

F.No. 89-106/2015 Appeal/10th Meeting-2015
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

13/10/2015

ORDER

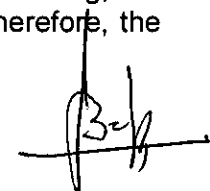
WHEREAS the appeal of Prakashdeep College of Education, Galand Road, Gindal Nagar, Ghaziabad, Uttar Pradesh dated 05/08/2015 is against the Order No. NRC/NCTE/NRCAPP-2924/238th Meeting (Part-IV)/2015/115914 dated 10/06/2015 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "the institution has not submitted reply to SCN. Hence, the Committee decided that recognition/permission to the institution is refused u/s 14/15 (3) (b) of the NCTE Act, 1993, FDRs, if any, be returned to the institution."

AND WHEREAS Sh. Yogender Babu, Asstt. Professor and Member of Society for Prakashdeep College of Education, Galand Road, Gindal Nagar, Ghaziabad, Uttar Pradesh presented the case of the appellant institution on 19/09/2015. In the appeal and during personal presentation it was submitted that "NCTE – NRC granted Letter of Intent under Clause 7(9) by letter no. NRC/NCTE/NRCAPP2924/222th Meeting/2013/69404 dated 30 January, 2014. As per provision of clause 7(9) of NCTE Regulation 2009 the process of appointment of qualified staff as per policy of State Govt. or University Grant Commission or University may be initiated by the institution and affiliating body will provide all assistance to the institution to ensure that the staff or faculty is appointed as per National Council for Teacher Education norms within two months. The institution shall submit the list of faculty, as approved by the affiliating body. Our institution asked University for affiliation from and subject experts through letters dated 05/02/2014, 17/03/2014, 20/05/2014, 22/08/2014, 17/03/2015, 28/07/2015 for appointment of Principal and faculty members under the norms of NCTE. Respected Vice-Chancellor has put ban on affiliation for new institution and our institution was not issued the affiliation form. So the University denied to appoint subject expert for our institution. From July, 2014 onward the University has told to fill online affiliation but till date online affiliation forms are not available. The Vice-Chancellor is now ready to appoint subject experts (letter date 28/07/2015).

AND WHEREAS Appeal Committee noted that the appellant institution was issued Letter of Intent (LOI) on 30.01.2014. Grant of formal recognition was to be issued by N.R.C. subject to the appellant's fulfilling certain conditions (8 in number) including submission of particulars of faculty and staff duly approved by University within a period of two months. Northern Regional Committee (N.R.C) issued a Show Cause Notice (S.C.N) dated 29.04.2015 to the appellant institution on the grounds that 'Institution did not submit reply to L.O.I.' Reply to the S.C.N. was to be furnished by the appellant within 30 days. The appellant did not furnish reply to the S.C.N. as well. The refusal order dated 10.06.2015 on the ground that institution did not furnish reply to the S.C.N. It implies that institution has neither submitted reply to the L.O.I. nor to the S.C.N.

AND WHEREAS the Appeal Committee confirms the refusal order dated 10.06.2015 issued by NRC on the ground that the appellant has failed to respond to the communications of NRC.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the NRC was justified in refusing recognition and therefore, the appeal deserves to be rejected and the order of the NRC is confirmed.



P.T.D

NOW THEREFORE, the Council hereby confirms the Order appealed against.


(Juglal Singh)
Member Secretary

- 1. The Secretary, Prakashdeep College of Education, Plot No. 312, Galand Road, Jindal Nagar, Ghaziabad, Uttar Pradesh – 201003**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

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F.No. 89-108/2015 Appeal/10th Meeting-2015

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

13/10/2015

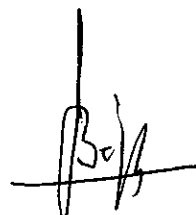
ORDER

WHEREAS the appeal of College of Modern Education, Motla Kalan, Rewari, Haryana dated 09/08/2015 is against the Order No. NRC/NCTE/NRCAPP-3885/238th Meeting (Part-IV)/2015/115984 dated 10/06/2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "The fresh building map submitted by the institution on 02/05/2015 in response to SCN does not match with the original map submitted along with original application. The maps do not bear the plot no., khata no. as stated in the building completion certificate. Hence, the Committee decided that recognition/permission to the institution is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

AND WHEREAS Sh. Anil Yadav, Secretary, College of Modern Education, Motla Kalan, Rewari, Haryana presented the case of the appellent institution on 19/09/2015. In the appeal and during personal presentation it was submitted that "The building map submitted along with the original application was proposed plan. Due to lack of knowledge, the proper size of rooms as required under Regulations 2009 had not been mentioned in the proposed Building Map. Before processing of our application for grant of recognition, the institution has constructed building as per norms of NCTE Regulations 2009 and submitted actual existing building map of College of Modern Education for D.El.Ed. course in which all required information as per Regulations 2009 has been mentioned. NRC, NCTE did not see the existing building map and building Completion Certificate in 238th Meeting of NRC, NCTE held from 20-31 May, 2015 and wrongly refused recognition under section 14/15(3)(b) of NCTE Act 1993. This institution has constructed building as per norms of NCTE and procured all infrastructural & instructional facilities as per NCTE norms. This is a minority institution and has created all infrastructural & instructional facilities for D.El.Ed. course."

