

F. No. SRO/NCTE/APSO2187/B.Ed/KA/2019/ 106917 - 6918

Date: 6 IIII 2019

FINAL SHOW CAUSE NOTICE U/S 17

WHEREAS, Sree Krishna Education Society, Tumkur, Karnataka had submitted an application for grant of recognition to Sree Krishna College of Education, Mahalakshminagar, Batawadi, Tumkur District, -572101, Karnataka for B.Ed course on 20.07.2004. The institution was granted recognition on 09.12.2004 with an intake of 100 students.

2. AND WHEREAS, the recognition of the institution was withdrawn vide order No. APSO2187 /B.Ed /KA /2012-13/43645 dated 9.7.2012 on the following grounds:-

1. The management has not submitted Re-inspection fee of Rs. 40,000/-
2. As per VT report, total built up area available for B.Ed course & D.Ed course together is 2300 sq.mrs which is grossly inadequate for both the courses. As per NCTE norms 3000 sq.mrs Approved building plan by the competent civil authority is not submitted. The institution is required to submit fresh blue print and it should be clearly mentioning i.e. Khasara no, plot no, proposed course, total area, built up area duly approved by competent authority with resolution in all respect. If the institution is running other teacher education courses/ other technical courses in the same premises, the institution is required to mention earmarked area for proposed course with total area and built up area.
3. Building completion certificate from competent Govt. authorized engineer is not submitted.
4. Original Land usage certificate from competent Govt. authority is to be submitted.
5. Non-encumbrance certificate from a competent Govt. authority is not submitted.
6. Byelaws of the Society are not submitted by the management.
7. The Principal is not qualified as per NCTE norms. Experience certificate and percentage of marks are not mentioned.
8. The post of lecturer in foundation courses (one post) is vacant, not filled up.
9. One post of Methodology courses (Six posts) is vacant, not filled up.
10. Part time post of Lecturer in Art Education (one post) and Director of Physical Education (one post) is not filled up.
11. The staff list is not approved by the affiliating body.
12. The management is paying salary to the staff is by cash not through Bank Cheque.

3. AND WHEREAS, aggrieved with the withdrawal order of SRC, NCTE, the institution filed an appeal before the appellate authority and the appellate authority vide order No.F.No.89-559/2012 Appeal/11th Meeting-2012/A61700 dated 03/01/2013 stating that the council hereby confirms the order appealed against.

4. AND WHEREAS, the institution has submitted a written representation on 06/03/2013 requesting for review of recognition withdrawal order.

5. **AND WHEREAS**, the institution filed a W.P.No. 3012/2013 dated 08/02/2013 in the Hon'ble High Court of Karnataka and the court order stating as follows:

"It is seen that the Petitioner-institution is established since 2004-2005 and was running in a very disciplined manner by admitting candidates for all the academic years till now. The third respondent-NCTE having observed certain deficiencies, issued a Show Cause Notice on 11.07.2011 under section 17 of the NCTE Act, asking to reply within 30 days. However on 13.04.2012 itself reply is said to have been submitted by the Petitioner-institution. Ultimately, a final order has been passed by the third and the fifth respondents, in the middle of the year, to stop admissions for the academic year 2011-12..But what is to be noticed is, when an authority has raised certain queries or pointed out some irregularities or any other deficiency and asks the management to stop admissions for the academic year, it was for the institution to approach the authority well before starting admissions for the academic year the petitioner institution has also not approached this court seeking for any similar directions to consider its case. The petitioner could have questioned the same before commencement of admission or it could have sought for an interim order/interim direction seeking permission to admit students. However, it is for the petitioner-institution to approach the respondent NCTE.

Since the petitioner has approached belatedly regarding its grievance against the NCTE and also when the authorities have specifically directed the petitioner institution not to admit the students for the academic year 2011-12, the petitioner-institution can approach once again to take review of order passed by respondent-NCTE and seek for regularizing the admissions made without the permission of the Government or the University.

