



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 - 17/08/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-224/E-193147/2021 Appeal/8th Meeting, 2023
APPLSRC202114060

Velankanni College of Education, Khandrika Village, 657/1, Venkatachalam, Nellore, Andhra Pradesh – 524320	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Shiva Sanket, Director
Respondent by	Regional Director, SRC
Date of Hearing	16.08.2023
Date of Pronouncement	17.08.2023

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ORDER/आदेश

I. GROUND OF WITHDRAWAL

The appeal of **Velankanni College of Education, Khandrika Village, 657/1, Venkatachalam, Nellore, Andhra Pradesh – 524320** dated 05.07.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APSO2909/B.Ed./AP/2021/124619** dated 08.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution has failed in submission of reply to the Final Show Cause Notice issued on 03.11.2020.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Shiva Sanket, Director of Velankanni College of Education, Khandrika Village, 657/1, Venkatachalam, Nellore, Andhra Pradesh – 524320 appeared online to present the case of the appellant institution on 16.08.2023. In the appeal report, it is submitted that “All latest documents submitted.”

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 16th August, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 04.07.2005. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 21.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 12.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units of 50 students each) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 08.03.2021.

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The instant matter was placed in 20th Meeting, 2021 of Appellate Committee held on 28.09.2021. The Appellate Committee vide order dated 04.10.2021 rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder: -

“Appeal Committee noted that appellant is an institution recognized for conducting B.Ed. course since 2004-05 and ground of withdrawal of recognition is non submission of reply to Show Cause Notice (SCN) dated 03.11.2020. The Show Cause Notice was issued on following grounds: -

- (i) Certified copy of land documents not furnished.
- (ii) (a) Faculty list was for 1+11 against the requirement of 1+15.
(b) Principal not having Ph.D.
(c) Faculty for performing Arts/Fine Arts not appointed.
(d) Letter regarding approval of approval issuing by affiliating body not submitted.
(e) Staff list duly approved in prescribed format not submitted.
- (iii) Form ‘A’ not submitted, and FDRs matured.

Appeal Committee noted that appellant with its appeal memoranda has submitted copies of land document, Building Plan, Building Completion Certificate, FDRs with Form ‘A’, Non-Encumbrance Certificate and list of faculty. Letter regarding approval of faculty issuing by affiliating University has not been furnished.

Appeal Committee noted that appellant in its submission and appeal memoranda has not mentioned any reason for non-submission of reply to Show Cause Notice dated 03.11.2020. The list of faculty submitted by appellant with its appeal memoranda is quite old and does not mention the academic year to which it pertains. All the faculty is shown appointed in the years 2005 to 2007. The number of faculty is also 1+11.

Appeal Committee decided that impugned withdrawal order dated 08.03.2021 issued by SRC deserves to be confirmed.

IV. DECISION: -

NOW THEREFORE, after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.”

The appellant institution moved a writ petition before the Hon’ble High Court of Andhra Pradesh (Amaravati) bearing W.P. No. 14137/2023 titled Velankanni College of Education V/s National Council for Teacher Education & Anr, the Hon’ble Court vide its order dated 26.06.2023 issued following direction upon the Appellate Authority: -

“....5. Learned counsel for the petitioner further submits that after issuing the show cause notice, the petitioner approached the authorities concerned for restoration of recognition but the same was rejected. He further submits that an Appeal was

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filed by the petitioner under Section 18 of the NCTE Act, 1993 was also rejected on 04.10.2021, reiterating the deficiencies which were issuing by way of show cause notice dated 03.11.2020. He further submits that after disposal of the said Appeal, the petitioner rectified all the deficiencies as found in Appeal and in the show cause notice. In view of the same, the petitioner submitted a representation dated 10.04.2023 along with evidence of compliance of the deficiencies of the Appeal order dated 04.10.2021. Even after the receipt of the said representation, the respondents neither acted upon nor considered the same. Hence, the Writ Petition.

6. On the other hand, learned Standing Counsel appearing for respondent Nos.2 to 4 submits that representation dated 10.04.2021 has been received by the respondent authorities. He further submits that a direction may be given to the petitioner to submit all the physical documents which are enclosed along with the representation dated 10.04.2021. Upon such submission, the respondents can consider and pass appropriate orders within a reasonable time.

