

F.SRO/NCTE/APSO8873/M.Ed/KA/2019

106031-6032

Date: 19/6/19

Show Cause Notice

WHEREAS, St.Paul's M.Ed College, No.1,2nd Main, B.D.A Layout, Pattegarapalya, Bangalore was granted recognition for M.Ed course with an intake of 25 students vide- order F.SRO/NCTE/M.Ed/2008-09/16029 dated 17.12.2007. Enhancement of intake of 10 seats from existing 25 to 35 has been permitted vide order F.SRO/NCTE/2010-2011/20643 dated 24.08.2010.

AND WHEREAS, a report is received on 14.9.2012 from the chairman and on behalf of Members of Bangalore University Task Force on M.Ed. Colleges affiliated to Bangalore University.

AND WHEREAS, the report states that "the Task Force visited 7 M.Ed. Colleges affiliated to Bangalore University and submitted its report to the Hon'ble Vice Chancellor on 22nd August, 2012 and further a special meeting of Academic Council of Bangalore University was convened to discuss and approve the report of the Task Force.

AND WHEREAS, in the light of the above, the members of Task Force thought of appraising SRC on its findings for kind notice and necessary action".

AND WHEREAS, the SRC in its 233rd Meeting held on 26th – 28th September 2012 considered the Report of Bangalore University, Task force of the 7 M.Ed colleges affiliated to Bangalore University vide letter dated. 14/09/2012 and it was decided to serve Show Cause Notice under NCTE Act.

AND WHEREAS, a show cause notice was issued to the institution on 19.11.2012. The institution submitted a written representations on 06.12.2012.

AND WHEREAS, the SRC in its 241st meeting held on 29th and 31st March and 1st April, 2013 considered the written reply of the institution on the above matter and also the relevant documents of the institution and decided to withdraw recognition for the following reasons:-

No documentary proof is submitted for providing exclusive infrastructural facilities for offering D.Ed(APSO 1791)/B.Ed(APSO 1834) and M.Ed (APSO 8873) courses.

Staff list approved by Bangalore University for 2012-13 is not submitted.

Smt. Kalyani's name is available in the approved staff list of Vijaya College dated 10/10/2012.

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No documentary proof submitted towards the conduct of academic events for awarding Internal assessment marks.

As per the approved staff list dated 08/03/2010 of Bangalore University, the following lecturers are working in M.Ed College. a) Smt. Nandini Vinay b) Smt. Roopa Sharaschander c) Smt.Geetha .K d) Smt.Vedavathi .H e) Smt. Dr. Mary Suvarna As per NCTE norms, there should be 1 HOD/ Associate Professor, 1- Professor and 3 Assistant Professors. Further the name of Smt. Nandini .N is approved by Bangalore University as Assistant Professor for M.Ed Course in Vijaya College dated 10/10/2012 approved by Bangalore University.

As seen from records of the file, the institution is offering B.Ed ,D.Ed and M.Ed course in leased premises. But, as per NCTE Regulations 2009, the institution must has its own permanent building.

As per the VT Report, the built up area earmarked for M.Ed course is 550 sq.mts. which is very much less as per NCTE regulations 2009.

AND WHEREAS, on the above points the committee decided to withdraw the recognition of the M.Ed course run by the St. Paul's M.Ed College, No. 1, 2nd, Main, B.D.A. Layout, Pattearapalya, Bangalore – 560079, Karnataka from the academic year 2013-14, in order to enable the ongoing batch of students in M.Ed, course, if any, to complete their course.

It is made clear that the institution is debarred from making any further admission subsequent to the date of issue of this order. The Affiliating body / Examining board / body be informed accordingly. Further decided to return Endowment funds and Reserve fund deposited with SRC NCTE, Bangalore, if any.

AND WHEREAS, this office has not yet issued the Withdrawal order to the institution.

AND WHEREAS, in the meanwhile, a copy of the Interim order of High Court of Karnataka in W.P.No. 17161 – 17162 filed by Pali Education Society, Prashanthnagar and Karnataka International Education Trust, Banneghatta Road, Bangalore is received by this office on 29.04.2013(pg.447) from the Principal, St. Paul's College of Education, where in NCTE, New Delhi is the first respondent and SRC,NCTE is the second respondent.

