

①



F.No.89-417/E-139378/2019 Appeal/9th Mtg.-2020/28th February, 2020
NATIONAL COUNCIL FOR TEACHER EDUCATION
 G-7, Sector-10, Dwarka, New Delhi-110 075

ORDER

Date: 15/07/2020

WHEREAS the appeal of St. Marys B.Ed. College, Mumbra, Fakir Shah Baba Mill Road, Thane, Maharashtra dated 17/10/2019 is against the Order No. WRC/APW02822/123367/114113/310th/2019/205802 dated 03.09.2019 of the Western Regional Committee, confirming the order withdrawing recognition for conducting for B.Ed. Course dt. 01/01/2018 on the grounds that "Show Cause Notice was issued to the institution vide letter dated 09.01.2019 and reply received on 18.01.2019. On perusal of the reply of the institution, the Committee observed that: The institution has submitted staff list of 1+15 faculty, excluding Librarian in which staff at Sr. Nos. 1 (Principal), 4,5,7,8,9,10 & 12 are not qualified as per NCTE Regulations, 2014. The institution has not appointed faculty of Fine Art."

AND WHEREAS Mrs. Tasneem Tahlilkar, Chairman and Sh. Kishan Khare, Librarian, St. Marys B.Ed. College, Mumbra, Fakir Shah Baba Mill Road, Thane, Maharashtra presented the case of the appellant institution on 27/11/2019. In the appeal and during personal presentation it was submitted that the institution has appointed all qualified staff but, waiting for the approval from the affiliating body. (University of Mumbai). The institution has appointed faculty of Fine Art but, waiting for the approval from the affiliating body. (University of Mumbai).

AND WHEREAS the appellant, in their letter dt. 27/11/2019, seeking time for submission of staff list, requested 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.

AND WHEREAS Sh. Khaire Kishan Namdeorao, Librarian, appeared before Appeal Committee on 28/02/2020 and submitted copy of list containing the names one

Principal, 15 faculty and a librarian approved by Registrar, University of Mumbai. Appeal Committee prima-facie observed that faculty appointed after June, 2017 is either possessing Ph.D. degree or is NET/SET qualified. The list contains the names of faculty qualified in Music and creative painting etc.

AND WHEREAS Appeal Committee noted that appellant institution is conducting B.Ed. course since 2006. Appeal Committee decided that appellant institution is required to submit to WRC within 15 days of the issue of appeal order (i) letter of university approving the faculty and (ii) the list of faculty approved by university. (in original). Appeal Committee decided to remand back the case to WRC for revisiting the matter after the appellant submits the approved list and the letter of university approving the faculty.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to WRC for revisiting the matter after the appellant submits within 15 days of issue of Appeal order, the approved list and the letter of university approving the faculty.

NOW THEREFORE, the Council hereby remands back the case of St. Marys B.Ed. College, Mumbra, Fakir Shah Baba Mill Road, Thane, Maharashtra to the WRC, NCTE, for necessary action as indicated above.

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


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

1. The Chairman, St. Marys B.Ed. College, 151/4, Mumbra, Fakir Shah Baba Mill Road, Thane – 400612, Maharashtra.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra, Mumbai.

2

F.No.89-421/E-139377/2019 Appeal/9th Mtg.-2020/28th February, 2020**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 15/07/2020

ORDER

WHEREAS the appeal of Rajendra Mishra College, Saharsa, Tiwari Tola, Kahra, Saharsa, Bihar dated 18/10/2019 is against the Order No. ER-274.14.17/(ERCAPP561)/B.Ed./2019/61442 dated 28.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "1st show cause notice u/s 17(1) issued on 21.02.2019, followed by final show cause notice dated 18.05.2019 and the institution is still deficient on the following grounds:- Approved list of faculty for second unit of B.Ed. course submitted as against the requirement of total faculty list comprises 1+15 for running 100 intake as per NCTE Regulations, 2014. The submitted photocopy of building plan is in small font and not legible. A clear copy of blue-print building plan duly approved by competent Govt. Engineer is required to be submitted. The submitted photocopy of building completion certificate is in small font and not legible. Request of the institution for extension of time for submission of documents is not accepted. Recognition granted to B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-2021."

AND WHEREAS Sh. Rewati Raman Jha, D.P.E. and Prof. Anil Kant Mishra, Principal, Rajendra Mishra College, Saharsa, Tiwari Tola, Kahra, Saharsa, Bihar presented the case of the appellant institution on 27/11/2019. In the appeal and during personal presentation it was submitted that "College is a constituent unit of B.N. Mandal university Madhepura and they have to follow the guidelines and instructions of the university. They submitted the documents in response to letter no 59372 dated 21.02.2019. As per the letter they felt that they have to forward the faculty list approved by registrar for the second unit only as they were told to submit approved faculty (current). Again, as per show cause notice 60445 dated 18.05.2019 they were reminded

that they had to submit total faculty list comprising 1+15. Thus, they started to process further to send the full faculty list 1+15. But there was an issue of lacking some faculties as they have got better career opportunity & left the department. Thereafter, following the university instructions gave a recruitment notice but due to Lok Sabha election the recruitment process could not be done and they even informed in this regard by requesting to give them some more time (Rmc/B.Ed.-68/19 dated 16.05.2019). But their letter was not entertained and recognition was withdrawn. They submitted the building plan, blue print in time. Due to technical reasons the documents reached were not a legible one. So, they are submitting the fresh copies again. They submitted the completion certificate in time. Due to technical reasons the documents were not a legible one. So, they are submitting fresh copies again. As there was Lok Sabha Election so the appointment process got delayed, which may be considered. The faculty list approved by the Registrar, B.N. Mandal University, Madhepura on 30/08/2019 is enclosed."

AND WHEREAS the appellant, in the course of presentation, gave a letter dt. 27/11/2019, requesting for another opportunity to bring the lacking papers. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the second opportunity to present their case.

AND WHEREAS Prof. (Dr.) Anil Kant Mishra, Principal and Sh. Rewati Raman Jha, D.P.E. appeared before Appeal Committee on 28/02/2020 and submitted (i) List of faculty, (ii) copy of building plan and (iii) Building Completion Certificate (B.C.C.) Appeal Committee on perusal of the documents noticed that building plans submitted by appellant do not have any plot number or Survey number or Khasra number to identify the location of the proposed building. Appeal Committee further noted that one of the faculty appointed after June, 2017 does neither have Ph.D. nor is NET/SET qualified. Appeal Committee further noted that address of the appellant institution as per details filled in the initial application dated 27/09/2010 is plot no. 855/1934. Inspection of the institution was also conducted on 22/07/2012 at the above address. Therefore, there

is no reason as to why the building plan submitted should not be for the building at same plot number indicating the land area and proposed construction plan.

AND WHEREAS Appeal Committee considering that appellant institution had failed to submit required building plan and the list of faculty includes one faculty not qualified as per NCTE norms, decided to confirm the impugned order of withdrawal dated 28/08/2019.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned order of withdrawal dated 28/08/2019.

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

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


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

1. The Principal, Rajendra Mishra College, 855, Saharsa, Tiwari Tola, Kahra, Saharsa – 852201, Bihar.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.



F.No.89-423/E-139550/2019 Appeal/9th Mtg.-2020/28th February, 2020
NATIONAL COUNCIL FOR TEACHER EDUCATION
 G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 15/07/2020

ORDER

WHEREAS the appeal of Rashtriya Sanskrit Sansthan (Deemed University), Radha Nagar, Kunjaban Near Buddha Mandir, Sadar, Tripura, West Bengal dated 25/10/2019 is against the Order No. ER-275.14.85/ERCAPP1728/B.Ed./2019/61435 dated 28.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for Shiksha Shastri B.Ed. Course on the grounds that "approved faculty list is not submitted in NCTE prescribed proforma. As mentioned in the letter dated 09.07.2019, four contractual teachers are not accepted as per Norms. Building plan and building completion certificate are not submitted. Recognition granted to Shiksha Shastri-B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-2021."

AND WHEREAS Prof. Pawan Kumar, Professor and Prof. R.G. Murali Krishna, Deputy Director, Rashtriya Sanskrit Sansthan (Deemed University), Radha Nagar, Kunjaban Near Buddha Mandir, Sadar, Tripura, West Bengal presented the case of the appellant institution on 27/11/2019. In the appeal and during personal presentation it was submitted that in NCTE prescribed proforma approved faculty list along with related documents is submitted herewith. As per the norms of NCTE all the faculty with HOD and Principal (8+1) is regular and full time at present. Regarding Building Plan Completion Certificate, we would like to humbly submit that in this premises the State Government College of Education (B.Ed.) was running for long time it's B.Ed. programme with the intake of 120 students with the permission of ERC – NCTE, Bhubaneswar. Soon after their shifting to the new premises, the Higher Education Ministry of Tripura Government has allotted the same to Rashtriya Sanskrit Sansthan (Deemed University), Ekalavya campus up to October, 2020. Concerning the building plan and completion certificate, Department of Higher Education, Govt. of Tripura has

informed us that the building is a very old one and built by the then Maharaja of Tripura. Therefore, due to non-availability of proper record of the building, the Department of Higher Education is unable to provide the same to us. However, the map of premises prepared by the Ekalavya campus is sent herewith. In the next academic session i.e. 2020-2021 with formal permission of premises shifting we would like to shift to the new building and premises at Lembucherra, Agartala. as per CPWD certification, our new building and premises will be ready to move by April, 2020.

AND WHEREAS the appellant, in the course of presentation, in a letter dt. 27/11/2019, requested some more time for submission of relevant requisite documents for completion of deficiencies raised by the ERC in their order dt. 28/08/2019. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the second opportunity to present their case.

