

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

16/01/2012

ORDER

WHEREAS the appeal of Academy of Management Studies, Dehradun, Uttaranchal dated 02/06/2010 is against the Order No. NRC/NCTE/F-3/NRCAPP206/159 Meeting/2010/21952 dated 13/05/2010 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds "1) Registered land document is not certified. 2) The land area is not as per NCTE norms for B.Ed. 3) Submitted building plan is not approved by the competent authority. The building completion certificate from the competent authority has not been submitted. 4) CLU has not been submitted".

AND WHEREAS the Correspondent, Academy of Management Studies (hereinafter referred to as the appellant), preferred an appeal dated 03/06/2010 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 Sh. Jagendra Swarup, Secretary and Sh. R.S. Prajapati, Accountant, Academy of Management Studies, Dehradun, Uttaranchal earlier presented the case of the appellant institution on 21-07-2010. As the original title deed could not be brought by the representatives due to some unavoidable circumstances, they sought postponement of hearing to enable them to produce all the original documents. Accordingly, the hearing was postponed and the appeal was listed for hearing again on 20-10-2010, they again appeared and presented the case. The Council vide order dated 19-11-2010 rejected the appeal on the ground that "the institution did not submit some of the essential documents along with the application including (i) Certified copy of registered land document (ii) Building plan approved by the competent authority, and (iii) copy of CLU. The NRC issued a deficiency letter dated 26-02-2010 pointing out the deficiencies asking the institution to remove the deficiencies and furnish the missing documents within a period of sixty days. The institution, vide its reply dated 20-04-2010, forwarded some documents to the NRC and also informed that the land of the institution was very old hence registered document for the same could not be made available and since building was very old approval of the building plan by any development authority of the Government and building completion certificate from any competent Government authority could not be submitted. The Council noted that the institution did not fulfill the mandatory requirement of furnishing certified copy of registered land document, approved building plan and copy of CLU even after issue of deficiency letter dated 26-02-2010 allowing sixty days to comply with the requirement".

AND WHEREAS aggrieved by the decision of the Council the appellant filed writ petition No. 36/2011 before the Hon'ble High Court of Uttaranchal and the Court vide order dated 05-01-2011 set aside the Council's order and directed the Appellate Authority to hear the appeal afresh and consider the documents filed by the petitioner before it. The Hon'ble Court further clarified that the appeal is not an independent proceeding but the same is in continuation of initial proceedings, therefore, all the documents could be considered by the Appellate Authority also, particularly when the documents were filed in pursuance to

the letter issued by the Deputy Secretary of the respondent No. 1 (Annexure-5 i.e notice to the petitioner for presenting the case before the Council) during the pendency of appeal. The Appellate Authority after considering the documents filed by the petitioner, pass an order in accordance with law expeditiously, preferably within a period of eight weeks from the date of production of a certified copy of this order.

AND WHEREAS subsequent to the Court directions the case was considered on 15-02-2011. However no conclusive decision was taken in the appeal. The case was again placed before the constituted Council on 09-12-2011. the Council considered the case again on 9-12-2011 and noted that: a) i) The Dayanand Siksha Sansthan Kanpur applied to the NRC for grant of recognition of B.Ed. course to be conducted by the "Academy of Management Studies, Dehradun" on 28-10-2009. ii) The application was made after the NCTE Regulations, 2009 had come into force, according to which a set of documents including certified copy of the registered land documents issued by the competent authority and the building plan approved by the competent civic authority alongwith a copy of the land use certificate, was essential to complete the application, failing which, it would be summarily rejected. iii) As the application was not accompanied by these documents, the NRC advised the institution on 26-02-2010 to submit them alongwith documents to that the institution had adequate land as per the NCTE norms. Even at the deficiency stage also the appellant did not furnish the sought in documents, and hence the NRC rightly refused recognition on the grounds as stated in para 1 above. b) With reference to the Hon'ble Court directions, the Council further examined the documents furnished in the Appeal and noted that: i) the certified copy of the Regd. Land document submitted now in the appeal, is a 'settlement deed' made on 05-07-1966, which is infavour of 'DAV College Trust and Management'. The appellant stated that Deputy Registrar, chits firms and societies (UP, Kanpur) permitted the change of name of 'DAV College Trust and Management' into 'Dayanand Shikshan Sansthan.' Therefore he claimed that the land possessed by 'DAV College Trust and Management' now belongs to the appellant society", which submitted application for grant of recognition of B.Ed. course in the name of 'Academy of Management Studies'. The claim of the appellant for having the land in the name of the appellant society i.e. Dayanand Shiksha Sansthan, was not acceptable because the appellant did not execute any correction deed with regard to title of the land consequent to the society name change. And as on date also the land is in the name of 'DAV College Trust and Management' as per the Settlement deed dt. 05-07-1966. Hence neither the appellant society nor the institution was in possession of land, as required under NCTE Regulations. ii) the appellant submitted a plan in the name of the appellant institution and it was for the existing building at kh.no. 1390, 1405, 1406, 1407 & 1409/3. As per the letter dated 22-06-2010 of SDM office, the land at Sy.no. 1405, 1406, 1407 & 1409 was for the purpose of "Aabadi" and it was under "Kabja" of DAV college trust. Hence the plan was not acceptable because the land at which the building existed did not belong to either the appellant society or the institution. Moreover, the specified land was not in legal possession of any Society and it was also for residential purpose. iii) submitted Building Completion Certificate dated 30-06-2010 issued by 'Payal and Associates' mentioned availability of 2247 sq.mt. of covered area at land property bearing kh.no. 1409/3. This certificate was not acceptable as it was not issued by any competent Govt. authority and also the land on which the building was erected did not belong to the appellant society or institution. iv) the appellant submitted a letter dated issued on 22-06-2010 by SDM office towards 'CLU'. This letter did not mention anything about diversion of land for education purpose. It only stated that 1.303 Hect. of land at Sy.No. 1414 was in possession of DAV College Trust and Management. So, this document cannot be considered in lieu of Land Diversion Certificate issued under

Land Revenue Act of State Govt. Even this letter also revealed that DAV College Trust and Management was in possession of the land, but not the appellant society. In view of the above the Council came to the conclusion that there was no justification to accept the appeal and hence it should be rejected.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, VT reports, Hon'ble Court directions and after considering oral arguments advanced during the hearing, the Council reached the conclusion that there was no ground to accept the appeal. Accordingly, the appeal is rejected and NRC's order dated 13-05-2010 is confirmed.

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

(Vikram Sahay)
Convenor

1. **The Secretary, Academy of Management Studies, Nanda Ki Chowki, Dehradun, Dehradun - -, Uttaranchal**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, 20/198, Kaveri Path, Mansarover Nagar, Near Mansarover Stadium, Mansarover, Jaipur - 302020, Rajasthan.
4. PS to Chairperson
5. The Secretary, Education (looking after Teacher Education) Government of Uttaranchal, Dehradun.