AND WHEREAS Appeal Committee could not locate Show Cause Notice (S.C.N) dated 18.02.2014 referred to on page 1 of the refusal order dated 10.06.2015. However, a S.C.N. dated 05.01.2015 is found placed in the file which relates to the State Government of Haryana informing that no recognition be given even to minority institutions for D.El.Ed. and B.Ed. The committee also noted that there is no material difference in the land identification number in the building plan and Building Completion Certificate except that nomenclature of units is slightly different somewhere. Refusal of recognition on grounds which are different from the grounds mentioned in the S.C.N. is not justified. Committee, therefore, decided to remand back the case to N.R.C. with a direction to reconcile the land identification numbers in the building plan and Building Completion Certificate and reprocess the application.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to reconcile the land identification numbers in the building plan and Building Completion Certificate and reprocess the application.



NOW THEREFORE, the Council hereby remands back the case of College of Modern Education, Motla Kalan, Rewari, Haryana to the NRC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

- 1. The Manager/Secretary, College of Modern Education, VPO Motla Kalan Distt. Rewari, Haryana - 123411.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.

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F.No. 89-109/2015 Appeal/10th Meeting-2015
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

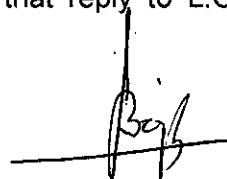
13/10/2015

ORDER

WHEREAS the appeal of Shri Upendra Tiwari Smriti Mahavidyalaya, Sanjhara, Sawayajpur, Hardoi, Uttar Pradesh dated 09/08/2015 is against the Order No. NRC/NCTE/NRCAPP-6271/238th Meeting (Part-VI)/2015/116266 dated 11/06/2015 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "The institution has not submitted reply to SCN."

AND WHEREAS Sh. Arunesh Mishra, Member Society and Sh. Praven Dixit, Clerk, Shri Upendra Tiwari Smriti Mahavidyalaya, Sanjhara, Sawayajpur, Hardoi, Uttar Pradesh presented the case of the appellant institution on 19/09/2015. In the appeal and during personal presentation it was submitted that "That the NRC, NCTE had issued L.O.I. under Section 7(9) of NCTE Regulations 2009 for B.Ed. Course on 25/02/2014. That in compliance to L.O.I., this institution has started the process of selection of staff as per NCTE Norms. That advertisement for recruitment of staff was published on 21/11/2013. That this institution has submitted a letter to C.S.J.M. University, Kanpur for nomination of representative for Selection Committee on 15/03/2014. The NRC, NCTE has issued a Show Cause Notice regarding compliance of L.O.I. on 20/03/2015. That C.S.J.M. University has nominated panel of Expert for Selection Committee on 24/05/2014. That the NRC, NCTE did not process the application for recognition due to order of Hon'ble Supreme Court for session 2014-15. Hence interview was not conducted for session 2014-15. That interview for selection of staff was held on 15/04/2015 for lecturer and 11/05/2015 through duly constituted Selection Committee. That this institution has submitted application with required documents to C.S.J.M. University, Kanpur for approval of staff on 22/05/2015. That this institution has regularly approach to C.S.J.M. University, Kanpur for approval of staff for B.Ed. course. But University has not issued approval letter of staff for B.Ed. course. That without approval letter of faculty from affiliating University, this institution had not submitted reply of L.O.I. & Show Cause Notice. This institution had made all efforts in respect to approval of staff from affiliating University. But affiliating University did not issue approval letter timely. That this institution has created all infrastructural & instructional facilities for B.Ed. course and appointed staff for B.Ed. course. But due to non-issuance of approval letter of staff from C.S.J.M. University, Kanpur, NRC, NCTE had refused recognition for B.Ed. course. That C.S.J.M. University has issued approval letter of staff on 10/06/2015 & 10/08/2015 and other requirements has been fulfilled as required through L.O.I. letter as under:- List of faculty duly approved by Affiliating University. Print out copy of website. Copy of joint F.D.R. of Rs. 5.00 lacs for endowment fund and joint F.D.R. of Rs. 7.00 lacs for reserve fund. Copy of Form 'A' issued by Bank. Reply of L.O.I./Show Cause Notice had not been submitted in time. Therefore, it is humble request to grant recognition for B.Ed. course from the session 2016-17 because there is no fault/mistake or carelessness on the part of institution."

AND WHEREAS Appeal Committee noted that the appellant institution was issued Letter of Intent (LOI) on 25.02.2014. Grant of formal recognition was to be issued by N.R.C. subject to the appellant's fulfilling certain conditions (8 in number) including submission of particular of faculty and staff duly approved by affiliating University within a period of two months Northern Regional Committee (NRC) issued a Show Cause Notice (S.C.N.) dated 20.03.2015 to the appellant institution on the ground that reply to L.O.I. has not been submitted and the institution is required to submit

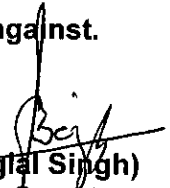


- (a) Faculty duly approved by affiliating University.
- (b) Printout of Website.
- (c) F.D.Rs.
- (d) Form 'A' issued by Bank.

