(1)

F.No.89-280/E-171496/2020 Appeal/1st Mtg.-2021/18th January, 2021

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 28/01/2021

ORDER

WHEREAS the appeal of Shri Vaishnav College of Education, Nirawali, Barua, Gwalior, Madhya Pradesh dated 27/10/2020 is against the Order No. WRC/APW01665/223293/315th/{M.P.}/2020/209429 to 209436 dated 01.09.2020 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "this is a RPRO case and same was remanded back through Court with a direction to call the petitioner for personal hearing. The personal hearing of the institution was held on 25th February 2020, wherein it was decided that the representative of the institution will submit the required documents today itself. The WRC noted that the institution has not submitted any documents to WRC in response to the decision taken by WRC in its 313th meeting, hence, the WRC decided that the withdrawal order issued by WRC vide dated 1st August 2019 stands."

AND WHEREAS the petitioner, aggrieved by the order of withdrawal dt. 01/09/2020, filed a W.P. (C) 6731/2020 & C.M. 23396/2020 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court, in their order dt. 13/10/2020, inter-alia, directed the petitioner to file an appeal under the statutory provisions within two weeks from today (i.e. 13/10/2020) and the appellate authority to adjudicate/dispose of the appeal expeditiously uninfluenced by any observation made by this court and as per law.

AND WHEREAS Sh. M.P.S. Kushwaha, Secretary, Shri Vaishnav College of Education, Nirawali, Barua, Gwalior, Madhya Pradesh presented online the case of the appellant institution on 18/01/2021. In the appeal and during personal presentation it was submitted that the institution has submitted document on dated 25/02/2020 and

Secretary attended the Meeting. The appellant, in a letter dt. 17/01/2021 sent through e-mail, stating that they had submitted the entire documents to the WRC, enclosed a set of documents related to land and building and staff profile. In this letter the appellant submitted that they are enclosing a receipt dt. 25/02/2020 given by the WRC in proof of submission of the documents, but no such receipt has been received with their letter dt. 17/01/2021.

AND WHEREAS the Committee noted from the file that the WRC issued a Show Cause Notice dt. 30/08/2016 to the appellant pointing out that they have not submitted (i) original staff profile for the session 2015-16 duly approved by the affiliating body; and (ii) originally notarised C.L.U., Non Encumbrance Certificate, Building Plan and Building Completion Certificate. As no reply was received from the appellant, WRC issued another Show Cause Notice dt. 15/02/2017 to the appellant as to why the number of units in the B.Ed. course, which were given by revised order, should not be reduced / reversed. It was also mentioned in this Show Cause Notice that if no reply is received, WRC shall take action for reduced intake from two basic units (100 students) to one unit of 50 students.

AND WHEREAS the Committee noted that the relevant issue is submission of documents by the appellant in pursuance of the hearing held in the WRC on 25/02/2020 in compliance with the directions of the Hon'ble High court of Delhi dt. 27/11/2019 in W.P. (C) 12536/2019, while the WRC says that no documents were submitted by the appellant after the personal hearing, the appellant is claiming that he had submitted and also obtained a receipt, though he has not furnished a copy of that receipt.

AND WHEREAS the Committee, noting the claims and counter claims and taking into account the fact that the Hon'ble High Court of Delhi passed orders on two occasions, concluded that the matter deserved to be remanded to the WRC with a direction to consider the relevant documents to be sent to them by the appellant and take further action as per the NCTE Regulation, 2014. The appellant is directed to forward to the WRC all the documents sent for appeal with their letter dt. 17/01/2021.

with originals thereof, wherever necessary, 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 online submission, Appeal Committee concluded to remand back the case to WRC with a direction to consider the relevant documents to be sent to them by the appellant and take further action as per the NCTE Regulation, 2014. The appellant is directed to forward to the WRC all the documents sent for appeal with their letter dt. 17/01/2021, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Shri Vaishnav College of Education, Nirawali, Barua, Gwalior, Madhya Pradesh to the WRC, 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, Shri Vaishnav College of Education, Nirawali, 320, 322, Barua, A.B. Road, Gwalior, Madhya Pradesh – 474010.
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, Bhopal.

(2)

F.No.89-283/E-171773/2020 Appeal/1st Mtg.-2021/18th January, 2021

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 28/01/2021

ORDER

WHEREAS the appeal of Papasani Mala Konda Reddy College of Education, Darsi, Chowtapalem, Prakasam, Andhra Pradesh dated 08/12/2020 is against the Order No. SRO/NCTE/SRCAPP14648/B.Ed/AP/2020/113557 dated 13.01.2020 of the Southern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "no reply has been received to our letter dt. 26.04.2017. Reject the application. Inform the affiliating body. Close the file."

AND WHEREAS Sh. Ram Krishna Reddy, Admin.Officer, Papasani Mala Konda Reddy College of Education, Darsi, Chowtapalem, Prakasam, Andhra Pradesh presented online the case of the appellant institution on 18/01/2021. In the appeal and during personal presentation it was submitted that in order to appreciate various contentions and averments being raised hereinafter by the Appellant, it is necessary to state the following few relevant facts in brief. "Appellant institution submitted online application dated 29.06.2015 to the NCTE seeking recognition for B.Ed. Course. A true copy of the online application dated 29.06.2015 of the Appellant is enclosed. As per the Rule Appellant institution submitted the hard copy of the application along with the Certificate of Registration, Land documents in notarized and translated copies, notarized copies of change in land use, building completion certificate, NEC, minority certificate along with its letter dated 13.07.2015. Surprisingly, SRC issued a letter dated 26.04.2017 to the Appellant institution seeking compliance, Appellant institution submitted the response along with documents. A true copy of the letter dated 26.04.2017 issued by SRC is enclosed. Since there was no information/correspondence from the SRC NCTE, Appellant institution vide its letter dated 07.01.2018 requested the SRC to update the status. A true copy of the letter dated 07.01.2018 of the Appellant institution is enclosed. Appellant did not receive any response from the SRC or NCTE regarding