7. In view of the submissions made by the learned counsel for both the parties and on perusal of the material placed on record, without going into the merits of the case, this Court is of the opinion that the present Writ Petition can be disposed of directing the petitioner to submit all the documents enclosed along with the representation dated 10.04.2023 within a period of one week. On receipt of such documents and on perusal of the same, the respondents, more particularly, respondent Nos.2 to 4 are directed to consider the same and pass appropriate orders within a period of three (03) weeks from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed."

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 16th August, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of faculty list (1+15) members dated 12.05.2023 approved by the Registrar, Vikrama Simhapuri University, Nellore as per provisions of NCTE Regulation, 2014.
- (ii) A copy of land documents, Land Use Certificate, Building Completion Certificate, Building Plan & Site Plan.
- (iii) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.
- (iv) A copy of Statement of Encumbrance on Property, Registration and Stamps Department.

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The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 08.03.2021. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, **require to be re-verified by the Southern Regional Committee.**

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 08.03.2021 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to SRC with a direction to **re-verify the documents 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 SRC the documents submitted in appeal within 15 days from the receipt of order of

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the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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 SRC with a direction to re-verify the documents 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 SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

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Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Velankanni College of Education, Khandrika Village, 657/1, Venkatachalam, Nellore, Andhra Pradesh – 524320
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh



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 - 17/08/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-150/E-256912/2022 Appeal/8th Meeting, 2023
APPLSRC202114242

Sa-Ya-Gosh College of Education, 218,219,220, Pudumariamman Koli, Sa-Ya-Gosh Nagar, Dharampuri, Dharmapuri, Tamilnadu-635205	Vs	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Sandeep Jadav, Administrative Officer
Respondent by	Regional Director, SRC
Date of Hearing	16.08.2023
Date of Pronouncement	17.08.2023

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ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Sa-Ya-Gosh College of Education, 218,219,220, Pudumariamman Koli, Sa-Ya-Gosh Nagar, Dharampuri, Dharmapuri, Tamilnadu-635205** dated 22.11.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APSO8017/M.Ed./{TN}/2021/125270** dated 23.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “(i). The Committee noted that due to non-compliance of SCN dated 15.03.2019 for submission of requisite documents to verify infrastructure & instructional facilities a Final Show Cause Notice dated 10.08.2020 was issued to the institution. However, the institution failed to submit the requisite documents as per Final Show Notice dated 10.08.2020. (ii). Further the SRC also given the last opportunity for submission of written representation/reply by way of last Reminder letter dated 21.09.2020 and the institution failed to submit the reply to the last reminder letter.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Sandeep Jadav, Administrative Officer of Sa-Ya-Gosh College of Education, 218,219,220, Pudumariamman Koli, Sa-Ya-Gosh Nagar, Dharampuri, Dharmapuri, Tamilnadu-635205 appeared online to present the case of the appellant institution on 16.08.2023. In the appeal report, it is submitted that “Because the appellant fulfils all the requirements under the provisions of NCTE Act, Rules and relevant Regulations including the Norms and Standards for the concerned Teacher Education Programme such as instructional facilities, infrastructural facilities, library, land, accommodation, financial resources, laboratory, etc. for running the programme and has selected-appointed duly qualified teaching staff as per NCTE Norms and as per the approval of faculty given by the affiliating bodies. Because the appellant/institution has duly complied with all the terms and conditions stipulated in the Revised Recognition Order. Because the respondent has failed to apply its mind while passing impugned withdrawal order No. **F.SRO/NCTE/APSO8017/M.Ed./{TN}/2021/125270** dated 23.03.2021, whereby the respondent has withdrawn the recognition granted to appellant


