



**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

File No.89-114/E-180794/2021 Appeal/15th Meeting, 2021  
 Appeal No. APPLWRC202113973

Ramkishan Jugalkishore Barasia Teacher Training College, Surajgarh, 835, 1383/835, 836, Chirawa Road, Surajgarh, Jhunjhunu, Rajasthan – 333029 <b><u>(APPELLANT)</u></b>	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b><u>(RESPONDENT)</u></b>
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<b>Representative of Appellant</b>	No one from the institution
<b>Respondent by</b>	Regional Director, WRC
<b>Date of Hearing</b>	11/06/2021
<b>Date of Pronouncement</b>	28/06/2021

**ORDER**

**I. GROUND OF REFUSAL**

“The appeal of Ramkishan Jugalkishore Barasia Teacher Training College, Surajgarh, Chirawa Road, Surajgarh, Jhunjhunu, Rajasthan dated 10/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/RJ-1302/310<sup>th</sup> Meeting/2019/207600 dated 04.02.2020 of the Western Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that “All these cases were considered by NRC and processed in compliance to the court directions and considering the reply submitted by the institution against the show cause notice(s). The NCTE Hqrs. Vide letter No. F. 67/19/2018-US(Legal)-HQ dated 18.12.2018 has directed to ensure

K. J. Singh

compliance of the orders of the Hon'ble Apex Court and High Court of Delhi, referred in their letter, and adhere to the provision of Regulations 5(3), 7(4), 7(5) and 7(6) of NCTE Regulations, 2014 irrespective of its stage of processing of application, course, year of application and State to it pertains. In view of the above, the recommendations were sought from the State Government which refused permission to start the courses vide an office order No. एफ) 24 (recmmd. 17-18) बीएड/आकाशि 16/182/दिनांक 09-04-2019 and office order No. एफ)24अनुशंसा)/बी.एड/आकाशि/19/511,512,513 दिनांक 11.11.2019. Further, a number of deficiencies as mentioned below were also noted in the case and hence permission cannot be granted by NRC for starting the B.Ed.: - Department of the Government certifying that the society is not for profit / Charitable Trust/ Society / Company not submitted. A copy of Mutation Certificate issued by the competent authority is not submitted. Site plan showing the location of the building as per the land & revenue records of the concerned authority not submitted. Building safety certificate issued by the competent authority not submitted. Fire safety certificate issued by the competent authority not submitted. A certificate to the effect that the institutional campus, building furniture is disabled friendly as per the persons with disability (PWD) and of the Government of India not submitted."

## II. Submissions made by Appellant:-

Ramkishan Jugalkishore Barasia Teacher Training College, Surajgarh, Chirawa Road, Surajgarh, Jhunjhunu, Rajasthan by its letter dated 08/06/2021 requested Appeal Committee to decide the appeal based on the documents submitted without personal hearing.

## III. OUTCOME OF THE CASE

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

1. Appeal Committee noted that a Show Cause Notice (SCN) dated 28/02/2019 was issued to appellant institution seeking written representation from appellant institution on following three grounds:-



- “(i) NOC of the affiliating body has not been submitted.
- (ii) The institution has not submitted any proof / evidence to prove that it is a composite institution as per Clause 2 (b) of NCTE Regulation, 2014.
- (iii) Land was registered after the date of submission of application form.

2. Appeal Committee noted that appellant institution by its letter dated 14/03/2019 submitted required clarification with supporting evidences. The impugned refusal order dated 04/02/2020 issued by WRC is seen issued on deficiencies which were not mentioned in the S.C.N. dated 28/02/2019 thus depriving the appellant institution to submit written representation on the deficiencies which have been cited in the refusal order dated 04/02/2020. Appeal Committee, therefore, decided to remand back the case to WRC for revisiting the matter.

#### IV. DECISION:-

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

NOW THEREFORE, the Council hereby remands back the case of Ramkishan Jugalkishore Barasia Teacher Training College, Surajgarh, Chirawa Road, Surajgarh, Jhunjhunu, Rajasthan 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

#### Copy to: -

1. The Joint Secretary, Ramkishan Jugalkishore Barasia Teacher Training College, Surajgarh, 835, 1383/835, 836, Chirawa Road, Surajgarh, Jhunjhunu, Rajasthan – 333029.
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.



**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-123/E-182062/2021 Appeal/15th Meeting, 2021**  
**Appeal No. APPLWRC202113993**

Shri Sharma Teacher Training College, Jaisinghpura Bas, 185/2, Newta, Sanganer, Jaipur, Rajasthan – 302029	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b><u>(APPELLANT)</u></b>		<b><u>(RESPONDENT)</u></b>

<b>Representative of Appellant</b>	Representative
<b>Respondent by</b>	Regional Director, WRC
<b>Date of Hearing</b>	11/06/2021
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OF REFUSAL**

The appeal of Shri Sharma Teacher Training College, Jaisinghpura Bas, Newta, Sanganer, Jaipur, Rajasthan dated 25/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NCTE/WRC/RJ.../331<sup>st</sup>/2021/215045 dated 12.03.2021 of the Western Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "The institution has submitted an application to NRC on 24<sup>th</sup> October 2008 wherein the NCTE Regulations 2007 were in force. As per the instant regulations the land of the institution has to be on ownership basis in the name of institution/society as on the date of application. The reply of the institution that they have applied to NCTE

*K. J. B. J.*



on the basis of relaxation on rented premises at the time of application is not acceptable in view of the fact that the NCTE Regulations gazette on 10<sup>th</sup> December, 2007 clearly stipulated the land has to be on ownership basis on the name of society/institution as on the date of application. In view of the above, the Committee decided to refuse the application of the institution u/s 15 submitted for D.El.Ed. course."

## II. Submissions made by Appellant:-

The representative of Shri Sharma Teacher Training College, Jaisinghpura Bas, Newta, Sanganer, Jaipur, Rajasthan presented online the case of the appellant institution on 11/06/2021. In the appeal and during personal presentation it was submitted that "Respondent office recognized many similar institutions and also considered the matters. Because one of the similar / identical matter was approach to the Hon'ble Delhi High Court and filed a Writ Petition No. 9900/2020 titled as Moni Ka Vi Rmani Teachers Training College Versus National Council for Teacher Education & Anr. and the Hon'ble High Court decided the matter in their favour to process the file of the institution vide order dated 09.12.2020. Thereafter the Regional Committee process the file of the institution. A copy of Hon'ble Court Order dated 09.12.2020 alongwith concerned minutes of WRC are enclosed herewith and marked as Annexure-5 collectively. Because the appellant has invested a huge amount to develop the infrastructure of the college as per the NCTE guidelines and submitted online application form but the respondents have issued a show cause notice to the petitioner institution. The appellant has submitted a reply to the SCN but the respondents without considered the reply to the SCN has rejected the file of the appellant institution without any justified reasons which is illegal, arbitrary, unreasonable and unjust. Because every citizen has a right to education under the Constitution; the State/ University was under an obligation to establish educational institutions to enable the citizens to enjoy the said right; the State may discharge its obligation through State owned or State-recognised educational institutions; that when the State Government granted recognition to the private educational institutions, it created an agency to fulfil its obligation under the Constitution, a citizen's right to education under the Constitution. The petitioner institution has fulfilled all the norms and Act in order to fulfil the constitution

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mandate. But the respondent has rejected the file. The action of the respondents put huddle in the way of it which is liable to be set aside and quashed. Because the action of the respondents are 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, 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 action of the respondents is contrary to Law and the article 14 of the Constitution of India which provides for reasonableness and fairness in State action as a necessary adjourn of the same. It is required from the State to be responsive towards the plight of citizens. 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 petitioner has submitted all the documents / but the respondents have illegally rejected the file. It is not a case where the petitioner has any deficiency in infrastructure and violating the Regulation 2014 in any manner."

### III. OUTCOME OF THE CASE

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

1. Appeal Committee noted that appellant institution had filed a Writ Petition (C) 3752/2021 in the Hon'ble High Court of Delhi at New Delhi. Hon'ble High Court by its order dated 22/03/2021 directed that ***"NCTE and the Appellate Committee are obliged to take into account all materials placed before them, prior to the final decision rendered by them. It is made clear that these submissions shall be considered by the Appellate Committee, which will decide the issue in accordance with law, including the orders and judgements of this Court. The writ petition is dismissed as withdrawn, with liberty as aforesaid. The petitioner is also at liberty to approach the Appellate Committee for an expeditious disposal of its appeal. The Appellate***

*K. J. K. J.*



***Committee is requested to dispose of the appeal as expeditiously as possible, and preferably within eight weeks from today."***

2. Appeal Committee noted that applicant institution submitted application seeking recognition for conducting D.El.Ed. programme. Clause 7 (1) of the NCTE Regulation, 2009 was applicable to the application. Under the above Clause no institution was to be granted recognition unless the institution is in possession of required land on the date of application on ownership basis or on lease from Government or Government Institutions.
3. Appeal Committee noted that concerned Regional Committee overlooking the essential requirement of land to be held on ownership basis on or before the date of application processed the application and got conducted the inspection and further issued the Letter the Intent (L.O.I.) dated 15/09/2016. Appeal Committee further observed that after issue of L.O.I., a S.C.N. dated 05/04/2017 was issued seeking compliance on (a) online submission, processing fee, (b) No Objection Certificate and (c) Evidence of Composite institution. Another S.C.N. dated 01/03/2019 was issued on grounds of N.O.C. and land registration date.
4. Appeal Committee noted that physical inspection of the applicant institution was conducted on 03/05/2016 and the Visiting Team has mentioned that B.Ed. programme is being conducted in the premises. This fact is also reflected in the application form submitted by applicant on 23/10/2008. Appeal Committee, however, noted from the regulatory file that land and building documents issued in 2015 and 2016 are found as enclosers of application submitted in 2008.
5. Appeal Committee noted that appellant institution submitted compliance in reply to all the S.C.Ns. Final S.C.N. dated 05/02/2021 was issued to appellant institution on the ground that land documents were registered on 13/01/2010 whereas the date of application is 24/10/2008.
6. Appeal Committee opines that Regional Committee should not have processed the application upto the stage of conducting inspection and issuing Letter of Intent if the

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applicant institution did not possess the land on ownership basis. Having done so and consuming more than 12 years in rejecting the application on the ground which has been rectified long back, there appears to be no justification to refuse recognition provided the appellant institution is in possession of required built up area, required faculty and is otherwise eligible to get recognition in compliance of NCTE Regulation, 2014. Appeal Committee decided to remand back the case to WRC for revisiting the matter.