the status of its application. Appellant accordingly filed W.P. C No. 12505/2019 before Delhi High Court and Hon'ble Court vide its Order dated 27.11.2019 directed to dispose the application within 10 weeks and granted liberty to the institution to take the necessary action thereafter. A True Copy of the Order dated 27.11.2019 passed by Hon'ble High Court is enclosed. It is submitted that thereafter without intimating or issuing any show cause notice, the SRC vide its order dated 13.01.2020 refused the application. The impugned decision taken by the SRC is completely arbitrary as the SRC did not issue 2nd show cause notice to the petitioner institution, required mandatorily as per SOP issued by the NCTE itself. In view of the SOP, SRC ought to have issued another (2nd) show cause notice in light of the show cause notice dated 26.04.2017 before taking the impugned decision of refusal. It is submitted that SRC has taken the impugned decision without observing that the petitioner vide its earlier replies, have already submitted the documents as desired by the SRC vide its show cause notices issued from time to time, and if any document was further required to be submitted on the part of the institution, the institution ought to have been provided an opportunity for submitting the same. It is submitted that the SRC failed to observe that petitioner institution ought to have been given an opportunity before taking a drastic decision of refusal of recognition. It is submitted that the SRC had issued the impugned rejection order dated 13.01.2020 not in consonance with the instructions issued by NCTE for processing the applications of a running institution. It is submitted that SRC passed the impugned order arbitrarily as the expert team of constituted by SRC itself, conducted the visit of Appellant Institution and verified the building plans approved by the competent authority including other documents and compared them with the infrastructural facilities. It is submitted that withdrawal order issued by the SRC is totally devoid of merit and is not as per statutory provisions, as mandated under NCTE Act, 1993. Appellant Institution is hereby preferring its statutory appeal under section 18 of the NCTE Act, 1993. In view of the above, the appeal committee is requested to accept the appeal of the Appellant institution, so that the same be considered by it on merits. The Appellant institution submits as under in support of its appeal: Scrutiny of the VT inspection report and the record shows discrepancies (i) There are two sale deeds for the same Sy. No.790/2. This needs to be explained. (ii) The land area shown

for B.Ed. is 0.5 acre. But, in the LUC and B.P. it becomes 1.0 acre. This needs explanation. (iii) The built-up area shown is adequate in sq.mt. terms. But, in the absence of course wise demarcation, the position is unclear on paper and, it is bound to be chaotic on the ground. LUC is otherwise in order. EC shows different search periods for different courses for the same land. The search in June 15 for D.El.Ed.-A.1. was upto 4.6.15 whereas the search 2 years later (i.e., in March 17 for B.Ed. was only upto May 14. The EC does not appear to be reliable. The BP is duly approved. Date of issue is 26.2.2012. BCC is duly approved. Date of issue shown in the D.El.Ed. (1 unit) case (no.1106) is 4.5.2012. In other words, 1948 sq. mts. in 3 Floors were constructed in 3 months. FDRs are required in original, in Joint account, with as-year validity, @7+5 lakhs for each unit of each course. 12 Issue SCN for these deficiencies. 26. That it is submitted that there are no such deficiencies and the petitioner is having the sufficient land and built up area and is hereby submitting a copy of land document, building plan, building completion certificate, CLU and non-encumbrance certificate. A true copy of the land document, building plan, building completion certificate, CLU and non-encumbrance certificate are enclosed. It is submitted that thus, the rejection order dated 13.01.2020 of SRC is not maintainable and the appeal committee is requested to revert the decision taken by the SRC and direct the SRC to re-considered the application of the Appellant institution thereby granting an opportunity to the appellant institution to submit the documents desired by the SRC vide its show cause notice dated 26.04.2017."

AND WHEREAS the Committee noted that the appellant made a host of submissions, including non-issue of a second show cause notice as per SOP.

AND WHEREAS the Committee noted that the SRC refused recognition only on the ground that the appellant did not reply to their Show Cause Notice dated 26/04/2017. The appellant, in the appeal referred to its letter dt. 07/01/2018, addressed to the SRC, enclosing a copy thereof. In this letter the appellant, admitting the receipt of the SRC's letter dt. 26/04/2017, stated that they had replied the deficiencies. He has not enclosed a copy of the letter in which they sent replies to the deficiencies.

AND WHEREAS the Committee noted from the appeal that the appellant, while citing the deficiencies as pointed out in the Show Cause Notice dt. 26/04/2017, made a

general statement that there are no such deficiencies and the petitioner is having sufficient land and built up area. The appellant also enclosed a set of land related documents.

AND WHEREAS the Committee noted that while the appellant has not given any proof of replying to the Show Cause Notice, with the required clarifications and documents, the file contains two letters dt. 13/09/2019 and 22/10/2019, which are identical in nature sent by the appellant. In these two letters, the appellant citing the deficiencies pointed out in the Show Cause Notice merely stated that they have submitted clarifications with documents, without enclosing any documentary proof.

AND WHEREAS the Committee noted that through the file does not contain a clear cut reply to the Show Cause Notice dt. 26/04/2017, which was to be replied within 21 days from the date of its receipt, the SRC swung into action only after the Hon'ble High Court of Delhi, in their order dt. 27/11/2019 in W.P. (C) 12505/2019 directed them to dispose of the petitioner's application dated 29/06/2015, with due expedition, though not later than 10 weeks from today.

AND WHEREAS in view of the position stated in the previous paragraphs, the Committee concluded that the matter be remanded to the SRC with a direction to issue a fresh Show Cause Notice to the appellant, specifying the deficiencies noticed only in clear cut terms and taking into consideration the land and building documents already available on the regulatory file (as this was not done in the previous Show Cause Notice dt. 26/04/2017) and take further necessary 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 online submission, Appeal Committee concluded to remand back the case to SRC with a direction to issue a fresh Show Cause Notice to the appellant, specifying the deficiencies noticed only in clear cut terms and taking into consideration the land and building documents already available on the regulatory file (as this was not done in the previous Show Cause Notice dt.

26/04/2017) and take further necessary action as per the NCTE Regulation, 2014.

NOW THEREFORE, the Council hereby remands back the case of Papasani Mala Konda Reddy College of Education, Darsi, Chowtapalem, Prakasam, Andhra Pradesh 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, Papasani Mala Konda Reddy College of Education, Darsi, 790/2, Chowtapalem, Darsi, Prakasam, Andhra Pradesh – 523247.
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, Hyderabad.

175746/2021/Appeal Section-HQ

F.No.89-268/E-170922/2020 Appeal/1st Mtg.-2021/18th January, 2021

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 28/01/2021

ORDER

WHEREAS the appeal of Renuka Debi B.Ed. College, Shyamnagar, Betai – Plassey Road, Tehatta, Nadia, West Bengal dated 29/09/2020 is against the Order No. ERC-279.22/APE00846/B.Ed./2020/62498 dated 02.03.2020 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "requisite information of the institutional website has not updated as per clause 7(14)(i) of the NCTE Regulation, 2014. Hence, B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2020-21."

AND WHEREAS Sh. Amrik, Secretary, Renuka Debi B.Ed. College, Shyamnagar, Betai – Plassey Road, Tehatta, Nadia, West Bengal presented online the case of the appellant institution on 18/01/2021. In the appeal and during personal presentation it was submitted that "they were late to appeal due to Covid – 19 Pandemic situations in their locality. The appellant enclosed copies of their Website pages giving relevant information.

AND WHEREAS the Committee, noting that the appellant furnished the information found wanting in the withdrawal order, concluded that the matter deserved to be remanded to the ERC with a direction to consider the relevant website pages to be sent to them by the appellant, and take further necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the ERC copies their website pages, 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 online submission, Appeal Committee concluded to remand back the case to ERC with a direction to consider the

relevant website pages to be sent to them by the appellant and take further necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the ERC copies their website pages, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Renuka Debi B.Ed. College, Shyamnagar, Betai – Plassey Road, Tehatta, Nadia, West Bengal 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, Renuka Debi B.Ed. College, Shyamnagar, 255, 256 Betai – Plassey Road, Tehatta, Nadia, West Bengal – 741155.
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.

