



**एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
**G-7, Sector-10, Dwarka, New Delhi-110075**

दिनांक/ Date - 30/10/2024

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

**89-22/E-333563/2024/Appeal/12<sup>th</sup> Meeting, 2024**  
**APPLSRC202114097**

Narendar College of Education, Plot No. 147A, Village - Venkatachalapuram, Post Office - Pullambadi, Street/Road - Venkatachalapuram, Taluka/Mandal - Lalgudi, District - Tiruchirapali, Tamilnadu-621711.	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Mr. M Krishna Mohan, Chairman</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	<b>29.10.2024</b>
<b>Date of Pronouncement</b>	<b>30.10.2024</b>

## आदेश/ ORDER

### **I. GROUND OF WITHDRAWAL**

The appeal of Narendar College of Education, Plot No. 147A, Village - Venkatachalapuram, Post Office – Pullambadi, Street/Road - Venkatachalapuram, Taluka/Mandal - Lalgudi, District – Tiruchirapali, Tamilnadu-621711 dated 18.08.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F. No. F.SRO/NCTE/APSO7608/B.Ed./TN/395<sup>th</sup>/2021/125087-5094 dated 15.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The Committee noted that due to non-compliance of SCN dated 28.08.2019 for submission of requisite documents to verify infrastructure & instructional facilities a Final Show Cause Notice dated 21.09.2020 was issued to the institution. However, the institution failed to submit the requisite documents as per Final Show Cause Notice dated 21.09.2020.”

### **II. SUBMISSIONS MADE BY APPELLANT: -**

Mr. M Krishna Mohan, Chairman of Narendar College of Education, Plot No. 147A, Village -Venkatachalapuram, Post Office – Pullambadi, Street/Road - Venkatachalapuram, Taluka/Mandal - Lalgudi, District – Tiruchirapali, Tamilnadu-621711 appeared online to present the case of the appellant institution on 29.10.2024. In the appeal report, it is submitted that “The institution submitted all the necessary documents in the year to the NCTE Regulation the permanent infrastructure like land and buildings instructional facilities certificates obtained from various competent authorities were submitted to the SRC-NCTE after the inspection held by visiting team of NCTE the Madras High Court Madurai Bench give direction to inspect the Narendar College of Education on the NCTE sent a visiting team on to conduct the inspection. The institution submitted all the request documents in the year to the NCTE regarding the permanent infrastructure like land and buildings instructional facilities Certificates obtained from various Competent Authorities were submitted to the SRC-NCTE after the inspection held by visiting team of NCTE there after based on the satisfaction of the visiting team report

2 

and documents submitted by the institution the NCTE-SRC issued recognition order to conduct two year B.Ed. course on 27.05.2015 it is understood that the institution submitted all the requisite documents and fully satisfied the SRO there after the communication sent by the NCTE SRC on 21.09.2020 was not received by the institution since during that period the college were closed due to national level lockdown the institution always ready to submit any kind of documents required by the NCTE and Regional office so kindly request the committee of NCTE to remand back the withdrawal order , the institution filed a writ petition as per the direction of the high court of madras date 20.07.2021 W.P. No. 14683 of 2021 and W.M.P. No. 15585 of 2021 the NCTE requested to favorably order to continue our institution without breaking.”

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

**The Appeal Committee in its 12<sup>th</sup> Meeting, 2024 held online on 29<sup>th</sup> October, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.**

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course of one year duration with an annual intake of 100 students vide order dated 31.01.2008. After promulgation of NCTE Regulations, 2014 vide notification dt. 28.11.2014, the **“Narendar College of Education, Plot No. 147A, Village - Venkatachalapuram, Post Office – Pullambadi, Street/Road - Venkatachalapuram, Taluka/Mandal - Lalgudi, District – Tiruchirapali, Tamilnadu-621711”** offering B.Ed. course was informed vide email/public notice to submit a duly notarized affidavit as an acceptance of the NCTE Regulations, 2014 by the institution. After the receipt of affidavit dt. 10.04.2015 from the institution. Hence, the revised recognition order for B.Ed. programme of two years duration was issued to the institution vide dt. 27.05.2015. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 15.03.2021.