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Sa-Ya-Gosh College of Education for conducting M.Ed. course w.e.f. the next academic session i.e., 2021-2022. Hence, the impugned withdrawal order is liable to be set aside in the facts and circumstances of the present case. Because the humble appellant satisfies all criteria stipulated in the Regulation, 2014 in terms of infrastructure as well as faculty. Because the entire ground of passing the impugned order dated 23.03.2021 is perverse, arbitrary and illegal in the eye of law, as the appellant has cleared all the deficiency/ambiguities, as mentioned in the refusal order. Because the Hon'ble High Court of Delhi at New Delhi vide judgement dated 23.02.2017 passed in W.P.(C)No.3231/2016, titled 'Rambha College of Education vs. National council for Teacher Education & Anr.' Has directed the NCTE to consider the subsequent development. The Judgement in 'Rambha College of Education' was carried in appeal by the NCTE right until the Supreme Court. The Supreme Court vide order dated 25.01.2018, passed in SLP©No.3451/2018, titled 'National Council for Teacher Education & Anr. Vs. Rambha College of Education' dismissed the same. Because the Hon'ble High Court in W.P.(C) No.9744/2020 titled as Asha Devi Mahavidyalaya & Anr. Vs. National Council for Teacher Education has directed the respondent to consider the subsequent development, which were submitted during the pendency of the application before the Regional Committee or in the course of hearing of the appeal vide order dated 03.12.2020. Because Appellant is an old institution, which is conducting M.Ed. course since 2008 and has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and respondent is illegally blocking it from running the course which clearly unwarranted and unlawful. Because under Regulations, 2014 the "Council" has "powers to relax" any condition/regulation which causes undue hardship. This is a fit case for relaxation and giving benefit to appellant who substantially satisfies norms and standards under Regulations, 2014."

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 16th August, 2023. Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course with an annual intake

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of 25 students vide order dated 21.10.2008. The enhancement of intake of 10 seats from existing 25 to 35 was permitted on 25.08.2010. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 23.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 22.05.2015 for conducting M.Ed. course of two years duration with an annual intake of 50 (one unit) from the academic session 2015-16. The recognition of the institution for M.Ed. programme was withdrawn by the SRC vide order dated 23.03.2021.

The instant matter was placed in 5th Meeting, 2022 of Appellate Committee held on 11.06.2022. The Appellate Committee vide order dated 12.07.2022 rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder: -

“The Appeal Committee noted that the impugned withdrawal order came into operation due to not furnishing the required documents which substantiated the removal of deficiencies to continue the recognition.

The Appeal Committee noted that the main ground of withdrawing recognition of the appellant institution is not to submit the reply to the last reminder letter dated 21.09.2020 and the appellant in their explanation submitted in the Memoranda of Appeal has not contested this ground. However, the appellant during hearing verbally submitted that the reply was sent through post. He on being asked failed to submit the proof of having sent the reply through post. Even they categorically admitted this fact during hearing. Hence, merely stating that they sent the reply through post has no locus standing in the court of law.

Noting the submission and verbal arguments during hearing by the Appellant institution, The Appeal Committee concluded that the SRC was justified in withdrawing recognition and therefore the instant appeal deserved to be rejected and the impugned withdrawal order is confirmed.

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 that the SRC was justified in withdrawing recognition and therefore the instant appeal deserved to be rejected and the impugned withdrawal order is confirmed.”

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The appellant institution moved a writ petition before the Hon'ble High Court of Judicature at Madras bearing W.P. No. 21289/2023 & W.M.P. Nos. 20691 & 20694 of 2023 titled Sa-Ya-Gosh College of Education V/s National Council for Teacher Education & Anr, the Hon'ble Court vide its order dated 19.07.2023 issued following direction upon the Appellate Authority: -

“....5. After hearing the rival submissions and perusing the papers, this Court only deems it appropriate that the petitioner be granted an opportunity to appear before the Appellate Authority to present whatever papers or information that the respondents require in this regard, and then to decide the issue after giving the petitioner appropriate opportunity to explain or clarify anything that is required.

6. In view of the above, this Court sets aside the proceedings of the 1st respondent dated 12.07.2022 and remands the matter back to the 1st respondent. The petitioner is now required to furnish all the materials required by the respondents within a period of four (4) weeks from today. On receipt of the same, the 1st respondent is required to complete the enquiry and dispose of the appeal within a period of eight (8) weeks thereafter. In the meantime, if any inspection is required, then the same may be made with due notice to the petitioner.

7. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.”