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F.No.89-294/E-172585/2020 Appeal/1st Mtg.-2021/18th January, 2021

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 28/01/2021

ORDER

WHEREAS the appeal of Shri Jain Adarsh Kanya Mahavidyalaya, Nokha, Ramdevra Road, Bikaner, Rajasthan dated 13/12/2020 is against the Order No. NCTE/NRC/NRCAPP201616335/B.A.B.Ed./B.Sc. B.Ed.-4 Year Integrated/RJ/2017-2018/2; dated 01.05.2017 of the Western Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. 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 the certified registered land documents issued by the Registering Authority or civil authority concerned.? The institution has not submitted the Land Use Certificate issued by the Competent Authority to use the land for Educational purpose.? The institution has not submitted the approved Building Plan signed by the Competent Govt. Authority indicating the name of the course, name of the institution, Khasra No./Plot No., total land area, total built-up area and the measurements of the Multi-purpose Hall as well as the other infrastructural facilities such as class rooms etc. 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. FDRs, if any, be returned to the institution."

AND WHEREAS Sh. Ishwar Chand Baid, Chairman and Dr. Rajendra Kumar, Principal, Shri Jain Adarsh Kanya Mahavidyalaya, Nokha, Ramdevra Road, Bikaner, Rajasthan presented the case of the appellant institution on 18/01/2021. In the appeal and during personal presentation it was submitted that "Deficiencies pointed in the show cause notice dated 23.03.2017 were replied by the appellant institution before rejection but the respondents have not considered this aspect and rejected the file of the petitioner. Hence the impugned order is liable to be quashed and set aside. That it is submitted that the application of the Appellant institution got refused by the regional

committee on 01.05.2017 and thereafter, the NCTE had not invited applications in the year 2017-18, 2018-19 and 2019-20 and has also not invited the applications for the academic session 2020-21. Accordingly, the appellant cannot submit a fresh application seeking grant of recognition for conducting B.A. B.Ed. / B.Sc. B.Ed. Course. It is submitted that the Appellant institution has invested a lot in construction of building, preparedness of infrastructural and instructional facilities etc. and the same cannot be used for any other purpose as the same has been constructed / established for the purposes of running the B.A. B.Ed./B.Sc. B.Ed. course. Appellant institution does not lack infrastructural and instructional facilities required as per the norms of NCTE and is ready for the inspection at point of time. The petitioner institution has fulfilled all the norms and Act in order to fulfil the constitution mandate. The action of the respondents is contrary to article 14 and 21 of the constitution of India. The respondent is a creation of Statute. It is a legal entity and it is an "authority" under Article 12 of the Constitution. The functions of the NCTE are regulated under the Statutes, Ordinances, Regulations or Rules, etc., for its internal management. It is well settled that before passing such dracaena order, the NCTE must have the authority of law having some basis. Because the respondents are the instrumentality of State, they have under obligation to formulate the prosperous policy and implement in true perspective which encourage an individual towards the progress instead of pulling back. Because the reply to the show cause notice dated 23.03.2017 is concerned, the petitioner has submitted its reply alongwith documents for grant of recognition well within time. It is not a case whereby the petitioner has concealed anything from the NRC-NCTE."

AND WHEREAS Appeal Committee noted that appellant institution had filed a Writ Petition (c) 9243/2020 in the High Court of Delhi at New Delhi. The Hon'ble High Court by its order dated 23/11/2020 has directed that appellant is free to move an appropriate application seeking condonation of delay in filing appeal before the appellate authority. It was further directed by Hon'ble Court that Appellate Authority may deal with the application as per law uninfluenced by any observations made by the Court.

175746/2021/Appeal Section-HQ

AND WHEREAS Appeal Committee noted that as per extant appeal rules, appellants are required to prefer appeal against the orders issued Section 14, Section 15 or Section 17 of the Act within a period of 60 days. Further under appeal rules, Appellate Authority on being satisfied, on the reasons of delay, may condone the period of delay.

AND WHEREAS Appeal Committee noted that in the present case, appellant institution has not submitted any reason for the delay of about 40 months and has said that appeal is preferred belatedly only because NCTE has not invited applications afresh for the course after the refusal order was issued in May, 2017. No reasonable and substantiable reason was given by the appellant for a delay of more than 3 years and four months in preferring appeal. Appeal Committee, therefore, decided not to condone the delay. Appeal dated 13/12/2020 filed by appellant institution is accordingly not admitted.

AND WHEREAS after perusal of the Memoranda of appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee, therefore, concluded not to condone the delay. Appeal dated 13/12/2020 filed by appellant institution is accordingly not admitted.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

1. The Chairman, Shri Jain Adarsh Kanya Mahavidyalaya, 207/59/01, Nokha, Ramdevra Road, Bikaner, Rajasthan – 334803.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

175746/2021/Appeal Section-HQ

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F.No.89-276/E-171458/2020 Appeal/1st Mtg.-2021/18th January, 2021

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 28/01/2021

ORDER

WHEREAS the appeal of East Malda B.Ed. College, Charaktala, Gangaprosad, Charaktala Road, Kaliachak, Malda, West Bengal dated 02/12/2020 is against the Order No. ERC/218.7.104/ERCAPP3343/B.Ed./2016/48718 dated 02.08.2016 of the Eastern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "(a) Show cause notice was decided in Emergent meeting of ERC held on 24-25 April 2016 on the following grounds: (i) Site plan consisting of more than one plot issued from the land revenue department not submitted. (ii) Cash memos / bills for purchasing of books not submitted. (b) In response to show cause notice, the institution submitted its reply dated 03.05.2016 on the basis of the proceedings uploaded in the website of the ERC. The committee considered the reply of the institution and observed as under: (i) The institution vide representation dated 03.05.2016 has requested to grant one month time to comply the deficiencies. (ii) The Committee has not accepted the request of the institution and observed that the institution is still deficient on the grounds of Show Cause Notice decided in Emergent meeting. In view the above, the committee decided as under: The committee is of the opinion that application bearing code No. ERCAPP3343 of the institution regarding recognition for B.Ed. Programme is refused under section 14(3)(b) of NCTE Act 1993."