The Appeal Committee noted that the Hon’ble High Court of Madras at Madurai Bench vide order dated 28.11.2023 has passed W.P.(MD) Nos. 4128 of 2021 and W.M.P.(MD) Nos. 3325 and 3327 of 2021 the order as the following: -

***"In the light of above developments, nothing survives to be considered in this Writ Petition. There shall be a direction to the newly impleaded third respondent to deal with the appeal submitted by the petitioner and pass final orders within a period of eight weeks from the date of receipt of a copy of this order.***

***6. This Writ Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed."***

The instant matter was placed in its 9<sup>th</sup> Meeting, 2024 held on 15.07.2024. The Appeal Committee observed that the appellant institution has not submitted the requisite documents with respect to the deficiencies pointed out in the Withdrawal Order. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to grant another (Second) opportunity to the appellant institution and the institution was required to submit the documents mentioned therein.

The instant matter was placed in its 11<sup>th</sup> Meeting, 2024 held on 19.09.2024. The Appeal Committee noted that the institution has not submitted hard copy of the documents as sought by the Appeal Committee in its 9<sup>th</sup> Committee Meeting held on 15.07.2024. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to ask the appellant institution to submit the following documents alongwith affidavits so that the decision of the Appeal Committee become authenticated: -

- (i) The institution is required to submit a notarized/authenticated copy of all documents on Affidavit sought by the SRC in its Final Show Cause Notice dt 21.09.2020. The affidavit (duly attested) shall clearly state the status of land and building available with the institution for running teacher education programme. The affidavit must also clearly mention about the status of each and every land and building documents submitted before the Appeal Committee and the deponent shall make a verification at the foot of the affidavit to the effect that the contents of the documents submitted are true and authentic as per the provisions of the NCTE regulations, 2014 and that the necessary approval has been obtained from the competent authority in accordance with NCTE rules and regulations. The deponent must further verify, in the said manner that **"The contents of the documents are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom."**
- (ii) The institution is required to submit the approval letter of the concerned University/Affiliating Body approving the faculty along with the **latest faculty list for B.Ed.** programme approved by the Registrar of the affiliating body as per the **prescribed Format.**

  
4

- (iii) A copy of the proceedings regarding selection of all the faculty members by the selection committee duly constituted and approved by the competent authority of the affiliating University/body.
- (iv) An Affidavit on Rs. 100/- Non-Judicial Stamp paper clearly mentioning the name, designation, account number and salary paid of each of the faculty appointed for B.Ed. programme and also stating therein that the faculty are being paid salary through cheque/RTGS/NEFT. The Affidavit should be supported with the salary statements for three months duly verified by the bank officials.

The instant matter again placed in its 12<sup>th</sup> Meeting, 2024 held on 29.10.2024. The Appeal Committee after perusing the documents on records submitted in appeal and reply of the institution vide letter dt. 17.09.2024 received on 26.09.2024 and oral arguments advanced during the online hearing the Appeal Committee noted the following deficiencies: -

- (i) The institution failed to submit the reply to Final Show Cause Notice dated 21.09.2020 which was issued by SRC due to non-compliance of SCN dated 28.08.2019 for submission of requisite documents to verify infrastructure & instructional facilities. Moreover, the Appeal Committee asked to the Appellant institution to submit the documents sought by the SRC in its Final Show Cause Notice dated 21.09.2020 alongwith affidavit in order to check/verify the authenticity of the documents. However, the institution has failed to submit the requisite Affidavit with proper reply.
- (ii) The institution has failed to submit the approval letter of the concerned University/Affiliating Body approving the faculty along with the **latest faculty list for B.Ed.** programme approved by the Registrar of the affiliating body as per the **prescribed Format** alongwith a copy of the proceedings regarding selection of all the faculty members by the selection committee duly constituted and approved by the competent authority of the affiliating University/body.
- (iii) The institution has failed to submit An Affidavit on Rs. 100/- Non-Judicial Stamp paper clearly mentioning the name, designation, account number and salary paid of each of the faculty appointed for B.Ed. programme and also stating therein that the faculty are being paid salary through cheque/RTGS/NEFT. The Affidavit should be supported with the salary statements for three months duly verified by the bank officials.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 15.03.2021 issued by SRC is confirmed.

  
5

**IV. DECISION: -**

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 15.03.2021 issued by SRC is confirmed.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee

  
उप सचिव (अपील)/ Deputy Secretary (Appeal)

**Copy to :-**

1. The Principal, Narendar College of Education, Plot No. 147A, Village - Venkatachalapuram, Post Office – Pullambadi, Street/Road - Venkatachalapuram, Taluka/Mandal - Lalgudi, District – Tiruchirapali, Tamilnadu-621711.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Principal Secretary, Government Higher Education Department, Govt. of Tamilnadu, Fort St. George, Chennai, Tamilnadu-600009.





**एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
**G-7, Sector-10, Dwarka, New Delhi-110075**

दिनांक/ Date - 30/10/2024

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/**  
**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**  
**89-70/E-1773771/2021/Appeal/12<sup>th</sup> Meeting, 2024**  
**APPLWRC202414772**

Janata Shikshan Prasarak Mandals Womens B.Ed. College, Gate no. 19, Khultabad Village, Aurangabad District, Maharashtra-431005.	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Dr. Shaikh Parvez Aslam Abdullah, Administrative Officer</b>
<b>Respondent by</b>	<b>Regional Director, WRC</b>
<b>Date of Hearing</b>	<b>29.10.2024</b>
<b>Date of Pronouncement</b>	<b>30.10.2024</b>

## आदेश/ ORDER

### **I. GROUNDS OF WITHDRAWAL**

The appeal of Janata Shikshan Prasarak Mandals Women's B.Ed. College, Gate no. 19, Khultabad Village, Aurangabad District, Maharashtra-431005 dated 20.04.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No.WRC/APW00843/123177/374<sup>th</sup>/2022/220908 dated 14.11.2022 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i). Original approved faculty list by the Affiliating Body comprising 1 Principal + 15 faculty qualified as per NCTE Regulations, 2014 and subsequent amendment vide Notification dated 09.06.2017 for two units (100 intake) of B.Ed. course not submitted. (ii). Letter dated 24.01.2022 with enclosures from the institution related to faculty is in regional language. (iii). As is evident from the letter dated 03.08.2022 issued by S.N.D.T. Women's University, approval given for in-charge Principal for six months i.e., from 14.08.2020 to 13.02.2021 with direction to the institution to initiate process for appointment of full-time principal as per norms and regulations. Hence, the institution is deficient for appointing a regular qualified Principal as per NCTE Regulations with adequate experience required under NCTE Norms and Regulations published from time to time."

### **II. SUBMISSIONS MADE BY APPELLANT: -**

Dr. Shaikh Parvez Aslam Abdullah, Administrative Officer of Janata Shikshan Prasarak Mandals Womens B.Ed. College, Gate no. 19, Khultabad Village, Aurangabad District, Maharashtra-431005 appeared online to present the case of the appellant institution on 29.10.2024. In the appeal report, it is submitted that "(i). It is submitted that affiliating university of the institute has approved the requisite number of faculty an approved faculty list is has 1+15 faculty as required under appendix-4 of NCTE Regulation, 2014 and thus there is no deficiency in respect of faculty. Therefore, it is submitted that aforesaid approved faculty may kindly be consider and the withdrawal order may be set-aside. (ii). It is submitted that WRC in exercise of its powers conferred





under Section 17 of NCTE Act initiated a proceeding in respect of B.Ed. course of Petitioner institution and issued Final Show Cause Notice dated 09.10.2020 on specific ground of running the institution in rented premises and non-submission of application for shifting of the institution. Though the institute submitted their reply through speed passing of the withdrawal order dated 19.12.2020 under Section 17 of NCTE Act, withdrawing recognition of B.Ed. course being aggrieved, Petitioner filed statutory appeal before Appellate Authority of NCTE under Section 18 of NCTE Act, 1993 and the Appellate Authority vide its order dated 30.06.2021 accepted the appeal and remanded the matter back to WRC with specific direction of the appeal committee to both the Petitioner as well as WRC, the WRC was required to revisit the matter only in accordance with the direction of the appellate authority and on the basis of documents submitted by the petitioner in compliance of the order dated 30.06.2021 passed by the Appellate Authority. The impugned withdrawal order dated 14.11.2022 issued by WRC being beyond the scope of remand by the appellate authority is completely unreasonable & arbitrary action, which cannot be sustained and is liable to be quashed by this Hon'ble Court. (iii). That it is respectfully submitted that once the appellate authority vide its order dated 30.06.2021 accepted the appeal and remanded the matter back to WRC with specific direction to Petitioner to submit reply dated 21.10.2020 with enclosures to WRC within 15 days of issue of appeal order and the WRC was directed to revisit the matter after getting the required documents from the Petitioner institution, then WRC is not justified in initiating de novo proceedings on entirely new grounds (beyond the scope of remand). Consequently, the impugned withdrawal order dated 14.11.2022 issued by WRC being beyond the terms & scope of the remand order dated 31.06.2021 passed by the appellate authority, is completely impermissible and arbitrary, hence cannot be sustained. (iv). That it is submitted that remand order dated 30.06.2021 passed by the appellate authority in exercise of its power conferred under Section 18 of NCTE Act, 1993 is an order in the nature of "limited remand" to WRC. Consequently, WRC being a subordinate authority while revisiting the matter, cannot travel beyond the scope of remand and it is impermissible for the WRC to travel the beyond the scope of remand and require the petitioner to submit documents different from the documents which were directed to be submitted by the appellate authority. It is submitted that though the institute in compliance