#### IV. DECISION:-

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

NOW THEREFORE, the Council hereby remands back the case of Shri Sharma Teacher Training College, Jaisinghpura Bas, Newta, Sanganer, Jaipur, Rajasthan 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

#### Copy to: -

1. The Secretary, Shri Sharma Teacher Training College, Jaisinghpura Bas, 185/2, Newta, Sanganer, Jaipur, Rajasthan – 302029.
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.





**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-125/E-182120/2021 Appeal/15th Meeting, 2021**  
**Appeal No. APPLWRC202113984**

B.R. T.T. College, Siryani, 924, Shajahanpur Road, Neemrana, Alwar, Rajasthan – 301708 <b>(APPELLANT)</b>	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. <b>(RESPONDENT)</b>
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<b>Representative of Appellant</b>	Shri Sushant Sharma, President
<b>Respondent by</b>	Regional Director, WRC
<b>Date of Hearing</b>	11/06/2021
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OFS OF REFUSAL**

The appeal of B.R. T.T. College, Siryani, Shajahanpur Road, Neemrana, Alwar, Rajasthan dated 16/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NCTE/NRC/NRCAPP201616532/B.A. B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-2018/2; dated 17.04.2017 of the Western Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "The applicant institution has not submitted the reply of the SCN issued by the NRC on 12.02.2017 till date. 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."

*[Handwritten Signature]*

## II. Submissions made by Appellant:-

Shri Sushant Sharma, President, B.R. T.T. College, Siryani, Shajahanpur Road, Neemrana, Alwar, Rajasthan presented online the case of the appellant institution on 11/06/2021. In the appeal and during personal presentation it was submitted that "Appellant did not receive the Show Cause Notice dated 12.02.2017 and grounds taken in the rejection order is self-contradictory. Because appellant has not received any Show Cause Notice dated 12.02.2017 till date. The appellant has also not even received aforementioned rejection order dated 17.04.2017. The impugned Rejection Order No. NCTE/NRC/ NRCAPP201616532/ B.A.B.Ed./ B.Sc. B.Ed.-4 Year Integrated/ RJ/2017-2018/2 dated 17.04.2017 passed by the respondent is based on wrong analysis and incorrect consideration of the prevailing law enforced and wrong examination of the documents. The Appellant got to know about the email rejection order recently when the Applicant enquired from the office of the NCTE about the status of the application. As Appellant came to know that many Application from the State of Rajasthan have been summarily rejected. Because Appellant has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and respondent is illegally blocking it from running the course which clearly unwarranted and unlawful. Because under Regulations, 2014 the "Council" has "powers to relax" any condition/regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies norms and standards under Regulations, 2014."

## III. OUTCOME OF THE CASE

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

1. The submission of the appeal has been delayed by three years, ten months beyond the prescribed period of sixty days. Appellant institution has filed a Writ Petition (c) 5905/2020 in the High Court of Delhi and Hon'ble High Court in its order dated 18/01/2021 directed as under:

*"The petition is dismissed as withdrawn, granting the liberty as aforesaid."*

*K. J. B. J.*



*The petitioner will also be at liberty to apply before the Appellate Committee for condonation of delay, in terms of the proviso to Section 18(2) of the Act. The Committee will consider the matter, both on grounds of delay and on the contentions raised in the appeal in accordance with law. This Court has not expressed any opinion with regard to these issues.*

*The petition is dismissed as withdrawn, with liberty as aforesaid."*

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

3. The Committee noted that the appellant, in the appeal, has not given any reason, whatsoever, for not preferring the appeal within the prescribed period. Perusal of regulatory file does not reveal any correspondence addressed by appellant to the Regional Committee to know the status of its case after receiving the online rejection order. In these circumstances, the Committee decided not to admit the appeal on grounds of delay of three years and ten months.

#### IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee noted that the appellant, in the appeal, has not given any reason, whatsoever, for not preferring



the appeal within the prescribed period. In these circumstances, the Committee decided not to admit the appeal on grounds of delay of three years and ten months.

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

  
(Mrs. Kesang Yangzom Sherpa)  
Member Secretary

**Copy to: -**

1. The President, B.R. T.T. College, Siryani, 924, Shajahanpur Road, Neemrana, Alwar, Rajasthan – 301708.
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.





**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-126/E-182570/2021 Appeal/15th Meeting, 2021**  
**Appeal No. APPLNRC202113994**

Gyan Bharti College of Education, Rajrai, 146, Taj Nagari, Shamshabad Road, Sadar, Agra, Uttar Pradesh – 282004 <b><u>(APPELLANT)</u></b>	<b><u>Vs</u></b>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b><u>(RESPONDENT)</u></b>
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<b>Representative of Appellant</b>	Dr. Gita Ram Lavania, Manager
<b>Respondent by</b>	Regional Director, NRC
<b>Date of Hearing</b>	11/06/2021
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OF REFUSAL**

The appeal of Gyan Bharti College of Education, Rajrai, Taj Nagari, Shamshabad Road, Sadar, Agra, Uttar Pradesh dated 25/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/NRCAPP-15077/254<sup>th</sup> Meeting/2016/153544-47 dated 14.07.2016 of the Northern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "The institution was issued show cause notice no. 128823 dated 09.11.2015 regarding "Failure to

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submit NOC of the affiliating body with the hard copy of the application". The institution has not responded to the show cause notice within stipulated period."

## **II. Submissions made by Appellant:-**

Dr. Gita Ram Lavania, Manager, Gyan Bharti College of Education, Rajrai, Taj Nagari, Shamshabad Road, Sadar, Agra, Uttar Pradesh presented online the case of the appellant institution on 11/06/2021. In the appeal and during personal presentation it was submitted that "Appellant was completely unknown about the said Show Cause Notice No. 128823 dated 09.11.2015, which was never received by the appellant, therefore, the rejection of application and refusal of recognition/permission for conducting B.Ed. Course is an utter violation of the principle of natural justice, as the appellant was not given an opportunity of being heard before rejecting its application. Because the appellant neither received Show Cause Notice nor the refusal order for conducting B.Ed. Course, hence the decision taken by the respondent No. 2-NRC, NCTE in its 254th Meeting held from 28th to 30th June, 2016 and consequently issuance of refusal/rejection order is contrary to the principles of natural justice. Because the appellant has been supplied the aforesaid refusal/ rejection order dated 14.07.2016 by the respondent/NRC only in the year 2021 vide letter F. No. NRC/NCTE/NRCAPP-15077/B.Ed./ 2021/ 213670 dated 10.03.2021 on the direction of the Hon'ble High Court of Delhi passed vide order dated 05.02.2021 in W.P.(C) No. 1500/2021 titled as Gyan Bharti College of Education vs. National Council for Teacher Education & Anr. Because the humble appellant satisfies all criteria stipulated in the Regulation, 2014 in terms of infrastructure as well as faculty."

## **III. OUTCOME OF THE CASE**

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

1. The submission of the appeal has been delayed by four years and eight months beyond the prescribed period of sixty days. Appellant institution filed a CWP No. 1500 of 2021 in the Hon'ble High Court of Delhi and the Hon'ble High Court by its order dated 05/02/2021 directed as under:-



*"Having regard to the fact that the order declining recognition is admittedly appealable under Section 18 of the NCTE Act, 1993, it is not necessary to enter into the merits of the disputes in the present petition. The contention of the parties regarding service of the show cause notice and the final order declining recognition, as well as on the question of limitation and merits of the dispute, will be determined by the Appellate Committee in accordance with law. Without prejudice to its rights and contentions in this regard, the NRC is directed to communicate a copy of the final order declining recognition to learned counsel for the petitioner within one week from today.*

*All contentions of the parties regarding service, limitation, and on the merits of the matter are left open for determination by the Appellate Committee.*

*The petition is disposed of in these terms."*

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

3. The Committee noted that the appellant, in the appeal, has given reason for not preferring appeal within 60 days. Appellant states that Refusal/Rejection order dated 14/07/2016 was not received by the institution. Appeal Committee, on perusal of the regulatory file, finds that appellant institution did not respond to the Show Cause Notice (SCN) dated 09/11/2015 which resulted in issue of impugned refusal order dated 14/07/2016.

4. On perusal of the regulatory file Appeal Committee noted that the S.C.N. and refusal orders were not received back undelivered which is ample proof that these communications were delivered to the address. Moreover, the appellant institution

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never addressed any communication to the Regional Committee before 02/03/2021 to know the status of its application. In these circumstances, the Committee decided not to admit the appeal on grounds of delay of four years and six months.

**IV. DECISION:-**

**After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee decided not to admit the appeal on grounds of delay of four years and six months.**

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



**(Mrs. Kesang Yangzom Sherpa)**  
Member Secretary

**Copy to: -**

- 1. The Manager, Gyan Bharti College of Education, Rajrai, 146, Taj Nagari, Shamshabad Road, Sadar, Agra, Uttar Pradesh – 282004.**
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.





**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-130/E-182722/2021 Appeal/15th Meeting, 2021**  
**Appeal No. APPLERC202013751**

Barnagar B.Ed. College, Niz-Damaka, 575/709, Sorbhog, Barnagar, Barpeta, Assam – 781317 <b>(APPELLANT)</b>	<b><u>Vs</u></b>	Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012. <b>(RESPONDENT)</b>
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<b>Representative of Appellant</b>	Sh. Munshi Md Arif Hossain, Representative Sh. Santosh Kumar Chetri, Representative
<b>Respondent by</b>	Regional Director, ERC
<b>Date of Hearing</b>	11/06/2021
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of Barnagar B.Ed. College, Niz-Damaka, 575/709, Sorbhog, Barnagar, Barpeta, Assam dated 02/10/2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. ERC-279.13/AS-S/N-6/2000/B.Ed./2020/62462 dated 28.02.2020 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Total land area & built up area is not mentioned in the Building Plan (BP). Building Completion Certificate (BCC) is not in the prescribed proforma and the total built up area is not mentioned in the BCC. Requisite information

*27/6/21*

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."