The appellant institution was given 30 days time to respond to the S.C.N. The appellant did not furnish any reply to the S.C.N. The appellant did not furnish any reply to the S.C.N. Committee, further noted that the refusal order dated 11.06.2015 is on the ground that appellant institution has not submitted reply to S.C.N. Appeal Committee is of the opinion that N.R.C. was justified in issuing the refusal order as the appellant institution has neither responded to the L.O.I. nor S.C.N. even by sending an interim reply or seeking extension of time to fulfil the conditions of L.O.I. The appellant was duty bound to have responded to the S.C.N. Appeal Committee concluded to confirm the refusal order dated 11.06.2015 issued by N.R.C.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the NRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the NRC is confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.


(Juglal Singh)
Member Secretary

1. The Manager/Secretary, Shri Upendra Tiwari Smriti Mahavidyalaya, P.No.412, 416, 417 Vill.-Sanjhara, Tehsil – Sawayajpur, Distt. Hardoi, Uttar Pradesh – 271123
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

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F.No. 89-111/2015 Appeal/10th Meeting-2015
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

13/10/2015

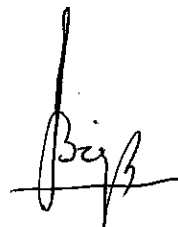
ORDER

WHEREAS the appeal of Mukhram Kisan Mahavidyalaya, Saidpur, Ghazipur, Uttar Pradesh dated 19/08/2015 is against the Order No. NRC/NCTE/NRCAPP-3657/240th Meeting/2015/120815-818 dated 13/08/2015 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "The institutions was given SCN dated 05/06/2015 for reply of letter of intent. The institutions has not submitted faculty duly approved by the affiliating body, joint FDRs and copy of printout of website."

AND WHEREAS Sh. Ravinder Singh Yadav, Member and Sh. Vineet Kumar, Member from Mukhram Kisan Mahavidyalaya, Saidpur, Ghazipur, Uttar Pradesh presented the case of the appellant institution on 19/09/2015. In the appeal and during personal presentation it was submitted that "The rejection orders are against facts and law. The institution has submitted the reply of SCN with relevant document, on 24/07/2015." The institution has already appointed seven lecturers and Head of the Department."

AND WHEREAS the committee noted that recognition for conducting B.Ed. course has been refused for the reason that the appellant institution has not submitted faculty duly approved by the affiliating body, joint FDRs and copy of printout of website. Committee further noted that a Letter of Intent was issued to the institution on 17.03.2015. Committee also noted that the institution vide its letter dated 17.06.2015 had informed the N.R.C. that teacher approval is under the process of University and due to annual examination the process is delayed. The appellant submitted evidence in the form of approval letter dated 10.06.2015 issued by the Vice Chancellor, Veer Bahadur Singh Poorvanchal University, Jaunpur conveying approval to the selection of Head of the Department and seven lecturers for the appellant institution. Copies of relevant documents including F.D.Rs were furnished to N.R.C. on 24/07/2015. Keeping in view that the appellant in its efforts for selecting and appointing faculty was dependent on affiliating body's cooperation and also taking into account that appellant has since finalised selection of H.O.D. and seven lecturers with the approval of concerned University and also that the appellant has kept N.R.C. informed, Committee decided to remand back the case to N.R.C. with a direction to consider the submission made by the appellant.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to consider the submission made by the appellant.



NOW THEREFORE, the Council hereby remands back the case of Mukhram Kisan Mahavidyalaya, Saidpur, Ghazipur, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

- 1. The Manager, Mukhram Kisan Mahavidyalaya, Plot No.13, Street/Road No. Saidpur to Bahariyabad Road, Village/Town – Dahara Kalan, Post Office – Saidpur, Ghazipur, Uttar Pradesh – 233304.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

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F.No. 89-112/2015 Appeal/10th Meeting-2015
NATIONAL COUNCIL FOR TEACHER EDUCATION

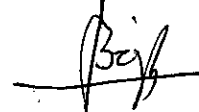
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

13/10/2015

ORDER

WHEREAS the appeal of H.C. College of Education and Technology, Dhawar, Mahamaya Nagar, Uttar Pradesh dated 20/08/2015 is against the Order No. NRC/NCTE/NRCAPP-4813/237th Meeting/2015/118017 dated 13/07/2015 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "Reply submitted by the institution is not acceptable."