AND WHEREAS Prof. Pawan Kumar, Professor and Prof. R.G. Murali Krishna, Professor, appeared before Appeal Committee on 28/02/2020 and submitted that Rashtriya Sanskrit Sansthan is a deemed University under the Ministry of Human Resource Development and Government of Tripura has allotted 3.25 acres of land in first phase and 9.22 acres of land in second phase for different buildings of Rashtriya Sanskrit Kendras. Further the appellant institution was given revised recognition order in 2015 for an intake of 50 seats of B.Ed. course.

AND WHEREAS Appeal Committee noted that appellant, during the course of appeal hearing on 28/02/2020 submitted a list of faculty containing the names of a Principal, a Head of Department, one Professor, one Associate Professor and 5 Assistant Professors for the academic year 2019-20. Appellant further submitted copies of building plan and Building Completion Certificate approved by Executive Engineer, Tripura Central Division, C.P.W.D., Agartala. Appeal Committee decided that appellant institution is required to submit authenticated copies of these documents to ERC within 15 days of issue of Appeal order. Appeal Committee further decided to remand back the case to ERC for revisiting the matter.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to ERC for revisiting the matter.

NOW THEREFORE, the Council hereby remands back the case of Rashtriya Sanskrit Sansthan (Deemed University), Radha Nagar, Kunjaban Near Buddha Mandir, Sadar, Tripura, West Bengal to the ERC, NCTE, for necessary action as indicated above.

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


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

1. The Principal, Rashtriya Sanskrit Sansthan (Deemed University), Ekalavya Campus, Radha Nagar, 6, Kunjaban Near Buddha Mandir, Sadar, Tripura – 799006, West Bengal.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.

(4)

F.No.89-424/E-139537/2019 Appeal/9th Mtg.-2020/28th February, 2020**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 15/07/2020

ORDER

WHEREAS the appeal of Lt. Sardar Singh Smriti Shiksha Mahavidyalaya, Narguda Mau Road, Mamoun, Tikamgarh, Madhya Pradesh dated 22/10/2019 is against the Order No. WRC/APW01726/223305/B.Ed./310th/2019/205849 dated 04.09.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the Show Cause Notice was issued to the institution vide letter dated 30/06/2016. and reply received on 22/05/2017. The summary of the case reveals that the reply was not submitted within the stipulated time of 30 days as per the Show Cause Notice. Moreover, the staff profile for approved intake is not submitted in original. CLU, NEC, & Building Completion Certificate are also not submitted. Hence, the committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for B.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS Sh. Roshan Singh Bundela, Principal and Dr. R.K. Tiwari, Member, Lt. Sardar Singh Smriti Shiksha Mahavidyalaya, Narguda Mau Road, Mamoun, Tikamgarh, Madhya Pradesh presented the case of the appellant institution on 27/11/2019. The appellant with its appeal submitted copies of FDRs, building completion certificate and approved staff list, indicating that they were all appointed before June, 2017.

AND WHEREAS the appellant, in the course of presentation, submitted a letter dt. 27/11/2019 stating that he could not present the case due to some incomplete documents. He, therefore, requested another opportunity to present the case. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present the case.

AND WHEREAS Sh. Roshan Singh Bundela, Principal and Dr. R.K. Tiwari, Member attended appeal hearing on 28/02/2020. Appeal Committee noted that appellant during the course of appeal hearing on 28/02/2020 submitted: (i) Letter dated 16/10/2019 issued by Maharaja Chattarsal Bundelkhand University, Chhatarpur granting approval for appointment of a Principal and 15 faculty (ii) List containing the names of Principal and faculty countersigned by Vice-Chancellor of affiliating university, (ii) Change of Land Use Certificate, (iv) Non Encumbrance Certificate dated 28/12/2019, (v) Building Completion Certificate and (vi) Building Plan. Appeal Committee decided that appellant institution is required to submit originals/authenticated copies of all the above documents to WRC within 15 days of issue of appeal order. Appeal Committee further decided to remand back the case to W.R.C. for revisiting the matter after the appellant institution submits to the Regional Committee, within 15 days of the issue of appeal order, all the required documents.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to W.R.C. for revisiting the matter after the appellant institution submits to the Regional Committee, within 15 days of the issue of appeal order, all the required documents.

NOW THEREFORE, the Council hereby remands back the case of Lt. Sardar Singh Smriti Shiksha Mahavidyalaya, Narguda Mau Road, Mamoun, Tikamgarh, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

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


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

1. The Secretary, Lt. Sardar Singh Smriti Shiksha Mahavidyalaya, 84/1, Narguda Mau Road, Mamoun, Tikamgarh – 472001, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

(5)



F.No.89-321/E-130187/2019 Appeal/9th Mtg.-2020/28th February, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 15/07/2020

ORDER

WHEREAS the appeal of Burdwan University, Institute of Science Education (Presently Department), Golapbag, Goda, Burdwan, West Bengal dated 11/08/2019 is against the Order No. ER-272.14.157/(WB-S/N-1/99)/B.Ed./2019/60689 dated 14.06.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "show cause notices u/s 17(1) were issued on 21.01.2019 & 18.05.2019. Institution has insufficient faculty members having only 1+5 instead of 1+7 required under NCTE Regulations, 2014. Building Plan countersigned by Govt. Engineer/authority not submitted. The submitted building completion certificate is not in accordance with the NCTE Prescribed proforma. Further, there is a shortfall of 30 sq. mts. of built-up area as stated by University Engineer (In-Charge) of the University. The validity of FDR Rs. 5 lakh expired on 02.06.2011 in single mode. In view of the above, the Committee decided as under: The Committee is of the opinion that recognition granted to B.Ed. course of the application bearing Code No. WB-S/N-1/99 is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-21."

AND WHEREAS Dr. Khagendranath Chattopadhyay, Head of the Department and Sh. Kalyan Kumar, Secretary, Burdwan University, Institute of Science Education (Presently Department), Golapbag, Goda, Burdwan, West Bengal presented the case of the appellant institution on 11/10/2019. In the appeal and during personal presentation it was submitted that reply to the 1st notice is given on 13.03.2019 and to the 2nd notice on 08.05.2019. At present there are six faculties and another four sanctioned faculty posts. As our university is a govt aided state university, recruitment process takes long time. The recruitment process of the vacant posts has been started. We have two buildings where the course is run. One is very old building and is built in

the time of Burdwan maharaja. An affidavit in this respect is submitted. The second building is constructed by Burdwan University. The plan of this is submitted. The built-up area of the old building is 1470 sq. mt. and that of the new building is 620 sq. mt. The total built up area is 2090 sq. mt. Building completion certificate is submitted. The FDR of Rs. 5.0 lakhs are renewed time to time and the executive council of the university has resolved to convert the FDR into joint mode.

AND WHEREAS Dr. Khagendranath Chattopadhyay, Head of the Department and Sh. Kalyan Kumar, Secretary, Burdwan University, Institute of Science Education (Presently Department), Golapbag, Goda, Burdwan, West Bengal presented the case of the appellant institution on 11/10/2019 and 27/11/2019. The appellant, in their letter dt. 27/11/2019, requested another date of hearing to enable them to recruit the requisite faculties by the University of Burdwan. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the third and final opportunity to present their case.


AND WHEREAS Dr. Khagendranath Chattopadhyay, Head of the Department and Sh. Kalyan Kumar, Secretary, Burdwan University presented the case to appellant institution on 28/02/2020. During the course of appear hearing, appellant submitted list of faculty containing the names of a Head of Department and 7 faculty. From this list Appeal Committee observed that faculty appointed after June, 2017 is either possessing Ph.D. or is NET qualified. The appellant institution which is a Department of Burdwan University was recognised for conducting B.Ed. course in the year 2002 and at present is conducting the course with an intake of one unit (50 seats). Appellant in addition to the list of faculty also submitted copies of FDRs, Building plan and B.C.C. Building Plan and Building Completion Certificate are authenticated by the University Engineer Appellant further apprised the Appeal Committee that Department of Education is located in the earstwhile palace of the Nawab of Burdwan which was constructed more than 100 years back and as such is not covered under the jurisdiction of local Municipal authority. The institution is conducting its B.Ed. programme from the same built up area since 2002 and with an existing intake of 50 seats (one unit) does not require more

space. Appeal Committee decided that appellant institution is required to submit to E.R.C. authenticated / Originals of all the required documents to ERC within 15 days of the issue of appeal order. Appeal Committee further decided to remand back the case to E.R.C. for revisiting the matter after the appellant submits copies of the required documents.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to E.R.C. for revisiting the matter after the appellant submits copies of the required documents.

NOW THEREFORE, the Council hereby remands back the case of Burdwan University, Institute of Science Education (Presently Department), Golapbag, Goda, Burdwan, West Bengal to the ERC, NCTE, for necessary action as indicated above.

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


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

1. The Registrar (Officiating), Burdwan University, Institute of Science Education (Presently Department), 2920, 2922, Golapbag, Goda, Burdwan – 713104, West Bengal.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.



F.No.89-331/E-132032/2019 Appeal/9th Mtg.-2020/28th February, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 15/07/2020

ORDER

WHEREAS the appeal of Ramnagar B.Ed. College, VPO – Depal, Ramnagar, Midnapur, West Bengal dated 03/08/2019 is against the Order No. ER272.14.108/ERCAPP1482/B.Ed./2019/60695 dated 14.06.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that “show cause notice u/s 17(1) was issued on 01.04.2019 & 18.05.2019. Faculties mentioned at sl. No. 13, 14 & 15 of the approved list have been appointed after 09.06.2017 and do not possess requisite NET/Ph.D. qualification as per Gazette Notification No. 237 of NCTE published on 09.06.2017. Building completion certificate is not signed by Govt. Engineer. Photocopy of building plan in small font, not readable and not approved by Govt. Engineer. In view of the above, the Committee decided as under: The Committee is of the opinion that recognition granted to B.Ed. course of the application bearing Code No. ERCAPP1482 is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-21.”