of the appellate order dated 30.06.2021 submitted all the requisite documents, however, WRC initiated fresh proceedings on entirely new grounds and proceeded to pass the withdrawal order dated 14.11.2022. Thus, the withdrawal order being beyond the scope of remand order dated 30.06.2021 passed by Appellate Authority, is unsustainable, hence liable to be quashed. (v). Once a higher/appellate authority passes an order remanding the matter to lower/subordinate authority passes an order remanding the matter to lower/subordinate authority to widen the scope of the remand order. It is submitted that once the restricted order of remand passed by the appellate authority has become final, binding and conclusive, then it is not open to WRC to enlarge of the scope of the remand order. In the present matter, the order dated 30.06.2021 passed by appellate authority is in the nature of limited remand to WRC. In the circumstances, once the entire proceeding attained finality in the form of order dated 30.06.2021 passed by appellate authority then it is not open to WRC to act contrary to and beyond the scope of limited remand and issue the withdrawal order. In the circumstances, withdrawal order issued by WRC being without any sanction of law and impermissible, cannot be sustained and is liable to be quashed. (vi). A bare perusal of the decision taken by WRC in its 349<sup>th</sup> Meeting held on 29<sup>th</sup>-31<sup>st</sup> December 2021 shows that WRC decided to issue Show Cause Notice on two specific grounds, however after submission of reply dated 25.01.2022 and 10.02.2022, Final Show Cause Notice dated 13.05.2022 was issued on entirely new ground of non-submission of revised compliance to revised recognition order dated 12.08.2015. Thereafter, institute submitted reply dated 02.06.2022 to the Final Show Cause Notice but thereafter, the WRC took the decision of withdrawal of recognition on entirely different ground which is neither part of the decision taken in 349<sup>th</sup> meeting (1<sup>st</sup> Show Cause) nor part of 2<sup>nd</sup> Show Cause Notice dated 13.05.2022. Thus, order of withdrawal being entirely at variance & different from the Show Cause Notices, cannot be sustained and is liable to be quashed. (vii). It is submitted that provisions of Section 17 is attracted when the Regional Committee is satisfied the recognized institution is contravened any of the provisions of the Act, Rules, Regulations, orders etc. It is submitted that after remand order dated 30.06.2021 passed by appellate authority, the WRC took two decisions to issue Show Cause Notice under section 17. A perusal of both decision shows that they are in the nature of seeking information from institution and there is no finding of deficiency

as well as contravention of provision of Act, Rules, Regulations, orders etc. is recorded. Thus, in the absence of any finding/reference by WRC regarding contravention of provisions of Act, Rules, Regulations or orders by WRC, the WRC was not justified in issuing both Show Cause Notices under Section 17 of NCTE Act, 1993 and consequently could not have passed the order of withdrawal. The institution in this regard is supported by following orders passed by this Hon'ble Court: - "1. Order dated 05.11.2020 passed in W.P. (C) No. 8673/2020. 2. Order dated 06.11.2020 passed in W.P. (C) No. 8746/2020. 3. Order dated 12.03.2021 passed in W.P. (C) 3274/2021. 4. Order dated 27.03.2023 passed in W.P. (C) No. 8635/2020. (viii). It is respectfully submitted that order of withdrawal has been passed by WRC without providing an opportunity of hearing. It is submitted that WRC has not provided any opportunity of hearing to the institute before taking the decision of withdrawal. It is a well settled principal of law that grant of opportunity of hearing is integral to the principal of law that grant of opportunity of hearing is integral to the principals of natural justice. Accordingly, while taking any drastic action under section 17 (1) of the NCTE Act, it was incumbent upon the WRC to provide an opportunity of hearing to the institution. Thus, the withdrawal order having been passed in violation of principle of natural justice cannot be sustained and is liable to be quashed. (ix). It is submitted that WRC is not justified in taking the decision for withdrawal of recognition of B.Ed. course as the entire proceeding leading to said decision of withdrawal is contrary to the law laid down by the Hon'ble Supreme Court of India in the matter of National Council for Teacher Education & Anr Vs. Vaishnav Institute of Technology and Management [2012 (5) SCC 139] wherein, the Hon'ble Supreme Court of India has held that "Post-recognition, and institution acquires a different position. On recognition by the Regional Committee under Section 14 and on affiliation being granted by the examining body, once the recognised institution starts function in accordance with the 1993 Act, the 1997 Rules, Regulations and the conditions of recognition and, at the same time, the functioning of such recognised institutions is not disturbed unnecessarily, the provision for inspection and follow-up action pursuant thereto has been made in Section 13." Further, the Hon'ble Supreme Court held that "de-recognition or withdrawal of recognition of a recognised institution is a drastic measure. It results in dislocating the students, teachers and the staff. That is why, the council has been empowered under Section 13 to have a