AND WHEREAS Sh. Lokesh Kumar, Manager & Sh. Amit Kaushik, Clerk, H.C. College of Education and Technology, Dhawar, Mahamaya Nagar, Uttar Pradesh presented the case of the appellant institution on 19/09/2015. In the appeal and during personal presentation it was submitted that "That the appellant applied for recognition to NRC, NCTE and received a letter ref. no. NRCAPP-4813/B.Ed. (Co.Ed.)/UP/DLI/2013-14/44226 dated 07/05/2013 asking for some deficiencies. The appellant responded within stipulated time period by his letter ref. no. NIL dated 05/07/2013 with resolving the deficiencies. That the NRC, NCTE constituted a visiting team and intimated the appellant for so vide letter ref. no. F.NRC/NCTE/NRCAPP-4778, 4820, 5503, 4344, 4739, 4813, 4815, 4817, 5017 & 4521/2013-14/63238 dated 24/10/2013 but never visited and neither give any information regarding unwillingness of inspection visit to the institution. That as per above letter of NRC, NCTE the visiting team had to visit and submit its report within the stipulated time period i.e. between 25/10/2013 to 15/11/2013. Para no. 3, on the second page of the letter may refer here for kind consideration. However no any other correspondence hold in this regard from the side of NRC, NCTE. That as the appellant, who was in the capacity of Manager of the institution, was in acute illness during the months of October and November, 2013, by assuming that the Visiting panel might contact at the institution during such illness, the appellant again made correspondence vide letter no. NIL dated 04/02/2014 regarding re-constitution of Visiting Panel for visit but could not get any attention and reply in this regard from the side of NRC, NCTE. That although the appellant did not receive any information regarding any kind of visit, if had, or any inconveniency faced by VT yet since appellant was always keen to get recognition, he made extra efforts through his letter and prayed for re-constitution of VT, may further there is no query or information has been passed by NRC, NCTE in this regard. That even though receiving the aforesaid letter of appellant, the NRC, NCTE sent another letter/show cause notice/letter ref. no. F.NRC/NCTE/NRCAPP-4813/224th meeting/2014/92180 dated 30/03/2015, by this letter NRC, NCTE ordered to show cause about refusal to get inspected by VT. That the exact allegation was made upon appellant that "The institution refused to get it inspected by VT." In this letter it was also advised the written representation of appellant must reach at the office of the NRC, NCTE within 30 days from the date of issuance of the notice. NRC, NCTE stated in his notice that the institution refuse to get it inspected by VT but did not show that in which manner the institution refused the inspection. That further in the regard of refusal there is no any kind of evidence/correspondence/report existed. However this show cause notice has been issued after a long period of nearly five months from the date on or before which the visit must be completed by NRC, NCTE as mentioned in Para no. 3, on the second page of the letter. That in fact the reason was already conveyed by the appellant nearly two months prior to the date of issuance of this aforesaid notice. It is humble request that the letter had been sent after receiving the letter of appellant. That after receiving the aforesaid show cause notice, appellant again responded within stipulated time period vide letter no. NIL dated 24/04/2015, with an explanation of illness and by this letter appellant again requested to constitute VT. That NRC, NCTE did not consider the above explanation, erred and refuse the application for recognition submitted by the appellant vide letter ref. no.



NRC/NCTE/NRCAPP-4813/237th Meeting/2015/118017 dated 03/07/2015. That, even after showing willingness for VT by above mentioned letters corresponded by appellant, NRC, NCTE did not give any heed and attention. That the NRC, NCTE made a decision arbitrarily and refused the application of recognition. That Contrary respondent NRC, NCTE did not make essential efforts, did not visit or did not give any information for not visiting even NRC, NCTE was legally self-bound to visit within the period of 25/10/2013 to 15/11/2013 by its own letter".

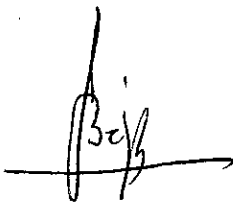
AND WHEREAS Appeal Committee noted that the appellant institution was informed by N.R.C. vide its letter dated 24.10.2013 for the proposed inspection of the institution between 25.10.2013 to 15.11.2013. The Visiting Team returned the inspection proforma with remarks 'College expressed inability to get inspected.' N.R.C. subsequently issued a Show Cause Notice (S.C.N.) dated 30.03.2015 to the appellant institution on the ground that "the institution refused to get it inspected by V.T.'

AND WHEREAS the appellant in reply to S.C.N. informed the N.R.C. on 24.04.2015 that due to his bad health he could not get the institute inspected. After having considered the above reply to S.C.N., N.R.C. issued refusal order dated 13.07.2015 on the ground that 'reply submitted by institution is not acceptable.'

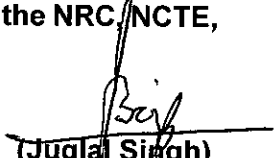
AND WHEREAS Committee noted that provisions of Clause 7(7) of the NCTE Regulations, 2014 which interalia lays down that 'Inspection shall not be subject to the consent of the institution, rather the decision of regional committee to cause inspection shall be communicated to the institution with the direction that inspection shall be caused on any day after ten days from the date of communication by the Regional Office. The Regional Committee shall ensure that inspection is conducted ordinarily within 30 days from the date of communication to the institution.'

AND WHEREAS Appeal Committee noted that appellant had made submission in the appeal memoranda stating that V.T. never visited and neither any information regarding unwillingness of inspection was given. Appellant also stated that V.T. never informed the institution in writing about the date of inspection. Time frame of inspections having been informed by N.R.C. to the institution, V.T. is under no obligation to inform separately in writing about the date of inspection. Oral information is given by the V.T. Committee, however, is of the opinion that the refusal order dated 13.07.2015 issued by N.R.C. should have been a speaking order spelling out the details of the case and grounds on which the Regional Committee decided that reply of the institution is not acceptable. Committee, therefore, decided to remand back the case to N.R.C. with a direction to issue a speaking order.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to issue a speaking order.