AND WHEREAS Dr. Snigdhashree, Principal, Ramnagar B.Ed. College, VPO – Depal, Ramnagar, Midnapur, West Bengal appeared before Appellate Authority on 14/10/2019 and 28/11/2019 and submitted written requests seeking further opportunity to present its case before Appeal Committee. As per extant appeal rules upto three opportunities can be provided to an appellant if it seeks adjournment of hearing. Appeal Committee decided to grant third and final opportunity to the appellant to present its case before the Appellate Authority.

AND WHEREAS Dr. Snigdhashree, Principal, Ramnagar B.Ed. College, VPO – Depal, Ramnagar, Midnapur, West Bengal appeared before Appeal Committee on 28/02/2020 and submitted copies of:-

- (i) Building Completion Certificate dated 20/01/2016.

- (ii) Inspection report of Building dated 02/02/2016 issued by Block Development Officer, Ramnagar.
- (iii) Building Plan
- (iv) List of faculty containing the names of a Principal and 15 faculty approved by Registrar, West Bengal University of Teacher Training Education dated 02/02/2020.
- (v) Resolution of Selection Committee dated 25/02/2020 issued by affiliating university.

Appeal Committee noted that the faculty list now submitted by appellant contains the names of faculty appointed after June, 2017 with NET qualification.

AND WHEREAS Appeal Committee decided that appellant institution is required to submit original / authenticated copies of required documents to ERC within 15 days of the issue of appeal orders. Appeal Committee further decided to remand back the case to ERC for revisiting the matter.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to ERC for revisiting the matter.

NOW THEREFORE, the Council hereby remands back the case of Ramnagar B.Ed. College, VPO – Depal, Ramnagar, Midnapur, West Bengal to the ERC, NCTE, for necessary action as indicated above.

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


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

1. The Principal, Ramnagar B.Ed. College, VPO – Depal, 512, 513 and 515, Ramnagar, Midnapur – 721453, West Bengal.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.



F.No.89-339/E-133596/2019 Appeal/9th Mtg.-2020/28th February, 2020
NATIONAL COUNCIL FOR TEACHER EDUCATION
 G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 15/07/2020

ORDER

WHEREAS the appeal of Vandematram Teacher Training College, Sikandra, Sikrai, Dausa, Rajasthan dated 30/08/2019 is against the Order No. NRC/NCTE/NRCAPP201616608 (ID No.-11036) / 295th / Meeting / 2019 / 200877-82 dated 27.02.2019 of the Northern Regional Committee, refusing recognition for conducting for B.Ed. (Shiksha Shastri) Course on the grounds that "NRC considered the reply of the institution dated 04.02.2019 with respect to the decision of NRC in its 294th meeting (S.No. 73). The reply does not establish that the B.Ed. and B.Ed. (Shiksha Shastri) are different courses. The institution has not submitted any proof of its being a composite institution of 2(b) of Regulation 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. FDR, if any be returned to the institution."

AND WHEREAS Sh. Om Parkash Saini, Director and Sh. M. Chand Saini, Member, Vandematram Teacher Training College, Sikandra, Sikrai, Dausa, Rajasthan presented the case of the appellant institution on 28/02/2020. In the appeal memoranda the appellant institution submitted that "Institution submitted all required documents in compliance to the deficiencies pointed out by the NRC, NCTE in its 266th Meetings to the office of NRC, NCTE. NRC, NCTE constituted Visiting Team for inspection of this college vide letter dated 30.04.2017. That after inspection of this institution NRC, NCTE issued letter of Intent (L.O.I.) to this institution for B.Ed. course vide letter No. NCTE/NRC/NRCAPP 201616608/Bachelor of Education [B.Ed.]/SCN/RJ/20172018/2 dated 06.06.2017. Thereafter, institution submitted reply of L.O.I. along with all required documents as per L.O.I. letter to NRC, NCTE on 27.07.2017. NRC, NCTE has rejected the application of this institution for grant of recognition of B.Ed. (Shiksha Shastri) course vide letter no. NCTE/NRC/ NP APP201616608/Bachelor of Education [B.Ed.]

/SCN/RJ/20J7-2018/3•, dated 08.02.2018 on the ground that reply of Show Cause Notice was not submitted till date. Whereas this institution had submitted reply of L.O.I. dated 06.06.2017 to NRC, NCTE, Jaipur on 27.07.2017 and no Show Cause Notice was received by this institution from NRC, NCTE regarding submission of reply of L.O.I. Institution submitted a request letter to NRC, NCTE on 15.02.2018 but NRC, NCTE has taken no action on request letter of this institution. That this institution had filed an Appeal against the rejection order issued by NRC, NCTE to the Appellate Authority u/s 18 of NCTE Act, 1993. The Appellate Authority remanded back the case to NRC for consideration of the compliance report received in NRC on 27.07.2017. Appeal Committee, however, urges upon NRC to verify from the faculty lists that names of faculty are not common and there is enough built up area, instructional facilities and infrastructure for conducting both the courses i.e. B.Ed. (General) and B.Ed. (Shiksha Shastri). That in compliance of Appeal Order, this institution had again submitted reply of L.O.I. for issuance of formal recognition order for B.Ed. (Shiksha Shastri) course along with all required documents on 23.08.2018. NRC, NCTE considered the matter of recognition of this college in 288th Meeting (5-7 Sept. 2018) vide item no. 28 and decided to ask to submit a legible copy of faculty members duly approved by the affiliating body in file no. 201616608 (B.Ed. Shiksha Shastri) course. That this institution had submitted a legible copy of faculty members duly approved by the affiliating body for B.Ed. (Shiksha Shastri) course to NRC, NCTE on 27.09.2018. That NRC, NCTE considered the matter of recognition of this college in 289th Meeting (8-9 Oct. 2018) vide item no. 126 and decided to issue Show Cause Notice to submit the proof of Composite Institution. NRC, NCTE had taken decision in its 248th Meeting (Part-10) held on 28.01.2016 that NRC decided to process the applications of the institution which have proposed to open a new Teacher Education institution with two or more than two Teacher Education Programme as per NCTE Regulations, 2014. That this institution had submitted a detailed reply to NRC, NCTE on 29.10.2018 in which all facts related to Composite Institution had been mentioned. That NRC, NCTE had again considered the matter of recognition of this college in 294th Meeting (28-29 Jan. 2019) vide item no. 73 and decided to issue Show Cause Notice to submit the proof of Composite Institution. This institution had submitted a detailed reply to NRC, NCTE on 04.02.2019 in which all facts

related to Composite Institution were mentioned. That NRC, NCTE again considered the matter of recognition of this college in 295th Meeting (6-11 Feb. 2019) vide item no. 277 and decided to reject the application of this institution for grant of recognition of B.Ed. (Shiksha Shastri) course. This institution had filed a S.B. Civil Writ Petition No. 3747/2019 in the Hon'ble High Court of Rajasthan, Jaipur against the decision taken by NRC, NCTE in its 295th Meeting vide item no. 277. The Hon'ble Court had issued an interim order on 01.03.2019 to NRC, NCTE to consider the case of petitioner. However, result shall not be declared save with prior permission of this court. This institution had submitted the certified copy of the order of Hon'ble court to NRC, NCTE on 02.03.2019 and requested to consider the case of this institution as directed by Hon'ble Court. NRC, NCTE had issued refusal order of B.Ed. (Shiksha Shastri) course to this institution on 27.02.2019. NRC, NCTE had considered the matter of recognition for B.Ed. (Shiksha Shastri) course of this institution on the direction of Hon'ble High Court of Rajasthan, Jaipur in its 298th Meeting (11-12 March, 2019) vide item no. 2 and decided that refusal order issued on 27.02.2019 stands. Hon'ble High Court of Rajasthan, Jaipur has passed an order on 16.08.2019 that if the petitioner prefers an appeal under section 18 of the NCTE Act within a period of 30 days from today, the same shall be treated in time. It is further directed that the petitioner shall be permitted to raise the issue relating to the similarly situated institutions which have been allowed to continue simultaneous course of B.Ed. and B.Ed. (Shiksha Shastri) and while dealing with the same order shall be passed by the respondents strictly in accordance with the law. That B.Ed. (Shiksha Shastri) and B.Ed. course are separate and different course of Teacher Education. The affiliation for B.Ed. (Shiksha Shastri) course is granted by Jagat Guru Ramanandacharya Rajasthan Sanskrit University, Jaipur in the Rajasthan State. This institution had submitted affiliation form and fees to Jagat Guru Ramanandacharya Rajasthan Sanskrit University, Jaipur on 31.12.2018 for B.Ed. (Shiksha Shastri) course. The affiliation for B.Ed. course is granted by different State Universities in Rajasthan State. This institution had submitted affiliation form and fees to University of Rajasthan, Jaipur on 29.12.2018 for B.Ed. course. That Entrance Test for admission in B.Ed. (Shiksha Shastri) course in the State of Rajasthan for session 2018-19 and 2019-20 has been conducted by Jagat Guru Ramanandacharya Rajasthan Sanskrit University,

Jaipur. Entrance Test for admission in B.Ed. course in the State of Rajasthan for session 2019-20 has been conducted by Govt. Dungar College, Bikaner. Jagat Guru Ramanandacharya Rajasthan Sanskrit University, Jaipur had granted affiliation to those colleges, who are running B.Ed. (Shiksha Shastri) course in the State of Rajasthan. That Rastiya Sanskrit Sansthan, Janakpuri, New Delhi which is a Deemed University is also running B.Ed. (Shiksha Shastri) course. Thus, from the above facts and documents, it is very clear that B.Ed. (Shiksha Shastri) and B.Ed. course are separate and different course. This institution had applied online for grant of recognition for B.Ed. (Shiksha Shastri) and B.Ed. course to NCTE. NRC, NCTE had processed the both applications of this institution for grant of recognition for both courses as per decision taken in 248th meeting (part- 10) held on 28.01.2016. NRC, NCTE had appointed Visiting Team for inspection for both courses. After satisfied from the facilities available in the college campus for both courses NRC, NCTE had issued L.O.I. prior to grant of recognition. This institution had appointed Teaching Staff for both courses as per norms of NCTE and Universities. Jagat Guru Ramanandacharya Rajasthan Sanskrit University, Jaipur had granted approval letter for Teaching Staff appointed for B.Ed. (Shiksha Shastri) course. University of Rajasthan, Jaipur had granted approval letter for Teaching Staff appointed for B.Ed. course and This institution had submitted reply of L.O.I. for issuance of formal recognition letter for both courses to NRC, NCTE along with all required documents. It is prayed that the refusal order issued by NRC, NCTE be set aside and directions be issued to NRC, NCTE for issuance of formal recognition order for 2 units of B.Ed. (Shiksha Shastri) course to this institution."