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 16th August, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of faculty list (1+9) members dated 17.10.2022 approved by the Registrar of Tamilnadu Teachers Education University as per provisions of NCTE Regulation, 2014 alongwith an Affidavit of disbursement of salary.
- (ii) A copy of Land Usage Certificate alongwith land documents alongwith an Affidavit.
- (iii) A copy of certificate of Encumbrance on property issued by Registration Department, Govt. of Tamilnadu.
- (iv) A copy of Building Completion Certificate alongwith Building Plan and Site Plan.
- (v) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 23.03.2021. The Committee

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noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be re-verified by the Southern Regional Committee.

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 23.03.2021 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to SRC with a direction to re-verify the documents 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 SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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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 SRC with a direction to re-verify the documents 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 SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

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Deputy Secretary (Appeal)/उप सचिव (अपील)

Copy to :-

1. The Principal, Sa-Ya-Gosh College of Education, 218,219,220, Pudumariamman Koli, Sa-Ya-Gosh Nagar, Dharampuri, Dharmapuri, Tamilnadu-635205
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



IN THE NCTE APPELLATE AUTHORITY / एन सी टी ई 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 - 17/08/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एन सी टी ई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-137/E-313009/2023 Appeal/8th Meeting, 2023
APPLSRC202314646

JVRR Memorial College of Education, 674/2, Nandyal, VC Colony, Kurnool, Andhra Pradesh-518505	Vs	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Swamidas, Representative
Respondent by	Regional Director, SRC
Date of Hearing	16.08.2023
Date of Pronouncement	17.08.2023

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ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **JVRR Memorial College of Education, 674/2, Nandyal, VC Colony, Kurnool, Andhra Pradesh-518505** dated 25.07.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APSO0282/B.Ed./AP/2019/106721** dated 10.07.2019 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). Latest faculty list duly approved by the competent authority not submitted. (ii). The details in the EC and the location of the college are not matching. (iii). The land document is not clearly registered in the name of society rather it is a gift deed. (iv). No exclusive building is shown for Teacher Education. (v). Land Conversion Certificate is not in favour of institution rather is in the individual name.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Swamidas, Representative of JVRR Memorial College of Education, 674/2, Nandyal, VC Colony, Kurnool, Andhra Pradesh-518505 appeared online to present the case of the appellant institution on 16.08.2023. In the appeal report, it is submitted that “(i). That SRC in its 376th meeting held from 11th to 12th June, 2019, arbitrary withdrawn recognition of Appellant Institution for conducting the B.Ed. Course, on the basis of alleged deficiencies. A copy of minutes of the 376th meeting of SRC held from 11th-12th June 2019, is enclosed as Enclosure 1. (ii). That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief. (iii). That initial approval for running the B.Ed. course was granted to appellant institution by Govt. of Andhra Pradesh, as far back as on 30.03.1984. Thereafter, permanent affiliation was granted to our institution by Shri Krishnadevaraya University on 26.05.1994. (iv). That thereafter, after establishment of NCTE in 1993, the SRC vide its order dated 16.08.2000 (Enclosure 2) granted initial recognition to our institution for running the B.Ed. course from academic session 2000-01. Subsequently, after new NCTE Regulations, 2014, SRC issued revised recognition order dated 26.05.2015 (Enclosure 3) for 3 units 150 seats of B.Ed. course from academic session 2016-17. (v). That however, thereafter, SRC issued the show cause notice dated 06.03.2019 (Enclosure 4), pointing out the deficiency regarding staff profile, land documents, FDRs etc. (vi). That,

