

F.SRO/NCTE/APSO3826/B.Ed/KA/2019

105993-5994

Date: 17/6/19

Show Cause Notice

WHEREAS, D.M.S. Karnataka Social Educational and Cultural Centre, No. 1382/7, 2<sup>nd</sup> Cross, Saraswathi Nagar, Davangere District, Karnataka had submitted an application to the Southern Regional Committee of NCTE for grant of recognition to KSS College of Education, #1949/3, D.M.S. "Sadhana", Last Bus Stop, Vidyanagar, Davangere District - 577005, Karnataka for Secondary (B.Ed) course of one year's duration with an annual intake of 100 students and was granted recognition on 04.01.2006 with a condition to shift its own premises / building within three years from the date of recognition (in case the course is started in rented premises).

AND WHEREAS, the institution was also granted recognition for D.El.Ed course on 04.12.2007 and for M.Ed on 18.12.2007.

AND WHEREAS as per the decision of SRC in 175<sup>th</sup> meeting held on 13-14 May 2009 the institution where recognition were granted in temporary premises with a condition to shift to permanent premises within period of three years time limit of grant of recognition as per NCTE Regulations 2002 notified on 18.11.2002 were considered. It was decided that institutions which had not shifted to the permanent premises even after the expiry of three years time limit be issued notice under section 17 of NCTE Act. Accordingly notice under section 17 was issued to the institution on 02.09.2009. The institution has submitted its reply on 26.10.2009.

AND WHEREAS, the SRC in its 187<sup>th</sup> meeting held on 28<sup>th</sup> December 2009 considered the written representation and decided to withdraw recognition for B.Ed course.

AND WHEREAS in the meantime, the institution had approached the Hon'ble High Court of Karnataka in W.P. No. 3176 of 2010 and hence the withdrawal order could not be issued to the institution.

AND WHEREAS a letter has been received on 24.02.11 from Sri. Ashok Karanahalli Advocate enclosing a copy of the order available on the High Court website for immediate compliance. The order dated 02.02.2011 read as under:

*"Learned Counsel for respondent submits that pursuant to the resolution No. 3826 dated 29-30/12/2009 in withdrawing the recognition to the petitioner's educational institute, the same has not been communicated to the petitioner and therefore the respondent seeks leave of the court to communicate the order. Permission is granted. A Letter to be furnished to the Learned Counsel for petitioner within 10 days."*

AND WHEREAS, the order withdrawing recognition was issued to the institution on 03.03.2011 for B.Ed course.

AND WHEREAS, the Hon'ble High Court of Karnataka in W.P. 3176 of 2010 dated 11.03.2011 has passed the order which reads as under: -

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*"...the 2<sup>nd</sup> respondent (NCTE) has to make an inspection of the new premises of the college in question. It should also accept the shifting fee from the petitioner. Therefore, the petitioner is directed to deposit a sum of Rs. 40,000/- with the 2<sup>nd</sup> respondent towards shifting fee within one week. The petitioner is further directed to deposit an additional sum of Rs. 40,000/- with the 2<sup>nd</sup> respondent towards inspection fee within one week."*

**AND WHEREAS**, the 2<sup>nd</sup> respondent is directed to inspect the new premises of the college in question within a period of four weeks from today and submit the report to this court.

**AND WHEREAS**, as per the direction of the Hon'ble High Court of Karnataka the institution in its letter dated 16.03.2011 has submitted Rs. 40,000/- vide DD No. 249036 dated 15.03.2011 towards shifting fee. The institution also submitted another letter dt. 18.03.2011 by submitting another Demand Draft of Rs. 40,000/- bearing No. 121074 dated 18.03.2011 towards inspection fee. In this regard, it has been pointed out that the institution has submitted two Demand Drafts of Rs. 40,000/- each. Inspection for shifting is to be conducted for three courses i.e. D.Ed, B.Ed and M.Ed and the institution was requested to submit the DD of Rs. 40,000/- more.

**AND WHEREAS**, a composite inspection of the institution was carried out for D.Ed, B.Ed and M.Ed courses on 29-30 March 2011, as per the Court Orders and, the institution has submitted the documents.

**AND WHEREAS**, the inspection report along with VCD was forwarded to the advocate placing before the Hon'ble High Court of Karnataka along with the detailed analysis.

**AND WHEREAS**, the SRC in its 204<sup>th</sup> meeting held on 27<sup>th</sup> – 28<sup>th</sup> April, 2011 considered the VT Report, VCD and all the relevant documentary evidence and decided to issue Show Cause Notice under Section 17 of NCTE Act.