NOW THEREFORE, the Council hereby remands back the case of H.C. College of Education and Technology, Dhawar, Mahamaya Nagar, Uttar Pradesh to the NRC/NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

- 1. The Manager/Secretary, H.C. College of Education and Technology, Dhawar, Aghsoli, Sikandra Road, Hathras (U.P.) Sikandra Road, Mahamaya Nagar, Uttar Pradesh – 204211**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

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F.No.89-113/2015/Appeal/10th Meeting-2015
NATIONAL COUNCIL FOR TEACHER EDUCATION

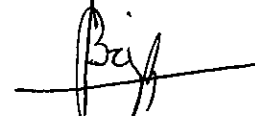
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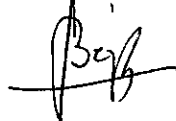
ORDER

WHEREAS the appeal of Sant Yogi Man Singh College of Education, Gwalior, M.P. dated 23/08/2015 is against the Order No. WRC/APW02655/222163/181/MP/2013/02927-102933 dated 14/05/2013 of the Western Regional Committee, withdrawing recognition for conducting D.Ed. course on the grounds that "The institution has not submitted any reply/representation. The matter was placed before WRC in its 181st meeting held from March 18-20, 2012 and the Committee observed that "The institution has not submitted any reply, nor submitted the documents which were asked for-approved building plan, CLU from Competent Authority, Building Completion Certificate, and land ownership documents in accordance with the NCTE Regulations, 2007. Hence, recognition is withdrawn u/s 17 of the NCTE Act, 1993."

AND WHEREAS Sh. Bharat Singh Sikarwar, Lecturer, Sant Yogi Man Singh College of Education, Gwalior, M.P. presented the case of the appellant institution on 19/09/2015. In the appeal and during personal presentation it was submitted that "It is submitted that order of withdrawal of recognition dated 14.05.2013 has been issued by the WRC without considering the fact and documents which was on record before the WRC itself and impugned order itself contradictory in nature because in the one of the para of the said order the WRC itself admitted that the institution submitted the reply on 29.06.11. The withdrawal order has been passed on the ground that the institution has not submitted any reply nor submitted the documents. Order of withdrawal dated 14.05.13 was issued by the WRC after delay of about two months and in the meanwhile writ petition was filed before the Hon'ble High Court Bench at Gwalior, which was numbered as 3536/2013. Writ Petition was finally disposed with the direction to the appellant to submit appeal. Therefore this appeal is being filed by the appellant as per the direction given by the Hon'ble High Court. The decision of WP 3536/2013 came in the knowledge of appellant institution on 14.08.2015. Kindly condone the delay in filing the appeal. That an application was filed by the appellant society before the respondents for seeking the recognition for running the D.Ed. course. The respondent after conducting the inspection and after fulfilling all required criteria as provided under the Act. The NCTE has issued the recognition to the appellant institution for D.Ed. course with the intake of 50 seats from the academic session 2006-07. That the respondent authority has conducted the inspection of the institution in the present premises of leased land and building situated at Adhyatm Niketan, Koteshwar road Gwalior under Section 13 of the NCTE Act in the month of January 2009 and this report was submitted before the Hon'ble High Court of M.P. main seat at Jabalpur in the pending PIL. That from bare perusal of the inspection report it makes clear that the NCTE itself mentioned the following observation "the institution has the land and infrastructure as per NCTE norms. The inspection Committee recommended that the recognition of the institution may therefore continue." That from bare perusal of the report submitted by the NCTE itself before the court after conducting the inspection under Section 13 in the NCTE Act of the present premises, it is clear that the institution is having good infrastructure and running as per the provisions of the NCTE Act. That not only the above again the WRC has issued a letter to the institution on 31.10.09 for making the inspection of the institution regarding verification of the infrastructure (physical and instructional) in the present premises of lease land and building situated at Adhyatm Niketan Koteshwar Road Vinay Nagr Gwalior M.P. and date of inspection was fixed between 10-20 November, 2009. That it is useful to mention here that the inspection between the dates given in the letter has been conducted by the WRC, provided under section 17 of the NCTE Act by constituting a Committee of two members and committee has inspected the premises on 13.11.09. The Committee has given a