AND WHEREAS, the grievance of the petitioners in the writ petitions is that without considering the reply and without providing an opportunity of being heard to the petitioner-institutions, the impugned orders withdrawing the recognition have been passed.

AND WHEREAS, the interim order dated 19.04.2013 in W.P.No. 17161 – 17162 reads as under:-

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"On perusal of the impugned order, I find that without assigning any reasons, the respondent has proceeded to withdraw the recommendation. Prima facie it is clear that there is non-application of mind to the reply submitted and there is no opportunity of hearing given to petitioners. The impugned orders, therefore, prima facie appear to be in clear violation of principles of natural justice.

Hence, I am inclined to issue Emergent notice to the respondents, returnable within two weeks.

Till the next date of hearing, there shall be an interim order of stay on the impugned orders. Petitioners shall serve the standing Counsel for the respondent University and file acknowledgements for effecting such service mentioned in their names, office to list the matter by showing the names of the Counsel for the University."

The advocate was requested to vacate the interim stay granted to the institution vide order dated 19.04.2013 and defend the case in the interest of SRC, NCTE, Bangalore and NCTE, New Delhi and intimate further developments to this office at the earliest vide this office letter dated 09.05.2013. It was also brought to the Notice of the advocate that the petitioner has not preferred an appeal before the appellate authority, NCTE, New Delhi under section 18 of the NCTE Act.

AND WHEREAS, the SRC in its 245th Meeting held on 19th – 21st May 2013, considered the matter and noted the Hon'ble High Court of Karnataka's direction dated 19.04.2013.

The Hon'ble High Court has pointed out in their order dated 25.04.2013 that enough opportunity is being not heard nor given to the petitioner. Enough opportunity was given to the institution by SRC by way of 1) Deficiency letter issued, VT inspection was done 2) Show cause notice was given to the institution in its 233rd meeting held on 26th -28th, 2012 to explain & rectify the deficiencies pointed out in the notices. The institution could not rectify the deficiencies pointed out in the above show cause notice. The lawyer is to be informed that there is no provision for personal hearing by SRC as suggested by the Hon'ble High Court.

The Lawyer is to be informed to highlight the strict enforcement of norms/standards as per Supreme court order.

Keeping in view, Supreme Court vide their order in Civil Appeal No. 1125-1128/2011 in SLP No. 17165-68/2009 filed by NCTE Vs ors, which reads as under:

"An institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. The Council is directed to ensure that in future no institution is granted recognition unless it fulfils the conditions laid down in the Act and the Regulations and the time schedule fixed for processing the application by the Regional Committee and

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The proposed respondents are permitted to come on record as respondents 3 to 20.

The proposed respondents who are permitted to come on record as respondents 3 to 20 are also permitted to appear for the second semester examination, pending disposal of the writ petition or decision to be taken by the NCTE."

In W.P.No. 20892/2013 filed by Gold Field College of Education, where in the SRC, NCTE is the first respondent, Bangalore University is the second respondent and the third respondents are the students (R3-R13).

"I.A.No. II/2013 filed for impleading is allowed.

The proposed respondents are permitted to come on record as respondents 3 to 13.

The proposed respondents who are permitted to come on record as respondents 3 to 13 are also permitted to appear for the second semester examination, pending disposal of the writ petition or decision to be taken by the NCTE."

NCTE is at liberty to communicate the decision of taken by the Committee in respect of the petitioners in these connected matters.

Note : (1) Recognition of Gold Field College of Education, Kolar (APS0 9462) was withdrawn for M.Ed course on 16.05.2013.

(2) The SRC in its 241st meeting held on 29th and 31st March and 1st April 2013 decided to withdraw the recognition of St. Paul's M.Ed College and K.I.E.T College of PG and Research in Education. This office could not issue withdrawal orders to these Institutions as interim stay was granted to these institutions.

The above said court orders were placed before SRC in its 258th meeting held on 3-5 January, 2014. The Committee has decided that "*Enough opportunities were given to these institutions to explain their cases. We should file an appeal. Ask Lawyer to file and obtain 'stay' and report action taken in the 260th meeting*".

