

F.No.89-53/2010-Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

28/06/2010

ORDER

WHEREAS the initial appeal of the Cambridge College of Education, Distt. Jhajjar, Haryana dated 21/01/2010 was against the Order No. F.NRC/NCTE/F73/HR-1366/2009/843 dated 23/04/2009 of the Northern Regional Committee, refusing recognition for conducting B.Ed course on the grounds "1) CLU is not issued by the competent authority on the prescribed format. 2) In response to our letter, the State Govt. recommendation is negative."

AND WHEREAS the Correspondent, Cambridge College of Education (hereinafter referred to as the appellant), preferred an appeal dated 21/01/2010 to the National Council for Teacher Education, New Delhi (hereinafter referred to as the Council) under Section 18 of the NCTE Act, 1993 against the said Order.

AND WHEREAS the institution submitted appeal against the NRC's order on 21.01.10 under section 18 of the NCTE Act. As the appeal was submitted late by seven months whereas it should have been submitted within sixty days from the date of issue of the impugned order, the appellant institution was asked on 29.01.2010 to give reasons for delay in submission. The appellant institution in their letter dt. 24.02.2010 informed that the delay occurred on account of the sickness of the president of the College w.e.f 19.03.2009 to 11.02.2010 and in support thereof enclosed a copy of the medical certificate obtained from Medical Officer, General Hospital, Jhajjar and also copies of certain other related documents. The Council after considering the letter of the institution dt. 24.02.2010 did not accept the reasons adduced for delay and informed the institution on 04.05.2010 that the appeal has not been admitted and rejected on account of delay in its submission.

AND WHEREAS aggrieved by the decision of the Council contained in their letter dt. 04.05.2010, the appellant institution filed a writ petition WP(C) No. 3665/2010 & CM No. 7323/2010 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court in their Order dt. 25.05.2010, held that the Appellate Authority (i) has not taken into consideration the pleas raised by the petitioner in his letter dt. 24.02.2010 and the medical certificate annexed thereto and (ii) was carried away by the long period of seven months without even taking into consideration the period which got consumed in prosecuting the said writ petition, remanded back the matter to the Appellate Authority for fresh consideration of the pleas raised by the petitioner in his letter dt. 24.02.10 and decide the application seeking condonation of delay within a period of 15 days from the date of the Order.

AND WHEREAS in pursuance of the Orders of Hon'ble High Court the Council considered the mater on 25.06.10 Shri Dharmender Joon, President of Society and Smt. Sudesh Joon Member, Cambridge College of Education, Distt. Jhajjar, Haryana

representing the appellant institution were also present. The Council noted that the appellant institution while submitting their appeal dt. 21.01.2010 had not filed any application for condonation of delay. It was only when the office of NCTE asked to furnish the reasons for delay, the institution submitted their letter dt. 24.02.10. The appellant, namely, Shri Dharmender in the course of personal presentation, confirmed that he was not hospitalized during the period from 19.03.2009 to 11.02.2010, for which a medical certificate was issued by the Medical Officer, Jhajjar. He also informed that his illness was related to acute back ache. Copies of the reports enclosed to the letter dt. 24.02.10 indicated that certain tests were got conducted only on 02.01.2010 and certain medicines were got prescribed on that very day not by the Doctor, Jhajjar General Hospital under whom Shri Dharmender was receiving treatment but from a Doctor in Brahm Shakti Sanjivani Hospital, Bahadurgarh. Details of any other treatment received excepting on 19.03.2009 and 23/27.03.09 were not available. The infrequent and sporadic treatments received by the President do not lend credence of his having been ill during nearly eleven months and resultantly disabling him to attend to even important matters relating to his institution.

AND WHEREAS it was noted that there are other office bearers like vice-president and secretary in the New Haryana Rural Education and Welfare Society managing the appellant institution, who could have been deployed in preferring an appeal within the prescribed time. Apparently this has not been done for any valid reasons. The President of the Society has not offered any satisfactory explanation for delayed appeal.