AND WHEREAS Appeal Committee noted the submission made by appellant in its appeal memoranda as well as oral submissions made during the course of appeal hearing on 28/02/2020.

AND WHEREAS Appeal Committee noted that appellant institution had applied for seeking recognition for conducting B.Ed. (Shiksha Shastri) course under NCTE Regulations, 2014. Appeal Committee further noted that appellant had simultaneously applied for seeking recognition of B.Ed. course (General) by submitting a separate

application on 30.06.2016. Appeal Committee noted that Clause 3 (a) of NCTE Regulation, 2014 provides for recognition for commencement of new teacher education programmes in composite institution. Definition of 'Composite Institution' mentioned in Clause 2 (b) of the Regulation, 2014 refers to institution offering undergraduate or post graduate programmes of study in the field of liberal arts or humanities or Social Sciences or Sciences or Commerce or Mathematics as the case may be at the time of applying for recognition of the teacher education programmes.

AND WHEREAS Appeal Committee noted from the impugned refusal order dated 27/02/2019 that N.R.C. has not considered B.Ed. (Shiksha Shastri) and B.Ed. (General) to be separate courses enabling the status of institution to be composite. The stand of N.R.C., had it been justified, there had been no need to issue Letter of Intent. Also, the appellant would not have been required to submit two different applications. Appeal Committee noted that N.R.C. in some other cases has granted recognition to similarly placed institutions and the appellant institution is found to have been discriminated.

AND WHEREAS Appeal Committee noted following:-

- (i) Letter of Intent was issued to appellant institution after verifying the eligibility criteria.
- (ii) Appellant institution applied for two courses i.e. (i) B.Ed. and (ii) B.Ed. (Shiksha Shastri).
- (iii) Affiliating bodies for the two courses are different.
- (iv) N.R.C. has already accorded recognition to similarly placed institutions treating the two courses i.e. B.Ed. and B.Ed. (Shiksha Shastri) to qualify for composite status.
- (v) Appellant at the time of appeal hearing on 28/02/2020 apprised the Appeal Committee that it has now B.A./B.Sc. as existing programmes.

AND WHEREAS Appeal Committee after considering the facts of the case decided to set aside the impugned refusal order dated 27/02/2019. WRC is required to

reconsider the case keeping in view the compliance submitted by appellant institution in reply to the Letter of Intent.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to set aside the impugned refusal order dated 27/02/2019 for B.Ed. (Shiksha Shastri). WRC is required to reconsider the case keeping in view the compliance submitted by appellant institution in reply to the Letter of Intent.

NOW THEREFORE, the Council hereby remands back the case of Vandematram Teacher Training College, Sikandra, Sikrai, Dausa, Rajasthan to the WRC, NCTE, for necessary action as indicated above.

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


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

1. The Manager, Vandematram Teacher Training College, Sikandra, Bandikui Road, Sikrai, Dausa – 303326, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

8



F.No.89-340/E-133598/2019 Appeal/9th Mtg.-2020/28th February, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 15/07/2020

ORDER

WHEREAS the appeal of Vandematram Teacher Training College, Sikandra, Sikrai, Dausa, Rajasthan dated 30/08/2019 is against the Order No. NRC/NCTE/NRCAPP201616618 (ID No.-11033)/295th/Meeting/2019/200871-76 dated 27.02.2019 of the Northern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "NRC considered the reply of the institution dated 04.02.2019 with respect to the decision of NRC in its 294th meeting (S.No. 73). The reply does not establish that the B.Ed. and B.Ed. (Shiksha Shastri) are different courses. The institution has not submitted any proof of its being a composite institution of 2(b) of Regulation 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. FDR, if any, be returned to the institution."

AND WHEREAS Sh. Om Parkash Saini, Director and Sh. M. Chand Saini, Member, Vandematram Teacher Training College, Sikandra, Sikrai, Dausa, Rajasthan presented the case of the appellant institution on 28/02/2020 and 28/11/2019. In the appeal memoranda the appellant institution submitted that "This institution had submitted all required documents in compliance to the deficiencies pointed out by the NRC, NCTE in its 266th Meetings to the office of NRC, NCTE. That NRC, NCTE had constituted Visiting Team for inspection of this college vide letter dated 30.04.2017. That after inspection of this institution NRC, NCTE had issued letter of Intent (L.O.I.) to this institution for B.Ed. course vide letter No. NCTE/NRC/NRCAPP201616608/Bachelor of Education [B.Ed.]/SCN/RJ/20172018/2 dated 06.06.2017. That this institution had submitted the reply of L.O.I. along with all required documents as per L.O.I. letter to NRC, NCTE on 27.07.2017. NRC, NCTE has rejected the application of this institution for grant of recognition of B.Ed. (Shiksha

Shastri) course vide letter no. NCTE/NRC/ NP APP201616608/Bachelor of Education [B.Ed.] /SCN/RJ/20J7-2018/3*, dated 08.02.2018 on the ground that reply of Show Cause Notice has not been submitted till date. That this institution has already submitted reply of L.O.I. dated (06.06.2017 to NRC, NCTE, Jaipur on 27.07.2017 and no Show Cause Notice has been received to this institution from NRC, NCTE regarding submission of reply of L.O.I. That this institution has submitted a request letter to NRC, NCTE on 15.02.2018 but NRC, NCTE has taken no action on request letter of this institution. That this institution had filed an Appeal against the rejection order issued by NRC, NCTE to the Appellate Authority u/s 18 of NCTE Act, 1993. The Appellate Authority had remand back the case to NRC for consideration of the compliance report received in NRC on 27.07.2017. Appeal Committee, however, urges upon NRC to verify from the faculty lists that names of faculty are not common and there is enough built up area, instructional facilities and infrastructure for conducting both the courses i.e. B.Ed. (General) and B.Ed. (Shiksha Shastri). In compliance of Appeal Order, this institution had again submitted reply of L.O.I. for issuance of formal recognition order for B.Ed. (Shiksha Shastri) course along with all required documents on 23.08.2018. That NRC, NCTE had considered the matter of recognition of this college in 288th Meeting (5-7 Sept. 2018) vide item no. 28 and decided to ask to submit a legible copy of faculty members duly approved by the affiliating body in file no. 201616608 (B.Ed. Shiksha Shastri) course. This institution had submitted a legible copy of faculty members duly approved by the affiliating body for B.Ed. (Shiksha Shastri) course to NRC, NCTE on 27.09.2018. That NRC, NCTE had considered the matter of recognition of this college in 289th Meeting (8-9 Oct. 2018) vide item no. 126 and decided to issue Show Cause Notice to submit the proof of Composite Institution. That NRC, NCTE had taken decision in its 248th Meeting (Part-10) held on 28.01.2016 that NRC decided to process the applications of the institution which have proposed to open a new Teacher Education institution with two or more than two Teacher Education Programme as per NCTE Regulations, 2014. That this institution had submitted a detailed reply to NRC, NCTE on 29.10.2018 in which all facts related to Composite Institution had been mentioned. NRC, NCTE had again considered the matter of recognition of this college in 294th Meeting (28-29 Jan. 2019) vide item no. 73 and decided to issue Show Cause Notice to

submit the proof of Composite Institution. This institution had submitted a detailed reply to NRC, NCTE on 04.02.2019 in which all facts related to Composite Institution had been mentioned. That NRC, NCTE had again considered the matter of recognition of this college in 295th Meeting (6-11 Feb. 2019) vide item no. 277 and decided to reject the application of this institution for grant of recognition of B.Ed. (Shiksha Shastri) course. That this institution had filed a S.B. Civil Writ Petition No. 3747/2019 in the Hon'ble High Court of Rajasthan, Jaipur against the decision taken by NRC, NCTE in its 295th Meeting vide item no. 277. The Hon'ble Court had issued an interim order on 01.03.2019 to NRC, NCTE to consider the case of petitioner. However, result shall not be declared save with prior permission of this court. This institution had submitted the certified copy of the order of Hon'ble court to NRC, NCTE on 02.03.2019 and requested to consider the case of this institution as directed by Hon'ble Court. That NRC, NCTE had issued refusal order of B.Ed. (Shiksha Shastri) course to this institution on 27.02.2019. NRC, NCTE had considered the matter of recognition for B.Ed. (Shiksha Shastri) course of this institution on the direction of Hon'ble High Court of Rajasthan, Jaipur in its 298th Meeting (11-12 March, 2019) vide item no. 2 and decided that refusal order issued on 27.02.2019 stands. Hon'ble High Court of Rajasthan, Jaipur has passed an order on 16.08.2019 that if the petitioner prefers an appeal under section 18 of the NCTE Act within a period of 30 days from today, the same shall be treated in time. It is further directed that the petitioner shall be permitted to raise the issue relating to the similarly situated institutions which have been allowed to continue simultaneous course of B.Ed. and B.Ed. (Shiksha Shastri) and while dealing with the same order shall be passed by the respondents strictly in accordance with the law. That B.Ed. (Shiksha Shastri) and B.Ed. course are separate and different course of Teacher Education. The affiliation for B.Ed. (Shiksha Shastri) course is granted by Jagat Guru Ramanandacharya Rajasthan Sanskrit University, Jaipur in the Rajasthan State. This institution had submitted affiliation form and fees to Jagat Guru Ramanandacharya Rajasthan Sanskrit University, Jaipur on 31.12.2018 for B.Ed. (Shiksha Shastri) course. The affiliation for B.Ed. course is granted by different State Universities in Rajasthan State. This institution had submitted affiliation form and fees to University of Rajasthan, Jaipur on 29.12.2018 for B.Ed. course. That Entrance Test for admission in B.Ed. (Shiksha Shastri) course in the State of Rajasthan

