appellant has submitted the Building completion Certificate signed by the Tahsildar under Tamilnadu Public Buildings Renewal (Licensing), Act, 1965 License No: K.Dis.15150/2018/A7 Renewal Dated 24.12.2018. It is pertinent to mention here that the same BCC copy was also submitted at the time of the Final Show Cause Notice and same was not considered by the SRC, NCTE. The appellant has got the approval of all 16 faculties from the affiliating University as on 28.08.2020. It is also humbly submitted that the 9 faculty approval was given on 24.09.2019 and there was 7 temporary faculties, whose approval was sent to the affiliating University, but due to the COVID-19 situation, the appellant could not get the approval of the 7 faculties on time and subsequently the appellant received the approval of 7 faculties vide letter No. TNTEU/R/QA/B.Ed./CC:12009/2020-21 dated 28.08.2020. Therefore, the appellant is fulfilling the strength of staff for two basic units of B.Ed. as per NCTE Regulation, 2014. The appellant has obtained the NEC certificate as per the NCTE norms by the Sub Registrar Office-Karanthattankudi dated 18.08.2020. It is

pertinent to state that the appellant in its reply to the Final Show Cause Notice has stated that the NEC document clearly shows that the Land is in the name of "Dr. S.R.J. Educational & Charitable Trust, Thanjavur" and the registered gift deed clearly shows that the land is "Dry Land". Because the appellant fulfils all the requisite norms and conditions, as stipulated in the NCTE Regulation, 2014 in regard to the NEC, Building Plan, LUC and BCC to run the B.Ed. Course for two basic units. The contention of the SRC, NCTE is totally wrong in regard to the aforesaid land documents, the same can be verified from the above annexures pertaining to the land documents. There is no lacuna on the part of the appellant in respect of land and the building. The appellant is having operative website in the domain name of www.srjcolleges.org and appellant is following the NCTE Norms and Regulations from time to time and appellant is updating the website from time to time. All the Mandatory disclosure details are timely uploaded and updated on the aforesaid website."

AND WHEREAS the Committee, noting that the appellant has submitted the various documents found wanting in the withdrawal order, concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents submitted in the appeal, to be sent to them by the appellant, and take necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the SRC all the documents submitted in appeal, within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the SRC with a direction to consider the documents submitted in the appeal, to be sent to them by the appellant, and take necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the SRC all the documents submitted in appeal, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Dr. S.R.J. College of Education, Voc Nagar, Thanjavur, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

1. The Vice Chairman, Dr. S.R.J. College of Education, 15, Voc Nagar, Thanjavur, Tamil Nadu – 613007.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu, Chennai.

170778/2020/Appeal Section-HQ

F.No.89-181/E-164260/2020 Appeal/26th Mtg.-2020/27th October, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/11/2020

ORDER

WHEREAS the appeal of Sri Rajarajeswari College of Education, Siruganur, Trichy-Chennai NH-45, Opp. to Govt. HR Sec. Sc. Mannachanallur, Tiruchirapali, Tamil Nadu dated 16/09/2020 is against the Order No. SRO/NCTE/APSO4929/B.Ed/TN/2019/114805-114811 dated 19.02.2020 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the Management of the institution had not submitted required documents in response to Show Cause Notice (SCN) issued to the institution on 25.03.2019. Another opportunity was given to the institution by serving a Final Show Cause Notice (FSCN) dated 28.10.2019. The institution did not submit its reply/representation in response to Final Show Cause Notice (FSCN)."

AND WHEREAS Sh. S. Prasad, Managing Trustee and Dr. Subbha Somu, Chairman, Sri Rajarajeswari College of Education, Siruganur, Trichy-Chennai NH-45, Opp. to Govt. HR Sec. Sc. Mannachanallur, Tiruchirapali, Tamil Nadu presented the case of the appellant institution on 27/10/2020. In the appeal and during personal presentation it was submitted that "They have not received both show cause notices from SRC-NCTE by post or any other way of communications. Herewith we attached xerox copies of the returned documents to SRC-NCTE for your kind perusal. Our address mentioned in the NCTE minutes was very old one and we have given new address properly. They have missed the new address and actually the show cause notice issued by SRC-NCTE was sent to our old address. We request to kindly reconsider our withdrawal of our recognition and requesting for restoration. We shall be very much grateful to you ever in this regard. Pray for your mercy always."

AND WHEREAS the Committee noted from the file of the SRC that in their communication dated 01/06/2016, the SRC has permitted the institution to shift to a new location. In spite of the permission, it is seen that the two show cause notice were sent to the old address. In view of this position, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to re-issue their show cause notices to the correct/current address of the appellant institution and take further action as per the NCTE Regulation, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the SRC with a direction to re-issue their show cause notices to the correct/current address of the appellant institution and take further action as per the NCTE Regulation, 2014.

NOW THEREFORE, the Council hereby remands back the case of Sri Rajarajeswari College of Education, Siruganur, Trichy-Chennai NH-45, Opp. to Govt. HR Sec. Sc. Mannachanallur, Tiruchirapali, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

1. The Managing Trustee, Sri Rajarajeswari College of Education, 214/3, Siruganur, Trichy-Chennai NH-45, Opp to Govt. HR Sec. Sc. Mannachanallur, Tiruchirapali, Tamil Nadu – 621105.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu, Chennai.

170778/2020/Appeal Section-HQ

F.No.89-184/E-164769/2020 Appeal/26th Mtg.-2020/27th October, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/11/2020

ORDER

WHEREAS the appeal of Kamla Bhubaneshwar B.Ed. College, Chandour, Bhagwanpur, Begusarai, Bihar dated 14/09/2020 is against the Order No. ER-278.36/ERCAPP17/2012/B.Ed./2020/62216 dated 01.02.2020 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "original list of teaching faculty approved by the affiliating body has not been submitted. Total built up area mentioned in the building plan as well as Building Completion Certificate is of 3032.52 sq. mts. which is less than required 4000 sq. mts. to run 2 units of B.Ed. and 2 units of D.El.Ed. course. It is not clear from the photocopy of FDRs that the institution is maintaining FDRs Rs. 5 lakh and Rs. 3 lakh jointly with NCTE as per Regulation, 2014."