AND WHEREAS in view of the position stated above the Council came to the conclusion that the long delay in filing the appeal was totally unjustified and the reported illness of the President during the period from 19.03.09 to 11.02.10 per se cannot be accepted as a reason for delay in filing of the appeal. In the circumstances the decision of the Council not to admit the appeal as contained in their letter dt. 04.05.10 deserves to be confirmed.

NOW THEREFORE, the Council hereby confirms its earlier letter dt. 04.05.10.

(Hasib Ahmad)
Member Secretary

1. **The President, Cambridge College of Education, Delhi Road, Bhadana,, Distt. Jhajjar - , Haryana**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, A-46, Shantipath, Tilak Nagar, Jaipur - 302004, Rajasthan.
4. PS to Chairperson
5. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.

F.No.89 - 610/2009 - Appeal

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

28/06/2010

ORDER

WHEREAS the appeal of M.R. College of Education (Muru Ram Dehat Bal Vikas Shiksha Samiti), Mohindergarh, Haryana dated 04/06/2010 is against the Order No. F.NRC/NCTE/F-3/HR-603/2009/23615-23622 dated 14.06.2010 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed course on the grounds "the deficiencies communicated to the institution through letter no. F.NRC/NCTE/F-3/HR-603/149th Meeting/2009/12088 dated 09/11/2009 still existed. Further the VT may be sent U/s 17 for JBT course. The deficiencies are (1). The courses were being run along with the school. So built up space as per norms for the courses was not available. (2). The teachers employed for teaching school students teach B.Ed./JBT students also. So qualified faculty was not appointed as mentioned by management in affidavits of Rs. 100 regarding appointment of faculty. (3). All laboratories either do not exist or are ill equipped. (4). Earmarked land for running NCTE recognized courses was not available."

AND WHEREAS the Correspondent, M.R. College of Education (Muru Ram Dehat Bal Vikas Shiksha Samiti) (hereinafter referred to as the appellant), preferred an appeal dated 04/06/2010 to the National Council for Teacher Education, New Delhi (hereinafter referred to as the Council) under Section 18 of the NCTE Act, 1993 against the said Order.

AND WHEREAS Shri Siya Ram, President and Shri Ashok Yadav, Vice President, M.R. College of Education (Muru Ram Dehat Bal Vikas Shiksha Samiti), Mohindergarh, Haryana presented the case of the appellant institution on 24.06.2010. In the appeal and during personal presentation it was submitted that immediately on receipt of the said notice dated 09/11/2009, the appellant submitted a detailed reply on 23/11/2009 to the NRC and had annexed all the requisite documents in support thereof. It was further submitted that the courses were not being run alongwith the school as stated in the Show Cause Notice and that the same society was running a CBSE affiliated Sr. Sec. School having its own land and built up area and that the same had nothing to do with the land and building of the college of education. Qualified faculty to teach B.Ed./JBT students was separately employed and they had nothing to do with the school. All the laboratories meant for B.Ed./JBT courses were fully equipped and the building for running NCTE recognized courses i.e. B.Ed./JBT was built up on the earmarked land only.

AND WHEREAS the Council noted that the present appeal was filed by the institution against the said decision of the NRC and that the appellant had also filed a Writ Petition no. 3707 of 2010 in the Delhi High Court and the Hon'ble High Court of Delhi vide its order dated 26/05/2010 directed that the pending appeal shall be heard during 18/06/2010 to 24/06/2010 and the final decision of the matter may be