for session 2018-19 and 2019-20 has been conducted by Jagat Guru Ramanandacharya Rajasthan Sanskrit University, Jaipur. Entrance Test for admission in B.Ed. course in the State of Rajasthan for session 2019-20 has been conducted by Govt. Dungar College, Bikaner. That Jagat Guru Ramanandacharya Rajasthan Sanskrit University, Jaipur had granted affiliation to those colleges, who are running B.Ed. (Shiksha Shastri) course in the State of Rajasthan. That Rastiya Sanskrit Sansthan, Janakpuri, New Delhi which is a Deemed University is also running B.Ed. (Shiksha Shastri) course. Thus, from the above facts and documents, it is very clear that B.Ed. (Shiksha Shastri) and B.Ed. course are separate and different course. This institution had applied online for grant of recognition for B.Ed. (Shiksha Shastri) and B.Ed. course to NCTE. NRC, NCTE had processed the both applications of this institution for grant of recognition for both courses as per decision taken in 248th meeting (part- 10) held on 28.01.2016. NRC, NCTE had appointed Visiting Team for inspection for both courses. After satisfied from the facilities available in the college campus for both courses NRC, NCTE had issued L.O.I. prior to grant of recognition. This institution had appointed Teaching Staff for both courses as per norms of NCTE and Universities. Jagat Guru Ramanandacharya Rajasthan Sanskrit University, Jaipur had granted approval letter for Teaching Staff appointed for B.Ed. (Shiksha Shastri) course. University of Rajasthan, Jaipur had granted approval letter for Teaching Staff appointed for B.Ed. course and This institution had submitted reply of L.O.I. for issuance of formal recognition letter for both courses to NRC, NCTE along with all required documents. At the stage of issuance of formal recognition order, refusal order issued by NRC, NCTE for B.Ed. (Shiksha Shastri) course on the ground of Composite Institution is totally illegal, unlawful, arbitrary, unjustified and unconstitutional. It is against the principles of natural justice and also against the NCTE Act and Regulations. Therefore, it is prayed that the refusal order issued by NRC, NCTE be set aside and directions be issued to NRC, NCTE for issuance of formal recognition order for 2 units of B.Ed. course to this institution."

AND WHEREAS Appeal Committee noted the submission made by appellant in its appeal memoranda as well as oral submissions made during the course of appeal hearing on 28/02/2020.

AND WHEREAS Appeal Committee noted that appellant institution had applied for seeking recognition for conducting B.Ed. (Shiksha Shastri) course under NCTE Regulations, 2014. Appeal Committee further noted that appellant had simultaneously applied for seeking recognition of B.Ed. course (General) by submitting a separate application on 30.06.2016. Appeal Committee noted that Clause 3 (a) of NCTE Regulation, 2014 provides for recognition for commencement of new teacher education programmes in composite institution. Definition of 'Composite Institution' mentioned in Clause 2 (b) of the Regulation, 2014 refers to institution offering undergraduate or post graduate programmes of study in the field of liberal arts or humanities or Social Sciences or Sciences or Commerce or Mathematics as the case may be at the time of applying for recognition of the teacher education programmes.

AND WHEREAS Appeal Committee noted from the impugned refusal order dated 27/02/2019 that N.R.C. has not considered B.Ed. (Shiksha Shastri) and B.Ed. (General) to be separate courses enabling the status of institution to be composite. The stand of N.R.C., had it been justified, there had been no need to issue Letter of Intent. Also, the appellant would not have been required to submit two different applications. Appeal Committee noted that N.R.C. in some other cases has granted recognition to similarly placed institutions and the appellant institution is found to have been discriminated.

AND WHEREAS Appeal Committee noted following:-

- (i) Letter of Intent was issued to appellant institution after verifying the eligibility criteria.
- (ii) Appellant institution applied for two courses i.e. (i) B.Ed. and (ii) B.Ed. (Shiksha Shastri).
- (iii) Affiliating bodies for the two courses are different.
- (iv) N.R.C. has already accorded recognition to similarly placed institutions treating the two courses i.e. B.Ed. and B.Ed. (Shiksha Shastri) to qualify for composite status.
- (v) Appellant at the time of appeal hearing on 28/02/2020 apprised the Appeal Committee that it has now B.A./B.Sc. as existing programmes.

AND WHEREAS Appeal Committee after considering the facts of the case decided to set aside the impugned refusal order dated 27/02/2019. WRC is required to reconsider the case keeping in view the compliance submitted by appellant institution in reply to the Letter of Intent.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to set aside the impugned refusal order dated 27/02/2019 for B.Ed. course. WRC is required to reconsider the case keeping in view the compliance submitted by appellant institution in reply to the Letter of Intent.

NOW THEREFORE, the Council hereby remands back the case of Vandematram Teacher Training College, Sikandra, Sikrai, Dausa, Rajasthan to the WRC, NCTE, for necessary action as indicated above.

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


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

1. **The Manager, Vandematram Teacher Training College, Sikandra, Bandikui Road, Sikrai, Dausa – 303326, Rajasthan**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-427/E-139678/2019 Appeal/9th Mtg.-2020/28th February, 2020
NATIONAL COUNCIL FOR TEACHER EDUCATION
 G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 15/07/2020

ORDER

WHEREAS the appeal of Matushri Ahilyadevi Teachers Education Institute, Sullakhedi, Sanwer, Indore, Madhya Pradesh dated 24/10/2019 is against the Order No. WRC/APW00638/223180/B.Ed./310th/2019/205504 dated 28.08.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "A clarification letter dated 01/12/2017 was issued to the institution and reply was received on 16.01.2019. Summary of the case reveals that the reply was not submitted within the stipulated time of 30 days as per the Show Cause Notice. Moreover, the staff profile for approved intake, Building Completion Certificate, CLU & Building Plan are not submitted in original, Staff profile of 1+8 is insufficient to run two basic units. Additional FDRs Rs. 4 lakhs are not submitted. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for B.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS Sh. Ganesh Sharma, Group Director, Matushri Ahilyadevi Teachers Education Institute, Sullakhedi, Sanwer, Indore, Madhya Pradesh presented the case of the appellant institution on 28/02/2020. In the appeal and during personal presentation it was submitted that "NCTE Regulations require that the Appellant institution will submit the entire land documents alongwith building plan, CLU, NEC, etc. Accordingly, the WRC, NCTE after processing the entire documents as per Regulations decided to conduct the Expert Inspection for the verification of the infrastructural and instructional facilities and accordingly after conducting the expert visit and verifying the Appellant infrastructural and instructional facilities issued a letter of intent to the Appellant institution directing to appoint the faculties as per the norms before issuance of final recognition order. Accordingly, appellant institution after receipt of the LOI approached

the affiliating University for approval of the faculties. The affiliating university approved the faculties of the appellant institution as per the norms and the same was submitted before the NCTE for issuance of formal recognition order. Accordingly, NCTE after being satisfied that Appellant fulfilled the norms and standards for running the B.Ed. Programme decided to issue formal recognition order. Accordingly, WRC, NCTE granted recognition to the Appellant institution for running the B.Ed. course with annual intake of 100 students. WRC, NCTE issued a fresh recognition order dated 10.11.2006 to the Appellant institution for running the B.Ed. course with annual intake of 100 students for academic session 2004-05. It is submitted that WRC, NCTE vide its order dated 25.03.2010 granted recognition to the Appellant institution as per NCTE Regulation, 2009. It is submitted that WRC issued revised recognition order dated 31.05.2015 to the Appellant institution only for two unit i.e. 100 intake annually. It is submitted that Appellant institution vide its letter dated 10.10.2015 appointed Mrs. Sandhya Jain on the post of lecturer /HOD for B.Ed. Accordingly, she was also approved by the University. That it is submitted that Appellant institution vide its letter dated 27.02.2016 submitted the staff list for B.Ed. and M.Ed. Course to the WRC, NCTE. It is submitted that the same was received in the office of WRC, NCTE on 29.02.2016. It is submitted that WRC, NCTE issued a Show Cause Notice dated 10.08.2016 to the Appellant institution seeking original staff profile, CLU, NEC, Building Plan and Building Completion Certificate. It is submitted that Appellant institution vide its letter dated 27.08.2016 submitted the copy of staff profile duly approved by affiliated body, CLU, NEC, Building Plan and Building Completion Certificate. It is submitted that letter dated 27.08.2016 along with documents were received in the office of WRC on 29.08.2016 vide Diary No.153044. That it is submitted that WRC, NCTE in its 284th Meeting held on 28-29.11.2017 considered the case of the appellant and observed that Appellant institution has submitted a list of 16 faculties member wherein HOD has not been appointed as also faculty at Serial No.13 is not as per NCTE Regulation, 2014. Further, WRC sought Building Completion Certificate and FDRs in original. It is submitted that WRC, NCTE issued clarification letter dated 01.12.2017 to the appellant institution seeking the compliance within one month. That it is submitted that Appellant institution vide its letter dated 28.12.2017 submitted a detailed clarification to the WRC along with the supporting documents. It is submitted that the