## II. Submissions made by Appellant:-

Sh. Munshi Md Arif Hossain, Representative and Sh. Santosh Kumar Chetri, Representative, Barnagar B.Ed. College, Niz-Damaka, 575/709, Sorbhog, Barnagar, Barpeta, Assam presented the case of the appellant institution on 11/06/2021. In the appeal and during personal presentation it was submitted that "Mouza map and site plan of the building plan in which clearly reflect the plot, mouza and land description is submitted. As per observation of ERC meeting it is also clearly mentioned in the revised building plan (BP) which is counter signed by Govt. Asst. Engineer. At the time of filling up BCC download prescribed proforma of Building Completion Certificate was not available in the official website of ERC Bhubaneswar. So that for urgent submission of reply of show cause notice issued by ERC, BBS we submitted BCC proforma as per suggestion of issuing authority. Revised Building Completion Certificate (BCC) speaks itself total built up area and other information's required by NCTE in a prescribed proforma authenticated by Govt. Engineer. Our institution uploaded requisite information as per clause 7(14)(i) of the NCTE Regulation, 2014. We cannot understand on what ground ERC did not consider. Download copies of all requisite information are attached with this appeal application for your kind consideration."

## III. OUTCOME OF THE CASE

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

1. Appeal Committee noted that appellant institution is recognised to conduct B.Ed. programme since the year 2001 and the present intake for the course is 50 seats (one unit).

*[Signature]*



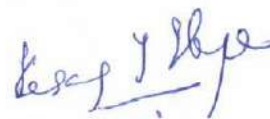
2. Appeal Committee noted that appellant with its appeal submission has furnished documents i.e. Building Completion Certificate, Building Plan and Printout of its website. Appeal Committee decided that appellant is required to submit originals / copies of the required documents to ERC within 15 days of the issue appeal orders and thereon ERC is required to revisit the case.

#### IV. DECISION:-

After perusal of the Memoranda of appeal affidavit, documents on record and online submissions made by appellant, Appeal Committee concluded to remand back the ERC for revisiting the matter after the appellant has submitted required documents found wanted in the case.

NOW THEREFORE, the Council hereby remands back the case of Barnagar B.Ed. College, Niz-Damaka, 575/709, Sorbhog, Barnagar, Barpeta, Assam 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

#### Copy to: -

1. The Principal, Barnagar B.Ed. College, Niz-Damaka, 575/709, Sorbhog, Barnagar, Barpeta, Assam – 781317.
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, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Assam, Dispur.



**IN THE NCTE APPELLATE AUTHORITY**  
 NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-140/E-184025/2021 Appeal/15th Meeting, 2021**  
**Appeal No. APPLWRC202113887**

Mohini Devi Goenka Girls B.Ed. College, Ghassu, 42/2, NH-11 Lachmangarh Sikar Road, Lachmangarh, Sikar, Rajasthan – 332315 <b>(APPELLANT)</b>	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>(RESPONDENT)</b>
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<b>Representative of Appellant</b>	Dr. Rakesh Kumar, Assistant Professor  Shri Mukesh Sharma, Assistant Professor
<b>Respondent by</b>	Regional Director, WRC
<b>Date of Hearing</b>	11/06/2021
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OF REFUSAL**

The appeal of Mohini Devi Goenka Girls B.Ed. College, Lachmangarh Sikar Road, Lachmangarh, Sikar, Rajasthan dated 20/01/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NCTE/NRC/NRCAPP201615230/4 Year/RJ/2017-2018/2 dated 28.04.2017 of the Northern Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "Reply of the SCN issued by NRC in its 265<sup>th</sup> Meeting (part 4) was considered:- The institution has not submitted the certified registered land documents issued by the Registering Authority or

*[Signature]*



civil authority concerned. The institution has not submitted the legible 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. The institution has not submitted legible the Non-Encumbrance Certificate issued by the Competent Authority indicating that the land is free from all encumbrances. The institution has not submitted any proof/evidence with regard to offering B.Ed. and M.Ed. programmes which have been in existence for at least 5 years as required under Clause 2 (i) of Appendix 15 of the NCTE Regulation, 2014. The institution has not submitted any proof/evidence with regard to having residential accommodation for conduct of this programmes, as required under Clause 2 (iii) of Appendix 15 of the NCTE Regulations, 2014. 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."

## **II. Submissions made by Appellant:-**

1. Dr. Rakesh Kumar, Assistant Professor and Shri Mukesh Sharma, Assistant Professor, Mohini Devi Goenka Girls B.Ed. College, Lachmangarh Sikar Road, Lachmangarh, Sikar, Rajasthan presented the case of the appellant institution on 11/06/2021. In the appeal and during personal presentation it was submitted that all documents are completed and submitted in appeal.

## **III. OUTCOME OF THE CASE**

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

1. The submission of the appeal has been delayed by three years, seven months beyond the prescribed period of sixty days.
2. 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

*2-18/21*

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

3. Appeal Committee noted that appellant institution had filed a W.P. (c) 78/2021 and C.M. Appl. 259/2021 in the High Court of Delhi. Hon'ble High Court by its order dated 06/01/2021 directed as under:-

***"After canvassing some submissions. Mr. Harsh Gautam learned counsel for the petitioners, seeks leave to withdraw the present petition as the petitioners wish to avail of statutory remedies.***

***In the event that the petitioners file an appeal against the impugned order, it will be considered by the Appellate Authority an accordance with law, both on the question of delay and on its own merits. It is made clear that this Court has not made any observation regarding either of these issues.***

***The petition is dismissed as withdrawn, granting the liberty as sought."***

4. As per order of Hon'ble High Court the question of delay remains unexplained on part of appellant institution rendering the appeal unacceptable on grounds of delay. The Committee noted that the appellant, in the appeal, has not given any reason, whatsoever, for not preferring the appeal within the prescribed period. In these circumstances, the Committee decided not to admit the appeal on grounds of delay of three years and seven months.

#### IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee noted that the appellant, in the appeal, has not given any reason, whatsoever, for not preferring

*21/8/21*



the appeal within the prescribed period. In these circumstances, the Committee decided not to admit the appeal on grounds of delay of three years and seven months.

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



(Mrs. Kesang Yangzom Sherpa)  
Member Secretary

**Copy to: -**

1. The Principal, Mohini Devi Goenka Girls B.Ed. College, Ghassu, 42/2, NH-11 Lachmangarh Sikar Road, Lachmangarh, Sikar, Rajasthan – 332315.
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.



**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-162/E-185370/2021 Appeal/15th Meeting, 2021**  
**Appeal No. APPLERC202013653**

Government College of Education, Kazirhat, Lakurdi, Bardhaman East, Burdwan, West Bengal – 713102 <b>(APPELLANT)</b>	<b><u>Vs</u></b>	Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012. <b>(RESPONDENT)</b>
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<b>Representative of Appellant</b>	Representative
<b>Respondent by</b>	Regional Director, ERC
<b>Date of Hearing</b>	11/06/2021
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of Government College of Education, Kazirhat, Lakurdi, Bardhaman East, Burdwan, West Bengal dated 19/04/2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. ER-280.62/(WB-S/E-4/99)/B.Ed./2020/62584 dated 05.03.2020 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Faculties for the post of Fine Arts, Music and Physical Education are not appointed as per NCTE Regulation, 2014. Total built up area mentioned in the Building Plan (BP) and Building Completion Certificate (BCC) is less for running 1 unit of B.Ed. course course as per NCTE Regulations, 2014. Requisite information of the institutional website has not updated as per clause 7(14)(i) of the

*Handwritten signature*



NCTE Regulation, 2014. Hence, B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2020-21."

## II. Submissions made by Appellant:-

The representative of Government College of Education, Kazirhat, Lakurdi, Bardhaman East, Burdwan, West Bengal presented online the case of the appellant institution on 11/06/2021. In the appeal and during online presentation it was submitted that "Faculty in this college is recruited through Public Service Commission, West Bengal and as per the service Rules (WBSR), faculties are transferred to other Government colleges from time to time which resulted a temporary vacancy of those three positions. The institution in no way is in a position to recruit faculty of its own requirement even a part time or guest faculty. However, the whole awkward situation arisen out of this has already been informed to the Government of West Bengal and Govt. has taken the matter in serious concern to solve it and that has been intimated. As per NCTE requirement a revised Building Plan and Building Completion Certificate of two buildings - main and annex- duly approved by P.W.D., Government of West Bengal (which was sent later) was not sent before by mistake. Our college website has been updated as per clause 7(14)(i) of the NCTE, Regulation, 2014."

## III. OUTCOME OF THE CASE

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

Appeal Committee noted that appellant institution which is a Government college of the Government of West Bengal is recognised to conduct B.Ed. programme since the year 2000 and the present intake for the course is 50 (one unit). The appointment and recruitment of faculty in Government Colleges is as per policy of the State Government. Government of West Bengal by its letter dated 07/12/2020 has informed appointment of three full time faculty pertaining to Physical Education, Music and Fine Arts. The Building Completion Certificate (B.C.C.) submitted indicates a built up area of 1538 sq.

*2-11-21*

meters which is adequate for conducting the course with an intake of 50 seats. Appeal Committee decided that appellant institution is required to submit to ERC within 15 days of the issue of appeal orders (i) List of faculty, (ii) B.C.C. and (iii) Printout of Website. Appeal Committee further decided to remand back the case to ERC for revisiting the matter after the appellant institution submits the required documents.

#### IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced during the appeal hearing, Appeal Committee concluded to remand back the case to ERC for revisiting the matter after the appellant institution submits the required documents.

NOW THEREFORE, the Council hereby remands back the case of Government College of Education, Kazirhat, Lakurdi, Bardhaman East, Burdwan, 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

#### Copy to: -

1. The Principal, Government College of Education, Kazirhat, Lakurdi, Bardhaman East, Burdwan, West Bengal – 713102.
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, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.