specific finding in the para 22 of the inspection report "that the campus of the college provides an ambalance of learning with necessary infrastructure as per NCTE norms both physical as well as instructional." The VT member's observation is that the college be given permission for continuation of B.Ed. and D.Ed. as well." Hence it is clear that the visiting team has recommended for giving permission to continue D.Ed. course of the appellant institution. A copy of report obtained by the appellant under the RTI Act, 2005 dated 08.07.10 is enclosed. That from the above facts it is clear that the inspection of the present premises of leased land and building has been carried out by the NCTE in the month of January, 2009 and submitted report before the Hon'ble High Court of M.P. main seat Jabalpur in the PIL in the case of Subhash Rangdale and thereafter the WRC has carried out the inspection in the month of November, 2009, and both the authorities found that the institution is well running and fulfilling all the norms provided under the NCTE Act and regulations and clearly recommended for continuation of recognition of the institution. That though in the very positive inspection report dated 13.11.2009 the visiting team found that the institution is having the all infrastructure and fulfilling all the requirement but without any basis intentionally the WRC has issued a casual letter dated 07.01.10 by speed post. AD for continuation of recognition of the institution, and demanded certain documents like – certified true copy of the registered land documents, certified true copy of the order of State Government permitting educational use of the aforesaid land, approved building plan of the institutional building and building completion certificate from the competent local authority. That in the letter it is clearly mentioned that the above required documents be submitted by the institution with in 2 week from the date of receipt of this letter however this letter has been received by the institution only on 04.03.2010 and just after receiving the letter the appellant institution has submitted the documents which was demanded by the WRC on 05.03.10 i.e. on very next day of the receiving the letter. A copy of letter dated 04.03.10 and receiving which shows that required documents were duly received by the WRC on 05.03.10. That it is useful to mention here that the copy of letter dated 07.01.2010 received by the appellant only on 04.03.10 and while receiving the letter dated 04.03.10, the employee of the appellant institution put seal and sign with date on the AD attached with the letter. The copy of the said AD was demanded by the appellant under RTI from WRC but the same was never provided by the WRC. That despite of this fact that WRC has received the required documents on 05.03.10 and without considering the aforesaid facts, the WRC issued the order of withdrawal of recognition without giving any opportunity of hearing only on the basis of that the appellant institution has not submitted the required documents within the stipulated time and mentioning the fact that a show cause notice dated 07.01.10 was issued to the institution though from bare perusal of the letter dated 07.01.10, it is clear that it was not the show cause notice but it was merely the letter by which some documents were demanded, hence it is clear that before withdrawal of recognition no show cause notice was ever issued by the WRC. It is very useful to mention here that in the NCTE Act it is very clearly established that before withdrawal of recognition of an institution, an opportunity of hearing be given, but in the case of appellant no Show Cause Notice has been issued by the WRC. Hence it is clear that action of the WRC is violative of the principles of natural justice. That it is necessary to mention that correspondent has been made between the appellant and the respondent WRC from 07.01.10 to 04.03.10 i.e. on 10.02.10 the appellant demanded the FDR's of B.Ed. and D.Ed. to convert into joint account from the WRC vide letter dated 10.02.10. The show cause notice dated 25.10.12 the WRC has raised the objection for the first time that the institution is not running on the land which is owned by the institution. It is pertinent to mention here that the appellant is having the ownership land bearing survey no. 760, 762 situated in village RABAR Tehsil and Dist. Gwalior and the permission is sought for shifting the institution to the new place. Which is mentioned above the constructed building as per norms has already been completed on the new place of shifting. The application in this regard dated 10.11.12 forwarded to the WRC. In which the necessary title documents and other related documents were also send. That again on 03.01.12 another application was send by the appellant to the WRC in which again it was specifically mentioned that the appellant is having title and possession over survey no. 760,



762 from the beginning situated in village RABAR Tehsil and Dist. Gwalior and the appellant want to shift to its new premises of owned land and building. That the WRC in the meeting dated 18-20 March, 2013 has not considered the applications which were submitted by the appellant regarding the self-owned land and building and the details regarding shifting to the new building. In spite of this the recognition of the institute has been withdrawn. That subsequently to above mentioned meeting a reminder letter was forwarded by the appellant on 13.04.13. In which the specific prayer was made that shifting to new place be permitted. That no heed was paid by the WRC on the applications which were submitted regarding shifting of the institute to the new place and the order was passed by the WRC on 14.05.13. In which the reason has been assigned that no reply is submitted by the appellant and relevant documents are not submitted but it is pertinent to mention here that after going to the above mentioned paras it is clear that the appellant has submitted all the documents which were demanded by the WRC from the appellant. It is not worthy that regarding the other institutions liberal approach has been adopted the permission has been accorded for shifting. The matter of the appellant deserves to be considered sympathically. That being aggrieved by the action/processings/meeting dated 18-20 March, 2013, the appellant preferred the Writ Petition no. 3536/2013, before the Hon'ble High Court of M.P. bench at Gwalior, vide order dated 26.08.13 the Hon'ble Court direct the appellant/petitioner to prefer the appeal before the appellate authority. The copy of order passed in WP 3536/2013 is marked and annexed as annexure P/27. That in the previous round of litigation the order was passed by the appellate authority on 01.10.10. Whereby the appeal filed by the appellant was allowed and the order dated 24.03.10 passed by WRC was set aside. That the order passed by the appellate authority on 01.10.10 has attained finality. That within further 2 and half years the recognition of the appellant institution was not restored, and no specific restoration order was ever communicated to the appellant. Ultimately the order has been passed on 14.05.13 by which the recognition of the appellant institution has not been restored. Appellant has always submitted the documents before the WRC when and where the said documents demanded. That in Section 13 of the NCTE the inspection was carried out by the NCTE in January, 2009 and subsequently in Section 17 the inspection was carried out by the WRC in November, 2009. In both the inspection it was found that the appellant institution is running on the leased hold land and no violation of the Act and regulations was found. That from the facts mentioned in the above paras, it is clear that the order dated 14.05.13 passed by the WRC regarding withdrawal of the recognition of the appellant is illegal, arbitrary and not sustainable in the eye of law. That on the one hand the permission for shifting has been accorded to the other institutions and the same has been denied to the appellant.