letter dated 28.12.2017 was received in the office of WRC on 29.12.2017. WRC, NCTE in its 310th Meeting held on 19.08.2019 to 21.08.2019 considered the case of the Appellant institution and surprisingly observed as under: "The clarification letter was issued to the institution vide letter dated 1/12/2017 and reply received on 16/01/2019. The summary of the case reveals that the reply was not submitted within the stipulated time of 30 days as per the Show Cause Notice. Moreover, the staff profile for approved intake, Building Completion Certificate, CLU & Building plan are not submitted in original. Staff profile of 1+8 is insufficient to run two basic units. Additional FDRs Rs.4 lakhs are not submitted. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for B.Ed. programme and effect from the end of the academic session next following the date of communication of the said order." It is submitted that Appellant institution submitted its letter dated 28.08.2019 to the WRC seeking review of the decision taken by it in its meeting held between 19.08.2019 to 21.08.2019, whereby, the WRC withdrew the recognition of the appellant institution without considering the documents submitted by it on 29.12.2017. It is submitted that WRC vide its letter dated 28.08.2019 withdrew the recognition of the appellant institution on the basis of the decision taken in its 310th Meeting held on 19.08.2019 to 21.08.2019. It is submitted that the letter dated 28.08.2019 was received by the Appellant institution on 04.09.2019. It is submitted that WRC, NCTE failed to consider that the Appellant institution in response to Show Cause Notice dated 10.08.2016 submitted the compliance dated 27.08.2016 received in the office of WRC on 29.08.2016. 21. The WRC failed to consider that Appellant institution pursuant to the clarification letter dated 01.12.2017 submitted the reply dated 28.12.2017 to the WRC. 22. That it is submitted that WRC, NCTE failed to consider that after the receipt of the Appellant reply dated 27.08.2016, the WRC issued its letter dated 01.12.2017 to which Appellant institution already submitted the compliance dated 28.12.2017. 23. That it is submitted that WRC, NCTE failed to consider that the Appellant institution letters and documents were duly received in the office of WRC. 24. That it is submitted that WRC, NCTE failed to consider that the WRC while passing the impugned order failed to consider that a complete staff profile of the Appellant institution along with documents were submitted by the Appellant institution. 25. That it is submitted that WRC, NCTE failed to consider that the reply to the Show

Cause Notice and clarification letter was submitted well within the timeline. 26. That it is submitted that WRC, NCTE failed to consider that the WRC, NCTE failed to take the notice that Appellant letter dated 09.01.2019 was just for seeking the status from the NCTE. 27. It is submitted that WRC, NCTE failed to consider that the WRC action withdrawing recognition of the Appellant institution in its 310th Meeting held on 19-21.08.2019 is dubious and arbitrary as in the case of many institution WRC decided to confer one more opportunity to the institution to submit the clarifications. It is submitted that at Serial No.4, Serial No.6, Serial No.16, Serial No.19, Serial No.28, Serial No.34, Serial No.72, Serial No.73, Serial No.78, Serial No.79 and Serial No.82, the WRC granted additional opportunities despite of the fact that the institution had not submitted the compliance as directed in the show cause notice. However, in the case of appellant despite submitting the compliance to the Show Cause Notice and clarification reply to the WRC failed to consider the same. 28 Appellant Institution fulfils the requirement under NCTE Act and Regulation such as instructional facilities, financial resources, etc. for running the programme granted its recognition. It is relevant to state that now the SRC cannot review its decision without any specific deficiencies verified by the inspection team of the SRC, NCTE under the provisions of NCTE Act, 1993. 31. That it is submitted that on the same infrastructure the WRC granted the recognition after verifying the infrastructure and approved faculty list and in light of supra WRC cannot pass a withdrawal order. That it is submitted that petitioner institution filed its Writ Petition Civil No.11035/2019 titled as Matushri Ahilya Devi Teachers Education institute Vs. NCTE & Anr challenging the impugned withdrawal order of the WRC. That Hon'ble High Court of Delhi vide its order dated 16.10.2019 directed the petitioner to file the statutory appeal within 10 days and directed the NCTE to decide the same within 8 weeks and also directed that no coercive action will be taken against the petitioner institution it is submitted that till date the order dated 16.10.2019 passed in Writ Petition No.11035/2019 has not been uploaded by the website and the same will be provided as soon as the same gets uploaded on the website of the Delhi High Court.

AND WHEREAS Appeal Committee noted that impugned order of withdrawal dated 28/08/2019 is on the ground that "appellant institution has failed to submit staff profile for

approved intake, Building Completion Certificate, CLU and Building Completion Certificate in original Staff Profile of 1 + 8 is insufficient to run two basic units.

AND WHEREAS Appeal Committee noted that revised recognition order 31/05/2015 was subject to fulfilment of provisions of NCTE Regulation, 2014 and reporting compliance thereof. Appeal Committee further noted that a Show Cause Notice (SCN) dated 10/08/2016 was issued to appellant institution seeking compliance, within 21 days, regarding staff profile, CLU, NEC, Building Plan and B.C.C.

AND WHEREAS from the regulatory file, Appeal Committee noted that appellant institution had submitted to WRC, by its letter dated 27/08/2016 (WRC Diary No. 153044 dt. 29/08/2016) Copy of staff profile for the session 2015-16 approved by affiliating body and notarised copies of CLU, NEC, Building Plan and B.C.C. Appeal Committee noted that WRC by its letter dated 01/12/2017 sought clarifications regarding on faculty and required the appellant institution to submit staff profile, B.C.C. and FDR of Rs. 4 lakh within one month. Reply to this letter seeking clarification was also submitted by appellant institution on 29/12/2017 by hand in the office of WRC as per evidence submitted by appellant institution to WRC by its letter dated 09/01/2019.

AND WHEREAS Appeal Committee noted that impugned order of withdrawal dated 28/08/2019 whereas it mentions that reply to SCN was not submitted within 30 days and staff profile of 1 + 8 is insufficient to run two basic units is ill founded and non substantiated. Appellant institution by its letter dated 27/08/2016 had submitted two lists of faculty in original one each for M.Ed. and B.Ed. courses. The list of faculty for B.Ed. which pertained to year 2015-16 contained the names of 16 faculty and the name of Principal was included separately in the list of faculty of M.Ed. course.

AND WHEREAS Appeal Committee noted that appellant institution having been recognised in 2006 is not essential required to deposit additional FDR. The appellant institution possess the required built up area as per revised B.C.C. submitted. Appeal

Committee considering that the impugned order dated 28/08/2019 is not a reasoned order, decided to set aside the withdrawal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing concluded to set aside the impugned withdrawal order dated 28/08/2019.

NOW THEREFORE, the Council hereby remands back the case of **Matushri Ahilyadevi Teachers Education Institute, Sullakhedi, Sanwer, Indore, Madhya Pradesh** to the WRC, NCTE, for necessary action as indicated above.

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


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

1. The Secretary/Appellant, **Matushri Ahilyadevi Teachers Education Institute, Sullakhedi, 136/2/2, Kadwali Bujurg, Vyaskhedi Road, Sanwer, Indore – 453771, Madhya Pradesh.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-29/E-152713/2020 Appeal/9th Mtg.-2020/28th February, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 15/07/2020

ORDER

WHEREAS the appeal of Ravi Shankar College of Education, MGCGV, Chitrakoot, Satna Road, Majhgawa, Satna, Madhya Pradesh dated 05/11/2019 is against the Order No. APW08044/223785/B.Ed./310th/2019/20647 dated 05.09.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the Show Cause Notice was issued to the institution vide letter dated 19/02/2018. The summary of the case submitted reveals that the institution has not submitted reply of the Show Cause Notice. Hence, the committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for B.Ed., programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS Ms./Sh. F/L Amita Saxena, Mgmt. Representative, Ravi Shankar College of Education, MGCGV, Chitrakoot, Satna Road, Majhgawa, Satna, Madhya Pradesh presented the case of the appellant institution on 28/02/2020. In the appeal and during personal presentation it was submitted that "Ravi Shankar College of Education Chitrakoot has sent reply by courier vide letter no. RSCE/16-17/27 dt. 18/02/2017. Appellant during the course of appeal hearing, submitted list of faculty approved by Avdesh Partap Singh University, Rewa, Copy of FDR of Rs. 4 lakh, Non Encumbrance Certificate dated 24/02/2020, Gift deed for land, CLU, Building Plan and B.C.C. approved by Nagar Panchayat, Chitrakoot."

AND WHEREAS Appeal Committee noted that consequent to the issue of revised recognition order dated 31/05/2015 was issued which was subject to the appellant institution compliance of the provision of NCTE Regulation, 2014. Appeal Committee

further noted that a Show Cause Notice (SCN) dated 31/01/2017 was issued seeking original staff profile (HOD + 15 faculty) and original notarized CLU, NEC, Building Plan and B.C.C. within 21 days. From the regulatory file it is observed that appellant institution submitted reply dated 18/02/2017 enclosing therewith list of faculty which was not countersigned by the affiliating university. However, there were three copies of letters dated 28/11/2016, 31/01/2014 and 28/11/2016 by which appointment of Principal and faculty was approved. Copies of Building Plan, B.C.C. and C.L.U. were also submitted. Appellant institution further submitted original FDRs of Rs. 5 lakh and 3 lakh valid upto April, 2019. Appellant during the course of appeal hearing has submitted copy of fresh list of faculty approved by the affiliating body and other related documents.