**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-156/E-184855/2021 Appeal/15th Meeting, 2021**  
**Appeal No. APPLSRC202113990**

Daryn College of Education for Women, Jamkhandi Mudhol Road, Jamkhandi, Bagalkot, Karnataka – 587301 <b>(APPELLANT)</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. <b>(RESPONDENT)</b>
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<b>Representative of Appellant</b>	Sh. Syed Mohd. Tansif Quadri, Chairperson
<b>Respondent by</b>	Regional Director, SRC
<b>Date of Hearing</b>	11/06/2021
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of Daryn College of Education for Women, Jamkhandi Mudhol Road, Jamkhandi, Bagalkot, Karnataka dated 23/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APSO8982/KA/B.Ed./2021/125021 dated 15.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "The institute had submitted a misleading fact regarding faculty that the faculty and Principal shown with affidavits on 03.10.2008 are totally different than submitted with approval letter dated 30.12.2019 as the joining dates of all faculty is in the year 2008. It is also not clear that all the faculty joined in 2008 are

*[Handwritten Signature]*

still working continuously in the college or not. The date of joining of faculty namely L.B. Halagagi is mentioned as 25.12.2014 and 01.01.2008 in the details and proforma of faculty submitted by the institute with their replies dated 26.11.2019 and 02.02.2021. Same anomaly is observed in respect of Principal and faculty namely D.S. Patil, B. Benakatti, M.S. Mathapatti, M. Bagawan, R.I. Sayeed, A.M. Banahatti and Laxman Gasti. 'Form A' submitted by the institute prima-facie appears as fabricated as the details of Non-Encumbrance Certificate FDR do not match with it and the period of both FDRs in 'Form A' is written as Five years and the period of both FDRs is mentioned as 28.01.2014 to 25.03.2021 that calculates as 7 years. As per records, the institute was granted recognition to run the course over the land at CTS No.4919/13 measuring 393.16 sq. mts. whereas none the institute had submitted the documents related to land belongs to CTS No.s4794/B/74, 4794/B/80, 4794/B/81 and 4794/B/82. The institute did not submit the notarized copy of English Version of land documents. The building plan of the institute is not approved by the Competent Authority. The institution did not submit a notarized copy of Non-Encumbrance Certificate attached with online Non-Encumbrance Certificate in English version. The institution did not submit a photocopy of Site Plan."

## **II. Submissions made by Appellant:-**

Sh. Syed Mohd. Tansif Quadri, Chairperson, Daryn College of Education for Women, Jamkhandi Mudhol Road, Jamkhandi, Bagalkot, Karnataka presented the case of the appellant institution on 11/06/2021. In the appeal and during personal presentation it was submitted that "Institute had submitted affidavit regarding faculty and principal on dated 03/10/2008 is true. All faculties from 2007 to 2021 there joining and resigning dates mentioned copy attached with this letter. The institution had submitted copy was technical (computerized) mistaken of staff approval copy on dated 30/12/2019 so it's not clear that's why now we are attached rectified (correction) approval copy from university. The institution had submitted unfortunately mistaken staff approval copy on dated 30/12/2019 we are sorry for that. We already rectified (correction) that computer mistakes in staff approval and took signed from university on the same day now we are attaching that copy with this letter last 2 years we contact to SRC Office about return of

*By [Signature]*



Old FDR receipts and re submit the New FDR receipts. Regarding FDR we personally visited SRC Office on January on 27-28 and your reply that we not issued directly by hand we send it speed post but still Original FDR not received. fd mature five years and we are contacting src since two year but we are makinging new fdr of 5 lakh and 7 lakh without getting old fdr of 5 and 3 lakh. in joint with src ncte in present date. At the time of Submission of First Recognition Proposal we took on rented or lease agreement of STS No. 4919/13 but after re visit of NCTE Committee we Attached Own Land Details CTS No.s4794/B/74, 4794/B/80, 4794/B/81 and 4794/B/82. Copy Attached in First Proposal (2008) and also Renewal Recognition proposal (2015-16) investigation team also visited our own land. In First show cause notice and Final Show Cause Notice you mentioned Attested Copy so we sent Attestation copies of Concern Authority Now we are submitting Notarized Copy. We already submit Building Plan approved by the Competent Authority. In First show cause notice and Final Show Cause Notice you mentioned Attested Copy so we sent Attestation copies of Concern Authority. Now we are submitting Notarized Copy. We already submit Building Plan approved by the Competent Authority. in First and Final Show Cause Notice Reply Documents Again we are Submitting."

### III. OUTCOME OF THE CASE

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

1. Appeal Committee noted that appellant has made a host of submissions with its appeal memoranda enclosing therewith list of faculty, Building Plan, copies of FDRs etc. Appeal Committee further noted that appellant institution is recognised to conduct B.Ed. programme since 2008 and the present intake for the course is 100 seats (2 Units).
2. Appeal Committee decided to remand back the case to SRC. The documents submitted by appellant institution are required to be verified by SRC in consultation with the issuing authorities. So far as list of faculty is concerned, affiliating University may be asked to confirm their approval and appellant institution may be asked to submit bank

*[Handwritten signature]*

statement as evidence of having paid salary to the faculty from the dates of their appointment. Regional Committee is at liberty to seek additional evidence from appellant institution to verify the existence of adequate built-up area and FDRs. Appeal Committee decided to remand back the case to SRC for revisiting the matter.

#### IV. DECISION:-

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

NOW THEREFORE, the Council hereby remands back the case of Daryn College of Education for Women, Jamkhandi Mudhol Road, Jamkhandi, Bagalkot, Karnataka 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

#### Copy to: -

1. The Chairperson, Daryn College of Education for Women, Jamkhandi Mudhol Road, Jamkhandi, Bagalkot, Karnataka – 587301.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.





**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-168/E-185634/2021 Appeal/15th Meeting, 2021**  
**Appeal No. APPLSRC202114034**

School of Education, Christ University, Thavarakere, Dharmaram College Post, Hosur Road, Bengaluru South, Bangalore, Karnataka – 560029 <b>(APPELLANT)</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>(RESPONDENT)</b>
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<b>Representative of Appellant</b>	Dr. Anil Joseph Pinto, Registrar
<b>Respondent by</b>	Regional Director, SRC
<b>Date of Hearing</b>	11/06/2021
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of School of Education, Christ University, Thavarakere, Dharmaram College Post, Hosur Road, Bengaluru South, Bangalore, Karnataka dated 12/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APSO3519/B.Ed./KA/2021/124998 dated 15.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "(i) The initial recognition was granted to the institution on 21/12/2005 with a condition that the institution shall shift to its own permanent building within a period of 3 years from the date of recognition. But, the institution failed to submit compliance of

*Es hope*

the same which is violation of the NCTE Regulation, 2002, 3 (c). (ii) The Building Plan submitted is not approved by the Competent Authority. (iii) The institution has not submitted a notarised copy of the Land Use Certificate. (iv) The institution submitted a copy of the NEC which is not readable. (v) The institution has not appointed faculty for Performing Arts. (vi) The Building Completion Certificate submitted by the institution shows overwriting which is not acceptable. (vii) Website details has not been submitted. Hence, the Committee decided to withdraw the recognition granted to the institution namely, Christ College of Education, Old S. No. 75, Property identification No. 63-79-1, New PID No. 152-MO133-2. BBMP Hosur Road, Bangalore – 560029, Karnataka for conducting B.Ed. course with effect from the next academic session i.e. 2021-2022 onwards under Clause 17 (1) of NCTE Act, 1993 on the grounds mentioned above."

## **II. Submissions made by Appellant:-**

Dr. Anil Joseph Pinto, Registrar, School of Education, Christ University, Thavarakere, Dharmaram College Post, Hosur Road, Bengaluru South, Bangalore, Karnataka presented online the case of the appellant institution on 11/06/2021. In the appeal and during personal presentation it was submitted that "(i) The initial recognition granted was for the institution 'Christ College of Education' a unit of Christ Educational Society and not for the Appellant as a Deemed to be University. Further, the order notes that Institution fulfils the requirements of both land and building in its Clauses 2. a and 2 .b. (ii). The institution 'Christ College of Education ceased to exist with effect from 22.07.2008, on it being brought under the ambit of CHRIST (Deemed to be University), the then Christ University, as a department of Christ University, christened as School of Education pursuant to the MHRD Notification No.F.9-32/2007-U.3 (A) dated 22nd July 2008. (iii). The MHRD Notification referred to above was pursuant to the Report of the Expert Committee appointed by the UGC which inter-alia included the representative of the NCTE. (iv). As a Deemed to be University and also as a Unitary Institution, the Appellant has followed the provisions of the UGC Regulations in respect of required infrastructure. (v). The alleged ground of non-compliance was not raised by the Respondent while issuing the Revised Recognition Order no. F.SRO/ NCTE/ APS03519/ B.Ed/ KA/2015-16/65245 of 20.05.2015 as rectified by its Corrigendum Order of



02.11.2016. The appellant submits that the alleged ground of refusal is factually incorrect. The original copy of the Building Plan submitted to NCTE was approved by the Executive Engineer, Bruhat Bengaluru Mahanagara Palike (BBMP) who is the Competent Authority for the purpose. This has been so accepted by the UGC as well. A copy of the original Building Plan submitted to NCTE approved by the Executive Engineer, Bruhat Bengaluru Mahanagara Palike (BBMP) is attached. (vi). The appellant submits that the alleged ground of refusal to submit a separate 'Land Use Certificate' for 'School of Education' is not a feasible proposition, it being part and parcel of the University who possesses the entire land duly converted for educational purpose as approved by the appropriate authority. The UGC Committee has satisfied itself in this regard while recommending for the deemed university status under Section 3 of the UGC Act. (vii). The original attested copy of the Non-Encumbrance Certificate which is in both Kannada and English was submitted to SRC NCTE. An English version of the Non-Encumbrance Certificate is attached. (viii). The Appellant had submitted the list of 17 faculty members of School of Education which included at Sl. No. 16, Mr. Ashokan O, Assistant Professor, holding master's degree in Performing Arts, appointed since May 2015. (ix). The minor overwriting has been done by the office of the issuing authority on the 'handwritten' part of the Certificate which apparently is not authenticated. As the building forms part of the University infrastructure which are subject to regular payment of Property Taxes to the Revenue Authority the alleged ground of refusal is inconsequential. A copy of the original Building Plan submitted to NCTE approved by the Executive Engineer, Bruhat Bengaluru Mahanagara Palike (BBMP) is attached. The link for School of Education is well displayed in the website of the University [www.christuniversity.in](http://www.christuniversity.in) and has been so informed to the Respondent in writing. The specific webpage may also be accessed with the following link: [https:// christuniversity.in / departments / main20campus / school20of20education / school20of20education.](https://christuniversity.in/departments/main20campus/school20of20education/school20of20education)"

### III. OUTCOME OF THE CASE

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

1. Appeal Committee noted that appellant institution was granted recognition for conducting B.Ed. programme in the year 2005 as an isolated College.

Appeal

*[Handwritten signature]*

Committee further noted from the deposition made by appellant that the institution converged into a Department of Deemed University in the year 2008 and SRC by its letter dated 13/06/2016 conveyed its acceptance to the change of name of the appellant institution as School of Education, Christ University. Appeal Committee further noted that Building Completion Certificate and Building Plan submitted by appellant had the approval of Executive Engineer, BTM Layout Div. Brumat Bengaluru Mahanagar Palika and as such are acceptable documents.

2. Appeal Committee, considering the submissions made by appellant decided to remand back the case to SRC for revisiting the matter.