AND WHEREAS Sh. S. Hoque, Secretary and Sh. Avimanyu Mandal, Member, East Malda B.Ed. College, Charaktala, Gangaprosad, Charaktala Road, Kaliachak, Malda, West Bengal presented the case of the appellant institution on 18/01/2021. In the appeal and during personal presentation it was submitted that the ERC in its Emergent meeting held on 24th -25th April, 2016 considered the visiting team report and observed as under: "(i) Site plan consisting of more than one plot issued from the land revenue department not submitted. (ii) Cash memos / bills for purchasing of books not submitted." A true copy

of the relevant minutes of Emergent meeting of ERC held on 24th -25th April, 2016 is annexed. Thereafter, the Appellant vide its reply dated 03.05.2016 submitted its response along with the site plan and cash memos. A true copy of the letter dated 03.05.2016 along with site plan and cash memos are annexed. Thereafter, the ERC in its 218th meeting held on 11th -12th June, 2016 again considered the application of the Appellant along with the documents submitted by the petitioner, and observed as under: "1. Show cause notice was decided in Emergent meeting of ERC held on 24-25 April 2016 on the following grounds: (i) As per VT Report, the visiting team visited to the institution and found that the building was totally under construction. (ii) The management of the institution has requested to consider the application for the session2017-18. (iii) The committee has not accepted the request of the institution. In response to show cause notice, the institution submitted its reply dated 01.04.2016 on the basis of proceeding uploaded in ERC website, which does not fulfil the requirement of show cause notice and not considerable as per NCTE Regulation 2014. In view the above, the committee decided as under: The committee is of the opinion that application bearing code No. ERCAPP3343 of the institution regarding recognition for B.Ed. Programme is refused under section 14(3)(b) of NCTE Act 1993." A true copy of relevant minutes of 218th meeting of ERC held on 11th -12th June, 2016 is annexed. Accordingly, in view of the aforesaid, the ERC vide its impugned order dated 02.08.2016 refused the application of Appellant institution seeking recognition for conducting B.Ed. course, without considering the request of the Appellant institution. That it is submitted that ERC is not justified in issuing the impugned order dated 02.08.2016 refusing the application of the petitioner, particularly when the Appellant vide its letter dated 01.04.2016 requested the visiting team to treat their application for the academic session 2017-18 instead of 2016-17. That it is submitted that ERC is not justified in issuing the impugned order dated 02.08.2016, particularly when the Appellant institution had submitted all the requisite documents as demanded by the visiting team of ERC at the time of inspection. That it is submitted that the Appellant institution has invested a lot in construction of building, preparedness of infrastructural and instructional facilities etc. and the same cannot be used for any other purpose as the same has been constructed / established for the purposes of running the B.Ed. course. Appellant institution filed W.P. C No. 9433/2020 before Hon'ble High

Court of Delhi, wherein, Hon'ble High Court vide its order dated 27.11.2020 (the correct date is 26/11/2020) permitted the petitioner institution to file a statutory appeal with application of condonation of delay. A true copy of the order dated 27.11.2020 passed by Hon'ble Court of Delhi in Writ Petition (C) No.9433/2020 and connected matter is annexed."

AND WHEREAS the appellant filed a W.P. (C) 9433/2020 & C.M. APPLS30363/2020 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court, in their order dt. 26/11/2020, on the request made by the petitioner to withdraw the petition with liberty to file an appropriate appeal before the Appellate Authority along with an application seeking condonation of delay giving reasons for delay in filing the appeal, dismissed the Writ Petition as withdrawn. The Hon'ble High Court, in the said order, observed that in case such an application is made the Appellate Authority is to consider the same as per law.

AND WHEREAS the Committee noted that the submission of the appeal has been delayed by nearly four years and two months beyond the prescribed period of sixty days.

AND WHEREAS the 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 any 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 satisfies that he held sufficient cause for not referring the appeal within the prescribed period.

AND WHEREAS the appellant, in the appeal, submitted that after refusal of recognition on 02/08/2016, he did not prefer an appeal to the Appellate Authority within

the statutory period available in anticipation of issue of public notice by the NCTE inviting fresh applications for grant of recognition in the subsequent years, namely, 2017-18, 2018-19, 2019-20 and 2020-21; which did not happen. The appellant added that he had invested a lot in construction of building and preparedness of infrastructural and instructional facilities.

AND WHEREAS the Committee noted that filing a statutory appeal against an order made by the Council in terms of the relevant Sections of the NCTE Act within the prescribed period and inviting applications for grant of recognition at different times are totally unrelated issues. The very fact that the appellant did not file an appeal within the prescribed period clearly indicates that the appellant accepted the order of refusal and was only awaiting for an opportunity to apply afresh as and when applications are invited.

AND WHEREAS in the above circumstances, the Committee concluded that the plea taken by the appellant for delay in filing appeal is not a sufficient cause for not preferring the appeal within the prescribed period. The Committee decided not to condone the delay and hence the appeal is not admitted.

AND WHEREAS after perusal of the Memoranda of appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee, therefore, concluded not to condone the delay and hence the appeal is not admitted.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

1. The Secretary, East Malda B.Ed. College, 43, Charaktala, Gangaprosad, Charaktala Road, Kaliachak, Malda, West Bengal – 732207.
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.

(7)

F.No.89-277/E-171459/2020 Appeal/1st Mtg.-2021/18th January, 2021

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 28/01/2021

ORDER

WHEREAS the appeal of East Malda B.Ed. College, Charaktala, Gangaprosad, Charaktala Road, Kaliachak, Malda, West Bengal dated 02/12/2020 is against the Order No. ERC/220.7.32/ERCAPP3020/D.El.Ed./2016/49044 dated 26.08.2016 of the Eastern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "(a) SCN was issued on 25.06 2016 on the following grounds: (i) Site plan consisting of more than one plot issued from Land Revenue Department not submitted. (ii) Cash memos/bills for purchasing of books not submitted. (b) In response to show cause notice, the institution submitted its reply dated 03.05.2016 on the basis of proceedings uploaded in the website of the ERC. The committee considered the reply of the institution and observed as under: (i) The institution vide representation dated 03.05.2016 has requested to grant one-month time to comply the deficiencies. (ii) The committee has not accepted the request of the institution and observed that the institution is still deficient on the grounds of Show Cause Notice dated 25.06.2016. (iii) The link application applied for B.Ed. (ERCAPP-3343) has already been refused, hence the institution is also come under the category of standalone institution. In view the above, the committee decided as under: The committee is of the opinion that application bearing code No. ERCAPP3020 of the institution regarding recognition for D.El.Ed. Programme is refused under section 14(3)(b) of NCTE Act 1993."

AND WHEREAS Sh. S. Hoque, Secretary and Sh. Avimanyu Mandal, Member, East Malda B.Ed. College, Charaktala, Gangaprosad, Charaktala Road, Kaliachak, Malda, West Bengal presented the case of the appellant institution on 18/01/2021. In the appeal and during personal presentation it was submitted that the ERC in its Emergent meeting held on 24th -25th April, 2016 considered the visiting team report and observed as under: "(i) Site plan consisting of more than one plot issued from the land

