



IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

G-7, Sector-10, Dwarka, New Delhi-110075

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

Date /दिनांक - 31/08/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील

**File No. 89-297/E-211697/2021 Appeal/9th Meeting, 2023
APPLWRC202114159**

Smt. Rukma Devi Mahila Shikshan Prashikshan Mahavidalaya, Veer Durga Das Nagar, Pali, Rajasthan.	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Representative of the institution
Respondent by	Regional Director, WRC
Date of Hearing	28.08.2023
Date of Pronouncement	31.08.2023

Handwritten signature and date: 31/8/23

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Smt. Rukma Devi Mahila Shikshan Prashikshan Mahavidalaya, Veer Durga Das Nagar, Pali, Rajasthan.** dated 11.10.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. **WRC/NCTE/RJ-623/B.Ed./321st/2020/216977** dated 11.08.2021 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "This is a RPRO case and same was remanded back by the Appellate Authority. The WRC noted that as per the order of the Appellate authority the institution was required to submit their reply to show Cause Notice within 15 days, however, till date the institution has not submitted the reply to WRC. In view of the above, the Committee decided that the decision for withdrawal taken by WRC and intimated to the institution vide dated 14th December, 2020 stands."

II. SUBMISSIONS MADE BY APPELLANT: -

The Representative of **Smt. Rukma Devi Mahila Shikshan Prashikshan Mahavidalaya, Veer Durga Das Nagar, Pali, Rajasthan.** appeared online to present the case of the appellant institution on 28.08.2023. In the appeal report, it is submitted that "1. It is submitted that at the time when the Appellate Authority of NCTE passed the appeal order dated 02.06.2021 and even thereafter, during the period of 'June & 'July 2021, there was a strict lockdown imposed in the state of Rajasthan and the educational institutions were closed due to administrative orders issued by the Government. It is submitted that Government of Rajasthan vide its order dated 23.05.2021 notified the guidelines for implementation of lockdown. Thereafter, Government of Rajasthan issued various guidelines regarding imposition of lockdown and imposition of restrictions vide its orders dated 31.05.2021, 07.06.2021, 15.06.2021, 26.06.2021, 10.07.2021 & 16.07.2021. It is submitted that during the aforesaid period of 'June 2021, 'July 2021 and 'August 2021, all the educational institutions were directed to remain closed and thus, even the appellant institution was not opened in view of strict Government directives. Finally, the Government of Rajasthan vide its order dated 12.08.2021 issued guidelines for commencement of educational activities in the universities/ colleges/ schools etc. In the State of Rajasthan and as per the said directive, the colleges were permitted to commence the educational activities with 50

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capacities from 01.09.2021 with various conditions mentioned therein. A copy of orders/guidelines issued by Government of Rajasthan regarding imposition of lockdown will be produced at the time of hearing of the appeal. 2. That it is relevant to state that the Hon'ble Supreme Court of India vide its orders dated 23.03.2020 passed in SMW © No. 3/2020 titled as "In Re: Cognizance for Extension of Limitation", ordered as under:- "This Court has taken Suo Motu cognizance of the situation arising out of the challenge faced by the country on account of Covid-19 Virus and resultant difficulties that may be faced by litigants across the country in filing their petitions/applications/suits/ appeals/all other proceedings within the period of limitation prescribed under the general law of limitation or under Special Laws (both Central and/or State). To obviate such difficulties and to ensure that lawyers/litigants do not have to come physically to file such proceedings in respective Courts/Tribunals across the country including this Court, it is hereby ordered that a period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended w.e.f. 15th March 2020 till further orders to be passed by this Court in present proceedings. We are exercising this power under Article 142 read with Article 141 of the Constitution of India and declare that this order is a binding order within the meaning of Article 141 on all Courts/Tribunals and authorities. This order may be brought to the notice of all High Courts for being communicated to all subordinate Courts/ Tribunals within their respective jurisdiction." A copy of order date 23.03.2020 passed by Hon'ble Supreme Court of India in Suo Moto Writ Petition © No. 3/2020 is annexed herewith and being marked as Annexure-1 3. Subsequently, the Hon'ble Supreme Court of India vide its order dated 27.04.2021 taking note of the continuance of Covid-19 pandemic passed the direction restoring the order dated 23.03.2021 and in continuance of the earlier order dated 08.03.2021 directed that the period of limitation, as prescribed under any general or special laws in respect of all judicial or quasi-judicial proceeding whether condonable or not, shall stand extended till further orders. The Hon'ble Supreme Court of India vide its aforesaid order dated 27.04.2021 further directed as under: - "We have passed this order in exercise of our powers under Article 142 read with Article 141 of the Constitution of India. Hence it shall be a binding order within the meaning of Article 141 on off courts/ Tribunals and Authorities. "A copy of orders date 08.03.2021 and 27.04.2021 passed by Hon'ble Supreme Court of India in Suo Moto Writ Petition © no. 3/2020 are annexed herewith and being marked as Annexure -2 4. It is submitted that despite the aforesaid constraints being faced by the Appellant institution and the non-functioning of the institutions due to lockdown, the Secretary of the institution vide his letter dated 11.06.2021, submitted the following documents to the WRC by courier: -- College Building Mam -Building Plan – Building Completion Certificate – Land Possession, CLU, and Non-Encumbrance