AND WHEREAS Appeal Committee noted that appeal is delayed by a period of more than 2 years. Appeal Committee also noted that appellant alongwith its appeal memoranda dated 23.08.2015 has enclosed copy of order dated 26.08.2013 passed by High Court of Madhya Pradesh at Gwalior in W.P. No. 3536/2013. The Hon'ble Court issued order disposing of the petition with direction to the petitioner for filing appeal against withdrawal order dated 14.05.2013 with application for condonation of delay. Court order further says that competent authority shall consider the same in accordance with law. The normal time limit for filing appeal under Section 18 of the Act is 60 days. As such appeal against the impugned order should have been preferred before 13.07.2013. But as per the orders dt. 26.08.2013 of Hon'ble Court, the petitioner was given liberty to make an appeal. The appellant has failed to prefer appeal within the stipulated period i.e. 60 days even after the orders of the court. The inordinate delay of two years is attributed to the late receipt of the Court's order which is not tenable. The question before the Appeal Committee was whether the appellant gets absolute freedom to make an appeal as and when desired after getting directions from the Hon'ble Court or the prescribed time limit can be applied taking into account the date of issue of court order. The appellant's plea that he received the Court's order late is not tenable because being petitioner in the case it was his duty to have followed up the case and obtained Court's order on time. Committee, therefore, decided that delay

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caused by appellant in preferring appeal is not condonable and hence appeal is not admitted.

AND WHEREAS On perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that delay caused by appellant in filing appeal memoranda is not condonable and hence appeal is not admitted.


(Juglat Singh)
Member Secretary

1. **The Manager/Secretary, Sant Yogi Man Singh College of Education, Adhyatm Niketan Koteswar Road, Gwalior, Madhya Pradesh - 474012.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

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F.No. 89-114/2015 Appeal/10th Meeting-2015
NATIONAL COUNCIL FOR TEACHER EDUCATION

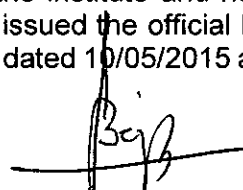
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

13/10/2015

ORDER

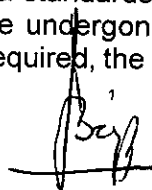
WHEREAS the appeal of Mahendra College of Education, Mahendergarh, Haryana dated 31/08/2015 is against the Order No. NRC/NCTE/HR-1739/239th Meeting/2015/118238 dated 19/07/2015 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that "As per NCTE Regulations, 2014 the institutions applying for D.El.Ed. and B.Ed. programme must have 3000 sq.mt. land area. As per Hon'ble High Courts directions, the institution was to submit application for B.Ed. The applicant had stated in its application (dated 18/05/2015) that the institution was in possession of total land area of 2541 sq.mt. The institution was issued the SCN about non-possession of required land area for running D.El.Ed. and B.Ed. programmes in its 238th meeting held on 20-31 May, 2015. The institution has submitted reply to SCN on 05/06/2015 that the institution possess total land area of 3414 sq.mt. vide a copy of land sale deed dated 03/06/2015. The site plan and LUC of the land was not enclosed. Since the institution did not have total required land area for running two programmes i.e. 3000 sq.mt. (B.Ed. and D.El.Ed) on the date of application as per NCTE Regulations, 2014 and without the required certification of land, the application for B.Ed. is rejected. Hence, the Committee decided that recognition/permission to the institution is refused u/s 14/15(3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.

AND WHEREAS Sh. Mahender Singh, Chairman and Sh. Kapil Kumar, Secretary, Mahendra College of Education, Mahendergarh, Haryana presented the case of the appellant institution on 19/09/2015. In the appeal and during personal presentation it was submitted that "This appeal is filed against the impugned order of NRC Jaipur order no. NRC/NCTE/HR-1739/239th Meeting/118238 dated 19th July, 2015. The appeal is made on the following grounds:- The institute has applied for B.Ed. programme on dated 29/07/2008. At that time, the land requirement of both courses (B.Ed.+D.Ed.) was 2500 sq. meter according to NCTE, Regulations. So the society purchased 2541 sq. meter land. The B.Ed. course application was rejected by NRC, Jaipur vide order no. NRC/NCTE/F-7/HR-1739/2009/72549 dated 30/03/2009. In that order there was no deficiency of additional land. The application was rejected by NRC, Jaipur on dated 01/06/2009. In that order also there was no deficiency of additional land. According to the Punjab & Haryana High Court, Chandigarh Writ Petition no. 16468/2009 which was decided on 29/07/2010, file was re-opened. After some processing, NRC re-rejected the B.Ed. application vide order No. NRC/NCTE/F-3/HR-1739/182th Meeting/2011/2306 dated 07/06/2011. In this rejection order also there was no deficiency of additional land requirement. In this rejection order NRC has mentioned both B.Ed. and D.Ed. programme. After the Court direction, the B.Ed. application was processed and rejected for 3rd time by NRC, Jaipur order No. F/NRC/NCTE/HR-1739/207th Meeting/2012/35776 dated 08/01/2013. In this rejection order there was no deficiency of additional land. In this rejection order, both B.Ed. and D.Ed. courses are mentioned. According to the Hon'ble High Court, New Delhi order dated 29/09/2014, the B.Ed. application was again processed. According to the direction of High Court New Delhi on dated 29/09/2014 the institution has applied to start B.Ed. course in NRC/NCTE, Jaipur on dated 29/10/2014. According to the Court direction an application of B.Ed. course was applied by the institution on dated 29/10/2014. In the 233th meeting of NRC has compliance with Hon'ble Court order dated 29/09/2014 W.P. © 5593/2014, visiting team was constituted to inspect the institution. But the NRC has not issued the official order of VT constitute till now. In 236th meeting of NRC from 01-02 May, 2015, the NRC cancelled the VT. The office has not informed to the institute and no information was given for which VT was cancelled. But the NRC has not issued the official letter to institution till now. A telephonic message was received from NRC on dated 10/05/2015 about requirement