With the above observation, this petition stands disposed of. "

6. **AND WHEREAS**, the above matter was considered by SRC in its 241st meeting of SRC held on 29th March to 1st April 2013 and the Committee decided as under:-

"To regularize 2011-2012 because of Court Order, Reject the request for 2012-2013, Reiterate our withdrawal order. Quote the court order about not showing any sympathy for admissions made in anticipation of Formal Recognition."

7. **AND WHEREAS**, on 03/04/2013, Secretary, Sree Krishna College of Education has submitted a written representation with a request for review of the recognition withdrawal order for the academic year 2012-2013.

8. **AND WHEREAS**, the Hon'ble High Court of Karnataka in W.P.No. 12764 dated 18/03/2013 has disposed the petition as under:-

" After the disposal of the writ petition, petitioner-institution has made a representation dated 05.03.2013 addressed to the Regional Director, Southern Regional Committee, National Council for Teacher Education, Bangalore making a request for review of the order withdrawing the recognition granted to the petitioner-institution and regularize the admissions already made. The present writ petition is filed making a grievance that this representation is not considered and therefore, a direction be issued to respondent No.1.I find that the representation is made very recently on 05.03.2013.In the light of the observations already made by this court, I am sure the 1st respondent will consider the

same in accordance with the law. Petitioner-institution is not justified in rushing to this Court within two weeks from the date of making such a representation even accepting the submission made by the learned counsel for the petitioner that it will affect the interest of the petitioner-institution. The fact remains that some reasonable time has to be granted to respondent No.1 to take a decision based on the observations made by this court. If the first respondent does not take any decision within a matter of three weeks from today, the petitioner can approach this court seeking a direction as sought in this writ petition. At this stage, I do not find any need to interfere in the matter. Hence the writ petition is disposed of with the above observations.”

9. **AND WHEREAS**, the SRC after long deliberation in various meetings of the SRC in its 276th meeting held on 07th-09th January, 2015 considered the letter from the institution vide dated 01.12.2014, decided and advised Southern Regional Office to:

1. Cause Inspection.
2. Ask V.T. to check in particular the documents and collect copies.
3. SRO has not yet issued the letter to the Lawyer. Issue without further delay.

10. **AND WHEREAS**, inspection of the institution was fixed between 01st to 05th February 2015; the same was intimated to the institution on 28.01.2015.

11. **AND WHEREAS**, as per the direction of SRC, the inspection of the institution was conducted on 04.02.2015 and the VT Report received in the office of SRC on 05.02.2015.

12. **AND WHEREAS**, the Southern Regional Committee in its 280th meeting held during 12th to 14th February, 2015 considered the matter, VT report of the institution dated 04.02.2015, VCD, and all other relevant documents pertaining to the institution, decided as under:-

- “1. ***This case is considered not as an application for stand-alone institution, but as a case of existing institution in accordance with the instructions issued by the NCTE (H'qrs).***
2. ***Restore Recognition***
3. ***Issue Show Cause Notice for withdrawal of recognition for D.Ed.***
4. ***Ask them to conform to norms and standards of 2014 before 31.10.2015.***
5. ***CD does not open. Obtain fresh CD”***

13. **AND WHEREAS**, as per the decision of SRC, recognition of the institution was restored vide this office order No. F.No.APSO2187/B.Ed/KA/2014-15 dated 25.02.2015 for B.Ed course.

14. **AND WHEREAS**, the institution submitted an affidavit affirming adherence to Regulations, 2014 and a revised order for offering B.Ed course of two years duration was issued to the institution 31.10.2015.

15 **AND WHEREAS**, revised provisional recognition order dt. 31.10.2015 was issued to **Sree Krishna College of Education, Mahalakshminagar, Batawadi, Tumkur District – 572101, Karnataka** for conducting B.Ed. course of two years duration with an annual intake of **two basic units of 50 students** each from the academic session 2015-2016 subject to fulfillment of the conditions mentioned in the revised order.

16. **AND WHEREAS**, the SRC in its 307th meeting held on 09th March 2016 considered the case of the Institution and noted the following:-

“The court order is noted. Process for inspection, along with other RPRO cases”.

