

F.No.89-936/2010-Appeal

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

03/09/2010

ORDER

WHEREAS the appeal of J.R. Memorial College of Education, Rewari, Haryana dated 09/08/2010 is against the decision of Northern Regional Committee taken in its 163rd meeting held on 29th to 31st July 2010, withdrawing recognition for conducting B.Ed course on the grounds "1) Faculty has not been selected through the duly constituted selection committee as per NCTE norms for B.Ed. 2) The list of Faculty approved by the affiliating University has not been submitted".

AND WHEREAS the Correspondent, J.R. Memorial College of Education (hereinafter referred to as the appellant), preferred an appeal dated 09/08/2010 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 Mr. Mahender Kumar, Chairman and Mr. Navin K. Piplani, Principal, J.R. Memorial College of Education, Rewari, Haryana presented the case of the appellant institution on 26.08.2010. In the appeal and during personal presentation, it was submitted that (1) NRC issued show cause notice stating that (a) the nomination letter of University expert to the selection committee was not given and [b] the list of appointed faculty had not been duly approved by the affiliating University. But the first ground of withdrawal was not mentioned in the show cause notice issued by NRC. Law was settled that final order could not be based on a ground which was at variance with the grounds taken in the show cause notice. This principle of law equally applied to a situation when one out of two grounds of withdrawal was at variance with the show cause notice.(2) The second objection had been raised by the NRC now at this stage by testing the case of the petitioner on the touchstone of new NCTE Regulations dated 31/08/2009 for compliances which were made by the Petitioner during the period anterior to coming into force of the said Regulations. The new Regulations for the first time were additionally introduced the requirement of submitting the approval letter from the affiliating University. The University had displayed the guidelines and list of experts for constituting the selecting the faculty. The institutions are required to adhere to the same and make appointments. The University did not issue any separate nomination and approval letters as pointed by the NRC in show cause notice dated 01.06.2010. However University approved the selected

AND WHEREAS the Council noted that M.D. University vide their letter dated 01.12.2006 provided self financed colleges a list of University experts for selection of various teaching faculty and the selection committee shall be constituted at the

management level involving subject experts from the list. Accordingly the institution constituted selection Committees on 04.11.2009 and also on 04.01.2008 and selected the teaching faculty. The selected faculty lists were forwarded to the University by the institution and University vide their letter dated 23.08.2010 accorded its approval for the faculty selected on 04.11.2007 and 21.01.2008. the Council further verified the bank statement and noted that the faculty appointed in 2007-08 had been continuing. In view of the above, the Council came to the conclusion that there was adequate justification to accept the appeal with the direction to the NRC to restore the recognition of the institution.

AND WHEREAS after perusal of documents, memorandum of appeal, VT Report, affidavit and after considering oral arguments advanced during hearing, the Council reached the conclusion that there was enough ground to accept the appeal and that it should be accepted. Accordingly, the appeal was accepted and NRC's decision dated 29th to 31st July 2010 was reversed with a direction to the NRC to restore recognition to the institution within 15 days of issue of this order.

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

(S.V.S Chaudhary)
Vice-Chairperson

1. **The Principal, J.R. Memorial College of Education, Near, Uma Bharti Senior Secondary, School, Jhajjar Road,, Rewari - 123401, 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.