AND WHEREAS Ms. Vandana Kumari, Secretary and Sh. Saket Kumar Sharma, Representative, Kamla Bhubaneshwar B.Ed. College, Chandour, Bhagwanpur, Begusarai, Bihar presented the case of the appellant institution on 27/10/2020. In the appeal and during personal presentation it was submitted that "The institution had duly submitted the original teaching staff as envisaged in the regulations,2014 as amended from time to time. The original staff list was duly submitted vide letter no. 568/KBBC/19 dt. 09.03.19 and the same was duly approved by the affiliating body i. E Aryabhatta knowledge university. If directed the institution is ready and willing to submit the same again. Copy of the staff profile submitted is placed on record for perusal. It is humbly submitted that the institution had duly submitted the duly approved BCC & BP as per the Norms and Regulations, 2014 showing 4200 sq. mts. built area vide letter no. 568/KBBC/19 dt. 09.03.19, and the same has not been considered by the office of ERC. It is pertinent to mention that the institution was granted recognition for running B.Ed. course in the year 2014 and at that time all the documents were submitted as per the prevalent norms at the time. And the BCC & BP of 3032.52 sq. mts. as mentioned in the

withdrawal order was submitted at that time. That after promulgation of regulation, 2014, the institution applied for D.El.Ed. course and had increased the built-up area to 4200 sq. mts. after making new construction. The said BCC & BP were duly submitted and must have been tagged with file of D.El.Ed. Copy of the BCC & BP are placed on record for ready reference. It is humbly submitted that the institution has all the requisite documents and approvals as mentioned. The withdrawal order as passed is perverse and based on wrong facts. The office of ERC has failed to appreciate the correct facts it is humbly submitted that the institution is imparting quality education and has very good reputation and hence it is requested to kindly restore the recognition of the institution. It is humbly submitted that the institution had duly submitted the requisite FDRs of Rs. 3 lacs having no. 386900dp00017127 dt. 06.02.14 & FDR of 5 lacs having no. 386900dp00017118 dt. 06.02.14 both drawn by PNB Bank in the joint name of the appellant and Regional Director, ERC. The said FDRs were duly renewed vide letter dt. 02.0319 by the Bank on receipt of no objection from the office of ERC. Copy of the letter is being placed record. Further, more it is submitted that the said FDRs are valid till 06.02.2024. It is submitted that after coming into force of Regulations 2014, the institution was directed to submit an additional FDR of Rs. 4 lacs which was also submitted vide FDR no. 34959260773 dt. 28.05.15 drawn by SBI in joint name of the appellant and Regional Director, ERC."

AND WHEREAS the Committee noting that the appellant has submitted the documents found wanting in the withdrawal order dated 01/02/2020 decided that the matter deserved to be remanded to ERC with a direction to consider the documents submitted in Appeal, to be sent to them by the appellant, and take necessary action as per NCTE Regulation, 2014. The appellant is directed to forward to ERC all the documents submitted in appeal, within 15 days of the issue of appeal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the ERC with a direction to consider the documents submitted in Appeal, to be sent to them by the appellant, and take necessary action as per NCTE Regulation, 2014. The appellant is directed to forward to ERC all the documents submitted in appeal, within 15 days of the issue of appeal order.

NOW THEREFORE, the Council hereby remands back the case of Kamla Bhubaneshwar B.Ed. College, Chandour, Bhagwanpur, Begusarai, Bihar to the ERC, NCTE, for necessary action as indicated above.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

1. The Secretary, Kamla Bhubaneshwar B.Ed. College, 1410, 1411 & 1412, Chandour, Bhagwanpur, Begusarai, Bihar – 851133.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.

170778/2020/Appeal Section-HQ

F.No.89-185/E-164789/2020 Appeal/26th Mtg.-2020/27th October, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/11/2020

ORDER

WHEREAS the appeal of Bosco College of Teacher Education, Dimapur, Nagarjan, Dimapur, Nagaland dated 16/09/2020 is against the Order No. ER-274.14.57/APE00168/B.Ed./2019/61355 dated 22.08.2019 of the Eastern Regional Committee, reducing the intake for B.Ed. Course from 100 to 50 from the academic session 2020-21 on the grounds that "faculty list comprises 1+13 as against the requirement of 1+15 as per NCTE Regulations, 2014 for running 100 intake of B.Ed. Course and appointed only 1 mathematics teacher."

AND WHEREAS Dr. J. Josph, Principal, Bosco College of Teacher Education, Dimapur, Nagarjan, Dimapur, Nagaland presented the case of the appellant institution on 27/10/2020. In the appeal and during personal presentation it was submitted that "The college has submitted the staff profile of 1+13, as 2 teachers had tendered their resignation and the management was in the process of appointing the same which got delayed due to advertisement, appointment and approval thereof from the affiliating body. It is submitted that the institution has time and again complied with all the directions and submitted all the documents in a time bound manner as per norms and regulations of NCTE. The institution has appointed the deficient staff and vide letter dt. 12.02.20, had informed the Regional Director, ERC of the said appointment with the list of duly approved staff of 1+15 as envisaged in the Act. Copy of the letter alongwith postal receipt is placed on record. It is kindly requested to consider their appeal and allow the same by restoring the annual intake of 100 students."

AND WHEREAS the Committee noted that the letter of the appellant dt. 12/02/2020 with which they have sent the approved staff list comprising one Principal and 15 faculty members to the ERC has been received on 18/02/2020, which is available

in the regulatory file. In these circumstances, the Committee concluded that the matter deserved to be remanded to the ERC with a direction to consider the faculty list sent to them by the appellant and take necessary action on the request of the appellant, to restore the intake in B.Ed. course to 100.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the ERC with a direction to consider the faculty list sent to them by the appellant and take necessary action on the request of the appellant, to restore the intake in B.Ed. course to 100.