revenue department not submitted. (ii) Cash memos / bills for purchasing of books not submitted." A true copy of the relevant minutes of Emergent meeting of ERC held on 24th -25th April, 2016. 15. That on the basis of aforesaid decision of ERC, (available on the website), Appellant vide its reply dated 03.05.2016 submitted its response along with the site plan and cash memos. A true copy of the letter dated 03.05.2016 alongwith site plan and cash memos are annexed hereto. 17. That thereafter, the ERC in its 220th meeting held on 10th -11th August, 2016 again considered the application of the Appellant along with the documents submitted by the Appellant , and observed as under: "a. SCN was issued on 25.06 2016 on the following grounds: (i) Site plan consisting of more than one plot issued from Land Revenue Department not submitted. (ii) Cash memos/bills for purchasing of books not submitted. b. In response to show cause notice, the institution submitted its reply dated 03.05.2016 on the basis of proceedings uploaded in the website of the ERC. The committee considered the reply of the institution and observed as under: (i) The institution vide representation dated 03.05.2016 has requested to grant one month time to comply the deficiencies. (ii) The committee has not accepted the request of the institution and observed that the institution is still deficient on the grounds of Show Cause Notice dated 25.06.2016. (iii) The link application applied for B.Ed. (ERCAPP-3343) has already been refused, hence the institution is also come under the category of stand alone institution. In view the above, the committee decided as under: The committee is of the opinion that application bearing code No.ERCAPP3020 of the institution regarding recognition for D.El.Ed. Programme is refused under section 14(3)(b) of NCTE Act 1993." A true copy of relevant minutes of 220th meeting of ERC held on 10th -11th August, 2016 is annexed hereto. That it is submitted that ERC is not justified in issuing the impugned order dated 26.08.2016, particularly when the Appellant institution had submitted all the requisite documents as demanded by the visiting team of ERC at the time of inspection. That it is submitted that ERC in its impugned order dated 26.08.2016 has failed to observed that the reply dated 03.05.2016 submitted by the Appellant institution fulfils the requirement of show cause notice dated 25.06.2016.

AND WHEREAS the appellant filed a W.P. (C) 9432/2020 & CM APPL 30362 / 2020 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court, in their order dt. 26/11/2020, on the request made by the petitioner to withdraw the petition with liberty to file an appropriate appeal before the Appellate Authority along with an application seeking condonation of delay giving reasons for delay in filing the appeal, dismissed the Writ Petition as withdrawn. The Hon'ble High Court, in the said order, observed that in case such an application is made the Appellate Authority is to consider the same as per law.

AND WHEREAS the Committee noted that the submission of the appeal has been delayed by four years one month and seven days beyond the prescribed period of sixty days.

AND WHEREAS the 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 any 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 satisfies that he held sufficient cause for not referring the appeal within the prescribed period.

AND WHEREAS the appellant, in the appeal submitted that after refusal of recognition on 02/08/2016 (the correct date should be 26/08/2016), he did not prefer an appeal to the Appellate Authority within the statutory period available in anticipation of issue of public notice by the NCTE inviting fresh application for grant of recognition in the subsequent years, namely, 2017-18, 2018-19, 2019-20 and 2020-21; which did not happen. The appellant added that he had invested a lot in construction of building and preparedness of infrastructural and instructional facilities.

AND WHEREAS the Committee noted that filing a statutory appeal against an order made by the Council in terms of the relevant Sections of the NCTE Act within the prescribed period and inviting applications for grant of recognition at different times are totally unrelated issues. The very fact that the appellant did not file an appeal within the prescribed period clearly indicates that the appellant accepted the order of refusal and was only awaiting for an opportunity to apply afresh as and when applications are invited.

AND WHEREAS in the above circumstances, the Committee concluded that the plea taken by the appellant for delay in filing appeal is not a sufficient cause for not preferring the appeal within the prescribed period. The Committee decided not to condone the delay and hence the appeal is not admitted.

AND WHEREAS after perusal of the Memoranda of appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee, therefore, concluded not to condone the delay and hence the appeal is not admitted.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

1. The Secretary, East Malda B.Ed. College, 43, Charaktala, Gangaprosad, Charaktala Road, Kaliachak, Malda, West Bengal – 732207.
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.

(8)

F.No.89-265/E-170729/2020 Appeal/1st Mtg.-2021/18th January, 2021

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 28/01/2021

ORDER

WHEREAS the appeal of Govt. College of Teacher Education, Dharampur, Ameerganj, Jitwarpur, Samastipur, Bihar dated 12/11/2020 is against the Order No. ER-273.2.4/(ERCAPP1377)/B.Ed./2019/60916 dated 27.06.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "three Show Cause Notice u/s 17(1) were issued on 20.04.2018, 27.11.2018, 17.01.2019. Another Show Cause Notice u/s 17(1) was issued dated 21.02.2019 for appointment of requisite number of faculty as per NCTE Regulations, 2014 for running 02 units (100 intake) of B.Ed. course. Faculty list comprises 09 instead of 16 as per NCTE Regulations, 2014. Despite repeated SCN for compliance, the said institution has failed to fulfil the Norms as per NCTE Regulations, 2014."

AND WHEREAS Ms. Pramila Kumari, Govt. College of Teacher Education, Dharampur, Ameerganj, Jitwarpur, Samastipur, Bihar presented online the case of the appellant institution on 18/01/2021. In the appeal and during personal presentation it was submitted that "college now has total 17 full time faculty members approved by affiliating body are working. Of which 12 have been appointed by the Director (Research & Training), Education Department, Bihar vide Letter No.-530 dated-02.12.2013, Letter No.-724-756 dated 21.11.2014, Letter No.-187 Dated 12.07.2019, Letter No.-260 dated 30.10.2019, Letter No.-31 dated 29.01.2020 & Letter No.-57 dated 16.10.2020 and rest 05 of them have been appointed by the Director (Administration)-cum-Deputy Secretary, Education Department, Bihar vide Letter No.-668 dated 30.06.2020, Letter No.-821 dated 26.08.2020 & Letter No.-822 dated 26.08.2020. They now fulfil the Gazette No. 237 dated 09.06.2017 NCTE. At present no part time faculty members are working in Govt. College of Teacher Education, Samastipur. It is therefore requested that the recognition of this college may be restored. The appellant also submitted that the delay in appeal

occurred due to the prevailing Covid – 19. The appellant enclosed a copy of the faculty list for the academic sessions 2019-21 and 2020-22 consisting of 17 members duly signed by the Registrar, R.N. Mithila University, Darbhanga on 04/11/2020."

AND WHEREAS the Committee, noting the submissions of the appellant, concluded that the matter deserved to be remanded to the ERC with a direction to consider the approved faculty list, to be submitted to them by the appellant, and take further necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the ERC the approved faculty list 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 online submission, Appeal Committee concluded to remand back the case to ERC with a direction to consider the approved faculty list, to be submitted to them by the appellant, and take further necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the ERC the approved faculty list within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Govt. College of Teacher Education, Dharampur, Ameerganj, Jitwarpur, Samastipur, 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 Principal, Govt. College of Teacher Education, Dharampur, 1560, 1556P, Ameerganj, Jitwarpur, Samastipur, Bihar – 848101.
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.

(10)

F.No.89-273/E-171342/2020 Appeal/1st Mtg.-2021/18th January, 2021

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 28/01/2021

ORDER

WHEREAS the appeal of Govt. Teachers Training College, Hazaribagh, Head Post Office Hazaribagh, Lake Road, Sadar, Hazaribagh, Jharkhand dated 29/11/2020 is against the Order No. ER-284.21/APE00105/B.Ed./2020/63115 dated 05.10.2020 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "final show cause notice issued on 05.03.2020 and no reply has been received as on date."