#### IV. DECISION:-

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

NOW THEREFORE, the Council hereby remands back the case of School of Education, Christ University, Thavarakere, Dharmaram College Post, Hosur Road, Bengaluru South, Bangalore, Karnataka 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

#### Copy to: -

1. The Registrar, School of Education, Christ University, Thavarakere, Dharmaram College Post, Hosur Road, Bengaluru South, Bangalore, Karnataka – 560029.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.





**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-24/E-183444/2021 Appeal/15th Meeting, 2021**  
**Appeal No. APPWRC202113864**

Queens College of Education for Women, 88, Nandkheda Road, Parbhani, Maharashtra - 431401	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b><u>(APPELLANT)</u></b>		<b><u>(RESPONDENT)</u></b>

<b>Representative of Appellant</b>	Sh. Shaikh Shafique Ahmed, President
<b>Respondent by</b>	Regional Director, WRC
<b>Date of Hearing</b>	11/06/2021
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of Queens College of Education for Women, Nandkheda Road, Parbhani, Maharashtra dated 06/01/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW01143/123196/322<sup>nd</sup>/2020/213100 dated 20.12.2020 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Recognition was granted to the institution on 09.08.2005 on rented premises with a condition to shift the institution in its own premises within a period of three years from the date of issue of recognition order. The institution has not shifted the institution in its own premises till date. Accordingly, Show Cause Noted was

*2-3/8/21*

issued to the institution on 30.09.2020. The institution has not submitted the reply of the Show Cause Notice till date. In view of above, the Committee decided that the recognition of B.Ed. programme of the institution be withdrawn under clause 7(15) from the next academic session 2021-22."

## **II. Submissions made by Appellant:-**

1. Sh. Sheikh Rafiq Ahmed, Vice President, Queens College of Education for Women, Nandkheda Road, Parbhani, Maharashtra presented online the case of the appellant institution on 24/02/2021. The appellant, in an email dt. 24/02/2021, stated that during hearing through video conference, they could not physically present the evidence, which is essential for their case, requested for another opportunity to present the case. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the second opportunity to present their case.

2. Sh. Shaikh Shafique Ahmed, President, Queens College of Education for Women, Nandkheda Road, Parbhani, Maharashtra presented online the case of the appellant institution on 11/06/2021. Appellant during the course of appeal hearing failed to submit any justification.

## **III. OUTCOME OF THE CASE**

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

The appellant had not sought approval of the Regional Committee to shift premises nor has given any reason therefor. The V.T. conducted inspection of the institution on 10/06/2005 and reported that institution, where inspection is conducted, is running in rented premises and subsequently it will shift to its own building. Appeal Committee noted that appellant institution has neither applied to the Regional Committee for shifting premises nor has sought approval of Regional Committee to



continue functioning in rented premises. Appeal Committee, decided that impugned order of withdrawal dated 20/12/2020 issued by WRC deserves to be confirmed.

#### IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that the withdrawal order dated 20/12/2020 deserves to be 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

#### Copy to: -

1. The President, Queens College of Education for Women, 88, Nandkheda Road, Parbhani, Maharashtra - 431401.
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.



**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-25/E-183443/2021 Appeal/15th Meeting, 2021**  
**Appeal No. APPLWRC202113863**

Queens College of Education, 88, Nandkheda Road, Parbhani, Maharashtra – 431401	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b><u>(APPELLANT)</u></b>		<b><u>(RESPONDENT)</u></b>

<b>Representative of Appellant</b>	Sh. Shaikh Shafique Ahmed, President
<b>Respondent by</b>	Regional Director, WRC
<b>Date of Hearing</b>	11/06/2021
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of Queens College of Education, Nandkheda Road, Parbhani, Maharashtra dated 05/01/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW02664/122458/322<sup>nd</sup>/2020/212580 dated 11.12.2020 of the Western Regional Committee, withdrawing recognition for conducting for D.El.Ed. Course on the grounds that "Recognition was granted to the institution on 27.09.2006 on rented premises with a condition to shift the institution in its own premises within a period of three years from the date of issue of recognition order. The institution has not shifted the institution in its own premises till date. Accordingly, Show Cause Noted was issued to the

*K. T. Bapu*



institution on 08.10.2020. The institution has not submitted the reply of the Show Cause Notice till date. In view of above, the Committee decided that the recognition of D.El.Ed. programme of the institution be withdrawn under clause 17(3) of the NCTE Act from the next academic session 2021-22."

## **II. Submissions made by Appellant:-**

1. Sh. Sheikh Rafiq Ahmed, Vice President, Queens College of Education, Nandkheda Road, Parbhani, Maharashtra presented online the case of the appellant institution on 24/02/2021. The appellant, in an email dt. 24/02/2021, stating that during hearing through video conference, they could not physically present their evidence, which is essential for their case, requested for another opportunity to present the case. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the second opportunity to present their case.

2. Sh. Shaikh Shafique Ahmed, President, Queens College of Education for Women, Nandkheda Road, Parbhani, Maharashtra presented online the case of the appellant institution on 11/06/2021.

## **III. OUTCOME OF THE CASE**

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

Appeal Committee noted that appellant during the course of appeal hearing failed to submit any justification for not shifting the premises from rented to its own after applying and seeking permission of the WRC. Appellant institution has thus failed to comply with the condition 4 (i) of the order of recognition dated 27/09/2006. Appeal Committee noted that appellant institution has neither applied to the Regional Committee for shifting premises nor has sought approval of Regional Committee to continue functioning in the rented premises. Appeal Committee decided that impugned order of withdrawal dated 11/12/2020 issued by WRC deserves to be confirmed.

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**IV. DECISION:-**

After perusal of the Memoranda of Appeal, affidavit, documents on record and arguments advanced during online hearing, Appeal Committee concluded that impugned order of withdrawal dated 11/12/2020 issued by WRC deserves to be 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

**Copy to: -**

1. The President, Queens College of Education, 88, Nandkheda Road, Parbhani, Maharashtra - 431401.
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.





**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-33/E-175527/2021 Appeal/15th Meeting, 2021**  
**Appeal No. APPLSRC202013848**

Vathsala Johnson College of Teacher Education, Sivakasi, 83A/23-437, Ganagiri Road, Visalakshi Nagar, Sivakasi, Virudh Nagar, Tamil Nadu-626189 <b>(APPELLANT)</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>(RESPONDENT)</b>
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<b>Representative of Appellant</b>	Representative
<b>Respondent by</b>	Regional Director, SRC
<b>Date of Hearing</b>	12/06/2021
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OF WITHDRAWAL**

"The appeal of Vathsala Johnson College of Teacher Education, Sivakasi, Ganagiri Road, Visalakshi Nagar, Sivakasi, Virudh Nagar, Tamil Nadu dated 21/12/2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRC/NCTE/APSO9366/B.Ed./TN/2020/116316 dated 30.07.2020 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "The institution has not submitted certified copy of registered land documents. 2. The institution has not submitted original blue-prints of Building Plan duly approved by the competent authority. 3. The institution has LUC which is not as per State Govt. 4. The BCC submitted by the institution is not in prescribed format as per NCTE

*K. R. Raje*

guidelines. The building up area is given in BCC as 1554.73 Sq. Mtr which is insufficient for 2 basic unit of B.Ed programme as per NCTE Regulations, 2014. 5. The institution has submitted staff 1+10 against the requirement of 1+15 for 2 basic unit of B.Ed course. The faculty namely, Mr. P. Anand, Mr. J. Muthupandi, Mr. K.K. Muniyaraaj, Mr. S. Ganesan, Mr. E.V.K. Sambathukumar, are not qualified as per NCTE Regulations, 2014. 6. The institution has not submitted Form A."

## **II. Submissions made by Appellant:-**

1. Sh. Deepak, Administrator, Vathsala Johnson College of Teacher Education, Sivakasi, Ganagiri Road, Visalakshi Nagar, Sivakasi, Virudh Nagar, Tamil Nadu presented the case of the appellant institution on 24/02/2021. In the appeal and during personal presentation it was submitted that "They have submitted certified copy of registered land documents; the institution has submitted original blue-prints of building plan duly approved by the competent authority. The institution has LUC which is as per State Govt. The Building Completion Certificate submitted by the institution is in prescribed format as per NCTE guidelines. The building up area is given in BCC as 2010 sq. mtr. which is sufficient for 2 basic unit of B.Ed. programme as per NCTE Regulations, 2014. The institution has submitted staff requirement of 1+15 for 2 basic unit of B.Ed. course. Submitted qualified staff member. The institution has submitted form 'A' also, the FDRs of Rs. 3 lakh & 5 lakh have already expired."

2. The appellant, in the course of online presentation, requested for another opportunity to present their case. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the second opportunity to present their case.

3. The representative of Vathsala Johnson College of Teacher Education, Sivakasi, Ganagiri Road, Visalakshi Nagar, Sivakasi, Virudh Nagar, Tamil Nadu presented the case of the appellant institution on 12/06/2021.

## **III. OUTCOME OF THE CASE**

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**



1. Appeal Committee noted that appellant institution is recognised to conduct B.Ed. programme with an intake of 100 seats from the academic session 2009-10. Appeal Committee noted that appellant institution has submitted online copies of (i) Building Plan, (ii) Building Completion Certificate (B.C.C.), (iii) FDRs, (iv) List of faculty approved by Tamilnadu Teachers Education University, (v) Sale deed to land.

2. Appeal Committee decided that appellant is required to submit to SRC originals of the required documents within 15 days of the issue of appeal order. Considering that appellant institution is an existing institution for the last 10 years. Appeal Committee decided to remand back the case to SRC for revisiting the matter after analysing the documents which the appellant is required to submit within 15 days.

#### IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and arguments advanced during online presentation of appeal, Appeal Committee concluded to remand back the case to SRC for revisiting the matter after analysing the documents which the appellant is required to submit within 15 days.

NOW THEREFORE, the Council hereby remands back the case of Vathsala Johnson College of Teacher Education, Sivakasi, Ganagiri Road, Visalakshi Nagar, Sivakasi, Virudh Nagar, 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

#### Copy to: -

1. The Managing Trustee, Vathsala Johnson College of Teacher Education, Sivakasi, 83A 23-437, Ganagiri Road, Visalakshi Nagar, Sivakasi, Virudh Nagar, Tamil Nadu – 626189.
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.