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accordingly, appellant institution vide letter dated 22.03.2019 (Enclosure 5) submitted all the requisite documents to SRC including approved staff profile, BCC, FDRs CLU, NEC etc. in compliance of the aforesaid show cause notice. (vii). That thereafter, SRC in its 376th Meeting held from 11th to 12th June, 2019, considered our reply and decided to withdraw our recognition observing deficiencies in the documents submitted in response to the show cause notice dated 06.03.2019. (viii). That the SRC withdrew the recognition of the appellant institution without following the provision of issuing two show cause notices as per the mandate of NCTE-SOP 2019 (Enclosure 6). (ix). That, accordingly, we approached the Hon'ble Delhi Court by filing W.P. No.7428/2019 against the decision taken by SRC in its 376th meeting held from 11th to 12th June, 2019. The Hon'ble High Court vide order dated 12.07.2019 (Enclosure 7) stayed the decision taken by the SRC to withdraw the recognition of our institution. Thereafter, the Hon'ble High court vide order dated 25.02.2020 (Enclosure 8) made absolute the order dated 12.07.2019, during the pendency of the writ petition. (x). That thereafter, the said writ petition was listed again on various dated and last on 25.04.2023, when the Hon'ble High Court vide its order dated 25.04.2023 (Enclosure 9) directed our institution to approach the appellate committee of NCTE. The Hon'ble High Court also clarified that the interim order passed on 12.07.2019 and confirmed on 25.02.2020 shall remain in force till the appeal is decided by the Appellate Committee. (xi). That, accordingly, the appellant institution has preferred its online appeal under section 18 of NCTE Act, 1993. As per procedure, the Appellant institution is submitted herewith the hard copy of online appeal. (Enclosure 10). (xii). That it is submitted that in order to pacify the appeal committee, the appeal, the documents which were asked by the SRC and submitted by the appellant institution. A copy of latest faculty list fully approved by the competent authority, details in the EC and matching location of the institution, land documents with clarification of the name of the institution, land use certificate, are also enclosed with the aforesaid appeal, as Enclosure 11 (Colly). (xiii). That it is submitted that thus, the decision taken by the SRC in its 376th meeting held from 11th to 12th June to withdraw recognition of the appellant institution, is not maintainable and thus, the appeal committee is requested to revert the said decision taken by SRC with further direction to SRC to restore the recognition of appellant institution granting an opportunity to appellant institution to submit documents desired by the SRC."

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

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advanced during the online hearing on 16th August, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 16.08.2000. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 09.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 26.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 150 (Three basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 10.07.2019.

The petitioner institution has filed a **W.P(C). No. 7428/2019** in the **Hon'ble High Court of Delhi at New Delhi** against the impugned **Withdrawal Order No. F.SRO/NCTE/APSO0282/B.Ed./AP/2019/106721** dated **10.07.2019** issued by **SRC**. And Hon'ble Court vide order dated **25.04.2023** directed as under:

"....7. In view of the aforesaid this court finds it appropriates to direct the petitioner to approach the appellate committee within a period of 30 days from today. The appeal shall be decided strictly on the basis of the merit without dismissing the same on the ground of the limitation. The interim order passed on 12.07.2019, confirmed on 25.02.2020 shall remain in force till the appeal is decided by the Appellate Committee.

8. With the aforesaid directions the instant petition stands disposed of.

9. All rights and contentions of the parties are left open."

The Appeal Committee noted that the Appellant institution with its appeal report and submissions made during online appeal hearing on 16th August, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of faculty list (1+23) members dated 08.06.2022 approved by the Registrar, Rayalaseema University, Kurnool as per provisions of NCTE Regulation, 2014.
- (ii) A copy of land documents showing land in the name of J.V.R.R. Educational Society alongwith a copy of Non-encumbrance certificate.
- (iii) A copy of Building Plan and Building Completion Certificate showing building for B.Ed. programme.

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- (iv) A copy of Land Use Certificate issued by Mandal Revenue Officer, Nandyal in the name of JVRR Education Society, Nandyal.

The Appeal Committee while examining the matter, observed that the RPRO submitted by the Appellant alongwith the Appeal Report states that SRC has granted the revised recognition to the appellant institution from academic session 2015-16 with an annual intake of 150 (Three basic units of 50 students each). However, in the withdrawal order issued by SRC, the recognition of the appellant institution was withdrawn only for 2 basic units (100 students). Therefore, the Appeal Committee directs the SRC to examine the same.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 10.07.2019. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be re-verified by the Southern Regional Committee.

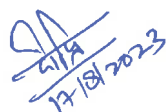
Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, passed in W.P. (C) 4382/2021 has observed as follows: -

“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 10.07.2019 is set-aside and the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.


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Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to SRC with a direction to **re-verify the withdrawal order and RPRO issued by the SRC and all other documents 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 SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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 SRC with a direction to **re-verify the withdrawal order and RPRO issued by the SRC and all other documents 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 SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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, JVRR Memorial College of Education, 674/2, Nandyal, VC Colony, Kurnool, Andhra Pradesh-518505
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh.