17. **AND WHEREAS**, the institution submitted teaching faculty as per Regulation 2014 on 01.03.2016. A letter was issued to the institution for causing inspection on 18.07.2016. The VT was conducted on 28.11.2016 and submitted its report to SRC office.

18. **AND WHEREAS**, the matter was considered by the SRC in its 377th meeting held from 3rd July & 4th July 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:-

1. The institution has not submitted a certified copy of land documents. The institution is required to submit certified copy of land documents issued by concerned Tehsildar /Revenue Officer. (If the same are in Regional Language the institution is also required to submit notarised copy of English version of land documents)
2. The institution has not submitted a copy of Land Use Certificate. The institution is required to submit an attested/notarised copy of Land Use Certificate issued by the Competent Authority.
3. The institution has not submitted a copy of Non Encumbrance Certificate issued by the Competent Authority. The institution is required to submit a attested/notarised copy of Non Encumbrance Certificate issued by the Competent Authority.
4. The institution has not submitted a copy of approved building plan. The institution is required to submit a attested/notarised 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. A attested/notarised copy of site plan showing all the plot/Survey No. mentioned in the land documents in one location alongwith land area and built up area.
6. The institution has not submitted a copy of Building Completion Certificate. The Institution is required to submit an attested/notarised copy of Building Completion Certificate issued by the competent authority.
7. The institution has not submitted Staff list as per the prescribed Format duly approved by Registrar of the affiliating body. The institution is required to submit Staff list duly approved by the Registrar of the affiliating body as per the prescribed Format. *(In case the institution is running more than one teacher education programme, it is required to submit staff list duly approved by the Affiliating body for each of the recognised teacher education programme being run by the Institution.)*
8. The institution has not submitted original FDRs to the SRC, NCTE The institution is required to submit a “Form A” issued by the respective Bank Manager towards creation of 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 alongwith a copy of the FDRs

9. Details of Teacher Education programme (s) being run by the Institution in the same campus

Name & address of the teacher education programme	Recognition Order No. & date	Course	Intake
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(A copy of recognized order issued by the SRC be attached by the institution).

10. Details of other programme(s) (if any) being run by the institution in the same campus

Name of the Institution & course	Name of the Course	Intake/unit(s)	Year starting	of	Affiliating body
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11. Details of total land & built up area for all the recognised Teacher Education programme/other programme (if any) being run by the Institution in the same campus

Name of the programme	Sy./No.	Land Area	Built up area
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12. Domain name of the website being run by the institution.

Therefore, the Committee decided to issue Final Show Cause Notice u/s 17 of NCTE Act, 1993 before withdrawal of the recognition on the grounds mentioned above to the institution. The institution is required to submit the documents within 21 days from the date of issue of Final Show Cause Notice."

19. Accordingly, the Southern Regional Committee decided that a Final Show Cause Notice u/s 17 of the NCTE Act issued to the institution to submit its representation/reply to the observations noted by the Regional Committee.

20. **NOW, THEREFORE**, the institution is required to submit the representation/compliance accompanied with an affidavit from the authorized representation of the Management. The representation along with an affidavit must reach this office within the time specified at the end.

21. In case the reply submitted is incomplete or factually incorrect or not received in this office by the date mentioned at the end of this letter, then proceedings under Section 17(1) of the NCTE Act shall be brought to logical conclusion without any further opportunity provided in the matter whatsoever.

22. It is expected that your reply shall reach this office through Courier/Registered AD/ Speed Post only. NCTE does not expect applicants to personally visit the RC Office for any reason whatsoever.

23. Your reply, complete in all respects must reach this office within 21 days of issue of this **Final Show Cause Notice.**

24. Receipt of this Notice may please be acknowledged.

11/11/19
16/7/19
(Dr. Anil Kumar Sharma)
Regional Director

To

1069(7)
The Principal,
Sree Krishna College of Education,
Mahalakshminagar,
Batawadi,
Tumkur District, -572101,
Karnataka

Copy to:-

1069(8)
The Correspondent/ Secretary,
Sree Krishna Education Society
Mahalakshminagar,
Batawadi,
Tumkur – 572101, Karnataka

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16/7/19 P
Regional Director