**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-239/E-169016/2020 Appeal/15th Meeting, 2021**  
**Appeal No. APPLSRC202013797**

Kamala College of Education, 172, Thirunavalur, Cuddalore Road, Ulundurpet Taluk, Villupuram, Tamil Nadu - 607204 <b><u>(APPELLANT)</u></b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi -110075.  <b><u>(RESPONDENT)</u></b>
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<b>Representative of Appellant</b>	Dr. Subbha Somu, Vice President
<b>Respondent by</b>	Regional Director, SRC
<b>Date of Hearing</b>	11/06/2021
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OF REFUSAL**

"The appeal of Kamala College of Education, Thirunavalur, Cuddalore Road, Ulundurpet Taluk, Villupuram, Tamil Nadu dated 08/11/2020 filed under Section 18 of NCTE Act, 1993 against the Order No. SRO/NCTE/SRCAPP14809/M.Ed/TN/2016-17/76326 dated 15.10.2015 of the Southern Regional Committee, refusing recognition for conducting for M.Ed. Course on the grounds that "The land document submitted by the institution is in the name of the individual as read from the land document. Land document is in regional language. English version. The appeal filed by appellant institution was not admitted vide Appellate order F.No. 89-239/E-169016/2020 Appeal/30<sup>th</sup> Meeting -

*[Handwritten Signature]*



2020/3<sup>rd</sup> December, 2020 dt. 21/12/2020 on the ground that it was not preferred within the prescribed period. "

2. The appellant aggrieved by the Appellate order dated 21/12/2020, filed a W.P. (C) 2837/2021 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court passed order on the petition on 03/03/2021. The operative parts of the order are reproduced below:-

*"It is clear from the aforesaid observations of the Appellate Committee that it has not gone into the correctness of the assertions of the petitioner at all. Evidently, the question of whether the petitioner had sufficient cause for not preferring the appeal within the prescribed period of 60 days would depend upon whether it has received the rejection order at all, and if so, when. The observation in the Appellate Committee's order that the assertion of the petitioner is a "vague statement" is misconceived. When the petitioner has asserted it has not received the order at all, the Appellate Committee ought to have examined the record to determine whether the order had been served upon the petitioner.*

*Mr. Manish points out that the rejection order dated 15/10/2015 was also passed without the issuance of a Show Cause Notice to the petitioner. In the event the Appellate Committee condones the delay in filing of the appeal, it would be open to the petitioner to raise this contention before the Appellate Committee.*

*For the reasons aforesaid, the impugned order of the Appellate Committee dated 21.12.2020 is set aside, and the petitioner's appeal is remanded to the Appellate Committee for fresh consideration in accordance with law.*

*It is made clear that this Court has not made any comment upon the veracity of the petitioner's contention regarding service of the order dated 15/10/2015, or on the merits of the petitioner's appeal before the Appellate Committee."*

3. In compliance with the directions of the Hon'ble High Court, the Committee took up the matter for reconsideration in their 11<sup>th</sup> Meeting of 2021 held on 30/03/2021 and 15<sup>th</sup> Meeting held on 11/06/2021. Dr. Subbha Somu, Vice President on behalf of the Kamala College of Education presented the case of appellant institution on both these occasions and reiterated that delay in preferring appeal has been caused because of non-receipt of the impugned refusal order.

### III. OUTCOME OF THE CASE


**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

1. The Committee noted that the appellant made certain submissions in the letter dated 30/03/2021. In this letter, the appellant stated that, with reference to their application for M.Ed. programme dated 30/06/2015, they have not received any communication so far and that recently they came to know that their application seeking recognition for M.Ed. programme was rejected. In view of the position emerging from the submission made by appellant and reconsideration of the matter, in compliance with the directions of the Hon'ble High Court of Delhi, the Committee noted that the Regional Committee i.e. SRC lacks evidence to prove that Show Cause Notice (SCN) and impugned refusal order was served to the appellant institution. Appeal Committee further noted that appellant institution is an existing institution conducting B.Ed. programme. Appeal Committee has in its view Clause 3 (a) of NCTE Regulation which stipulates that recognition for commencement of new teacher education programmes shall be offered in Composite institutions. Regulation 8 (1) further stipulates that standalone institutions should gradually move towards becoming composite institutions.

2. Appeal Committee taking note of the regulatory provisions and status of appellant institution, which is endeavouring to add another teacher education programme, decided to remand back the case to SRC for revisiting the matter. Appellant institution will, however, have to provide to SRC originally certified copy of relevant land documents with English translation in accordance with Clause 8 (4) (i) of NCTE Regulation, 2014 and there shall be no relaxation in the conditions laid down in the Norms and Standards for the programme applied for.

### IV. DECISION:-

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





NOW THEREFORE, the Council hereby remands back the case of Kamala College of Education, Thirunavalur, Cuddalore Road, Ulundurpet Taluk, Villupuram, 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

**Copy to: -**

1. The Secretary, Kamala College of Education, 172, Thirunavalur, Cuddalore Road, Ulundurpet Taluk, Villupuram, Tamil Nadu – 607204.
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.



**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-67/E-177075/2021 Appeal/15th Meeting, 2021**  
**Appeal No. APPLWRC202113924**

Janata Shikshan Prasarak Mandals English B.Ed. College, Kharghar, 234, Kharghar, Sector-19, Near New Metro Station, Central Park Road, Kharghar, New Mumbai, Maharashtra – 410210 <b>(APPELLANT)</b>	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>(RESPONDENT)</b>
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<b>Representative of Appellant</b>	Sh. Shaikh Musa Mohammed, Representative
<b>Respondent by</b>	Regional Director, WRC
<b>Date of Hearing</b>	11/06/2021
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of Janata Shikshan Prasarak Mandals English B.Ed. College, Kharghar, Sector-19, Near New Metro Station, Central Park Road, Kharghar, New Mumbai, Maharashtra dated 08/02/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW00298/123046/322<sup>nd</sup>/2020/212517 dated 11.12.2020 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Recognition was granted to the institution on 24.08.2004 on rented

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premises with a condition to shift the institution in its own premises within a period of three years from the date of issue of recognition order. The institution has not shifted the institution in its own premises till date. Accordingly, Show Cause Notice was issued to the institution on 28.09.2020. The institution has not submitted the reply of the Show Cause Notice till date. In view of above, the Committee decided that the recognition of B.Ed. programme of the institution be withdrawn under section 17(3) of the NCTE Act from the next academic session 2021-22."

## II. Submissions made by Appellant:-

Sh. Shaikh Musa Mohammed, Representative, Janata Shikshan Prasarak Mandals English B.Ed. College, Kharghar, Sector-19, Near New Metro Station, Central Park Road, Kharghar, New Mumbai, Maharashtra presented online the case of the appellant institution on 11/06/2021. In the online appeal it was submitted that "The appellant submits that the President of the society acquired land admeasuring 80 Ares situated in Gut No. 33, Hissa No. 1/A/5, Shivansai, Taluka – Panvel, District – Raigad on lease for a period of twenty nine years vide registered Lease Deed bearing no. 4247/2003 dt. 22/12/2003 for the purpose of establishing B.Ed. College on the said land. The appellant further submits that the N.C.T.E. has granted recognition order dt. 24/08/2004 to the society for running B.Ed. College at Kharghar, Navi Mumbai with an approved annual intake of 100 students. The appellant further submits that the Secretary, Higher & Technical Education, Govt. of Maharashtra addressed a letter dt. 30/08/2004 to the Registrar of S.N.D.T. University informing him thereby that the society has been granted approval to start B.Ed. College (100 students capacity) on permanent non-grant/un-aided basis under Section 82(5) of Maharashtra University Act, 1994 and had further requested the Registrar to submit a compliance report by granting affiliation to the said B.Ed. college run by the society. In pursuance of the NCTE Regulations, 2014, the Western Regional Committee (NCTE), Bhopal issued revised recognition order to the society for conducting B.Ed. programme at Kharghar, Navi Mumbai vide an order dt.26/05/2015. Besides, the revised order dt.26/05/2015 has also cancelled the earlier Recognition Order dt.24/08/2004. The appellant further submits that a Show-Cause Notice dt.28/09/2020

*Signature*



U/Sec.17 of the N.C.T.E. Act, 1993 came to be issued by the N.C.T.E. to the Principal, Janata Shikshan Prasarak Mandal's B.Ed. College, Khargar, Navi Mumbai asking him thereby to show-cause as to why recognition granted to his institution should not be withdrawn as he has not shifted his college to the premises owned by him from the place of rented premises in accordance with the condition mentioned in the original recognition order dt.24/08/2004.

The appellant submits that in pursuance of the aforesaid show-cause notice dt.28/09/2020 he submitted his reply dt.02/11/2020 to the N.C.T.E. informing that his institution has been running on the premises acquired on lease vide registered lease deed at Khargar. The reply was sent by appellant to the N.C.T.E. through Speed Post bearing no.EM1846534521N dt. 09/11/2020. The appellant further submits that the N.C.T.E. in its 322<sup>nd</sup> Meeting of Western Regional Committee, Bhopal held on 23<sup>rd</sup> and 24<sup>th</sup> November, 2020 observed and noted that the institution has not submitted the reply of show-cause notice till date and hence they proceeded to resolve and decide that recognition of B.Ed. programme of the institution be withdrawn under Section 17(3) of the N.C.T.E. Act from the next academic session 2021-22. The appellant submits that following reasons were given by the N.C.T.E. for withdrawal of recognition order to the appellant which reads as under : Recognition was granted to the institution on 24/08/2004 on rented premises with a condition that to shift the institution on its own premises within a period of three years from the date of issue of recognition order. The institution has not shifted the institution in its own premises till date. Accordingly, show cause notice was issued to the institution on 28/09/2020. The institution has not submitted the reply of the show-cause notice till date. The appellant submits that the Regional Committee seriously erred in withdrawing recognition of the appellant's institution by refusing to consider the necessary and relevant facts placed before it by the appellant vide appellant's reply letter sent on 09/11/2020. Before passing the impugned order the Western Regional Committee failed to even consider the reply submitted by the appellant and blatantly erred in observing that appellant's reply to the show-cause notice did not reach them when in-fact the reply letter sent by appellant has been delivered to the Western Regional Committee which is evident from the Tracking Report downloaded from the India Speed Post website. Moreover, assuming not admitting that the appellant did not reply to the show-cause notice within stipulated time period, the WRC should not



have proceeded to pass an ex-parte order against the appellant when what is at stake is the recognition and/or permission to run the B.Ed. College which if withdrawn would cause extreme prejudice and irreparable hardship to the appellant. The W.R.C. ought to have granted an additional opportunity to the appellant to present its case as the WRC by granting an additional opportunity would not have been prejudiced but by the denial of such opportunity the appellant has certainly been prejudiced and has suffered irreparable loss." Further the appellant, in a letter dt. 30/03/2021 requested for another opportunity to submit the documents of the institution. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the second opportunity to present their case.