passed by 30/06/2010. During the hearing on 24/06/2010, the appellant produced before the Council only few bills in respect of procurement of lab equipment, selection committee minutes of the faculty, a building completion certificate dated 27/12/2006 and building plan prepared by Shri Rajender Kumar, an Architect. The Council perused the documents and noted that Jain & Associates issued a building completion certificate on 27/12/2006 without mentioning the land area, built up area and Kh. No./Plot No. etc. and it also mentioned that the building plan was prepared by them. But the appellant did not produce any building plan prepared by Jain & Associates so as to arrive at the exact area which was proposed in the plan for the said course. The appellant submitted a new building plan prepared by another Architect i.e. Shri Rajender Kumar and this plan mentioned the area details. There is no mention of the date of preparation of this building plan and also the date of its approval by the competent civic authority. The Council asked the appellant to produce/show the attendance register and proof regarding the payment of the salary to the faculty and also the stock registers of the labs in proof of availability of separate faculty for the school and the teacher training programme and also the adequacy of the laboratories. The appellant failed to show the relevant documents on that day and requested the Council to allow him to produce the same on the following day. The Council acceded to his request and accordingly the appellant appeared before the Council again on 25/06/2010. But this time also the representative could not produce all the relevant documents. The appellant could produce details about payment of salary to the faculty only for the last few months. One document shown by the representative indicated that salary for staff for the month of June, 2010 was paid on 09/06/2010 although the month of June is yet to come to a close, raising doubt about the genuineness of the document. During the second day of hearing on 25/06/2010, the website was opened but the information hosted on the website about the faculty was not tallying with the faculty details produced by the institution. The Council also observed that the institution had been submitting different building plans at different points of time indicating different built up area. It was obvious that the school and the college of education were functioning in the same building and there was no proper earmarking of land or built up area separately for the school and B.Ed. course. In the circumstances the Council was of the view that the recognition of the institution was withdrawn by the NRC for valid reasons and thus there was no ground to accept the appeal.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit and after considering oral arguments advanced during hearing, the Council reached the conclusion that there was no ground to accept the appeal and that it should be rejected. Accordingly, the appeal was rejected and NRC's order dated 09/11/2009 was confirmed.

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

(Hasib Ahmad)

Member Secretary

1. The President, M.R. College of Education (Muru Ram Dehat Bal Vikas Shiksha Samiti), Mohindergarh, Haryana.

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, A-46, Shantipath, Tilak Nagar, Jaipur - 302004, Rajasthan.
4. PS to Chairperson
5. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.

F.No.89-201/2010-Appeal

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

11/06/2010

ORDER

WHEREAS the appeal of Sonpati Devi Mahila Mahavidyalaya, Maharajganj, Uttar Pradesh dated 23/03/2010 is against the recognition order No. F.NRC/NCTE/F-7/UP-2424/Appeal/155 Meeting/2010/17092 dated 20/02/2010 of the Northern Regional Committee, for conducting B.Ed course on the ground "The admissions of students shall be made only after affiliation by the examining body before the commencement of the academic session and the admission of the students shall be completed well before the cut off date prescribed by the examining body for the academic session 2009-10, failing which the recognition will be effective from the academic session 2010-2011 only."

AND WHEREAS the Correspondent, Sonpati Devi Mahila Mahavidyalaya (hereinafter referred to as the appellant), preferred an appeal dated 23/03/2010 to the National Council for Teacher Education, New Delhi (hereinafter referred to as the Council) under Section 18 of the NCTE Act, 1993 against the said Order.

AND WHEREAS Dr. Ghanshyam Sharma, Representative and Mr. R.B. Singh, office Assistant, Sonpati Devi Mahila Mahavidyalaya, Maharajganj, Uttar Pradesh presented the case of the appellant institution on 21.04.10. In the appeal and during personal presentation it was submitted that the appellant preferred an appeal u/s 18 of NCTE mentioning all the facts particularly regarding the formalities of staff and teachers which was considered by the Appellate Authority and the matter was remanded back the case to the NRC. In compliance to the Council's order, NRC issued recognition order on 20.02.2010 for the session 2009-10 and demand of the appellant for session 2007-08 and 2008-09 had not been considered and the same was deemed to be refused. It was further submitted that the appellant in compliance with the condition laid down in the letter issued under clause 7(9) of NCTE regulations, appointed the faculty following the due procedure laid down in the NCTE norms and thereafter with the affiliation of the university admitted students in B.Ed. course for the session 2007-08; the candidates were provided to appellant's college by the State Govt. through counseling; even the exams for the session 2007-08 were conducted and results were declared; if the permission was not granted, then the admitted students career would be put in stake.