NOW THEREFORE, the Council hereby remands back the case of Bosco College of Teacher Education, Dimapur, Nagarjan, Dimapur, Nagaland to the ERC, NCTE, for necessary action as indicated above.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

1. The Principal, Bosco College of Teacher Education, 43, Dimapur, Kuda "A" Khel, Nagarjan, Dimapur, Nagaland – 797112.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Nagaland, Kohima.

170778/2020/Appeal Section-HQ

F.No.89-186/E-164924/2020 Appeal/26th Mtg.-2020/27th October, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/11/2020

ORDER

WHEREAS the appeal of Star College of Education, Periyamanali, Vaiyappamalai Main Road, Tiruchengode, Namakkal, Tamil Nadu dated 15/09/2020 is against the Order No. SRO/NCTE/APSO3671/B.Ed/TN/2020/14972-114978 dated 21.02.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has submitted Land Documents in regional language along with the translated notarized version of the same, but the sale deed belongs to an Agricultural Land; The institution submitted Building Plan which was not approved by the competent authority. The Multipurpose Hall is less than the requirement of NCTE Regulations; The LUC submitted by the institution is not in prescribed format of State Govt. The photocopy of LUC which cannot be accepted on face of deficiency in Land Documents; The institution has submitted NEC in regional language along with the translated notarized version of the same, but the NEC refers as "Lease for not below 20 years and not less than 30 years and other property; The institution has submitted photocopy of BCC which suffered with manifold discrepancies of Built Up area etc. The BCC also not approved by the competent authority; The institution has not submitted staff list duly approved by the competent authority; The institution not submitted details of institution's website."

AND WHEREAS Sh. Venkateswar, Chairman and Sh. Jai Prasad, Principal, Star College of Education, Periyamanali, Vaiyappamalai Main Road, Tiruchengode, Namakkal, Tamil Nadu presented the case of the appellant institution on 27/10/2020. In the appeal and during personal presentation it was submitted "SRC vide its order dated 21.02.2020 has withdrawn recognition observing deficiencies which were already clarified by the institution. SRC after scrutiny of the documents and all relevant factors granted permission vide its order dated 24.10.2006 for running B.Ed. Course. NCTE

issued Revised Regulation 2014 and the institution submitted its compliance of the new Regulations. SRC, NCTE issued the Show Cause Notice dated 03.05.2019 to the institution to submit the documents. It is submitted that the Show Cause notice has to be replied within 30 days from the receipt. The institution vide its letter dated 18.07.2019 submitted the compliances alongwith all the requisite documents. A True Copy of the letter dated 18.07.2019 is enclosed. SRC, NCTE without verifying the documents submitted by the institution, issued another show cause notice dated 25.09.2019. The institution vide its letter dated 29.11.2019 submitted all the documents once again to SRC. A True Copy of the Letter dated 29.11.2019 is enclosed. SRC, NCTE vide its withdrawal order dated 21.02.2020 withdrew the recognition of the Appellant institution on the grounds without giving any opportunity to the institution. The institution is again submitting the documents before this Committee as were found under deficiencies of the SRC in its withdrawal order. (a) Copy of the Land Documents. b. Approved Building Plan. c. Land Use Certificate d. NEC with translated copy. e. Staff Approval as per the NCTE Regulation f. Building completion certificate g. Website copy. The expert team of the NCTE visited the Appellant Institution and verified the infrastructural and instructional facilities. Thereafter, the SRC verified the visiting team report and viewed the CD and considered the documents including Building Completion Certificate, Building Plan etc. and accorded the recognition order to the Appellant Institution and the recognition should not have been withdrawn without ascertaining the proper facts. It is submitted that the SRC vide its order dated 21.02.2020 withdrew the recognition of the Appellant Institution pointing out certain other point also which were not a part of show cause notice and Appellant had no opportunity to justify. There has been delay on the part of the institution in filing the appeal because of the lockdown due to the pandemic COVID. Kindly condone the delay in interest of justice."

AND WHEREAS Appeal Committee noted that appellant institution was recognised to conduct B.Ed. programme in the year 2006 with an annual intake of 100 seats. After issue of the revised recognition order dated 05/05/2015, the intake granted to appellant institution was reduced from 100 seats to 50 seats on the request of appellant institution. The documents submitted by appellant institution shall therefore,

be considered keeping in view the reduced intake and requirement of faculty and infrastructure as per NCTE Regulation, 2014.

AND WHEREAS the Committee, noting that the appellant has submitted various documents found wanting in the withdrawal order, concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents submitted in appeal, to be sent to them by the appellant, and take necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the SRC, all the documents submitted in appeal, within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the SRC with a direction to consider the documents submitted in appeal, to be sent to them by the appellant, and take necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the SRC, all the documents submitted in appeal, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Star College of Education, Periyamanali, Vaiyappamalai Main Road, Tiruchengode, Namakkal, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

1. The Secretary, Star College of Education, 343/5B, Periyamanali, Vaiyappamalai Main Road, Tiruchengode, Namakkal, Tamil Nadu – 637410.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu, Chennai.

170778/2020/Appeal Section-HQ

F.No.89-189/E-165211/2020 Appeal/26th Mtg.-2020/27th October, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/11/2020

ORDER

WHEREAS the appeal of R.M. (Rajarshi Memorial) Teacher Training Institute, Vadavucode, Kunnathunadu, Ernakulam, Kerala dated 21/09/2020 is against the Order No. SRO/NCTE/APSO3551/Elementary Course/{KL}/2020/116593 dated 05.08.2020 of the Southern Regional Committee, withdrawing recognition for conducting for D.El.Ed. Course on the grounds that "the institution has submitted photocopy of land documents instead of certified copy of the same. The institution has submitted a photocopy of land title certificate which has not mentioned extent area & sy no. The institution has submitted copy of building plan which has not been approved by competent authority. The institution has submitted copy of site plan which has not been approved by competent authority. The institution has not submitted FDRs. Photocopy of staff list approved by the teacher-in-charge R.M.T.T.I Vaadavucode consisting of one Maths education, one Phycology & one English H, Physical education submitted. The same is also not approved by the affiliating body. (i) The institution has submitted staff 3 one Math education, one Phychology & one English H, Physical education for one basic unit of D.El.Ed. against the requirement of 1+7 as per NCTE Regulation 2014."