AND WHEREAS Dr. Manoj Kumar, Professor and Prof. Shankar Kumar Dubey, Professor, Govt. Teachers Training College, Hazaribagh, Head Post Office Hazaribagh, Lake Road, Sadar, Hazaribagh, Jharkhand presented the case of the appellant institution on 18/01/2021. In the appeal and during personal presentation it was submitted that "They did not receive the Show Cause Notice dt. 28/01/2020 either by post or by email. However, with the appeal, the appellant submitted (i) list of teaching faculty duly approved by the Registrar, Vinoba Bhave University, Hazaribagh. (ii) building plan duly signed by the District Engineer, Zila Parishad, Ranchi. (iii) building completion certificate duly Signed by the District Engineer, Zila Parishad, Ranchi. (iv) Advisory for Fire Safety. The appellant submitted that the Website of the institution is functional as per clause 7(14) (1) of NCTE Regulation 2014."

AND WHEREAS the Committee, noting the submissions and the documents furnished in the appeal vis a vis the grounds of withdrawal of recognition, concluded that the matter deserved to be remanded to the ERC with a direction to consider the documents furnished in appeal, to be submitted to them by the appellant, and take further necessary action as per the NCTE Regulations, 2014. The appellant is directed to

forward to the ERC all the documents submitted in appeal, with originals thereof, wherever necessary, 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 ERC with a direction to consider the documents furnished in appeal, to be submitted to them by the appellant, and take further necessary action as per the NCTE Regulations, 2014. The appellant is directed to forward to the ERC all the documents submitted in appeal, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Govt. Teachers Training College, Hazaribagh, Head Post Office Hazaribagh, Lake Road, Sadar, Hazaribagh, Jharkhand 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, Govt. Teachers Training College, Hazaribagh, 019, Head Post Office Hazaribagh, Lake Road, Sadar, Hazaribagh, Jharkhand - 825301.
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 Jharkhand, Ranchi.

F.No.89-289/E-172089/2020 Appeal/1st Mtg.-2021/18th January, 2021

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 28/01/2021

ORDER

WHEREAS the appeal of Govt. College of Education (CTE), Banipur, Asrafabad, Banipur, P.G.B.T. Road, North 24-Pargana, West Bengal dated 04/12/2020 is against the Order No. ER-284.37/(File No. WB-S/N-16/1997)/B.Ed./2020/63162 dated 09.10.2020 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Building Completion Certificate (BCC) duly signed by the competent authority has not been submitted."

AND WHEREAS Dr. Amlan Ganguly, Officer-in-Charge and Dr. Ujjwal Paul, Assistant Professor, Govt. College of Education (CTE), Banipur, Asrafabad, Banipur, P.G.B.T. Road, North 24-Pargana, West Bengal presented the case of the appellant institution on 18/01/2021. In the appeal and during personal presentation it was submitted that "College is a Govt. institution which was established in 1948, and for this reason, no such Building Completion Certificate (BCC) was available. Now we have obtained the BCC from the office of Executive Engineer, PWD, Govt. of West Bengal after receiving the Building Structural Stability Certificate from the competent authority. Copy of the Building Completion Certificate signed by the Executive Engineer, North 24 Parganas Division, Social Sector, P.W. Dte on 01/12/2020 showing a total built up area of 4736 sq. mts. is enclosed."

AND WHEREAS the Committee, noting that the appellant has submitted the document found wanting in the withdrawal order, concluded that the matter deserved to be remanded to the ERC with a direction to consider the Building Completion Certificate, to be submitted to them by the appellant, and take further necessary action as per the NCTE Regulation, 2014. The appellant is required to submit Building Completion Certificate within 15 days of receipt of the orders on the appeal.

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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 ERC with a direction to consider the Building Completion Certificate, to be submitted to them by the appellant, and take further necessary action as per the NCTE Regulation, 2014. The appellant is required to submit Building Completion Certificate within 15 days of receipt of the orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Govt. College of Education (CTE), Banipur, Asrafabad, Banipur, P.G.B.T. Road, North 24-Pargana, West Bengal 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 Officer-in-Charge, Govt. College of Education (CTE), Banipur, J.L. No. 84, Asrafabad, Banipur, P.G.B.T. Road, Banipur, North 24-Pargana, West Bengal – 743233.
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.

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F.No.89-159/E-162302/2020 Appeal/1st Mtg.-2021/18th January, 2021

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 28/01/2021

ORDER

WHEREAS the appeal of Shri Kirori Lal Shastri (PG) Mahavidyalaya, Jagner, Agra, Uttar Pradesh dated 15/08/2020 is against the Order No. NRC/NCTE/UP-2024/310 Meeting/2019207126 dated 22.03.2020 of the Northern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "as per SOP, two SCNs u/s 17 have already been issued. Therefore, the recognition of the institution may be withdrawn as enough opportunities have been given to the institution."

AND WHEREAS No one from, Shri Kirori Lal Shastri (PG) Mahavidyalaya, Jagner, Agra, Uttar Pradesh appeared online on behalf of the appellant institution on 26/10/2020. In the appeal memoranda it was submitted that "University approved staff profile in piece meal. Proof shall be submitted during course of hearing. The bank statement is maintained from the date of selection/appointment of staff as per University/NCTE Norms. A copy shall be handed over to your office during course of hearing. The website is functional." Appeal Committee, as per extant appeal rules, decided to grant another (second) opportunity to the appellant for making personal presentation of its case.

AND WHEREAS Sh. Jagdish Prasad Sharma, Representative of Shri Kirori Lal Shastri (PG) Mahavidyalaya, Jagner, Agra, Uttar Pradesh presented online the case of appellant institution on 18/12/2021. Appellant submitted online the list of faculty approved by affiliating University on 15/01/2021. Appeal Committee, keeping in view that withdrawal order was issued in March, 2020, required the appellant to submit some evidence of having appointed faculty and payment of salary to the appointed faculty through bank remittances.

AND WHEREAS appellant institution submitted copies of (i) Letter dated 01/07/2016 issued by Dr. Bhimrao Ambedkar University granting approval of 1+8 faculty and statement of account issued by State Bank of India, Agra indicating remittance of salary into the accounts of the faculty approved by University. Appeal Committee further noted that appellant institution has got a fresh list of faculty approved by the affiliating body on 15/01/2021. The new list does not contain the name of Principal and the letter of University conveying approval to the faculty has also not been furnished by the appellant. Appeal Committee decided that appellant institution is required to submit to NRC letter of affiliating body granting approval to appointment of faculty as well as the list of faculty in original within 15 days of the issue of appeal order. Appeal Committee further decided to remand back the case to NRC for revisiting the matter.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and online submissions made by appellant, Appeal Committee concluded that appellant institution is required to submit to NRC letter of affiliating body granting approval to appointment of faculty as well as the list of faculty in original within 15 days of the issue of appeal order. Appeal Committee further decided to remand back the case to NRC for revisiting the matter.