AND WHEREAS the Council noted that the NRC vide its order dated 20-08-09 had refused the recognition on the ground that the list of appointed faculty as per NCTE norms had not been submitted till date. The institution preferred an appeal against the refusal order and the Council, vide its letter dated 11-09-09, *accepted the appeal and remanded the case to the NRC for examination of the faculty profile and thereafter pass appropriate order, after taking into account the affiliation of the institution if granted by the affiliating university. In case university affiliated the*

institution and allotted the students due consideration to this fact be given before issuing any order. It further noted that the appellant obtained affiliation from the university and admitted students from the academic session 2007-08. However, the NRC granted recognition to the institution only from the academic session 2009-10. But, the fact remains that the institution admitted students for the sessions 2007-08 and 2008-09 with conditional recognition from the NRC and after obtaining affiliation from the University. The degrees awarded/to be awarded to the students who had undergone training during the sessions 2007-2008 and 2008-2009 would be invalid and, thus, the interest of the students involved would become adversely affected. The Council was, therefore, of the view that the appeal of the institution should be accepted and the case be remanded to the NRC again for granting formal recognition in continuation to the conditional letter dated 16-08-07.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, VT Report and after considering oral arguments advanced during hearing, the Council reached the conclusion that there was adequate ground to accept the appeal and set-aside the NRC's order dated 20-02-2010. Accordingly, the appeal was accepted and NRC's order dated 20-02-2010 set-aside with direction to the NRC to grant formal recognition to the institution in continuation of the conditional recognition letter dated 16-08-07.

NOW THEREFORE, the Council hereby remands back the case of Sonpati Devi Mahila Mahavidyalaya, Maharajganj, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

(S.V.S. Chaudhary)
Vice-Chairperson

1. **The Manager, Sonpati Devi Mahila Mahavidyalaya, Post- Maharajganj (Sadar), , Maharajganj - , Uttar Pradesh**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, A-46, Shantipath, Tilak Nagar, Jaipur - 302004, Rajasthan.
4. PS to Chairperson
5. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

F.No.89-297/2010-Appeal

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

10/06/2010

ORDER

WHEREAS the appeal of Shanti Niketan College of business Management & Computer Science, Agra, Uttar Pradesh dated 21/04/2010 is against the Order No. F.NRC/NCTE/F-3/UP-1463/2010/19985 dated 13/04/2010 of the Northern Regional Committee, withdrawing recognition for conducting BTC course on the grounds "1) The institution has not replied letter F.No./NRC/NCTE/F-3/UP-1463/2008/54675 dated 15/07/2008.

AND WHEREAS the Correspondent, Shanti Niketan College of business Management & Computer Science (hereinafter referred to as the appellant), preferred an appeal dated 22/04/2010 to the National Council for Teacher Education, New Delhi (hereinafter referred to as the Council) under Section 18 of the NCTE Act, 1993 against the said Order.

AND WHEREAS Dr. Abhishek Kr. Gupta, Director, Shanti Niketan College of business Management & Computer Science , Agra, Uttar Pradesh presented the case of the appellant institution on 01-05-2010. In the appeal and during personal presentation it was submitted that (1) the ground of withdrawal of recognition of BTC course was not sustainable as the letter of NRC, NCTE having no. F.NRC/NCTE/F-3/UP-1463/2008/54675 was duly replied by the appellant vide letter no. SNC/49/2008-09 dated 22/07/2008 well within time granted by the NRC, NCTE Jaipur through Speed Post, (2) the NRC, NCTE Jaipur did not consider the well known fact that the State of UP had not given the permission to start the BTC course and the appellant had also given this information to NRC, NCTE Jaipur in letter no. SNC/49/2008-09 submitted in reply to NCTE letter dated 15/07/2008, (3) this fact was very well known to the NRC, NCTE Jaipur that the State of UP had not started the BTC course as they themselves informed to the appellant vide their letter no. F. NO. 93 (UP)-31 / 2006 / Insp. / 60629 dated 24/11/2006.