AND WHEREAS Sh. Suchit Paul, Representative, R.M. (Rajarshi Memorial) Teacher Training Institute, Vadavucode, Kunnathunadu, Ernakulam, Kerala presented the case of the appellant institution on 27/10/2020. In the appeal and during personal presentation it is submitted that the certified copy of the land documents is produced herewith. Earlier Appellant provided a notarized copy. The certified copy of land title certificate with extent of area and survey No. is submitted herewith. It is submitted that in State of Kerala, the competent authority for the approval of building plan is the Secretary of Local Self Government Unit concerned. Here the competent Local Self Government Unit is the Vadavikode-Puthencruz Village Panchayat. The competent

authority therefore is the Secretary Vadavukode-Puthencruz Grama Panchayat. We have already submitted the plan approved by the Secretary. Other than the said plan there are no other approved plans issued by any other authority. Therefore, the plan approved by the Secretary is the building plan approved by the competent authority which may be accepted. It is submitted that in State of Kerala, the Secretary of the Grama Panchayat is the competent authority to approve site plans in Grama Panchayat areas. Therefore, the site plan approved by the Secretary of the Grama Panchayat is the authorized document by the competent authority. Being a Government aided institution, we need not provide FDRs. RMTTI Vadavukode is a Government Aided Minority Educational Institution. We are not running D.El.Ed. course on self-financing basis. The requirement to furnish FDRs is only with respect to those Self-Financing Institutions only to secure payment of salary to teachers on time. Since we have a direct payment agreement with the Government of Kerala as per the Kerala Education Act and Kerala Education Rules payment of salary to the staff of our institution is made directly by the Government of Kerala. Hence endowment fund is not be required as per Kerala Educational Rules. No other courses are running under this institution. A copy of the declaration by the Manager, Catholicate and MD Schools Corporate Management to this effect is attached here with. RMTTI is an aided Teacher's Training Institute as approved by Government of Kerala. Since Teacher's Training Schools are covered under the definition of schools for special education as per Chapter II Rule 8(3)(i), we are bound to follow the staff pattern fixed by Government of Kerala as per the Kerala Education Act and Rules. As per Chapter XXIII Rule 9 of the Kerala Education Act and Rules the strength of the teaching staff of a training school is provided as 1+3. Since the salary of the teachers is given by the State Government any appointment over and above the staff pattern fixed by the State could not be approved by the State. Since the Kerala Education Bill received the assent of the President of India on 19.02.1959 on the basis of the decision of the Hon'ble Supreme Court in AIR 1958 SC 956 in State of Kerala, the staff pattern fixed by State of Kerala by virtue of the Kerala Education Act and Rules would prevail to the extent of repugnancy with the NCTE Regulations. Therefore, a copy of staff list approved by the affiliating body i.e. The District Educational Officer may be accepted.

AND WHEREAS the Committee noted the various documents submitted by the appellant vis a vis the grounds mentioned in the orders of withdrawal. Of these two documents need particular attention. The appellant claimed that they are submitting a certified copy of the land title certificate. But this certificate has been issued by an advocate and not by any authorised agency of the State Government. The other is the staff list. The appellant claimed that they are submitting a staff list approved by the Distt. Education Officer. But the list submitted does not bear the signature of any Distt. Education Officer. The Committee noted that the staff list, submitted by the appellant in response to the Show Cause Notice contained three names, which was not approved by the affiliating body. The staff list submitted the appeal contained only two names, with the remark that two others retired in March and May, 2020 and newly appointed teachers (whose names are not entered in the list) are coming by transfer from other schools. This list also has not been signed by any officer of the affiliating body.

AND WHEREAS the Committee noted that according to the Norms and Standards for D.El.Ed. course laid down in Appendix – 2 to the NCTE Regulation, 2014, for one unit of 50 intake, the staff required is one Principal and seven other teachers. The strength of academic faculty has been fixed for providing the teacher training of required quality and standard. The NCTE Regulation have not provided for any relaxation in the requirement of teaching staff. It is unthinkable that teacher education at elementary level envisaged in the NCTE Regulation can be provided with the help of 2, 3, or 4 faculty members. In these circumstances, the Committee concluded that the SRC was justified in withdrawing recognition. The withdrawal order dated 05/08/2020 issued by SRC is concluded to be confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Committee concluded that the SRC was justified in withdrawing recognition. The appeal deserved to be rejected and the order of the SRC is confirmed.

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

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

1. The Headmistress, R.M. (Rajarshi Memorial) Teacher Training Institute, 448/8, Vadavucode, Kunnathunadu, Ernakulam, Kerala – 682310.
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, Thiruvananthapuram.

170778/2020/Appeal Section-HQ

F.No.89-192/E-165274/2020 Appeal/26th Mtg.-2020/27th October, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/11/2020

ORDER

WHEREAS the appeal of Chandy College of Education, Muthiahpuram, North Street, Tuticorin, Thoothukudi, Tamil Nadu dated 25/09/2020 is against the Order No. SRC/NCTE/APSO4586/B.Ed./2020-117272 dated 01.09.2020 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the institution has submitted Building Plan which is not approved by the competent authority. The BCC submitted by the institution was not approved by the competent authority and not in prescribed format as per NCTE guidelines. The faculty namely, Mrs. V. Shanthi, Mr. Abubacker. S, Mrs. Devi Priya. M. Mr. S. Prathiba. P., Mr. Raja. G., are not qualified as per NCTE Regulations, 2014 (amended vide notification dt. 09.06.2017)."