### III. OUTCOME OF THE CASE

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

Appeal Committee perused the submissions made by appellant in its appeal memoranda with regard to the non mentioning of the condition to shift premises within 3 years in the recognition order dated 24/08/2004. Further the appellant has furnished evidence of having sent a reply to the Show Cause Notice (SCN) dated 28/09/2020 by speed post. The above reply is not found placed in the regulatory file. Appeal Committee without going into the merits of averments made by the appellant in its appeal memoranda and reply dated 09/11/2020 to the Show Cause Notice decided that the Regional Committee is required to revisit the matter after the appellant submits copy of its reply dated 09/11/2020 with enclosures to WRC within 15 days of the issue of appeal order.

### IV. DECISION:-

**After perusal of the Memoranda of Appeal, affidavit, documents on record and arguments advanced during online presentation. The Committee concluded to remand back the case to WRC to revisit the matter after the appellant institution**

*By Bp*

submits to them copy of its reply dated 09/11/2020 within 15 days of the issue of appeal order.

NOW THEREFORE, the Council hereby remands back the case of Janata Shikshan Prasarak Mandals English B.Ed. College, Kharghar, Sector-19, Near New Metro Station, Central Park Road, Kharghar, New Mumbai, 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

**Copy to: -**

1. The President, Janata Shikshan Prasarak Mandals English B.Ed. College, Kharghar, 234, Kharghar, Sector-19, Near New Metro Station, Central Park Road, Kharghar, New Mumbai, Maharashtra – 410210.
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.





**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

File No. 89-70/E-177377/2021 Appeal/15th Meeting, 2021  
 Appeal No. APPLWRC202113926

Janata Shikshan Prasarak Mandals Womens B.Ed. College, Gut No. 19, Khultabad, Aurangabad Road, Khultabad, Aurangabad, Maharashtra - 431101 <b><u>(APPELLANT)</u></b>	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi -110075.  <b><u>(RESPONDENT)</u></b>
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<b>Representative of Appellant</b>	Sh. Shaikh Musa Mohammed, Representative
<b>Respondent by</b>	Regional Director, WRC
<b>Date of Hearing</b>	11/106/2020
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OF WITHDRAWAL**

The appeal of Janata Shikshan Prasarak Mandals Womens B.Ed. College, Khultabad, Aurangabad Road, Khultabad, Aurangabad, Maharashtra dated 09/02/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW0843/123177/321<sup>st</sup>/2020/213052 dated 19.12.2020 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "recognition was granted to the institution on 27.06.2005 on rented premises with a condition that to shift the institution in its own premises within a period of three years from

*K. H. K. H.*

the date of issue of recognition order. The institution has not shifted the institution in its own premises till date. Accordingly, Show Cause Noted was issued to the institution on 09.10.2020. The institution has not submitted the reply of the Show Cause Notice till date. In view of the above, the Committee decided that the recognition of B.Ed. programme of the institution be withdrawn under clause 7(15) from the next academic session 2021-22."

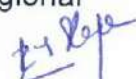
## II. Submissions made by Appellant:-

Sh. Shaikh Musa Mohammed, Representative, Janata Shikshan Prasarak Mandals Womens B.Ed. College, Khultabad, Aurangabad Road, Khultabad, Aurangabad, Maharashtra presented online the case of the appellant institution on 11/06/2021 and stated that appellant institution is functioning from its own land and building. The land which was on lease at the time of grant of recognition was subsequently purchased by the society. In the appeal memoranda it is submitted that "It was granted permission to start B.Ed. College by the National Council for Teachers Education vide recognition order dt.27/06/2005. The appellant submits that the aforesaid society acquired on lease of 99 years a property admeasuring 1.50 Acres (61 Ares) situated at Sulibhanjan, Tq. Khultabad, Dist. Aurangabad vide Registered Lease Deed bearing no.72/2005 dated 10/01/2005 for the purpose of establishing B.Ed. College on the said property. The appellant further submits that the society bought a constructed building admeasuring 12000 square feet situated in Gut No.19 at Sulibhanjan, Taluka - Khultabad, District - Aurangabad vide registered Sale Deed bearing no.1945/2006 dt.17/05/2006 for the purpose of establishing B.Ed. College on the said property. The appellant further submits that the Secretary, Higher & Technical Education, Govt. of Maharashtra addressed a letter dt.06/06/2006 to the Registrar of S.N.D.T. University informing him thereby that the society has been granted approval to start B.Ed. College from the academic year 2006-2007 on permanent unaided basis and had further requested the Registrar to submit a compliance report by granting affiliation to the said B.Ed. college run by the society. The appellant further submits that the then President of the society submitted a notarized

*By Reg*



affidavit dt.09/01/2015 with the N.C.T.E. stating therein that the Women's B.Ed. College run under the administrative control of the said society at Khultabad, Dist. Aurangabad undertakes to comply with the National Council for Teachers Education (Recognition Norms and Procedure) Regulations, 2014. The appellant further submits that the National Council for Teachers Education has notified the Regulations, 2014 in supersession of the National Council for Teachers Education (Recognition Norms and Procedure) Regulations, 2009. In pursuance of the NCTE Regulations, 2014, the Western Regional Committee (NCTE), Bhopal issued the revised recognition order to the society for conducting B.Ed. programme at Khultabad, Aurangabad vide an order dt.19/08/2015. Besides, the revised order dt.19/08/2015 has also cancelled the earlier Recognition Order dt.27/06/2005. The appellant further submits that a Show-Cause Notice dt.09/10/2020 U/Sec.17 of the N.C.T.E. Act, 1993 came to be issued by the N.C.T.E. to the Principal, Janata Shikshan Prasarak Mandal Women's B.Ed. College, Khultabad, Aurangabad asking him thereby to show-cause as to why recognition granted to his institution should not be withdrawn as he has not shifted his college to the premises owned by him from the place of rented premises in accordance with the condition mentioned in the original recognition order dt.27/06/2005. The appellant submits that in pursuance of the aforesaid show-cause notice dt.09/10/2020 he submitted his reply to the N.C.T.E. informing them thereby that his institution has been running on the premises acquired by them on ownership basis and on lease through Registered Deeds as described above. The appellant further requested therein to inquire into the matter. The reply was sent by appellant to the N.C.T.E. through speed Post bearing no. EM4015578951N dt.27/10/2020. The appellant further submits that the N.C.T.E. in its 321st Meeting of Western Regional Committee, Bhopal held on 09 th to 11th November, 2020 erroneously observed and noted that the institution has not submitted the reply of show-cause notice till date and hence they proceeded to resolve and decide that recognition of B.Ed. programme of the institution be withdrawn under Section 17 (3) of the N.C.T.E. Act from the next academic session 2021-22. Before passing the impugned order the Western Regional Committee failed to even consider the reply submitted by the appellant and blatantly erred in observing that appellant's reply to the show-cause notice did not reach them when in fact the reply letter sent by appellant has been delivered to the Western Regional





Committee which is evident from the Tracking Report downloaded from the India Speed Post website. The fact remains that the appellant is running its B.Ed. College at the premises partly owned and partly acquired on lease by the society and therefore to say that the appellant is running its institution on a rented premises without taking any pains to describe the place of rented premises amounts to arbitrary exercise of power. Besides, there is no condition in the original recognition order dt.27/06/2005 that the appellant institution is allowed to run the B.Ed. College on rented premises for a period of three years which is stated by the WRC in its impugned order. Assuming for a moment that there is such a condition then such condition has no relevance or value as the appellant is running its institution on the premises owned by the society.

### III. OUTCOME OF THE CASE

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

Appeal Committee perused the submission made by appellant in its appeal memoranda with regard to non mentioning of the condition to shift premises within three years in the recognition order dated 27/06/2005. Further the appellant has furnished evidence of having sent a reply dated 21/10/2020 to the Show Cause Notice (SCN) dated 09/10/2020. Reply to S.C.N. was sent by speed post and appellant has submitted copy of the track report which indicates delivery of the reply to WRC on 02/11/2020. Above reply is not found placed in the regulatory file.

Appeal Committee without going into the merits of averments made by the appellant in its appeal memoranda and reply dated 21/10/2020 to the S.C.N. decided that the Regional Committee is required to revisit the matter after the appellant submits copy of its reply dated 21/10/2020 with enclosures to WRC within 15 days of the issue of appeal order.

### IV. DECISION:-

**After perusal of the Memoranda of Appeal, affidavit, documents on record and arguments advanced during online presentation, the Committee concluded to remand back the case to WRC within 15 days of the issue of appeal order.**

*2-11-2020*



NOW THEREFORE, the Council hereby remands back the case of Janata ShikshanPrasarakMandalsWomens B.Ed. College, Khultabad, Aurangabad Road, Khultabad, Aurangabad, 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

Copy to: -

1. The President, Janata Shikshan Prasarak Mandals Womens B.Ed. College, Gut No. 19, Khultabad, Aurangabad Road, Khultabad, Aurangabad, Maharashtra – 431101.
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.



**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-73/E-177365/2021 Appeal/15th Meeting, 2021**  
**Appeal No. APPLSRC202113919**

Auroras School of Education, Bhongir, 19/2, Near Railway Station, Bhongir, Nalgonda, Telangana – 508116 <b><u>(APPELLANT)</u></b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b><u>(RESPONDENT)</u></b>
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<b>Representative of Appellant</b>	No one from the institution
<b>Respondent by</b>	Regional Director, SRC
<b>Date of Hearing</b>	11/06/2021
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OF WITHDRAWAL**

“The appeal of Auroras School of Education, Bhongir, Near Railway Station, Bhongir, Nalgonda, Telangana dated 05/02/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS00244/B.Ed./{TS}/2020/121799 dated 23.12.2020 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that “Management has not shifted its institution to its own permanent building which is in violation of the NCTE Regulations, 2002, 3(C). The institution has submitted photocopy of building plan which is not approved by the competent authority. The institution has not submitted Site Plan duly approved by the competent authority. The institution has not submitted BCC duly approved by the

*[Signature]*



competent authority. The institution has not submitted list of faculty duly approved by the Registrar, of concerned affiliating university in prescribed format as directed by NCTE."

## **II. Submissions made by Appellant:-**

Sh. Pardip Kumar, Representative and Sh. Jai Naryana, Jt. Registrar, Auroras School of Education, Bhongir, Near Railway Station, Bhongir, Nalgonda, Telangana presented online the case of the appellant institution on 31/03/2021. Appellant given a chance to reappear and make online presentation on 11/06/2021 did not appear and online link could not be established. In the appeal and during online presentation it was submitted that "Management has taken Buildings consisting of two blocks with built-up of area of 70000 sq. fts bearing Municipal No. 5-8-660 to 669, situated at Nampally, Hyderabad on long lease basis for a period of 30 years and comes within the purview of Sub-Regulation 4 (1) of Regulation 8 of National Council of Teacher Education (Regulation Norms and Procedures) Regulations 2014. It is a permanent Building and free from all encumbrances. A copy of Registered Lease-Deed bearing Doc. No. 1327/2019 is enclosed herewith. A copy of the Building Plan of the leased Building situated at Nampally, Hyderabad duly approved by the Competent Authority i.e. GHMC, Hyderabad is enclosed. Site Plan is also available in the Building Plan. An extract of the Site Plan is enclosed. A copy of Building Completion Certificate for the Buildings situated at Nampally, Hyderabad duly approved by the Competent Authority is submitted. The Teaching Staff has been identified and selected for appointment in the college and orders will be issued after receipt of revival orders of the college from NCTE. A list of Faculty identified for appointment is enclosed."

## **III. OUTCOME OF THE CASE**

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

The Committee noted from the letter of the appellant dt. 23/12/2019 sent in reply to the Show Cause Notice dt. 14/11/2019 that on account of non issue of affiliation order

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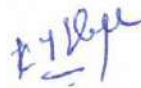
for the academic year 2015-16 by the affiliating University, the institution has become defunct from the academic year 2015-16. Further it is seen that for running the institution, from the academic year 2020-21, for new premises at Nampally, Hyderabad a part of the earlier building at Bhongir having collapsed on account of dilapidated condition, the appellant has taken the new premises on 30 years lease from 01/07/2019 from Church of South India Trust Association, Medak Diocese. The appellant submitted that faculty has been identified.

2. The Committee noted that according to the provisions of Clause 8 (4) (i) of the NCTE Regulations, 2014, no institution shall be granted recognition unless the institution or society sponsoring the institution is in possession of required land on the date of application. The land free from all encumbrances could be on either ownership basis or on lease from Government or Government institutions for a period of not less than 30 years. The appellant is not in possession of land as per the provisions of these Regulations and has taken the premises on lease from a non- Government institution. Hence, the appellant institution does not meet the requirements of the NCTE Regulations, 2014.

3. Over and above what has been stated in the previous paragraph, the Committee noted that the appellant, in fact, is seeking revival of the institution which has become defunct from 2015-16. There is no provision in the NCTE Act, 1993 or the NCTE Regulation, 2014 for revival of an institution, which has ceased to function. In these circumstances, the Committee without going into other details, concluded that the appeal deserved to be rejected.

#### IV. DECISION:-

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

**Copy to: -**

- 1. The Secretary, Auroras School of Education, Bhongir, 19/2, Near Railway Station, Bhongir, Nalgonda, Telangana – 508116.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Telangana, Hyderabad.



**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-194/E-165285/2020 Appeal/15th Meeting, 2021**  
**Appeal No. APPL11777**

Shri Ganesh Teacher Training College, Shahpura, Sikar Road, Dhod, Rajasthan – 332028	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b><u>(APPELLANT)</u></b>		<b><u>(RESPONDENT)</u></b>

<b>Representative of Appellant</b>	Sh. Dharmender, Secretary
<b>Respondent by</b>	Regional Director, WRC
<b>Date of Hearing</b>	11/06/2021
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OF REFUSAL**

“The appeal of Shri Ganesh Teacher Training College, Shahpura, Sikar Road, Dhod, Rajasthan dated 09/06/2017 filed under Section 18 of NCTE Act, 1993 is against the Order No. NCTE/NRC/NRCAPP201616058/B.A.B.Ed./B.Sc.B.Ed.-4 Year Integrated/RJ/2017-2018/2 dated 11.04.2017 of the Western Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that “Converted land is only 2200 sq. mtrs. which is not sufficient for existing as well as proposed course. The institution has not submitted the Non Encumbrance Certificate issued by the Competent Authority indicating that the land is free from all encumbrance.

*As per*



The institution has not submitted the certified registered land documents issued by the Registering Authority or Civil Authority concerned. The institution has submitted an order of Government of Rajasthan regarding B.A. B.Com. etc. courses in which name of the institution is Shree Ganesh Mahavidyalaya but name of proposed institution is Shri Ganesh T.T. College which is different. The institution has submitted the approved building plan signed by Assistant Engineer but name of course, Khasra No. / Plot no., total land area, total built up area etc. are not mentioned in the building plan. The institution has applied for B.A. B.Ed./B.Sc. B.Ed. additional intake but as per Rajasthan State Government policy dated 23/02/2016, increase in seats in existing Teacher Training Programme/course is not allowed. 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."

## II. Submissions made by Appellant:-

The appellant filed a S.B. Civil Writ Petition before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur for directions to dispose of their appeal no. APP-11777 dt. 09/06/2017. The Hon'ble High Court in their order dt. 21/09/2019, directed the Appellate Authority to process and decide expeditiously the appeal preferred by the petitioner.

2. Sh. Dharmender, Secretary, Shri Ganesh Teacher Training College, Shahpura, Sikar Road, Dhod, Rajasthan presented the case of the appellant institution on 22/10/2020. Further Sh. Dharmender, Secretary, Shri Ganesh Teacher Training College, Shahpura, Sikar Road, Dhod, Rajasthan presented online the case of the appellant institution on 11/06/2021. In the appeal and during personal presentation it was submitted that "Show Cause Notice dated 09/02/2017 was received which was replied to within 21 days. Appeal against refusal order dated 11/04/2017 was filed on 09/06/2017 and Hon'ble High Court of Rajasthan by its order dated 21/10/2019 has ordered that appeal should be processed and decided expeditiously."

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### III. OUTCOME OF THE CASE

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

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

2. Appeal Committee noted that appellant institution has preferred an appeal, print out of which was received in NCTE, in September, 2020, whereas the date of impugned order, issued online, is 11/04/2017. Appellant attributed delay in preferring appeal to lack of knowledge. Appellant has further delayed the filing of appeal by almost one year after Court's order dated 21/10/2019. In these circumstances, Appeal Committee decided not to admit the appeal on grounds of unexplained delay of 3 years and 3 months.

### IV. DECISION:-

**After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee noted that the appellant, in the appeal, has not given sufficient reason, for not preferring the appeal within the prescribed period. In these circumstances, the Committee**

*17/11/2021*



decided not to admit the appeal on grounds of delay of three years and three months.

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

  
(Mrs. Kesang Yangzom Sherpa)  
Member Secretary

**Copy to: -**

1. The Secretary, Shri Ganesh Teacher Training College, Shahpura, Sikar Road, Dhod, Rajasthan – 332028.
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.



**IN THE NCTE APPELLATE AUTHORITY**  
**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 30/06/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-115/E-180835/2021 Appeal/15th Meeting, 2021**  
**Appeal No. APPLSRC202113976**

Kumari Monika Basavaraj Kanni B.Ed. College, Navasarapur, 721/1B, Anthani Road, Bijapur, Karnataka – 586101 <b>(APPELLANT)</b>	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>(RESPONDENT)</b>
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<b>Representative of Appellant</b>	Representative
<b>Respondent by</b>	Regional Director, SRC
<b>Date of Hearing</b>	12/06/2021
<b>Date of Pronouncement</b>	30/06/2021

**ORDER**

**I. GROUND OF WITHDRAWAL**

"The appeal of Kumari Monika Basavaraj Kanni B.Ed. College, Navasarapur, Anthani Road, Bijapur, Karnataka dated 13/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APSO7238/B.Ed/KA/393<sup>rd</sup>/2021/123114 dated 19.01.2021 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "The institution was granted recognition initially in a rented premise with a condition to shift to its owned permanent building within a period of 3 years as evident from visiting team reports dated 28.06.2007. Show Cause Notice dated 25.04.2019 followed by final show cause notice date 09.09.2020 were issued to the institution to submit the compliance, but in its representation dated 08.10.2020 the

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institution is seeking extension of six months' time to collect the necessary documents pertaining to the building and owned building. Further, the lease deed is stated to have expired on 31.05.2020 and the institution has moved to the new building on. The institution has not submitted certified copy of registered land along with the notarized english translated version of the same. The RTC submitted by the institution is in regional language. The institution has submitted Form A issued by concerned branch manager towards creation of Endowment and Reserve fund as per NCTE Regulations, 2014. The institution has not submitted original blue prints of the building plan and site plan duly approved by the Competent authority. The institution has not submitted land use certificate, building completion certificate. The institution has also not submitted latest staff list in prescribed format duly signed by the registrar of concerned affiliating body."

## **II. Submissions made by Appellant:-**

The representative of Kumari Monika Basavaraj Kanni B.Ed. College, Navasapur, Anthani Road, Bijapur, Karnataka presented online the case of the appellant institution on 12/06/2021. In the appeal and during personal presentation it was submitted that "We have submitted documents. We are submitting registered Land documents English translated. We are submitting FDR's & Form A. We are submitting approved Building plan and site plan. We are submitting approved Land use certificate & building completion certificate. We are submitting approved faculty list."

## **III. OUTCOME OF THE CASE**

**Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-**

Appeal Committee noted that appellant institution was granted recognition in 2007 for conducting B.Ed. programme in a leased premises. The appellant has intimated that a new lease agreement dated 18/01/2021 has now been signed which is observed to be entered into with property at different address. NCTE Regulation, 2009 and 2014 do not permit teacher education courses to be conducted in rented/leased

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premises. In case shifting of the premises is required, the land and built up area is required to be on ownership basis either by the applicant society or institution. As appellant institution is observed to have shifted without seeking approval of SRC and that too in a building on private lease, Appeal Committee decided to confirm the impugned order of withdrawal dated 19/01/2021.

**IV. DECISION:-**

After perusal of the Memoranda of Appeal, affidavit, documents on record and arguments advanced during online presentation of the appeal, Appeal Committee concluded to confirm the impugned order of withdrawal dated 19/01/2021.

**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

**Copy to: -**

1. The President, Kumari Monika Basavaraj Kanni B.Ed. College, Navasarpur, 721/1B, Anthani Road, Bijapur, Karnataka – 586101.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.