

F.No.WRC/APW02599/222133/261st/{M.P.}/2016/175540

Date 4-11-16

RESTORATION ORDER

WHEREAS, the recognition was granted to the institution, namely, **SHRI VAISHNAV COLLEGE OF EDUCATION, GWALIOR, MADHYA PRADESH** for D.Ed. Course vide order dated 07.01.2008 for an annual intake of 50 seats.

AND WHEREAS, the Western Regional Committee received copies of inspection report of inspections conducted in the D.Ed. institutions by the Collector, Gwalior in the Gwalior region on the request of the Secretary, M.P. Board of Secondary Education.

AND WHEREAS, the reports were placed in the 189th WRC Meeting held on August 29-31, 2013 and it was decided that Show Cause Notice u/s 17 (1) of the NCTE Act, 1993. Accordingly, Show Cause Notice was issued to the institution on 13.09.2013.

AND WHEREAS, the reply submitted by the institution on 14.10.2013 was placed before WRC in its 192nd meeting held on October 30-31, 2013 and the Committee decided as follows:-

"This case started on the basis of the letter from Secretary, M.P. Board of Secondary Education, Govt. of M.P. dated 16.05.2013 addressed to the Secretary, Govt. of India, Ministry of HRD, Department of School Education. This letter states that the institutions recognized by NCTE do not fulfill the NCTE norms, and regular teaching is not performed. The complaint was received through NCTE Hqrs by RD, NCTE, Bhopal for action vide NCTE Hqrs letter dated 20.06.2013. The inspection documents were seen. The Inspection Team has recorded that it found the college closed, and nobody was present. The reply dated 10.10.2013 received from the Vaishnav College of Education has mentioned that the inspection committee conducted the inspection and observed that the college is as per NCTE norms and standards and that the Inspection Team reached the campus at 3.30 p.m. At that time the working hours of the college were over. It is not understood on what basis it has been claimed by the institution that the Inspection Team found the college as per NCTE norms because there is no such mention in the inspection report, all the columns are blank and the team has only recorded that the college was closed. In this situation the copies of the attendance sheets submitted by the institution cannot be said to be acceptable.

Further the institution has quoted an order of the Hon'ble High Court of Madhya Pradesh at Gwalior in W.P. No.7572/2011 in which no power is given to the state authorities to fix standard of education of institution. It is worthwhile to mention that Notice u/s 17 of the NCTE act was given to the institution on the basis of the report of the affiliating body i.e. M.P. Board of Secondary Education.

With reference to the Hon'ble Supreme Court order in Civil Appeal No.3505 of 2013, the Hon'ble Supreme Court held that a Regional Committee can take action after giving Show Cause Notice u/s 17. The relevant portion of the Hon'ble Supreme Court order is reproduced below:-

"...the view of the Madhya Pradesh High Court that before proceeding under Section 17 of the 1993 Act, the course of inspection provided in Section 13 has to be necessarily followed in all situations is set aside. If satisfaction under Section 17 can be arrived at without inspection of a Recognition institution, the Regional Committee is not required to follow the route of Section 13...". Hence, the contention of the institution in this context is not acceptable.

Hence, Recognition is withdrawn from the end of the academic session next to the date of issue of withdrawal order. Accordingly Withdrawal order issued to the institution on 13.11.2013.

AND WHEREAS, the institution filed W.P. No.7756/2013 before the Hon'ble High Court of Madhya Pradesh, Bench at Gwalior and the Court had passed an order dated 05.12.2013.

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AND WHEREAS, the institution had preferred an appeal before Council (NCTE) u/s 18 of NCTE Act, 1993, against the Withdrawal order dated 13.11.2013 and the Appellate Authority vide order dated 21.05.2014 remanded the case to WRC stating that "...the NCTE may conduct an inspection under Section 13 of the NCTE Act with a view to get an authentic picture about the functioning of this institution. The Team that conducts this inspection should comprehensively comment on the availability of infrastructural and instructional facilities, conduct of academic activities including observance of prescribed attendance of students, working days, participation in practice teaching schools etc. as per the NCTE norms. This inspection should be completed within two months from the date of taking a decision in this regard. Meanwhile, the order dated 13.11.2013 may be kept in abeyance till the appeal is disposed."

AND WHEREAS, inspection of the institution was conducted u/s 13 by NCTE hqrs. on 27.05.2016.

AND WHEREAS, the Appellate Authority vide order dated 27.05.2016 remanded the case to WRC with the direction that "...the appeal deserved to be accepted and the order of the W.R.C. dt. 13.11.2013 withdrawing recognition for conducting D.El.Ed. Course reversed."

AND WHEREAS, the aforesaid appeal order was placed before the WRC in its 261st WRC meeting held on October 26-28, 2016 and the Committee observed that "...This is a case of Appeal. The Appellate Authority vide its order dt. 08/08/2016 has reversed the order of the WRC dt. 13/11/2013 withdrawing recognition of the D.El.Ed. course. The order is reversed and the Recognition granted will continue. "

NOW, THEREFORE, the Western Regional Committee hereby restores the recognition granted to SHRI VAISHNAV COLLEGE OF EDUCATION, A.B.ROAD, NIRAWALI, RAIRU, GWALIOR, MADHYA PRADESH for conducting D.Ed. Course with an annual intake of 50 seats with the same terms and conditions as mentioned in the recognition order dated 07.01.2008.

Regional Director

To,
The Manager to Govt. of India Press
Department of Publications, (Gazette Section)
Civil Lines, Delhi - 110054

Copy to:-

1. The Principal, SHRI VAISHNAV COLLEGE OF EDUCATION, A.B.ROAD, NIRAWALI, RAIRU, GWALIOR, MADHYA PRADESH.
2. The Secretary, YASHASVI SAMAJ SEWA SANSTHA, E-16/3, PITAMBARA ESTATE, INDRAMANI NAGAR, GWALIOR, MADHYA PRADESH.
3. The Secretary, M.P. Board of Secondary Education, Shivaji Nagar, Bhopal-462011, Madhya Pradesh with a request to update the recognized list with the recognition/withdrawal orders issued by WRC time to time from the copy of order endorsed to you.
4. The Director, S.C.E.R.T., Wing B, Pustak Bhawan, Arera Hills, Bhopal, M.P.
5. The Secretary, Department of School Education & Literacy, Ministry of Human Resource Development, Government of India, Shastri /Bhawan, New Delhi - 110001.
6. The Secretary, Department School Education, Government of Madhya Pradesh, Mantralaya, Vallabh Bhawan, Bhopal - 462004, Madhya Pradesh.
7. The Under Secretary (EDP Section), National Council for Teacher Education, Hans Bhawan, Wing- II, Bahadurshah Zafar Marg, New Delhi- 110002.
8. The Computer Programmer, Computer Section, WRC, NCTE, Bhopal with a request to include the name of the institution in the recognized list uploaded in WRC website.
9. Office Order file/Institution file (APW02599/222133).


Regional Director