AND WHEREAS Sh. S.P. Chandy, V. Chairperson, Chandy College of Education, Muthiahpuram, North Street, Tuticorin, Thoothukudi, Tamil Nadu presented online the case of the appellant institution on 27/10/2020. In the appeal and during online presentation it was submitted that "They have submitted the approved building plan of the institution at the time of obtaining recognition itself. Further, they have submitted approved building plan again while submitting compliance to revised provisional recognition order during the year 2016 vide our letter dtd.28.10.2015. A copy of the letter is also enclosed for kind perusal. Again, they have submitted to SRC while submitting the reply to the show cause notice. SRC has issued final show cause notice on 27.02.2020 wherein they have not mentioned any deficiency about the approved, building plan. But in the withdrawal order they have made it as a deficiency that building plan is not approved, whereas they have submitted approved building plan already three times to SRC. For the sake of rejection SRC has made a deficiency in the withdrawal order. They are submitting herewith a copy of the approved building plan for kind

consideration of appeal committee. The SRC has erred in making this deficiency for the sake of withdrawal. They have submitted B.C.C during obtaining of recognition and also during the year 2015 vide letter dated 28.10.2015. A copy is enclosed for kind perusal. No deficiency was made out earlier regarding B.C.C. whereas now it is mentioned as BCC is not in the prescribed format. They are submitting herewith the BCC for kind consideration of the Appeal Committee. They received final show cause notice dt. 27.02.2020 on 2nd March, 2020. Immediately they have approached the Tamilnadu Teachers Education University with the qualified staff members as per the NCTE Regulations 2014 seeking approval. As you are aware, there was a nation-wide lock down due to covid-19 from 24.03.2020. Thereafter, for 5 months the university was not opened for public or any institutions. Immediate after opening of the university they have approached the Registrar and pursued their matter for obtaining approval for the staff list. The Registrar has issued the approved staff list on 24.08.2020. Unfortunately, on the same day, the SRC has taken up our institution in the SRC meeting held on 24-25 August 2020 and decided to withdraw the recognition. Approved staff list duly approved by the Registrar, Tamilnadu Teachers Education University as per the NCTE Regulations 2014 is submitted."

AND WHEREAS Appeal Committee, noting from the documents submitted by the appellant that the building plan was approved by Panchayat Authorities; Building Completion Certificate has been endorsed by the Assistant Engineer Panchayat Union; and the Tamilnadu Teacher Education University has approved the faculty by their letter dt. 24/08/2020, concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents submitted in appeal, to be sent to them by the appellant and take necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the SRC all the documents relating to the grounds of withdrawal submitted in appeal, within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the SRC with a direction to consider the documents submitted in appeal, to be sent to them by the appellant and take necessary

action as per the NCTE Regulation, 2014. The appellant is directed to forward to the SRC all the documents relating to the grounds of withdrawal submitted in appeal, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Chandy College of Education, Muthiahpuram, North Street, Tuticorin, Thoothukudi, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

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

Kesang Y Sherpa

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

1. The Vice-Chairman, Chandy College of Education, 2/45, Muthiahpuram, North Street, Tuticorin, Thoothukudi, Tamil Nadu – 628005.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu, Chennai.

170778/2020/Appeal Section-HQ

F.No.89-193/E-165276/2020 Appeal/26th Mtg.-2020/27th October, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/11/2020

ORDER

WHEREAS the appeal of Sre Ramana College of Education, Upparapatti, Dharmapuri, Tamil Nadu dated 27/09/2020 is against the Order No. SRO/NCTE/SRCAPP1810/B.Ed/TN/2020-115180 dated 25.02.2020 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the Management of the institution had not submitted required documents in response to Show Cause Notice (SCN) issued to the institution on 26.09.2019. Another opportunity was given to the institution by serving a Final Show Cause Notice (FSCN) dated 25.10.2019. The institution did not submit its reply/representation in response to Final Show Cause Notice (FSCN)."

AND WHEREAS the Chairman/Representative, Sre Ramana College of Education, Upparapatti, Dharmapuri, Tamil Nadu presented the case of the appellant institution on 27/10/2020. In the appeal and during personal presentation it was submitted that "Institution was recognized on 12.02.2014 for conducting B.Ed. course. Inspection was conducted and recognition was accorded. It has been mentioned in the withdrawal order that Show Cause Notice was issued on 26.09.2019, whereas institution has not received the Show Cause Notice. It is stated in withdrawal order that Final Show Cause Notice was issued on 25.10.2019 which is before 30 days of the time period of Show Cause Notice. The Final Show Cause Notice was also not received by the institution. They have inquired with the post office also. The State Government has made Demarkation of the Districts. The institution which is in Uthangarai Taluk has been changed from Dharmapuri District to Krishnagiri District. They have submitted a letter to the SRC, NCTE on 28.04.2015 in person and obtained acknowledgement. This may be the reason why the Show Cause Notice issued to their institution has not been delivered due to wrong District mentioned by SRC. They came to know the withdrawal

of recognition of their institution through NCTE website. Only after that they have obtained a copy from the university which has also received a copy. They have all the necessary documents. For the kind consideration of the Appeal Committee we are submitting herewith the following documents. 1. Certified copy of the land documents. 2. Approved Building Plan. 3. Approved Building Completion Certificate from the Government Engineer. 4. Land Use Certificate issued by the Tahsildar and also Revenue Divisional Officer 5. Encumbrance Certificate and English version of the same. 6. Form 'A' issued by the Manager, State Bank of India for having FDRs for Rs.12 lakhs with FDR Certificates. 7. Approved Site Plan and 8. Staff list approved by the Registrar, Tamilnadu Teacher Education University with staff profiles and approval letter. They are having all the necessary documents sought by the SRC. If they had received the Show Cause Notice, they would have submitted all the documents to SRC. Due to no fault of their institution, recognition has been withdrawn by SRC."