NOW THEREFORE, the Council hereby remands back the case of Shri Kirori Lal Shastri (PG) Mahavidyalaya, Jagner, Agra, 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 Secretary, Shri Kirori Lal Shastri (PG) Mahavidyalaya, Jagner, Agra - 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, Lucknow.

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F.No.89-170/E-163165/2020 Appeal/1st Mtg.-2021/18th January, 2021

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 28/01/2021

ORDER

WHEREAS the appeal of GIS College, Bamhori Bika, Pathariya Jaat, Sagar, Madhya Pradesh dated 30/09/2019 is against the Order No. WRC/APW04578/223520/B.Ed/310th/2019/205888 dated 04.09.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Show Cause Notices dated 28/09/2016 and 15/02/2017 were issued seeking original staff profile (1-Principal+15-Faculties) for the session 2015-16 duly approved by the affiliating body; Originally notarized CLU/NEC/BP and Building Completion Certificate. The institution has not submitted reply to Show Cause Notice."

AND WHEREAS No one form GIS College, Bamhori Bika, Pathariya Jaat, Sagar, Madhya Pradesh appeared on behalf of the appellant institution on 26/10/2020. In the appeal memoranda it was submitted that "Relevant documents are attached. Whereas, to the show cause letter dated 15/02/2017 When according to that letter the unit of the institution was to be redressed / revived. Show cause letter dated 15/02/2017 was replied by institution dated 02/03/2017. Sh. Rakesh Sthapak, Director presented the case of appellant institution on 18/01/2021 and submitted copies of (i) land document, (ii) Non-Encumbrance Certificate, (iii) Building Completion Certificate, (iv) Building Plan and (v) List of faculty containing the names of a Principal and 15 faculty.

AND WHEREAS Appeal Committee noted that appellant institution is recognised to conduct B.Ed. programme since 2008 and a revised recognition order dated 18/05/2015 was issued subject to certain conditions to be fulfilled as per NCTE Regulation, 2014. Appellant institution was issued two Show Cause Notice (SCNs) dated 28/09/2016 and 15/02/2017 requiring the appellant institution to submit required compliance in terms of NCTE Regulation, 2014. Appellant denied having received these S.C.Ns.

AND WHEREAS Appeal Committee noted that appellant institution had filed a Writ Petition (C) 5983/2020 in the High Court of Delhi and the Hon'ble High Court by its order dated 08/09/2020 had allowed the appellant institution to participate in counselling for the present academic session subject to orders of appellate authority.

AND WHEREAS Appeal Committee decided that appellant institution is required to submit to WRC within 15 days of the issue appeal order original documents (i) Certified copy of land document, (ii) Building Completion Certificate, (iii) Non-Encumbrance Certificate, (iv) letter of University granting approval to appointment of faculty and list of faculty. In addition, appellant institution should submit to WRC (a) copy of website printout, (b) Building Plan and Certificate from concerned bank indicating remittance of salary for the last two years. Appeal Committee decided to remand back the case to WRC to revisit the matter after appellant submits required document 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 WRC to revisit the matter after appellant submits required document within 15 days of the issue of Appeal order.

NOW THEREFORE, the Council hereby remands back the case of GIS College, Bamhori Bika, Pathariya Jaat, Sagar, Madhya Pradesh to the WRC, 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, GIS College, 128, Bamhori Bika, Pathariya Jaat, Sagar, Madhya Pradesh – 470228.
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, Bhopal.

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F.No.89-173/E-163434/2020 Appeal/1st Mtg.-2021/18th January, 2021

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 28/01/2021

ORDER

WHEREAS the appeal of Krishna P.R. Educational Institute, Pausara, Faizabad-Tanda Road, Sadar, Faizabad, Uttar Pradesh dated 31/08/2020 is against the Order No. NRC/NCTE/NRCAPP-15196/311th Meeting/2020/208503-508 dated 09.07.2020 of the Northern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "in the light of the order dt. 31.10.2018 in LPA. No. 619/2018 of the Hon'ble Delhi High Court and Letter No. 67/19/2018-US(Legal)Hq. dated 18.12.2018 and the ban imposed by the State Govt. vide letter No. 1188/68-4-2018 dt. 24.08.2018 to start D.El.Ed. course in the State of Uttar Pradesh, NRC, NCTE cannot process your application further. The institution did not submit the reply to SCN dated 09.10.2019."

AND WHEREAS Sh. Puneet Sahu, Representative from Krishna P.R. Educational Institute, Pausara, Faizabad-Tanda Road, Sadar, Faizabad, Uttar Pradesh appeared online on behalf of the appellant institution on 18/01/2021. In the appeal memoranda it is submitted that "Institution applied and submitted online application for grant of recognition for running 2 years D.El.Ed. Course on 30.06.2015. Show Cause Notice dated 09.10.2019 was replied by Institution dated 04.11.2019. It is submitted that NCTE introduced the Regulation 2014 in the month of the December 2014 and it was the first time that the NCTE introduced the provisions for the recognition for only composite institutions. To fulfil the condition of composite institution the appellant after making the additional infrastructure vide its online application on dated 30.06.2015 applied for the grant of recognition for the D.El.Ed. Course and submitted the hard copy of the application to the NRC. It is relevant to state that the NRC in its 308th meeting held between 25th to 27th September 2019 issued show cause notice. It is relevant to state that Clause 2(b) of the Regulation 2014 defines the composite institutions. Clause 4 of the Regulations defines the Eligibility of the applications and it does not provides that the applicant should

be composite institution. Further, Clause 5 provides for manner of making application and the said clause also does not stipulate any condition of composite institution. Further, Clause 7 provides for the processing of the application and the said clause also does not stipulate a condition of composite institution necessary for processing the application. It is submitted that only clause 8 of regulations stipulates for the condition of composite institution for the purpose of grant of recognition and it reads that the recognition will not be granted to new standalone institutions. It is submitted that as per the scheme of the Regulations and Act the application no were provides a condition of its rejection on the ground of standalone institution and needs to be kept pending till the institution comes under the definition for consideration of composite institution. It is submitted that the NCTE Regulations 2014 is also under the review for its anomalies. It is submitted that the petitioner should also get an opportunity to apply for another course for the purpose of the Composite nature. It is submitted that the appellant has already created infrastructure for the B.Ed. and D.El.Ed. courses and any how will the same can be used for the B.Ed. and D.El.Ed. courses."

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 09/10/2019 was issued to appellant institution on grounds of a general ban imposed by the State Government of Uttar Pradesh. State Government as a matter of policy decided to request NCTE not to grant recognition for D.El.Ed. and D.P.S.E. courses from the session 2018-19 for a period of 5 years. Appeal Committee noted that State Government is a stake holder and affiliating body also so far as Diploma level courses are concerned. The impugned refusal order dated 09/07/2020 was issued by NRC keeping in view the ban imposed by the State Government of Uttar Pradesh.