As per the decision of SRC, a letter was sent to the advocate on 7.3.2014 (pg.582) with the request to file an appeal and obtain stay.

Since, no reply has been received, a reminder was despatched on 11.6.2014 to the advocate with the request to give the status of the appeal filed and to inform.

Meantime, a letter has been received from the institution on 27.6.2014 stating that (pg.661) "*..... after the verdict of the Hon'ble High Court of Karnataka the copy of the same was submitted to you on 23.12.2013. The same has been duly acknowledged by your office in no. 132378 dated 23.12.2013.*

Since, there was no response from you to the said representation and notwithstanding the judicial declaration, the formal communication of recognition to our M.Ed college has not been communicated to us. We have submitted a further representation dated 6.6.2014 urging

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up on you to expedite the issuance of such a formal order.

He said representation also has been duly received in your office in no 136230 dated 9.6.2014. There after we have been repeatedly calling on you, requesting for issuance of the formal order for continuation of recognition. Unfortunately we have not been furnished any such order. Consequently, the Bangalore University has been declined to renew affiliation for our M.Ed college stating that even in spite of the judicial declaration, the University is required a formal order from you that recognition is continued. We are thus and wretched between the NCTE and Bangalore University, one passing on buck to the other.

In the back ground of the what is stated above and keeping in view the passage of time of over sic and half months from the date of the verdict rendered by the Hon'ble High Court of Karnataka in W.P. No. 17161-17162 of 2013 and keeping in view of the representation dated 23.12.2013 and 6.6.2014 already submitted by us. We here by urge upon you to expedite the issuance of a formal order of continuation of recognition to our college without brooking any further delay in the matter.

It is needless to say that our request if would remained without being granted immediately, we would be constrained to approach the Hon'ble High Court with the petition under article 215 of the constitution of India and Section 10 and 12 of Contempt of court article 1971".

AND WHEREAS, the SRC in its 270th meeting held on 13th July, 2014 considered matter, decided that, there has been no response from the Lawyer. The Southern Regional Office advised to ask the Lawyer to apply for a review and get the order reversed.

AND WHEREAS, as per the decision of SRC a letter was addressed to the advocate on 04.09.2014.

AND WHEREAS, the SRC in its 273rd meeting held on 30th September, and 01st October 2014 considered the institutions (Gold Field College of Education) Reply letter dated 06.09.2014 e-mail dated 11.09.2014 from our advocate, and decided and advised Southern Regional Office that:

"No need so late to file an appeal. Accept the Lawyer's advice.

Issue Show Cause Notice again giving a slightly more elaborate description of the point(s) at issue.

Issue Show Cause Notice to all the institutions covered by this batch case."

Note: Batch Case:-

Vijaya Teachers College (APSO9811).
St. Pauls M.Ed College, (APSo8873)
Gold Field College of Education, (APSO9462)
KIET college of Education, (APSO8149)

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SJES College of Education,(APSO7342)
Bangalore City College of Education, (APSO7287)
Smt. Mehra's College of Education, (APSO7287)

(However as per the records available in file, No SCN has been issued to the institution)

AND WHEREAS, the institution has submitted an Affidavit on 27.01.2015 for offering B.Ed Course with an intake of 50 students. The revised order was issued to the institution on 31.05.2015 with an intake of 50 students (one basic unit).

AND WHEREAS, the institution has not submitted compliance and has only submitted a copy of FDRs of Rs. 5 & 3 lakhs for period of 2 years and 1 year respectively vide letter dated 27/07/2015 received on 7/8/2015, the validity of which have since expired.

AND WHEREAS, the matter was considered by the SRC in its 376th meeting held from 11th & 12th 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 :-

- 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*

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

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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

(106031)
The Principal,
St. Paul's M.Ed College,
No.1, 2nd Main,
B.D.A Layout, Prashanthnagar, (Pattegarapalya)
Vijayanagar West,
Bangalore- 560079,
Karnataka.

Copy to:-

(106032)
The Correspondent/ Secretary,
Pali Education Society,
No.1, 2nd Main,
B.D.A Layout, Prashanthnagar, (Pattegarapalya)
Vijayanagar West,
Bangalore- 560079,
Karnataka.