AND WHEREAS the Committee noted that the letter of the appellant dated 28/04/2015 intimating their new address is available in the regulatory file of SRC. Even then the two Show Cause Notice were sent to Dharmapuri District address. In these circumstances, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to re-issue the Show Cause Notice to the address intimated by the appellant in their letter dt. 28/04/2015 and take further action as per the NCTE Regulation, 2014. The appellant is directed to comply with the requirement of Show Cause Notice.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the SRC with a direction to re-issue the Show Cause Notice to the address intimated by the appellant in their letter dt. 28/04/2015 and take further action as per the NCTE Regulation, 2014. The appellant is directed to comply with the requirement of Show Cause Notice.

NOW THEREFORE, the Council hereby remands back the case of Sre Ramana College of Education, Upparapatti, Dharmapuri, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

1. The Chairman, Sre Ramana College of Education, S.F.No.28/5A, S.F.No.28/5B2A, Upparapatti, Dharmapuri, Tamil Nadu – 635207.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu, Chennai.

170778/2020/Appeal Section-HQ

F.No.89-195/E-165336/2020 Appeal/26th Mtg.-2020/27th October, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/11/2020

ORDER

WHEREAS the appeal of N.S.S. T.T.I. Cherukole, Cherukolepo, Kozhencherry, Panny, Pathanamthitta, Kerala dated 16/09/2020 is against the Order No. SRO/NCTE/APSO0376/Elementary Course/{KL}/2020/116718 dated 07.08.2020 of the Southern Regional Committee, withdrawing recognition for conducting for D.El.Ed. Course on the grounds that "the institution has not submitted certified copy of land documents 2. The institution has submitted Building Plan but not approved by competent authority 3. In BCC, Built-Up area is 695.84 sqm., but it requires 1500 sqm. as per norms 4. The institution has submitted staff list which is not approved by the Registrar of the affiliating body as per the prescribed format. 5. The institution has not submitted FDRs 6. The institution has not mentioned the domain name."

AND WHEREAS Ms. Ashudeep, Teacher, N.S.S. T.T.I. Cherukole, Cherukolepo, Kozhencherry, Panny, Pathanamthitta, Kerala presented the case of the appellant institution on 27/10/2020. In the appeal and during personal presentation it was submitted that "1. Due to oversight only copies of land documents were uploaded. Now land documents certified by concerned authorities are submitted alongwith this appeal. 2. Building Plan approved by Assistant Engineer Lsgd Section Cherukole is submitted. 3. Building with more than 804.14 sqm. will be constructed without much delay 4. Staff list approved by the District Educational Officer, Pathanamthitta is submitted. 5. This institution is a Government aided Educational Teacher Training School under NSS Corporate Management having more than 150 aided Education Institutions with Centralized Financial Management. The balance sheet of the society as on 31.3.2020 is submitted for your perusal. 6. The domain name of the institution is www.nsstticherule.com."

AND WHEREAS the Committee noted the various documents submitted by the appellant vis a vis the grounds mentioned in the order of withdrawal. Of these, two

documents deserve particular attention. One relates to the built up area. The built up area available is much less than the requirement as clearly mentioned in the order of withdrawal. The appellant merely submitted a declaration that the Management of the Society will construct new building for the institution. This vague statement cannot be accepted. The deficiency in built up area is therefore a valid ground. The staff list signed by the Distt. Educational Officer, containing five names does not indicate the name of the institution in which they are employed. Further one Principal and four teachers are not adequate for conducting D.El.Ed. course for a basic unit of 50 students. According to the Norms and Standards for D.El.Ed. course laid down in Appendix – 2 to the NCTE Regulation, 2014, the staff required is one Principal and seven other teachers. The NCTE Regulation have not provided for any relaxation in the requirement of teaching staff.

AND WHEREAS in the above circumstances, the Committee concluded that the appeal deserved to be rejected on the grounds of inadequate built up area and inadequate teaching staff and the order of the SRC confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Committee concluded that the SRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

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

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

1. The Headmistress, N.S.S. T.T.I. Cherukole, 173/1, Cherukolepo, Kozhencherry, Panny, Pathanamthitta, Kerala – 689650.
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, Thiruvananthapuram.

170778/2020/Appeal Section-HQ

F.No.89-197/E-165468/2020 Appeal/26th Mtg.-2020/27th October, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/11/2020

ORDER

WHEREAS the appeal of Shyamangini Kundu College of Education, Salar, Salar Kagram Road, Bharatpur-2, Murshidabad, West Bengal dated 30/06/2020 is against the Order No. ER-278.54/ERCAPP550/B.Ed./2020/62266 dated 05.02.2020 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "FDR of Rs. 5 lakh & Rs. 7 lakh as not submitted as per NCTE Regulation, 2014."

AND WHEREAS Sh. Bimalendu Kundu, Secretary and Sh. Dipak Ghosh, G.B. Member, Shyamangini Kundu College of Education, Salar, Salar Kagram Road, Bharatpur-2, Murshidabad, West Bengal presented the case of the appellant institution on 27/10/2020. In the appeal and during personal presentation it was submitted that "As per FAQ question no.3 it was clearly mentioned that Existing Teacher Education Institutes are not required to be deposit revised /increased Endowment and Reserve Fund. In this connection we want to inform you that at the time of commencement of the institution we had maintained Endowment and Reserve Fund of Rs. 5 lakhs and 3 lakhs respectively. As because it was clearly mention that if the institute have not maintain their fund in case of additional fund of Rs.5 lakhs and Rs.7 lakhs and i.e.12 lakhs to be deposited. Initially we have deposited 8 lakhs as stated earlier for which we have not considered the additional amount. Again I am submitting the letter no. ERCAPP/B.Ed/NCTE/2019/61614 at 16.9.2019 which indicated that F.D. Rs.5 lakhs including interest the value comes to 7,24,974 again 3 lakhs F.D. comes to 4,34,984 vide your letter dated as stated above. As per your instruction we have deposit the following amount and also 50 of interest amount to your account. Particular is given below as bankers letter. 1. 6,75,113 F.D No.-31442364261 Date- 28.1.2020 2. 25,000 F.D No.-39103611529 Date- 29.1.2020 3. 4,05,067 F.D No.-31442367508 Date-

28.1.2020 4. 95,000 F.D N0.-39107314741 Date- 29.1.2020 12,00,180.00 Interest of Rs.1,63,058.00 transfer to R.D, NCTE Bhubaneswar dated 29.1.2020 vide Demand Draft No. 186505 dated 29.1.2020."