constant vigil on the functioning of a recognised institution. On the recommendation of the Council after inspection, if a recognised institution does not rectify the deficiencies and continues to function in contravention of the provisions of the 1993 Act or the Rules or the Regulations, the Regional Committee under Section 17 has full power to proceed for withdrawal of recognition in accordance with the procedure prescribed therein." Thus, decision taken by WRC to withdraw recognition of B.Ed. course being contrary to the aforesaid Principle laid down by the Hon'ble Supreme Court of India in the matter of NCTE Vs. Vaishnav Institute of Technology & Management [2012 (5) SCC 139] it could have sought further information/clarification from the institution. However, without considering the aforesaid aspect of the matter, the WRC took the decision which is completely unreasonable and unjustified. It is submitted that the institution is in existence from 2005 and initial recognition for B.Ed. course was granted by WRC on 27.06.2005 after being fully satisfied with the physical and academic infrastructure including the faculty appointed in the institution. The institution does not suffer from any deficiency regarding physical and academic infrastructure. Hence, the institution is entitled for continuation of recognition so as to continue the B.Ed. course and the decision of withdrawal regarding B.Ed. course after functioning of institution for a period of almost 19 years is completely unjustified and unsustainable."

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

**The Appeal Committee in its 12<sup>th</sup> Meeting, 2024 held online on 29<sup>th</sup> October, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.**

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 27.06.2005. After promulgation of NCTE Regulations, 2014, the revised recognition order was issued to the institution vide order dt. 19.08.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students (two basic units of 50 students each) from the academic session 2015-2016. The recognition of the institution was withdrawn vide order dated 19.12.2020. Aggrieved with the decision of the WRC, the institution preferred



an Appeal and the Appeal Committee in its 15<sup>th</sup> Meeting, 2021 held on 11.06.2020 whereby the Appeal Committee vide order dt. 30.06.2021 decided to remand back the case to WRC to revisit the matter. The operative part of the decision is as under: -

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

**DECISION: -**

***After perusal of the Memoranda of Appeal, affidavit, documents on record and arguments advanced during online presentation. The Committee concluded to remand back the case to WRC to revisit the matter after the appellant institution submits to them copy of its reply dated 09/11/2020 within 15 days of the issue of appeal order."***

The WRC in its 374<sup>th</sup> meeting (Part-1) held on 18-19 October 2022 again decided to withdraw recognition of the institution and accordingly the recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 14.11.2022.

The Appeal Committee noted that the institution has filed W.P.(C) No. 5383/2024 before the Hon'ble High Court of Delhi at New Delhi and vide order dated 16.04.2024 has passed the order as the following: -

***"2. Mr. Amitesh Kumar, learned Counsel for the petitioners, undertakes to file an appeal against the said order within a period of one week from today before the Appellate Committee in the NCTE. The said appeal, if filed within the said period, shall be considered and decided by the Appellate Committee, NCTE positively within four weeks, after granting an opportunity of hearing to the petitioner.***

***3. Needless to say, the order that is passed shall be reasoned and speaking.***

***4. The right of the petitioners to seek recourse to legal remedies, should the petitioners to seek recourse to legal remedies, should the petitioner continue to remain aggrieved by the decision on their appeal, shall stand reserved.***

***5. The writ petition is disposed of."***

The institution preferred an Appeal on 20.04.2024 and the instant matter placed before the Appeal Committee in its 7<sup>th</sup> Meeting, 2024 held on 14.05.2024, the Appeal Committee noted that the Appellant Institution did not appear online to present its case

7 



before Appellate Committee and as such the Appeal Committee as per extant appeal rules decided to grant another (Second) opportunity to appellant institution to present its case before Appellate Authority.

The instant matter was placed in its 8<sup>th</sup> Meeting, 2024 held on 06.06.2024. The Appeal Committee observed that the appellant institution has not submitted the requisite documents with respect to the deficiencies pointed out in the Withdrawal Order. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to grant another (Last/final) opportunity to the appellant institution and the institution was required to submit the documents mentioned therein.

The instant matter was placed in its 10<sup>th</sup> Meeting, 2024 held on 14<sup>th</sup> August, 2024 whereby the Appeal Committee of the Council decided that the Appeal is kept pending till the report is submitted by the WRC, NCTE. A letter dated 28.08.2024 was sent to the RD, WRC. The WRC vide note dated 24.10.2024 (received through e-office file) submitted its reply.