**AND WHEREAS**, Show Cause Notice was issued to the institution on 01.06.2011 for all the courses. The institution submitted its written representation on 23.06.2011 which was placed in 208<sup>th</sup> meeting held on 13<sup>th</sup> – 14<sup>th</sup> July, 2011 and the SRC decided to withdraw the recognition of the institution for all the courses i.e. D.El.Ed (APSO5474), B.Ed (APSO3826) and M.Ed (APSO8208) courses on certain grounds. The committee decided to withdraw recognition of D.Ed course from the academic year 2012-2013 so as to enable the ongoing batch of students in D.Ed course if any to complete their final year course.

**AND WHEREAS**, withdrawal order was issued to the institution vide order No. F.No.APSO5474/D.Ed/APSO3826-B.Ed/APSO8208-M.Ed/KA/2011/30104 dated 05.09.2011.

**AND WHEREAS**, aggrieved by the withdrawal order, the institution preferred an appeal dated 07.09.2011 before the appellate authority which was heard on 03.11.2011.

**AND WHEREAS**, after perusal of documents, memorandum of appeal, Affidavit, VT report and after considering oral arguments advanced during the hearing, the council reached the conclusion that there was adequate ground to accept the appeal and reverse the SRC's order dated 05.09.2011 vide Appellate authority order No. F.No.89-360/2011 Appeal/7<sup>th</sup> Meeting-2011 with a direction to the SRC for re-examination of the matter in totally, taking into consideration the observation of the council and for taking appropriate decision thereafter. Accordingly, the appeal was accepted and the order of SRC dated 05.09.2011 was reversed.

**AND WHEREAS**, the Secretary, KSS Foundation Davangere submitted its representation along with documents. appeal order to SRC vide its letter date. 29.12.2011.

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AND WHEREAS, the representation along with details were placed in 218<sup>th</sup> meeting of SRC held on 28<sup>th</sup> February, 2012 the Committee considered the appellate authority order and reply of the institution and decided to issue show cause notice for the following :

*"There is a discrepancy in date / overwriting in building competition certificate submitted by the institution."*

AND WHEREAS, a SCN was issued to the institution on 02.04.2012. The institution submitted reply vide letter dated 23.04.2013.

AND WHEREAS, the SRC in its 237<sup>th</sup> meeting held on 05<sup>th</sup> – 6<sup>th</sup> Jan, 2013, considered the reply of the institution vide letter dated. 23.01.2012 and all relevant documentary evidence and decided to serve final show cause notice under NCTE Act.

AND WHEREAS, a final SCN was issued to the institution 08.03.2013. The institution submitted a written representation on 28.03.2013.

AND WHEREAS, the institution has submitted its reply on 28.03.2013 in respect of Final SCN issued on 08.03.2013.

AND WHEREAS, the SRC in its 243<sup>rd</sup> meeting held on 29-30 April, 2013, considered the reply of the institution on above matter and also the relevant documents of the institution and decided to withdraw recognition.

AND WHEREAS, a court notice in WP No. 20868/2013 (EDN-REG-P) filed by KSS Foundation vs. SRC-NCTE and NCTE Hqrs received by SRC on 17.05.2013.

AND WHEREAS, the SRC in its 246<sup>th</sup> meeting held on 02<sup>nd</sup> to 04<sup>th</sup> June 2013 considered the matter and decided to get the 'stay' vacated through our advocate and also to inform the advocate to move for dismissal of petition filed by the petitioner.

AND WHEREAS; a letter was addressed to the advocate to vacate the interim stay granted to the institution was sent on 27.05.2013 along with brief of the institution.

AND WHEREAS, a letter dated 21.06.2013 received from NCTE hqrs on 26.06.2013 with request to furnish the present status of the case and outcome of the hearing dated 12.06.2013 further it was requested to vacate the interim stay granted by the court.

AND WHEREAS, a court notice in WP No. 20868/2013 (EDN-REG-P) filed by KSS Foundation Vs. SRC-NCTE and NCTE Hqrs received by SRC on 28.06.2013. Accordingly, a letter was issued to the advocate Shri. Ashok Haranahalli on 20.07.2013.

AND WHEREAS, this office has received a letter dated 15.07.2013 from NCTE Hqrs on 19.07.2013 with a request to furnish the present status of the case and action taken to vacate the interim stay granted by the court.

AND WHEREAS, a letter was sent to the advocate Shri P.S. Dinesh Kumar on 13.01.2014.