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 - 17/08/2023

APPEAL FILED UNDER SECTION 18 OF NCTE ACT/

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील
File No. 89-7/E-286636/2023 Appeal/8th Meeting, 2023
APPLWRC202314513

Shree Mukesh Jani B.Ed. College, R.S., No. 884/Paiky- Plot No. 1 to 9, 19 to 28, Amreli, Gavdaka Road, H.O. Amreli, Amreli, Gujarat-365601	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Milan Lathigara, Head Clerk
Respondent by	Regional Director, WRC
Date of Hearing	16.08.2023
Date of Pronouncement	17.08.2023

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17/8/2023

ORDER/आदेश

I. GROUNDS OF WITHDRAWAL

The appeal of **Shree Mukesh Jani B.Ed. College, R.S., No. 884/Paiky-Plot No. 1 to 9, 19 to 28, Amreli, Gavdaka Road, H.O. Amreli, Amreli, Gujarat-365601** dated 05.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.WRC/APWO4203/323412/374th/2022/220883 to 220890** dated 11.11.2022 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). Show Cause Notice dated 26.08.2016 was issued to the institution due to non-compliance of conditions mentioned in the revised recognition order dated 31.05.2015. (ii). No reply/ required documents have been received from the institution. (iii). The matter was placed before the WRC in its 312th meeting held on 27-29 January, 2020 and accordingly, second show cause notice dated 10.02.2020 was issued to the institution. (iv). The reply vide letter dated 09.03.2020 submitted by the institution was considered by WRC. (v). The institution is still deficient on the following in light of NCTE Regulations, 2014 and subsequent amendments published time to time. (vi). Certified copy of registered land documents not submitted. (vii). The notarized change of Land Use Certificate dated 16.04.2022 issued by Mamlatdar, Amreli shows that the land is owned by Shri Atulbhai Bhaichandra Jani & Shri Visvashbhai Chaichandra Jani. The diverted area not mentioned in the CLU. (viii). Photocopy of submitted Building Plan approved Amreli Municipal Corporation, wherein the name of owner mentioned Shri Atulbhai Bhaichandra Jani & Shri Visvashbhai Bhaichandra Jani. Survey/Khasra no. not mentioned. Total plot area, built up area mentioned is not legible. (ix). In the submitted Building Completion Certificate, name of owner mentioned Shri Atulbhai Bhaichandra Jani & Shri Visvashbhai Bhaichandra Jani. Built up area mentioned as 2524 sq.ft. which is not as per NCTE Norms. (x). Faculty in Performing Arts (Music/Dance/Theatre) not appointed. (xi). Experience certificate of Principal substantiating eight years of teaching experience in a Secondary Teacher Education Institution as per NCTE Regulations, 2014 not submitted. (xii). Photocopy of FDR for Rs. 4.00 lakh submitted is not in joint operation mode with Regional Director, WRC, NCTE. (xiii). Non-encumbrance certificate is not submitted.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Milan Lathigara, Head Clerk of Shree Mukesh Jani B.Ed. College, R.S., No. 884/Paiky-Plot No. 1 to 9, 19 to 28, Amreli, Gavdaka Road, H.O. Amreli, Amreli,


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Gujarat-365601 appeared online to present the case of the appellant institution on 16.08.2023. In the appeal memoranda it is submitted that “(i). Already submitted. (ii). Plot no is mentioned in certificate of land use but diverted area is mentioned in rural land no. 2 certificate. (iii). In submitted building plan survey khasra no is already mentioned and total plot area, built up are also mentioned. (iv). In the submitted Building Completion Certificate, name of owner mentioned Shri Arulbhai Bhaichandra Jani & Shri Visvashbhai Bhaichandra Jani. Built up area mentioned as 2525 SQ. MT. (v). Faculty in performing art (Music/Dance/Theatre) are in process. (vi). Submitted. (vii). Already jointly operation mode with Regional Director WRC, NCTE. (viii). Non-Encumbrance Certificate has been obtained.”

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 16th August, 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course vide order dated 13.08.2008. A revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units of 50 students each) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 11.11.2022.