AND WHEREAS Appeal Committee noted that appellant institution had applied for two programmes i.e. B.Ed. & D.El.Ed. as NCTE Regulation, 2014 provide for grant of recognition to teacher education courses in composite institutions. The refusal of recognition for D.El.Ed. programme will, therefore, affect the recognition for B.Ed. programme also. Appeal Committee, therefore, decided to remand back the case to NRC for taking a policy decision on the following points:-

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(i) Whether the general ban imposed subsequent to issue of N.O.C. by the Examination Regulatory Authority of Uttar Pradesh shall be made applicable to applications received earlier to imposition of ban.

(ii) Whether such a refusal will affect the prospects of applications made for other course.

(iii) Whether or not the application for D.El.Ed. programme be kept pending as requested by the appellant. The application may be taken up for further processing after the period of imposed ban is over.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online submission, Appeal Committee concluded to remand back the case to NRC for taking a policy decision on the following points:- (i) Whether the general ban imposed subsequent to issue of N.O.C. by the Examination Regulatory Authority of Uttar Pradesh shall be made applicable to applications received earlier to imposition of ban. (ii)Whether such a refusal will affect the prospects of applications made for other course. (iii) Whether or not the application for D.El.Ed. programme be kept pending as requested by the appellant. The application may be taken up for further processing after the period of imposed ban is over.

NOW THEREFORE, the Council hereby remands back the case of Krishna P.R. Educational Institute, Pausara, Faizabad-Tanda Road, Sadar, Faizabad, 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, Krishna P.R. Educational Institute, 1200, Pausara, Faizabad-Tanda Road, Sadar, Faizabad, Uttar Pradesh – 224001.
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.

175746/2021/Appeal Section-HQ

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F.No.89-476/E-144092/2019 Appeal/1st Mtg.-2021/18th January, 2021

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 28/01/2021

ORDER

WHEREAS the appeal of Jai Durga Bhavani Krida Mandal, Pachora Road, Shirsoli, Jalgaon, Maharashtra dated 22/11/2019 is against the Order No. WRC/APW06806/123839/311th/2019/206695 dated 11.10.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the Show Cause Notice was issued to the institution vide letter dated 09.12.2016. The summary of the case submitted reveals that the institution has not submitted reply of the Show Cause Notice. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for B.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS Sh. Lalit Bhagwat Dhande, Secretary and Sh. Pradeep Suresh Mahajan, Representative, Jai Durga Bhavani Krida Mandal, Pachora Road, Shirsoli, Jalgaon, Maharashtra presented the case of the appellant institution on 31/01/2020. In the appeal and during personal presentation it was submitted that "As per show cause notice dated 09/12/2016 it was mentioned that one year annual intake 100 student (50X2- Two basic unit). But as per show cause notice 09/12/2016 not given answer from us but we had given answer by post to Regional Director, NCTE, Bhopal outward No – 167/2017 dated 03/01/2017 from RM.No-361254205 Now we are saying that in your show cause notice mentioned that two units of (50X2) 50 student each now but we convey that corresponded every time only one basic unit of (50X1) 50 student each of one year basic unit. We have already informed on 22/12/2015 that we need only one unit (50X1). Our institution provided land & building & built up area & all other facility & infrastructure for one unit, Now we again say that we demand one unit (50X1) of 50 student."

AND WHEREAS appellant during the course of appeal hearing on 31/01/2020 submitted a written request seeking another opportunity to present its case before Appellate Authority. Appeal Committee, as per extant appeal rules decided to grant another (second) opportunity to the appellant institution. Appellant institution was issued notice dated 17/08/2020 to present its case on 04/09/2020 but nobody from the appellant institution appeared before Appellate Authority. Appeal Committee, as per extant appeal rules, decided to give third (final) opportunity to the appellant to present its case failing which the case will be decided ex-parte. Appeal Committee noted that appellant institution was issued notice dated 25/11/2020 to present its case on 01/12/2020. Nobody from appellant institution was available either personally or online. Appeal Committee, therefore, considered the case exparte.

AND WHEREAS Appeal Committee noted that impugned order of withdrawal dated 11/10/2019 was issued by WRC on the ground that appellant institution had not submitted reply to Show Cause Notice 09/12/2016 which was issued for seeking compliance to the terms and conditions of the revised recognition order dated 31/05/2015. Appeal Committee noted that appellant by its written submission stated that it had requested by its letter dated 22/12/2015 for reduction in the intake from 100 seats to 50 seats.

AND WHEREAS Appeal Committee after considering the written submissions made in the Appeal Memoranda decided to confirm the impugned order of withdrawal dated 11/10/2019.

AND WHEREAS the appeal case of Jai Durga Bhawani Krida Mandal, Jalgaon,, Maharashtra was again placed before Appellate Authority on 18/01/2021. Appeal Committee noted that appellant institution had filed a Writ Petition no. 9161 of 2020 in the High court of Judicature at Bombay Bench at Aurangabad and the Hon'ble High Court vide order dated 04/01/2021 directed as under:-

"The impugned order passed by the appellate authority is set aside. The petitioner shall appear before the appellate authority on 11.01.2021. As the date of appearance has been given by this Court, it is not necessary for

the appellate authority to issue notice to the petitioner. The petitioner may appear before the appellate authority on 11.01.2021 and put forth its case with all relevant evidence. Naturally, the appellate authority would consider the case put forth by the petitioner and take decision afresh. The appellate authority shall endeavor to decide the appeal expeditiously and preferably by 22.01.2021."

AND WHEREAS Appeal Committee noted that Hon'ble High Court has set aside the appellate order dated 15/12/2020 based on the hearing held exparte 01/12/2020. The order dated 04/01/2021 issued by Hon'ble High Court mentions that appellant has contended that notice dated 25/11/2020 of appeal hearing on 01/12/2020 was received by the appellant on 01/12/2020 which resulted in denial of ample opportunity to the appellant to present the facts of case before the Appellate Authority.

AND WHEREAS appellant institution was given an opportunity to present its case before Appellate Authority on 18/01/2021. Appellant's main contention during appeal hearing was that whereas revised recognition order dated 31/05/2015 was for 100 seats (2 units), the appellant institution had requested the WRC to reduce the intake to 50 seats. The first of such request was made in December, 2015. Appellant also stated that Regional Committee did not take cognizance of the communications addressed and continued to issue notices for seeking compliance taking into account the intake of 100 seats.

AND WHEREAS Appeal Committee noted that institution opting for an intake of 50 seats (one unit) of B.Ed. programme are differentiated, in matters of faculty and infrastructure requirement, from the institutions having intake capacity of 2 units (100 seats). Appeal Committee decided to remand back the case to WRC for revisiting the matter making assessment of eligibility criteria of grant of recognition for one unit (50 seats).

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 WRC for revisiting the matter making assessment of eligibility criteria of grant of recognition for one unit (50 seats).

NOW THEREFORE, the Council hereby remands back the case of Jai Durga Bhavani Krida Mandal, Pachora Road, Shirsoli, Jalgaon, Maharashtra to the WRC, 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, Jai Durga Bhavani Krida Mandal, Shirsoli, Pachora Road, Shirsoli, Jalgaon, Maharashtra – 425002.
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, Mumbai.