of some documents which were already submitted by institution earlier in NRC office. But as per NRC order, the same documents were submitted in NRC on dated 15/05/2015. The official order for requirement of documents is not issued till now. In 238th meeting (part-II) held on 20-31 May, 2015, a show cause notice was issued on NRC website but the official order is not received till now. The reply of show cause notice has sent to the NRC office on dated 05/06/2015. A last refusal order was issued by NRC on dated 19/07/2015. It was the first time when NRC requested for 3000 sq. meters land for both courses (B.Ed. +D.Ed.) in the show cause notice which was shown in the NRC website which was observed in NRC 238th meeting held on 20-31 May, 2015. The institution has taken immediate action of the land requirement and purchased 873 sq. meters additional land on dated 03/06/2015 and the institution has now 3414 sq. meter land. (see Annexure-XII) The institution has submitted the reply of show cause notice on dated 05/06/2015 and enclosed the additional land registered documents which was purchased on 03/06/2015. (see Annexure-XIII) The LUC of the land and site plan of land was not demanded by the NRC in the show cause notice which was put on the NRC website in the proceeding of NRC 238th meeting held on 20-31 May, 2015. The position of the land is not covered in the Town Planning controlled area. The land is covered in rural area. So the Town and Country planning department has issued N.O.C. The institution has already obtained the NOC from District Town and Country Planning department, Haryana. The already obtained NOC on dated 10/03/2011 khewat no. 158, 209 khatoni no. 158, 229 kila no. 24II22/2, 30II3/2, 30II1/2, 30II2. (see Annexure-XIV) And now the land donated by donor is in the same khewat, khatoni and same kila no. which was earlier donated in 2008. NOC issued by Town and Country Planning Department has mentioned khewat, khatoni and kila no and not mentioned land area because land is situated in the village area not in town controlled area. Also, according to the regulations of NCTE, a regional committee can put deficiency, can issue SCN and reject only one time at a single stage. But NRC has rejected the same file four times issuing different SCN for different deficiencies before inspection. Also VT is constituted only after all the deficiencies are removed and then file is processed for Physical verification of Infrastructure. But NRC put deficiencies even after constituting VT. In the present time B.Ed. application was reprocessed by the Hon'ble High Court New Delhi W.P.(C) 5593/2014 decided on dated 29/09/2014 as "present Writ Petition is disposed of with a direction that the application of the petitioner shall be accepted and considered by the respondents NCTE/NRC for academic year 2015-16 in accordance with new guidelines which shall be notified in compliance of the direction of the Supreme Court. If any deficiency is found, the same shall be conveyed to the petitioner, who shall be given on opportunity to remove the said deficiency, in a time bound manner. In the case the deficiencies are removed within the given time, the application shall be processed in accordance with the relevant rules. If the deficiencies are not removed, the application shall stand rejected." The total land requirement of 3000 sq.mt. demanded by NRC through SCN was fulfilled by college by donating additional land of 873 sq.mt. or 15 marla on dated 03/06/2015 making the land total 3414 sq.mt. and submitted the land documents on dated 05/06/2015. But the NRC did not accept additional land stating that the land is provided after the submission of application and rejected it. But it was clearly instructed in decision of Hon'ble High Court, New Delhi 29/09/2014 that the petitioner should be given an opportunity to remove a deficiency (if any) in a time bound manner. But NRC did not gave any opportunity to applicant which is strictly dishonour of Hon'ble High Court directions. So I request you please consider my appeal and reverse the NRC order of dated 19/07/2015.

AND WHEREAS Committee noted that appellant institution had submitted application for recognition of B.Ed. course to N.R.C. on 29.07.2008 and since then the appellant institution has been issued a number of Show Cause Notice (SCNs) and refusal orders have also been issued. A lot of litigation also followed as a result of which the application of the appellant institution was reprocessed. The impugned order dated 19.07.2005 of the appellant institution was made under NCTE Regulations, 2007. The norms & standards relating to infrastructure for conducting B.Ed. & D.El.Ed. courses (together) have undergone a change. Whereas in 2007 regulations, the land area of 2500 Sq. Meters was required, the NCTE Regulations, 2009



& 2014 lay down the land and builtup area to be 3000 Sq. Meters. Committee is of the opinion that appellant fulfilled the land related norms of 2007 regulations which were prevalent at the time of submitting application and the land related deficiency did not exist before the NCTE Regulations, 2009 and was brought to the notice of appellant institution only in May, 2015. The appellant rectified the deficiency by procuring extra land and intimated the facts to N.R.C. on 04.06.2015. Committee, therefore, concluded that refusal of recognition on the ground that appellant institution did not possess adequate land on the date of application which is stated to be 29.07.2008 in para 1 of the impugned order is not justified. The matter is remanded back to N.R.C. with a direction to reconsider the land documents for additional land keeping in view that the additional land is adjacent to the land already possessed by the appellant institution.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to reconsider the land documents for additional land keeping in view that the additional land is adjacent to the land already possessed by the appellant institution.

NOW THEREFORE, the Council hereby remands back the case of Mahendra College of Education, Mahendergarh, Haryana to the NRC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

1. The Manager/Secretary, Mahendra College of Education, Village – Majra Khurd P.O. & Distt. – Mahendergarh, Haryana – 123029
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.