AND WHEREAS Appeal Committee noting that appellant institution is conducting B.Ed. course since 2009 from the same premises decided that Appellant institution is required to submit to WRC within 15 days (i) original list of faculty (ii) Letters of affiliating university approving faculty, (iii) certified copies of land documents, (iv) CLU, (v) N.E.C. (vi) Building Plan and Building Completion Certificate. Appeal Committee further decided to remand back the case to WRC for reconsideration of the case after the appellant institution submits required documents within 15 days of the issue of Appeal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that Appellant institution is required to submit to WRC within 15 days (i) original list of faculty (ii) Letters of affiliating university approving faculty, (iii) certified copies of land documents, (iv) CLU, (v) N.E.C. (vi) Building Plan and Building Completion Certificate. Appeal Committee further decided to remand back the case to WRC for reconsideration of the case after the appellant institution submits required documents within 15 days of the issue of Appeal order.

NOW THEREFORE, the Council hereby remands back the case of Ravi Shankar College of Education, MGCGV, Chitrakoot, Satna Road, Majhgawa, Satna, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

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


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

1. The Director, Ravi Shankar College of Education, 57/1B, MGCGV Chitrakoot, Chitrakoot Satna Road, Majhgawa, Satna – 485334, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-30/E-152588/2020 Appeal/9th Mtg.-2020/28th February, 2020
NATIONAL COUNCIL FOR TEACHER EDUCATION
 G-7, Sector-10, Dwarka, New Delhi-110 075

Date: 15/07/2020

ORDER

WHEREAS the appeal of Colonel Fateh Jang College of Education, Mhow, Indore, Madhya Pradesh dated 17/09/2019 is against the Order No. WRC/APW02122/223429/B.Ed./310th /2019/206192 dated 06.09.2019 of the Western Regional Committee, continuing recognition for conducting B.Ed. Course for one unit only on the following grounds that "this is the case of appeal. The appellant authority vide letter dated 11/03/2019 remanded back the case to WRC to consider the additional list of 6 faculty members submitted by the appellant and issue appropriate revised order. The Committee considered the additional list of 6 faculty members and observed that staff at Sr. No. 4,5 & 6 not qualified (not having NET/Ph.D.) as per NCTE Amended Regulations 9/6/2017. Hence, the Committee decided that the order dated 28/09/2018 for intake of one unit stands."

AND WHEREAS Sh. Kushmeshwari Choudhary, Principal and Sh. M.S. Pawan, Member, Colonel Fateh Jang College of Education, Mhow, Indore, Madhya Pradesh presented the case of the appellant institution on 28/02/2020. In the appeal and during personal presentation it was submitted that "As per the list, the staff members present at Sr. No. 4 is fine Arts faculty, 5 is Dance Teacher faculty and 6 is Physical Education faculty, and as per Gazette of India and NCTE revised Norms, these staff members do not require Net/Ph.D. The Education required which is listed for these faculties in Gazette of India is Post Graduate Degree with M.Ed. Degree and our these faculties hold these required Degree."

AND WHEREAS Appeal Committee noted that WRC by its order dated 28.09.2018 reduced the intake for B.Ed. course from 2 units to one unit and the appellant institution preferred appeal against the said order. Appellate Authority by its order dated

11/03/2019 remanded back the case to WRC to consider the list of additional six faculty members submitted by the appellant and issue revised appropriate order regarding intake.

AND WHEREAS Appeal Committee noted that WRC in its 310th Meeting, considering the order dated 11/03/2019 of the Appellate Authority observed that staff at Serial number 4, 5 and 6 are not having NET/Ph.d. as per amended NCTE Regulations dt. 09/06/2017. WRC thereafter decided that the order dated 25/09/2018 for intake of one unit stands. The decision of WRC was communicated to appellant institution by a letter dated 06/09/2019.

AND WHEREAS Appeal Committee noted that appellant institution has now preferred appeal dated 17/09/2019 against the decision conveyed by WRC on 06/09/2019. The submission made by appellant as noted by Appellate Authority is that 'Faculty at serial no. 4,5 and 6 of the additional list relate to Fine Arts, Dance and Physical Education.' The NCTE Amended Regulation dated 09/06/2017 by which faculty appointed after this date is required to possess NET/Ph.d. is not applicable to faculty engaged for Fine Arts, Dance and Physical Education.

AND WHEREAS Appeal Committee noted that letter dated 06/09/2019 issued by WRC conveying decision of the Regional Committee should have been issued in form of an order after giving the appellant institution an opportunity to submit written representation. No formal Show Cause Notice (SCN) was issued whereas the decision conveyed by letter dated 06/09/2019 is appealable. Appeal Committee, considering the submission made by appellant, decided that WRC needs to revisit the matter in light of extant regulatory provisions and clarifications issued by NCTE from time to time.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded

that WRC needs to revisit the matter in light of extant regulatory provisions and clarifications issued by NCTE from time to time.

NOW THEREFORE, the Council hereby remands back the case of Colonel Fateh Jang College of Education, Mhow, Indore, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

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


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

1. The Principal, Colonel Fateh Jang College of Education, 51, Bercha Road, Mhow, Indore – 453441, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

(12)

F.No.89-31/E-153170/2020 Appeal/9th Mtg.-2020/28th February, 2020**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 15/07/2020

ORDER

WHEREAS the appeal of Sowkhya College of Education, Rangeenakatte, Bhatkal, North Kannada, Karnataka dated 11/09/2019 is against the Order No. SRO/NCTE/APSO/2152/B.Ed./KA/2019-104630 dated 23.05.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the institution has not submitted its reply to show cause notice issued to the institution on 05.02.2019."

AND WHEREAS Sh. Riyaz, Director, Sowkhya College of Education, Rangeenakatte, Bhatkal, North Kannada, Karnataka presented the case of the appellant institution on 28/02/2020. In the appeal and during personal presentation it was submitted that the institution has not submitted reply on 23/02/2019 to show cause notice issued to the institution on 05.02.2019. SRC was informed by a letter dated 18/11/2015 that institution seeks only one unit (50 students).

AND WHEREAS Appeal Committee noted that after issue of revised recognition order dated 16/05/2015 a Show Cause Notice (SCN) dated 05/02/2019 was issued to appellant institution seeking compliance regarding staff profile, FDRs, C.L.U., N.E.C., Building Plan and Building Completion Certificate. The impugned withdrawal order dated 23/05/2019 issued by SRC is on the ground that appellant institution did not submit reply to the SCN dated 05/02/2019.

AND WHEREAS Appeal Committee noted from the regulatory file that appellant institution had submitted reply dated 27/02/2019 to the S.C.N. which was duly received in the office of SRC on 05.03/2019. Appellant institution by its above reply had informed SRC that recognition for only one unit (50 seats) be granted. Appellant institution had

also furnished copies of year wise list of students admitted by it on allotment by Karnataka University, Dharwad. Appellant during the course of appeal hearing submitted copies of approved faculty list, building plan and C.L.U.

AND WHEREAS Appeal Committee noted that appellant institution is recognized for conducting B.Ed. course since 2004-05 and with recognition restricted to one unit (50 seats) as requested by appellant, is not supposed to expand its faculty and built up area. Appellant is however, required to submit to SRC original approved staff profile, Building Plan, C.L.U., N.E.C., and B.C.C. to SRC within 15 days of the issue of appeal order. Appeal Committee further decided to remand back the case to SRC for revisiting the case for recognition of one unit after the appellant submits the required documents within 15 days of the issue of appeal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to SRC for revisiting the case for recognition of one unit after the appellant submits the required documents within 15 days of the issue of appeal order.

NOW THEREFORE, the Council hereby remands back the case of Sowkhya College of Education, Rangeenakatte, Bhatkal, North Kannada, Karnataka to the SRC, NCTE, for necessary action as indicated above.

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


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

1. The President, Sowkhya College of Education, NN-66, Rangeenakatte, Bhatkal, North Kannada – 581320, Karnataka.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bangalore.

13

F.No.89-32/E-153171/2020 Appeal/9th Mtg.-2020/28th February, 2020**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

Date: 15/07/2020

ORDER

WHEREAS the appeal of Shanti Niketan Sikshan Sansthan, Village – Bathoth, Sihot Bari, Sikar, Rajasthan dated 29/01/2020 is against the Order No. New Appl./RF/Raj./NRCAPP-8269/2013-14/62601 dated 15.10.2013 of the Western Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds that “NCTE is in receipt of the letter from Additional Director (Education), Primary Education, Bikaner, Rajasthan intimating therein the decision taken by the State Govt. not to allow running of Pre-primary (Nursery) programmes in the State.”