The matter was taken up by the Appellate Committee in the 3rd Meeting, 2023 held on 27.02.2023 whereby the Appeal Committee decided that the Appeal is kept pending till the report is submitted by Western Regional Committee (WRC), NCTE. The operative part of the decision is as under: -

***“The Appeal Committee noted that the institution had earlier submitted copy of land & building documents in individual name and now submitted Sale Deed documents alongwith other relevant documents, as such the Committee is of the view that the documents may be verified.*”**

The Appeal Committee in the light of the submission made by the appellant Institution during on-line hearing held on 27.2.2023 viz-a-viz report submitted by the Western Regional Committee (WRC), NCTE, the Appeal Committee pass the following orders: -

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- (i) **Inspection under Section 13 of the NCTE Act, 1993 shall be conducted by the Western Regional Committee (WRC), NCTE as per laid down procedure to verify the infrastructure and instructional facilities available with the institution.**

The Appeal Committee further directed the Western Regional Committee (WRC), NCTE that on being receipt of the report of the Visiting Team, the same shall be examined by the WRC, and furnish a report as to whether the institution is fulfilling the norms and standards as per provisions of the NCTE Regulations or not, to enable the Appeal Committee to take appropriate decision in the matter.

The Appeal Committee decided to keep the matter pending until the report is submitted by the Western Regional Committee (WRC) as it is very necessary to ascertain whether institution is having infrastructure & instructional facilities viz-a-viz fulfilling the norms & standards as per provisions of the NCTE Regulations, 2014. Thus, it may not be advisable to remand back the case for the reasons that it will have an adverse effect on the quality of education and fate of students.

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 that the Appeal is kept pending till the report is submitted by Western Regional Committee (WRC), NCTE in terms of direction given herein above."

The institution Shree Mukesh Jani Swaminarayan Gukurul Trust was virtually inspected on 20.07.2023 for B.Ed. course (two units). While conducting V.T. following deficiencies were pointed out by the V.T. members: -

1. Documents related to number of books, journals not presented.
2. Break up area of first floor of building not shown in approved building plan.
3. NOC from fire safety office not presented.
4. NOC from National of State Disaster Management authority not presented.
5. Salary Statement of faculty for three months not shown during virtual inspection.
6. Account statement of Institution not presented.
7. The documents under the head of "Upload following documents" not uploaded on NCTE portal.

The appellant institution thereafter has filed a CONT.CAS(C) before the Hon'ble High Court of Delhi at New Delhi bearing CONT.CAS(C) 1025/2023 titled Shree Mukesh Jani B.Ed. College V/s Ms. Kesang Yangzom Sherpa & Anr, the Hon'ble Court vide its order dated 27.07.2023 issued following direction upon the Appellate Authority: -

**"...2. It is stated by Mr. Govind Manoharan, learned counsel for the respondent who appears on an advance notice that the inspection has been conducted and the matter has been placed before the appellate authority for deciding. The needful shall be done at the earliest and expeditiously.
3. At request of Mr. Manoharan, learned counsel, re-notify on 18.08.2023."**

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The appellant institution vide letter dated 12.08.2023 has submitted the following documents with respect to deficiencies pointed by V.T. Members in their report dated 20.07.2023: -

- (i) A copy of documents related to number of books, journals.
- (ii) A copy of Building Completion Certificate alongwith floor wise break-up area.
- (iii) A copy of Fire Safety Certificate duly approved by the Regional Fire Officer.
- (iv) A copy of Building Safety Certificate issued by Amreli Nagar Seva Sadan.
- (v) A copy of statement of past 3 months' salary disbursement of the faculty.
- (vi) A copy of Account statement from 1st February, 2023 to 31st July, 2023.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the VT Report dated 20.7.2023. The Committee noted that the document submitted in appeal in respect of deficiencies pointed out by the VT Team such as Fire Safety Certificate, Building Safety Certificate & other documents submitted in appeal are required to be re-verified by the WRC.

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 11.11.2022 is set-aside and the Appellate Committee has decided to remand back the case to WRC for revisiting the matter.


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Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC with a direction to **re-verify the Fire Safety Certificate, Building Safety Certificate & other documents 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 WRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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 **re-verify the Fire Safety Certificate, Building Safety Certificate & Other documents 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 WRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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, Shree Mukesh Jani B.Ed. College, R.S., No. 884/Paiky-Plot No. 1 to 9, 19 to 28, Amreli, Gavdaka Road, H.O. Amreli, Amreli, Gujarat-365601
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 Gujarat.