The petitioner institution has filed a Writ Petition (C) No. 12737/2024 in the Hon'ble High Court of Delhi at New Delhi vide its order dated 03.10.2024 directed as under:-

- "1. Having considered the nature of submissions, which is confined to a direction to the Appellate Authority to decide the appeal within a period of five weeks.***
- 2. The Court finds the same being reasonable, and accordingly directs the Appellate Authority to decide the appeal which has been preferred pursuant to the various orders passed by this Court within a period of five weeks, from the date of receipt of copy of this order.***
- 3. Ordered accordingly.***
- 4. All rights and contentions of the parties are left open."***

The instant matter again placed in its 12<sup>th</sup> Meeting, 2024 held on 29.10.2024. The Appeal Committee after perusing the documents on records submitted in appeal and reply of the institution vide letter dt. 10.07.2024 and oral arguments advanced during the online hearing the Appeal Committee noted the following deficiencies: -





- (i) The institution has submitted an approval letter dt. 03.08.2022 of Dr. Snehalata Magare as (In – Charge) Principal. However, in the said letter it is stated that the University has granted post-facto approval to the appointment of Dr. Snehalata Magare as an (In-charge) Principal of the institution, in front of Petrol Pump, Aurangabad Road, Tal. Khultabad, District. Aurangabad, w.e.f. 14.08.2020 to 13.02.2021 (6 months). i.e., as on date, the Appellant institution has no Principal.
- (ii) The institution has submitted the staff list for academic year 2022-23, which is not duly approved by the Registrar of affiliating University. Secondly, the staff list curtains 13 faculty members instead of 15, the list is accordingly manipulated.
- (iii) The approval of the faculty members are given on temporary basis for academic year 2022-23 & not thereafter.
- (iv) Mr. Bharat Tirmakhe (Assistant Professor) and Dr. Sukanya Bhate (Assistant Professor) are not appointed as per the NCTE Norms & Standards.
- (v) The institution thereafter had submitted an email dated 07.12.2024 wherein the Appellant institution has submitted 02 more faculty members and the same is not approved by the Registrar and the staff list is also approved for only academic session 2020-2021.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 14.11.2022 issued by WRC is confirmed.

#### IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 14.11.2022 issued by WRC is confirmed.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee

  
उप सचिव (अपील)/ Deputy Secretary (Appeal)

**Copy to :-**

1. **The Principal, Janata Shikshan Prasarak Mandals Womens B.Ed. College, Gate no. 19, Khultabad Village, Aurangabad District, Maharashtra-431005.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Principal Secretary, Directorate of Higher Education, Elphiston Technical School premises, 3, Mahapalika Marg, Dhobi Talao, Chhatrapati Shivaji Terminus Area, Fort, Mumbai, Maharashtra 400001.



**एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY**

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**  
**G-7, Sector-10, Dwarka, New Delhi-110075**

दिनांक/ Date - 30/10/2024

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/**  
**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**  
**File No. 89-187/E-318986/2023 Appeal/12<sup>th</sup> Meeting, 2024**  
**APPLSRC202314700**

Arcot Mahalakshmi Womens College of Education, 424/6, Villapakkam, Arni Main Road, Arni, Vellore, Tamilnadu-635521.	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Mr. Thamizharasan T., Admin Head</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	<b>29.10.2024</b>
<b>Date of Pronouncement</b>	<b>30.10.2024</b>

*Thamizharasan T.*

## आदेश/ ORDER

### **I. GROUND OF WITHDRAWAL**

The appeal of **Arcot Mahalakshmi Womens College of Education, 424/6, Villapakkam, Arni Main Road, Arni, Vellore, Tamilnadu-635521** dated 26.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APSO1215/B.Ed./{TN}/2021/128508** dated 02.09.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institute previously requested for change of Management which was informed the SRC with disapproval. Now with the reply of FSCN dt. 21.01.2020 the institute had submitted a notarized copy of Gift Deed dt. 31.10.2013 which is in favour of Sri Matha Bhavenseswari Educational Trust (Donee) which is not the managing trust of the college. The Managing Trust is Mahalakshmi Educational Charitable Trust. This is not permissible under clause 8(4)(i) of NCTE Regulations, 2014. (ii). Other documents like BCC, NEC, Building Plan and LUC etc., cannot be accepted on the face of deficiency in land documents. (iii). Faculty for B.Ed., M.Ed. and D.T.Ed. courses has not been submitted with the latest approval of affiliating body. Only approval of 2015 is submitted only for M.Ed. course. (iv). The website of the institute is not updated with the information prescribed under para 8(6), 8(14) and 10(3) of NCTE Regulations, 2014.”