AND WHEREAS Appeal Committee noted the submission made by appellant in the appeal memoranda and submission of copy of a certificate dated 03/10/2020 issued by State Bank of India, Ramjibanpur, West Bengal. The FDRs are observed to be in joint name and auto renewal mode with existing value of Rs. 9,12,494/- and Rs. 5,47,497/- after the T.D.S. deduction.

AND WHEREAS Appeal Committee noted that impugned order of withdrawal dated 05/02/2020 was issued by ERC at a time when the FDRs already submitted by appellant institution were valid. Appeal Committee, therefore, decided to set aside the impugned order of withdrawal dated 05/02/2020. Appellant institution is however, required to submit to ERC renewed FDRs.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to set aside the impugned order of withdrawal dated 05/02/2020. Appellant institution is however, required to submit to ERC renewed FDRs.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

1. The Secretary, Shyamangini Kundu College of Education, 15205, Salar, Salar Kagram Road, Bharatpur-2, Murshidabad, West Bengal – 742401.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.

170778/2020/Appeal Section-HQ

F.No.89-198/E-165566/2020 Appeal/26th Mtg.-2020/27th October, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 27/11/2020

ORDER

WHEREAS the appeal of Raja Devi Degree College, Banda, Uttar Pradesh dated 29/09/2020 is against the Order No. NRC/NCTE/UP-3156/315th Meeting/2020/209268 dated 09.09.2020 of the Northern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the latest/current faculty list approved & signed each page by concerned affiliating body in original with the detail of their teaching subject, date of birth, date of selection, date of joining, academic qualifications, teaching experience, Net/Ph.D. (NCTE GOI dated 09.06.2017), salary structure and related documents duly attested by authorised Management representative not submitted and 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 not submitted. Approved faculty list is not submitted as per Appendix-4 of NCTE Regulation, 2014 (amended from time to time). Downloaded copies of documents from the website of the institutions with hyperlinks of the same as per provisions of 7(14) of the NCTE Regulations 2014 not submitted."

AND WHEREAS Dr. Pramod Shivhare, Secretary, Raja Devi Degree College, Banda, Uttar Pradesh presented the case of the appellant institution on 27/10/2020. In the appeal and during personal presentation it was submitted that "Appellant Institution applied to NRC seeking recognition for B.Ed. Course and after being satisfied of the infrastructural and instructional facilities, NRC vide its order dated 20.10.2009 granted recognition to the Appellant Institution for conducting B.Ed. Course with annual intake of 100 students. That thereafter, the new NCTE (Recognition Norms and Procedure) Regulations, 2014 came into force with effect from 01.12.2014. In view of the aforesaid new NCTE Regulations, 2014, the NRC issued revised recognition order dated 17.06.2015 to the Appellant institution with annual intake of 100 for two units of 50

students each for B.Ed. course from the session 2015-16. Thereafter, NRC issued the show cause notice dated 05.04.2018 to the Appellant institution pointing out certain deficiencies regarding the faculty appointed in the Appellant institution. Thereafter, Appellant vide its letter dated 24.04.2018 submitted the reply of the show cause notice alongwith the necessary documents including Building Completion Certificate, FDRs, Land Use Certificate, Encumbrance Certificate, Faculty Approval, Building Map etc. in respect of 2 units of B.Ed. course. Thereafter, NRC in its 308th meeting held from 25th to 27th September 2019, considered the aforesaid reply of the Appellant and decided to issue show cause notice on the following grounds: "• The institution has not submitted form A for Joint FDRs in respect of endowment fund and reserved fund • The institution has submitted teaching faulty approved by Bundelkhand University, Jhansi, Uttar Pradesh vide dated 12.03.2010, 09.11.2009, 05.11.2011, 13.09.2013 and 03.12.2013 but the teaching faculty are not qualified as per NCTE Regulations 2014." Accordingly, NRC issued show cause notice on 15.10.2019 to the Appellant. Thereafter, Appellant vide its letter dated 21.10.2019 submitted its reply to the decision taken by NRC in its 308th meeting held from 25th to 27th September 2019, (on the basis of which NRC subsequently issued the show cause notice dated 15.10.2019). Appellant submitted all the requisite documents including the Form 'A' in Original, Photocopy of FDRs, photocopy of the approval letter issued by University, original of the advertisements made in newspapers for vacant posts etc., as desired by the NRC. That it is submitted that vide the said reply dated 21.10.2019, appellant submitted its duly notarized affidavit on stamp paper giving details of faculties appointed in the institution and specifically mentioned that the institution has appointed the required number of faculties with the requisite qualification & experience and they are being paid as per norms and details thereof shall be displayed on the website of the college. It is submitted that Appellant is having the 16 faculties as per the norms of the NCTE Regulations, 2014. It is relevant to state that the appointment of the faculties are ongoing process and the appellant is already in process with the University to approve 3 more faculties. "1. The latest/current faculty list approved & signed each page by concerned affiliating body in original with the details of their teaching, date of birth, date of joining, academic 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. And notarized original affidavit of Rs.100/- on non-judicial stamp paper the management and Rs.10 non judicial stamp paper by each selected / appointed faculty in the NCTE prescribed proforma are not submitted. Approved faculty list is not submitted as per Appendix 4 of the NCTE Regulations, 2014 (Amended from time to time). Downloaded copies of documents from the website of the institution with hyperlink of the same as per provisions of 7 (14) of the NCTE Regulations, 2014 not submitted. Hence, NRC decided to withdraw the recognition under Section 17 of the NCTE Act, 1993 from the end of the academic session next following the date of communication of withdrawal order. The Committee decided to put up M.Ed. file No. NRCAPP-I4333 of this institution in the next meeting for consideration under RRO." That it is relevant to state that the decision of withdrawal is not based on the show cause notice dated 15.10.2019 and the show cause notice dated 15.10.2019 was only on two grounds i.e. 1) Appellant has not submitted Form A for Joint FDRs and 2) the institution has submitted the faculty approved by the Bundelkhand University but the faculties are not qualified as per the NCTE Regulations, 2014. It is submitted that if the NRC was not satisfied with the qualifications mentioned in the staff list, it should have issued a letter pointing out the objections on the qualifications of the respective faculty. It is submitted that the observations in the minutes of withdrawal is incorrect that Appellant institution has not submitted the downloaded copies of the documents from the website as the show cause notice never stipulated that Appellant should submit the same. NRC failed to verify the website of the Appellant institution wherein all the details are available. It is submitted that in the decision of withdrawal, the NRC reflects NCTE Regulations dated 09.06.2017 whereas in the show cause notice, it stipulated Regulations, 2014 regarding qualifications. That at this stage, it is also relevant to state that the NCTE Regulations 2017 cannot be applicable in the case of the Appellant institution retrospectively and the similar view has already been taken by this Hon'ble High Court of Delhi vide its Judgment dated 11.04.2019 passed in W.P. (C) No.241/2018 titled Sunaina Devi Samarak Shikshak Prashikshan Sansthan vs. NCTE & Anr. It is reiterated that all the faculties are already as per the norms of NCTE Regulations. 2014 and the Appellant institution is also taking steps to upgrade the faculty and have