AND WHEREAS, on 05.02.2015, the institution has submitted an affidavit for offering B.Ed course with an intake of 100 students. Accordingly, a revised order was issued to the institution on 20.05.2015. The institution has submitted a reply to the Revised Order on 30.10.2015.

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AND WHEREAS, the SRC in 314<sup>th</sup> meeting held on 27<sup>th</sup> – 28<sup>th</sup> May, 2016 considered the reply of the Revised Order and decided as under: -

*"For case of B.Ed (2 Units) in the existing institution, where RPRO, had been issued, we have to cause inspection to check adherence to the 2014 Regulations. This action will have to be completed by July 2016 so that revised Formal Recognition can be issued w.e.f. 2016-17 to enable them to make admissions in time.*

*Action to check the documents in these cases (about 1885 in number) will take time. Instead of waiting for that action to be completed for placing them before the SRC, to save time, VT Inspection can straightaway be ordered. VT Inspection Reports can be considered with examination of the documents.*

*Regional Director is authorized to initiate action accordingly. The Institution concerned may be alerted about such action so that they will be prepared to receive the Visiting Teams. They may also be advised to keep in readiness latest approved Faculty Lists for submission to the VT's."*

AND WHEREAS, as per the decision of SRC, inspection intimation was sent to the institution on 13.06.2016.

AND WHEREAS, inspection of the institution was conducted on 20.10.2016 and VT report was received by this office on 25.10.2016.

AND WHEREAS, a letter dated 15<sup>th</sup> December 2017 received from NCTE Hqtr (Legal Section) on 21.12.2017 stating as under: -

- 1) "Nomination of CGC in case WP. No. 49437/2017 filed by KSS college of Education and others Vs. UOI and others before the Hon'ble High Court of Karnataka, Bangalore... reg. (P-1401/C).

AND WHEREAS, A draft letter to Shri T.M. Venkata Reddy, Central Government Counsel, Karnataka is lying in file. However, it is not clear whether the letter has been sent to the Counsel or not.

AND WHEREAS, the matter was considered by the SRC in its 376<sup>th</sup> meeting held from 11<sup>th</sup> & 12<sup>th</sup> June 2019 and the Committee decided as under:-

*The original files of the Institution alongwith other related documents, NCTE Act, 1993, Regulations Guidelines issued by NCTE from time to time and documents furnished by the institution were carefully considered by the SRC and the following observations were made:-*

*The Committee decided to issue Show Cause Notice u/s 17 of NCTE Act, 1993 before withdrawal of the recognition on the following grounds to all the existing courses being run by the Society.*

1. *The institution is required to submit certified copy of land documents. (If the same are in Regional Language the institution is also required to submit notarised copy of English version of land documents)*
2. *Land Use Certificate issued by the Competent Authority.*
3. *Non Encumbrance Certificate issued by the Competent Authority.*
4. *A copy of the approved Building Plan (if institution is running more than one Teacher Education programme, it shall be required to submit an exclusive earmarked building plan for each of the recognised Teacher Education programme)*

5. Details of Teacher Education programme/other programme (if any) being run by the institution in the same campus

Name of the Institution & course	NCTE Code No.	Intake/unit(s)	Year of starting	Affiliating body

6. Building Completion Certificate as per prescribed Format.  
7. Staff list duly approved by the affiliating body as per the prescribed Format.  
8. Original FDR of Rs.7 lakh and 5 lakh, totalling Rs.12 lakh towards Endowment Fund & Reserve Fund into joint account for a duration of 5 years.

In view of above, the Committee decided that Show Cause Notice be issued to the institution as to why the recognition be not withdrawn on the above points. The Committee, therefore, provides last opportunity under Section 17 of the NCTE Act, 1993 to the institution to submit its reply within 21 days from the date of issue of notice, before the Committee takes the final decision. In case, the office does not receive any representation within stipulated time, it will be presumed that the institution does not wish to make any representation, and the Southern Regional Committee shall take decision as per provisions of the NCTE Act, Rules and Regulations.

  
(Dr. Anil Kumar Sharma)  
Regional Director

To

The Principal,  
KSS College of Education,  
No.1382/5,6, "Mathru Krupa",  
11nd Cross, 1st Bus Stop,  
Saraswathi Nagara, Davangere-577004  
Karnataka.

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Copy to:-

The Correspondent/ Secretary,  
KSS Foundation,  
No.1382/5,6, "Mathru Krupa",  
11nd Cross, 1st Bus Stop,  
Saraswathi Nagara, Davangere-577004  
Karnataka.

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