AND WHEREAS the Council noted that recognition was granted to the institution by NRC vide its order dated 28-8-04 subject to appointment of qualified staff through duly constituted Selection Committee. The Council also noted that the institution could not appoint qualified staff as the SCERT and the State Govt. of UP were not cooperating and the SCERT was not nominating any expert in the Selection Committee. Thus, the institution could not fulfill the condition regarding appointment of qualified staff due to circumstances beyond its control. The institution informed that the State Government of U. P has since given affiliation to the institution and thus it would be in a position to complete the formality of selection and appointment of qualified staff through duly constituted Selection Committee in due course. The Council was, therefore, of the view that there was adequate ground for accepting

the appeal, setting aside the order of the NRC and remanding the case to the NRC to grant 3 months time for selection and appointment of qualified staff through duly constituted Selection Committee as per the prescribed norms and to restore recognition to the institution in case the institution fulfill the requirement.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, VT Report and after considering oral arguments advanced during the hearing, the Council reached the conclusion that there was adequate ground to accept the appeal, set aside NRC's order dated 13-04-10 and remand back the case to NRC to grant 3 months time for selection and appointment of qualified staff through duly constituted Selection Committee as per the prescribed norms and to restore recognition to the institution in case the institution fulfill the requirement.

NOW THEREFORE, the Council hereby remands back the case of Shanti Niketan College of business Management & Computer Science, Agra, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

(S.V.S. Chaudhary)
Vice-Chairperson

1. **The Director, Shanti Niketan College of business Management & Computer Science , NH-3, Agra-Gwalior Road, Tehra,, Agra - 282001, Uttar Pradesh**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, A-46, Shantipath, Tilak Nagar, Jaipur - 302004, Rajasthan.
4. PS to Chairperson
5. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.

F.No.89-202/2010-Appeal

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

10/06/2010

ORDER

WHEREAS the appeal of Saraswati Higher Education & Technical College, Distt. Varanasi, Uttar Pradesh dated 20/03/2010 is against the Order No. F.NRC/NCTE/F-3/UP-2649/156 Meeting/2010/18119 dated 08/03/2010 of the Northern Regional Committee, refusing recognition for conducting B.Ed (Addl.) course on the ground "The reply has not been received till date. Hence, the Council decides to close the file and inspection may be conducted under section 17 of all existing courses."

AND WHEREAS the Correspondent, Saraswati Higher Education & Technical College (hereinafter referred to as the appellant), preferred an appeal dated 23/03/2010 to the National Council for Teacher Education, New Delhi (hereinafter referred to as the Council) under Section 18 of the NCTE Act, 1993 against the said Order.

AND WHEREAS Shri Verendra Singh, Member, Saraswati Higher Education & Technical College, Distt. Varanasi, Uttar Pradesh presented the case of the appellant institution on 22.04.10. In the appeal and during personal presentation it was submitted that reply to Show Cause Notice dated 22/08/2009 was sent by the institution vide its letter dated 28/08/2009 through speed post clearing all the nine-point objections raised by NRC.

AND WHEREAS the Council noted that reply to show cause notice was sent by the institution to NRC through speed post on 28/08/2009 and the original postal receipt in this regard was shown to the Council. Therefore, the Council was of the view that refusing recognition to the institution by NRC on the ground that reply to show cause notice was not received was not in order and a copy of reply dated 28/08/2009 of the institution should be sent to the NRC and the case remanded back to the NRC for examining the reply and taking appropriate decision thereafter.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, VT Report and after hearing oral arguments advanced during the hearing, the Council reached the conclusion that there was enough ground to accept the appeal and remand the case to NRC for examining the reply of the institution dated 28/08/2009 and taking appropriate decision thereafter.

NOW THEREFORE, the Council hereby remands back the case of Saraswati Higher Education & Technical College, Distt. Varanasi, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

(S.V.S. Chaudhary)
Vice-Chairperson

1. **The Manager, Saraswati Higher Education & Technical College, Village - Gahni, Post - Ayar,, Distt. Varanasi - , Uttar Pradesh**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, A-46, Shantipath, Tilak Nagar, Jaipur - 302004, Rajasthan.
4. PS to Chairperson
5. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.