published the advertisement for the same. It is submitted that NRC has taken the impugned decision without observing that the Appellant vide its replies dated 24.04.2018 and 21.10.2019 submitted all the documents as desired by the NRC vide show cause notices dated 05.04.2018 and 15.10.2019. It is submitted that NRC has taken the impugned decision without observing that the Appellant vide its duly notarized affidavit had already submitted the details of faculties appointed in the Appellant institution including the details of their qualification, experience, posts and details pertaining to disbursement of their salary. It is submitted that the NRC failed to observe that the affiliating University of the Appellant institution, from time to time, has accorded its approval to the faculty appointed in the Appellant institution. It is submitted that NRC was erroneous in taking the impugned decision as NRC failed to consider anticipates of the Appellant's case, particularly its replies whereby the Appellant submitted all the other information desired by the NRC. It is submitted that NRC failed to follow the mandatory directives contained in Standard Operating Procedures (SOPs) issued by the NCTE, itself, wherein it has been categorically provided that 2ndshow cause notice should be issued before proceeding for the withdrawal of the recognition of the recognised institution. It is submitted that the NRC failed to observe that the 1stshow cause notice issued on 05.04.2018was on different issue and the 2ndshow cause notice issued on 15.10.2019 was on some different issues. The NRC ought have issued the 2nd show cause notice as per the SOP in light of the 1stshow cause notice dated 05.04.2018 and should have further sought clarification on the basis of reply submitted by the Appellant institution in response to the 2nd show cause notice. It is submitted that the 2ndshow cause notice was not specific, as pointed out in the decision of withdrawal. It is submitted that the withdrawal decision of the NRC is not in consonance with the NCTE letter dated 13.08.2018. The NCTE headquarter vide its letter dated 13.08.2018 informed the Regional Director of the Regional Committee informed as under: "It may informed that the notification dated 09.06.2017 is likely to be amended to include SLET qualified persons also. The matter is pending in MHRD as of now. Accordingly, the condition arising out of notification dated 09.06.2017 should not be mixed with the affidavit exercised initiated some time in 2015. It would be advisable to await amendment to the notification 09.06.2017 before initiating proceedings of withdrawal of

recognition merely on the ground that the faculty have not NET qualified. It is clarified that any new recognition should follow the direction content in the notification dated 09.06.2017". It is submitted that the impugned decision taken by the NRC is completely arbitrary as a new ground was intimated in the 2nd show cause notice which was not part of 1st show cause notice. Accordingly, the NRC was required to issue a further show cause before taking the impugned decision of withdrawal. It is submitted that the NRC has decided to withdraw the recognition of the Appellant Institution pointing out certain other points which were not a part of both show cause notices and the NRC failed to consider that the Appellant institution ought have given an opportunity before taking a drastic decision of withdrawal of the recognition as it will cause irreparable loss to the faculties teaching and students admitted in the institution and to the institution also. It is submitted that NRC failed to observe that the order of withdrawal shall be affected from the end of academic session next following the date of issuance of withdrawal order as the NCTE Act stipulates the provision for withdrawal of recognition from next affective session. It is submitted that in the State of Uttar Pradesh, the counselling for the academic session 2020-21 will start from 19.10.2020 and if the recognition of the Appellant institution is not restored then the Appellant Institution will have to bear irreparable loss. It is also relevant to state that the appellant has also preferred a Writ Petition before Hon'ble Delhi High Court seeking a relief to intimate the university the recognized status of the institution for the session 2020-21 as per the mandate of Section 17.

AND WHEREAS the appellant has made a host of submissions. The Committee noted that the main ground for withdrawal of recognition, as could be seen from the order, relates to deficiencies related to faculty. The Committee also noted that the order pointed out in detail the various documents required in support of the faculty required for conducting the teacher training course. It is seen that the earlier two show cause notices issued have not detailed the documents required in such clear cut terms as mentioned in para 4 of the withdrawal order. The Committee is of the opinion that the appellant, in all fairness, should be given an opportunity to furnish all the documents found wanting in the withdrawal order. In these circumstances, the Committee

concluded that the matter deserved to be remanded to the NRC with a direction to issue a Show Cause Notice to the institution about the deficiency cited in para 4 of the withdrawal order and take further action in accordance with the NCTE Regulation, 2014.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to the NRC with a direction to issue a Show Cause Notice to the institution about the deficiency cited in para 4 of the withdrawal order and take further action in accordance with the NCTE Regulation, 2014.

NOW THEREFORE, the Council hereby remands back the case of Raja Devi Degree College, Banda, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

1. The Manager, Raja Devi Degree College, 164/166, Banda, Uttar Pradesh – 210001.
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, Lucknow.