### **II. SUBMISSIONS MADE BY APPELLANT: -**

**Mr. Thamizharasan T., Admin Head of Arcot Mahalakshmi Womens College of Education, 424/6, Villapakkam, Arni Main Road, Arni, Vellore, Tamilnadu-635521** appeared online to present the case of the appellant institution on 29.10.2024. In the appeal report, it is submitted that “The rejection order was on the ground of change in Trust which is stayed by the High Court.”



### III. OUTCOME OF THE CASE

The Appeal Committee in its 12<sup>th</sup> Meeting, 2024 held online on 29<sup>th</sup> October, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 04.01.2006. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 28.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 30.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (Two basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 02.09.2021.

The Appeal Committee noted that the instant matter was placed in 3<sup>rd</sup> Meeting, 2022 of Appellate Committee held on 23.03.2022. The Appellate Committee vide order dated 18.04.2022 rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder: -

*"Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that Land documents submitted by appellant institution were not in favor of the applicant Trust/Society and it is subsequently after issue of Show Cause Notice, it has been stated that there is a change in the management culminating into change in the name of applicant trust. Appeal Committee noted that applicant institution did not seek prior approval of NCTE which has finally resulted in conducting of B.Ed. programme by an institution managed by a Society/Trust which was never an applicant in this case. As regards faculty applicant institution has failed to submit to SRC list of faculty duly approved by affiliating University before issue of impugned withdrawal order dated 02.09.2021 even after being given an opportunity by issue of SCN.*

2. *Appeal Committee, noting that applied for programme is not being conducted under the aegis of applicant society whose name is entered in the application form and other records of NCTE and List of faculty approved by affiliating University was not furnished to SRC before issue of impugned withdrawal order, decided to confirm the withdrawal order dated 02.09.2021.*

### IV. DECISION: -

*After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to confirm the impugned withdrawal order dated 02.09.2021."*



The Appeal Committee further noted that the petitioner institution filed a W.P. No. 9637/2023 and W.M.P. No. 9692/2023 in the Hon'ble High Court of Judicature at Madras against the impugned Withdrawal Order No. F.SRO/NCTE/APSO1215/B.Ed. /{TN}/2021/128508 dated 02.09.2021 issued by SRC. And Hon'ble Court vide order dated 18.04.2023 directed as under:

*"....5. However, this Court does not enter into a detailed discussion on all those aspects, since it is only a question of change in management between the mother and son, so far as the trust is concerned and also that the list of faculty members was not submitted. With respect to the list of faculty members, the learned Senior Counsel stated that subsequently necessary approval had been obtained relating to faculty and that those documents will have to be placed before the first respondent.*

*6. This Court leave it to the wisdom of the first respondent to consider all these aspects once again. The order under challenge in the writ petition is set aside. The petitioner is directed to submit a fresh appeal under Section 18 of the Act. When it is filed, the respondents may provide an opportunity of personal hearing to the petitioner and opportunity to produce documents and also answer those documents in the course of the order of the first respondent. The said proceedings may be completed within a period of twelve weeks from the date of receipt of a copy of this order.*

*7. With the above observation, this writ petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed."*

It is pertinent here to mention that the appellant institution approached the Hon'ble High Court of Madras and the High Court vide its order 12.10.2023 has directed the following in the Writ Petition No. 28705/2023: -

*"3... In the interests of consistency of approach, the same direction is extended to the petitioner in the present matter as well. Thus, the petitioner is permitted to admit students for B.Ed. Course for academic year 2023-2024 as well, subject to the outcome of this writ petition.*

*4. Since the issue involved is one and the same, let this writ petition be tagged with W. P. No. 28294 of 2023, in which also counter shall be filed prior to the next date of hearing.*

*5. List on 01.11.2023 as item successive to W. P. No. 28294 of 2023."*

The Appeal Committee noted that the matter was taken up by the Appellate Committee in its 14<sup>th</sup> Meeting, 2023 held on 04.11.2023 whereby the Appeal Committee decided to grant 3<sup>rd</sup>/Final Opportunity as per direction of Hon'ble High Court to the institution. The operative part of the decision is as under: -

"The Appeal Committee also noted that the petitioner's institution vide email dated 04.11.2023 informed the Appellate Committee that "the Hon'ble High Court after granting interim order have directed the writ petition to be listed on 01.11.2023 and on 01.11.2023, the interim order which was already granted was extended and matter is now listed on 30.11.2023. therefore, the





Appellant institution prayed that the Appeal shall be adjourned to the later dt., preferably after 30.11.2023.