Certificate. All the documents submitted by the institute through the aforesaid letter (in terms of direction of appeal committee) alongwith all other documents showing compliance shall be produced at the time of hearing of the appeal. A copy of letter dated 11.06.2021 of the Secretary of the appellant institution along with Courier Receipt is annexed herewith and being marked as Annexure -3 5. It is further submitted that the Regional Committee vide its order dated 08.11.2006 had granted recognition to the appellant institution to run the B.Ed. Course on its "own land & building" and there was no condition whatsoever mentioned in the recognition order regarding shifting of the institution in its own building within a period of three from the date of issue of the recognition order. In fact, the ground mentioned in the earlier withdrawal order dated 14.12.2020 is contrary to records of the Regional Committee and factually incorrect. Not only that, the Appeal Committee itself taking note of the factual position of the matter had passed an earlier order dated 02.06.2021 observing as under:- " And Whereas Appeal Committee noted that impugned order of withdrawal dated 14.12.2020 is on the ground that appellant institution has not submitted reply to the Show Cause Notice dated 27.09.2020 which was issued for the reason that institution was granted recognition in rented premises and has not shifted to its own premises. Appellant in its appeal memoranda has stated that institution is running in its own premises since the very beginning and has also replied to the Show Cause Notice (S.C.N) dated 27.09.2020. As evidence of having submitted reply to the Show Cause Notice the appellant has furnished copy of the speed post receipt dated 20.11.2020 and track report which indicates delivery of article on 29.10.2020."

6. It is further submitted that assuming the Regional Committee did not receive the letter dated 11.06.2021 dispatched by the appellant institution, therefore, the Regional Committee ought to have either issued a fresh show cause notice under Section 17 of NCTE Act or sought further information /clarification from the institution. However, the Regional Committee, without issuing any fresh show cause notice and without seeking any information/clarification from the institution and without initiating any fresh proceeding under Section 17, decided to confirm the earlier withdrawal order dated 14.12.2020 which in terms of law Laid down by Hon'ble Delhi High Court in (i) Order dated 08.4.2021 in W.P.(C) No. 4382/2021 titled Shri Vaishnav College of Education Vs. NCTE & Anr. And (ii) Order dated 30.07.2021 in W.P.(C) No. 7260/2021 titled Arihant College & Anr. Vs NCTE & Anr. And various other orders passed by Hon'ble Court from time to time, already stood set aside in terms of remand order dated 02.06.2021 passed by Appellate Authority. In view of the above and particularly keeping in view the fact that the appellant institution is an old institution running from 2006 i.e., from last 15 years and fulfils off norms & standards laid down by NCTE, therefrom, it is prayed that the withdrawal order dated 11/14.08.2021 issued by WRC

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is quashed & set aside and the recognition of our institution for B.Ed. course with two basic units (100 seats) is restored & continued.”

III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the online hearing on 28th August, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students in a rented premises with a condition to shift to its own premises within three years of such recognition vide order dated 08.11.2006. Thereafter, the withdrawal order for B.Ed. course dated 14th December, 2020 was issued to the institution.

The institution preferred an Appeal against the decision of WRC and the Appellate Authority vide order dated 2nd June, 2021 has remanded back the case to WRC with a direction to consider the reply of the appellant institution which is required to send again by the appellant to WRC within 15 days of the issue of the appeal order. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 11.08.2021. Thereafter, the matter was again placed in 4th Meeting, 2022 of Appellate Committee held on 26.04.2022. The Appellate Committee vide order dated 26.05.2022 had rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder: -

“The Appeal Committee observes that the appellant with the memoranda of Appeal has enclosed a copy of withdrawal order dated 14.08.2021 and other related documents which are not in the name of WOMEN TEACHERS TRAINING COLLEGE as mentioned in the online Appeal Report.

Appeal Committee noted that Sub- Section-3 & Section 18 of NCTE Act, 1993 stipulates that a copy of “Every appeal made under this Section shall be made in such form and shall be accompanied by a copy of the order appealed against and by such fees as may be prescribed.”