AND WHEREAS Sh. Nagarmal, Secretary and Sh. R. Singh, Assistant, Shanti Niketan Sikshan Sansthan, Village – Bathoth, Sihot Bari, Sikar, Rajasthan presented the case of the appellant institution on 28/02/2020. In the appeal and during personal presentation it was submitted that “Northern Regional Committee has acted in an arbitrary manner while deciding to return the application of the petitioner Institute. Northern Regional Committee was not required to return the applications on the ground of general negative recommendations of the State Government for D.El.Ed. Course for the reason that the National Council for Teacher Education is having the final statutory competence to decide the issue of grant of recognition for permission to a particular teacher training course. Regional Committee is not required to proceed only on the basis of recommendations of the State Government. Petitioner institution is having a fundamental right to establish the institution to impart Higher Education under Article 19(1)(g) of the Constitution of India. It is submitted that as per the provisions of section 14 and 15 of the National Council for Teacher Education Act before rejection of application of the concerned Teacher Education Institution, reasonable opportunity of hearing is required to be provided but in the instant case the respondent Northern

Regional Committee did not provide the reasonable opportunity of hearing to the petitioner which renders the decision of the Northern Regional Committee to return the application of the petitioner illegal and arbitrary. Hon'ble Supreme Court in the recent decision delivered in the case of *State of Rajasthan v. LBS B.Ed. College and Ors.* has clarified the role of the National Council for Teacher Education vis a vis the role of the State Government for grant of recognition to the teacher training institutions in the following manner. Yet again, another two-Judge Bench in *Maa Vaishno Devi Mahila Mahavidyalaya v. State of Uttar Pradesh* 2013 2 SCC 617 opined that Regulations framed under the Act clearly show that upon receiving an application for recommendation, the NCTE shall send a copy of the application with its letter inviting recommendations / comments of the State Government on all aspects within a period of 30 days. To such application, the State is expected to respond with its complete comments within a period of 60 days. In other words, the opinion of the State on all matters that may concern it in any of the specified fields are called for. The Court observed that this is the stage where the State and its Department should play a vital role and they must take all precautions to offer proper comments supported by due reasoning. Once these comments are sent and the State Government gives its opinion which is considered by the NCTE and examined in conjunction with the report of the experts, it may grant or refuse recognition. Once it grants recognition, then such grant attains supremacy vis-a-vis the State Government as well as the affiliating body. Once the University conducts inspection in terms of its Statutes or Act, without offending the provisions of the Act and conditions of recognition, then the opinion of the State Government at the second stage is a mere formality unless there was a drastic and unacceptable mistake or the entire process was vitiated by fraud or there was patently eminent danger to life of the students in the school because of non-compliance of a substantive condition imposed by either of the bodies but in the normal circumstances, the role of the State is a very formal one and the State is not expected to obstruct the commencement of admission process and academic courses once recognition is granted and affiliation is found to be acceptable. We have been apprised that the NCTE has granted recognition to some of the institutions. As the recognition has already been granted, the controversy with regard to the said institutions shall stand closed. Needless

to say, in future, whenever an application is received under the Regulations for grant of recognition, the NCTE shall be guided by its own Regulations and the judgments of this Court and the State shall remain bound by the principles set out hereinabove. Needless to say, the NCTE shall take into consideration the recommendations and views of the State despite the fact that it has the final.” It is evident from the above mentioned verdict of the Hon’ble Supreme Court delivered in the case of the L.B.S. B.Ed. college which provide the guidelines to the National Council for Teacher Education for processing of the applications of the teacher education institutions that the National Council for Teacher Education has wrongly construed the legal provisions while deciding to return the application of the petitioner Samiti and therefore the decision taken by the Northern Regional Committee of the National Council for Teacher Education to return the application of the petitioner institution is required to be quashed and set aside by this Hon’ble Court and the Northern Regional Committee of the institution had filed a S.B. Civil Writs. No.14830/2019 to the High Court of Judicature for Rajasthan, the copy of the court order is attached herewith for reference.”

AND WHEREAS Appeal Committee noted that appellant institution filed a S.B. Civil Writ Petition No. 14830/2019 in the High Court of Judicature for Rajasthan, Bench at Jaipur and the Hon'ble High Court in its order dated 20/12/2019 had allowed the petitioner to prefer appeal which shall be decided on merits and limitation shall not be considered.

AND WHEREAS Appeal Committee noted that relevant regulatory file of NRC is not available. Appeal Committee further noted that NRC by impugned letter dated 15/10/2013 returned the application no. NRCAPP – 5391 to the appellant institution. The application was returned in original alongwith the FDRs of Rs. 5 lakh and 3 lakh. The application processing fee was also returned to the appellant institution by NRC.

AND WHEREAS it has been brought to the notice of the Committee in the meeting held on 28/02/2019 that the Hon’ble Division Bench of the Hon’ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No.

45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. The Committee also noted that in view of the NRC returning the application in original to the appellant, with a request to the NCTE to refund the processing fee also, virtually no application existed after 15/10/2013. In view of this position, the Committee concluded that (i) No appeal lies against a non-existent application. (ii) N.R.C. was justified in returning the application at the particular time. The appeal deserves to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above, the Committee concluded that (i) No appeal lies against a non-existent application. (ii) N.R.C. was justified in returning the application at the particular time. The appeal deserves to be rejected and the decision of the N.R.C. confirmed.

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

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


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

1. The Secretary, Shanti Niketan Sikshan Sansthan, Plot No. 1063/355, Village – Bathoth, Sihot Bari, Didwana Road, Sikar – 332028, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-33/E-153117/2020 Appeal/9th Mtg.-2020/28th February, 2020

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 15/07/2020

ORDER

WHEREAS the appeal of Jambheswar T.T. College, Ramsar, Barmer, Rajasthan dated 10/02/2020 is against the Order No. NRC/NCTE/NRCAPP-15434/306th Meeting/2019/206113 dated 25.09.2019 of the Western Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "Show Cause Notice was issued to the institution vide NRC letter No. 202497501 dated 29 April 2019 on the following grounds:- The institution run by the society for liberal arts, namely, BA course is in the name of Lakshya Mahavidyalaya, Ramsar and affiliated with Jai Narayan Vyas University, Jodhpur, Rajasthan. The present proposed course B.Ed. is sought for Jambheswar T.T. College, Ramsar, Barmer. Both the institutions are separate institutions. The institution website has not been designed and developed as per clause 7(14)(i) of NCTE Regulations, 2014. However, the Recognition Order issued vide letter No. F. No. NRC/NCTE/NRCAPP-201615434/298th Meeting/2019/201599-04 dated 19.03.2019 stands cancelled. Reply submitted by the institution on 08.05.2019 is not satisfactory because it fails to establish the fact that Jambheswar T.T. College and Lakshya Mahavidyalaya, Ramsar are not separate institution."

AND WHEREAS Sh. Jagdish Vishnoi, Secretary, Jambheswar T.T. College, Ramsar, Barmer, Rajasthan presented the case of the appellant institution on 28/02/2020. In the appeal and during personal presentation it was submitted that "In the first SCN issued to the institution the NRC pointed that proof of composite not submitted. On being remanded back, the institution submitted the proof of composite on the name of Lakshya College and which was accepted. The NRC either was satisfied of the proof, the institution had given or failed to notice that, in both the cases the appellant institution assumed that it is considered as composite and there is no need for it to further do anything regarding the same. If NRC has pointed it the institution would have corrected

the same. NRC constituted VT for inspection without pointing any deficiency and even after VT report was submitted, LOI was issued without any SCN. This deficiency should have been pointed out before or after VT and not after issuance of 7(16), which shows poor state of affairs at the end of NRC. NRC cannot point deficiency at any time it desires, they have to follow a proper course of law. Because the parent society of both the colleges i.e. Lakshya College and Jambheswar T. T. college is same, the land is same even the premises in which it is desired to run both the courses is also same. The address of both the institution is also same. The institution was totally ignorant of this fact that even the name of colleges should also be same. Now after issuance of SCN the Institution approached the affiliating body for name change of its degree college and the university has No objection to the new name and has also issued new affiliation order changing the name of the college to Jambheswar college. By the issuance of this new order the institution fulfills the condition of composite. NRC never pointed it before otherwise the institution would have got this much prior and would have been saved of this harassment. The new order of affiliation is attached. Previously also the appellate authority has decided the appeal in similar matters and remanded it back to NRC. In the matter of VIDYA TEACHER TRAINING COLLEGE, PALDI, the degree college was running by name of society and application was on different name but because affiliating body issued NOC on new name, the Council remanded back the matter. The institution has updated its Website as per the provision of clause 7 (14). Therefore, the institution has removed all the deficiencies pointed in the SCN and the matter of institution be remanded back to NRC”

AND WHEREAS Appeal Committee noted that NRC had issued an order of recognition dated 19/03/2019 for B.Ed. course with an intake of 2 units. Appeal Committee noted from the regulatory file that:-

- (i) Appellant institution in its application dated 30/05/2016 seeking recognition for the course had declared that it is already recognized w.e.f. 23/05/2016 to conduct B.Ed. course with an intake of 50 seats.
- (ii) Visiting Team in its report dated 24/11/2018 had informed that 'A Degree College is running presently under the patronage of this society.

- (iii) NRC after issue of formal recognition order dated 19/03/2019 issued a Show Cause Notice and a clarificatory letter dated 29/04/2019 cancelling the recognition order dated 19/03/2019 mainly on the ground that the institution running B.A. course is in the name of Lakshya Mahavidyalya, Ramsar whereas B.Ed. course was recognized in the name of Jambheshwar T.T. College, Ramsar.

AND WHEREAS Appeal Committee noted that:-

- (i) Appellant institution already stands recognized for conducting B.Ed. course since 2016 with an intake of one unit. The previous recognition order of 2016 was issued under NCTE Regulation, 2014 and N.R.C. had not raised the criteria of 'Composite' at that time.
- (ii) The degree college was being run by the appellant society at same address where B.Ed. course (one unit) is being conducted and B.Ed. (Addl.) is applied for.
- (iii) Appellant society, of late, has been able, to rectify the name of Lakshya Mahavidyala as 'Jambheshwar Mahavidya' vide orders dated 03/12/2019 and 10/12/2019 issued by the State Government and the affiliating university.

AND WHEREAS Appeal Committee noted Jambeshwar College and Jambeshwar T.T. College' being run by same society at same address qualify to be a composite institution. Appeal Committee, therefore, decided that appellant institution is required to submit to NRC. Copy of orders dated 03/12/2019, 10/12/2019, affiliation letter dated 03/01/2020 and printout of website of WRC within 15 days of the issue of appeal order. Appeal Committee further decided to remand back the case to NRC for revisiting the matter.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the 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 Jambheswar T.T. College, Ramsar, Barmer, Rajasthan to the WRC, NCTE, for necessary action as indicated above.

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


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

1. The Secretary, Jambheswar T.T. College, Ramsar, Barmer – 344502, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.