In light of the above, the Appeal Committee as per extant appeal rules decided to grant another (3<sup>rd</sup>/Final) opportunity to appellant institution to present its case before Appellate Authority.

IV. **DECISION: -**


Appeal Committee as per extant appeal rules decided to grant another (3<sup>rd</sup>/Final) opportunity to the appellant institution to present its case before the Appellate Authority."

The Appeal Committee noted that the matter was taken up by the Appellate Committee in its 1<sup>st</sup> Meeting, 2024 held on 11.01.2024 whereby the Appeal Committee of the Council concluded that the said Appeal is differed (Sine die) until the said case is finally adjudicated by the Hon'ble High Court of Madras. The Hon'ble High Court of Madras in the W.P. No. 28294 & 28705 of 2023 Others vide order dated 05.06.2024 has passed the order as the following: -

***"8. As far as W.P. No. 28705 of 2023 is concerned, the petitioner may well pursue it appellate remedy and supply a copy of the order of approval dated 12.12.2023 to the appellate authority for consideration, in accordance with law."***

The instant matter placed in its 10<sup>th</sup> Meeting, 2024 held on 14.08.2024. The Appeal Committee noted that the Hon'ble High Court vide its order dated 05.06.2024 observed that ***"It is the petitioner's case that it is managed by the Mahalakshmi Educational Charitable Trust which, in its meeting held on 25.10.2012 had unanimously resolved to merge the Arcot Sri Mahalakshmi Women's Teacher College of Education and Arcot Sri Mahalakshmi Women's Teacher Training Institute with the Sri Matha Bhubaneshwari Educational Trust. An MoU had been executed vide letter dated 18.07.2016, R2 had been requested to effect necessary name changes."*** The Hon'ble High Court further directed that the petitioner may well pursue it appellate remedy and supply a copy of the order of approval dated 12.12.2023 to the appellate authority for consideration, in accordance with law.

The Appeal Committee decided to seek legal opinion from the Legal Division, NCTE Hqrs. as to whether the change of management is permissible on aforesaid

  
5

circumstances under the present Rules & Regulations of NCTE and decided to keep the matter in abeyance till the legal opinion is awaited.

A letter dated 11.09.2024 was sent to the Under Secretary, Legal. The Appeal Committee noted that the Legal Division of the NCTE Hqrs. vide note dated 28.10.2024 (received through e-office file) informed the Appeal Committee the following: -

***“There is no provision of the change of management in the Regulation, 2014” and in view of lack of any specific provision in the Regulations about change in the management, no request needs to be considered where a society/ trust/ company intends handover a recognized TEI to any other society/ trust/ company as it would amount to commercialization of teacher education.”***

The institution has filed W.P. No. 31568 of 2024 before the Hon'ble High Court of Judicature at Madras vide order dated 23.10.2024 has passed the order as the following:

***“The learned counsel appearing for the respondents 1 and 2 submits that the appeal preferred by the petitioner will be disposed of by the first respondent on or before 29.10.2024 and the report will be filed on 29.10.2024.***

***2. Post the matter on 29.10.2024.”***

The instant matter placed in its 12<sup>th</sup> Appeal Committee Meeting, 2024 held on 29.10.2024 considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal and in view of the Legal opinion given by the Legal Division, Hqrs, and oral arguments advanced during the online hearing the Appeal Committee noted that ***“there is no provision of the change of management in the Regulation, 2014” and in view of lack of any specific provision in the Regulations about change in the management, no request needs to be considered where a society/ trust/ company intends handover a recognized TEI to any other society/ trust/ company as it would amount to commercialization of teacher education.*** Therefore, in pursuance, of the Legal Opinion, received from the Legal Division of the NCTE Hqrs., the Appeal Committee is of the view that the appellant institution is not permissible to the change of Management. The Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected

  
6

and therefore, the impugned withdrawal order dated 02.09.2021 issued by SRC is confirmed.

**IV. DECISION: -**

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 02.09.2021 issued by SRC is confirmed.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee

  
उप सचिव (अपील)/ Deputy Secretary (Appeal)

**Copy to :-**

1. The Principal, Arcot Mahalakshmi Womens College of Education, 424/6, Villapakkam, Arni Main Road, Arni, Vellore, Tamilnadu-635521.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Principal Secretary, Government Higher Education Department, Govt. of Tamilnadu, Fort St. George, Chennai, Tamilnadu-600009.