In view of the above, the Appeal Committee observes that the instant appeal filed by WOMEN TEACHERS TRAINING COLLEGE, is not a valid appeal.

Hence the Appeal Committee decided not to accept the appeal of the appellant and declared it infructuous; It appears, that the appellant institution has changed the

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name of the institution without prior permission of WRC, which is a violation of NCTE Regulation,2014.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded not to accept the appeal of the appellant and declared it infructuous; It appears, that the appellant institution has changed the name of the institution without prior permission of WRC, which is a violation of NCTE Regulation,2014.”

Furthermore, the petitioner institution has filed a W.P.(C) 11739 & CM APPL. 34932/2022 in the Hon’ble High Court of Delhi at New Delhi against the impugned Withdrawal Order No. WRC/NCTE/RJ-623/B.Ed./321st /2020/216977 dated 11.08.2021 issued by WRC and Hon’ble Court vide order dated 08.08.2022 directed as under: -

*“...7. The Court has not examined the merits of the case. All rights and contentions of the parties are left open, and the Appellate Authority shall proceed to decide Petitioner No. 1’s request uninfluenced by the observations made hereinabove.
8. With the above directions, the present petition is disposed of, along with other pending application(s).”*

The Appellant Institution again filed a Writ Petition having W.P.(C) No. 11308/2023 title Smt. Rukma Devi Mahila Shikshan Prashikshan Mahavidyalaya & Anr., vs NCTE before the Hon’ble High Court of Delhi and vide its order dated 25.08.2023. the Hon’ble Court has directed that: -

*“...6. In view of the aforesaid, at this stage, this court is not inclined to entertain the instant writ petitioner. It is directed that the Appellate Authority shall hear the appeal of the petitioners on 28.08.2023 and pass an appropriate order within a period of seven days form the date of hearing.
7. In view thereof, the instant petition is disposed of along with the pending application.”*

The Appeal Committee considered the Appeal of the institution and submissions made during online appeal hearing on 28th August, 2023.

The Appeal Committee perused the order dt. 02.06.2021 which was earlier passed by Appellate Authority in this matter and considered the submission made by the institution therein which are as under: -

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“... Subsequently, as the building in question became very old, the society constructed another building at the same place on the same plot of land as per norms of NCTE and the institution is running in the building and land owned by the society of the institution.”

Further, the Appeal Committee noted that impugned order of withdrawal dated 14.12.2020 is on the ground that appellant institution has not submitted reply to the Show Cause Notice dated 27.09.2020 which was issued for the reason that institution was granted recognition in rented premises and has not shifted to its own premise. Appellant in its appeal memoranda has stated that institution is running in its own premise since the very beginning and has also replied to the Show Cause Notice (S.C.N.) dated 27.09.2020.

The Appeal Committee noted that the institution has submitted documents showing Land possession certificate, Non-Encumbrance Certified, CLU etc. claiming to have rectified the shortcomings pointed out in the withdrawal order.

The Appeal Committee noted that vide order dt. 03.06.2009 whereby the permission for change of name of the institution i.e., from **Women Teacher Training College, Veer Durga Das Nagar, Pali, Rajasthan** to **Smt. Rukma Devi Mahila Shikshak Prashikshan Mahavidalaya, Veer Durga Das Nagar, Pali, Rajasthan** was permitted.

The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Western Regional Committee and decision taken accordingly. The WRC, NCTE is directed to constitute **Visiting Team** as per provision of the NCTE Act, Rules and Regulations to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, passed in W.P. (C) 4382/2021 has observed as follows: -

“Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

Appeal Committee noted that the Hon’ble High Court of Delhi vide order dated 30.07.2021, passed in W.P. (C) 7260/2021 has observed as follows: -

“Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed.”

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 11.08.2021 is set-aside and the Appellate Committee has decided to remand back the case to WRC for revisiting the matter.

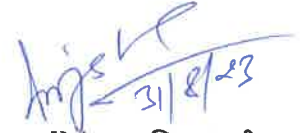
Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to the WRC, NCTE with the direction to constitute **Visiting Team** as per provision of the NCTE Act, Rules and Regulations to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.

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IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to WRC with a direction to constitute Visiting Team as per provisions of the NCTE Act, Rules & Regulations to verify the infrastructural and instructional facilities available with the institution and further to verify the documents submitted from the concerned issuing authority submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.

The above decision is being communicated on behalf of the Appeal Committee/ उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।



Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. **The Principal, Smt. Rukma Devi Mahila Shikshan Prashikshan Mahavidalaya, Veer Durga Das Nagar, Pali, Rajasthan**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan.