

F.No.89-739/2010-Appeal

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

09/08/2010

**ORDER**

**WHEREAS** the appeal of SVM College of Education, Mahabubnagar, Andhra Pradesh dated 14/06/2010 is against the Order No. SRO/NCTE/2009-2010/18696 dated 04/05/2010 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed course on the grounds "1) The institution has not submitted earmarked area for the multiple programmes being offered in the same complex/building i.e. a Degree College a Junior College a B.Ed College and P.G. Courses like M.Sc. (Chemistry, Mathematics, Physics, Botany and Zoology). 2) There is no exclusive campus with separate land and building for the B.Ed programmes".

**AND WHEREAS** the Correspondent, SVM College of Education (hereinafter referred to as the appellant), preferred an appeal dated 22/06/2010 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** Dr. A.N. Goud, Secretary & Correspondent, SVM College of Education, Mahabubnagar, Andhra Pradesh presented the case of the appellant institution on 03-08-2010. In the appeal and during personal presentation it was submitted that the Ground and 1st floor of 'B' Block were earmarked only for the B.Ed course; that a separate entrance is provided for the B.Ed programme. The junior college was not being run at the same premises; that the requirement to provide exclusive land area of B.Ed course, the time limit prescribed for complying with the revised norms under NCTE (Recognition, Norms & Procedure) Regulations, 2009 for the existing colleges is one year from the date of effect of the revised norms as per Clause 8(13) of Regulations 2009. Therefore the time limit for appellant institution for complying only ends on 31.08.2010. The notice issued dated 10.02.2010 issued by the SRC did not mention this issue and therefore the appellant had no occasion to answer such an allegation of violation of regulations relating to exclusive land/ demarcated land area being available.

**AND WHEREAS** the Council noted that SRC withdrew the recognition vide its Order dated 04-05-2010 for conducting B.Ed course; Aggrieved by the decision of the SRC the appellant filed writ petition before the Hon'ble High Court of Andhra Pradesh at Hyderabad and the Court vide its order dated 04-06-2010 disposed the petition with a direction/observation without going into the merits of the case with liberty to the petitioners to avail the remedy of appeal. If such an appeal is filed by the petitioners, the Appellate Authority may dispose the same expeditiously

keeping in view the urgency of the matter having regard to the commencement of the fresh academic years. Subsequent to the Court judgement the appellant preferred an appeal with NCTE Hqrs. on 22-06-2010 but the appellant did not state in his appeal as to when the next academic session for the B.Ed. programme was going to be commenced in the state of Andhra Pradesh. However in the light of the Court directions the case was to be listed for hearing in the August month meeting. In the meantime, the appellant again moved a petition before the court for non-disposal of the appeal by the Appellate Authority and the Court vide its order dated 30-07-2010 directed the Appellate Authority to consider the appeal forthwith after giving due opportunity of hearing and pass reasoned order within one week from the date of judgement i.e. 30-07-2010. In Compliance with the Court directions the case was listed for hearing on 3.08.10.

**AND WHEREAS** the Council further noted that the appellant institution was granted recognition on 14-04-07; SRC on the basis of a complaint/report received from Osmania University the affiliating body issued a show cause notice on 30-08-09; SRC also issued another show cause notice u/s 17 of the NCTE Act on 10-02-10 on the basis of a report received from State Council of Higher Education Andhra Pradesh inter-alia mentioning that the appellant had been running multiple courses/colleges in a five storey building and the available accommodation of 44050 sq.ft. only for all these PG and UG programmes as well as for B.Ed. course; the appellant filed a reply to this notice on 22nd March 2010 and the SRC after considering this reply withdrew the recognition of the institution. the Council also noted that the appellant in proof of the availability of adequate land and built-up area submitted photographs of a building, building plan for the ground floor, first floor, building completion certificate and a lease dated 21-08-06. The appellant also showed the Council three gift deeds executed in 2002-03 at Survey No.455/A and 456/A for a total area of 1266.56 sq. yds, he however did not submit a copy of these documents in the appeal. the Council perused the documents submitted by the appellant in the appeal and noted that the building completion certificate dated 24-08-06 issued by the Office of the Municipal Council, Gadwal did not mention the land and built-up area details it only mentioned that the House bearing No. 1-3-100/12 H was in the name of Dr. A. Naryana Goud, Secretary and Correspondent of the Society and hence this certificate is not a valid document as it did not specify the area details and also the building was in the name of a person; the two of the building maps titled for SVM College of Education showed existing ground floor plan with 879.6 Sq.mts., first floor with 604.85 Sq.mts. and the third map mentioned that the building belonged to Dr. A.N. Goud and it was for first and second floor at the Plot Nos. 89 &90 and the area dimension were illegible. So there was some discrepancy with regard to the building map also, as on the same plot nos. two buildings existed one in the name of the College of Education and the other in the name of an individual. Moreover both the building plans and building completion certificates do not support the existence of two blocks i.e block A and block B. And further the built-up area mentioned in two of the plans of the college is also not adequate as per norms. And further a lease deed submitted in the appeal did not mention the Survey No.1086 and 1225 and on these Survey Nos. no building was constructed as the building plan submitted were for the plot No.89 & 90. It however noted that State Council for Higher Education, Andhra Pradesh in its report mentioned the availability of 44,056 Sq.ft. of built-up area, which was adequate for all the courses being conducted in that building.

**AND WHEREAS** in view of the above, the Council came to the conclusion that the case may be remanded to SRC for causing an inspection of the institution for ascertaining the availability of adequate land and built-up area including other facilities for conducting B.Ed. programme as per norms, after obtaining a payment of Rs.40,000/- from the institution and SRC may take further decision thereafter. SRC shall take into account the observations of the Council, mentioned in the preceding para, while causing an inspection of the institution.

**AND WHEREAS** after perusal of documents, memorandum of appeal, affidavit 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 SRC's order dated 04-05-10 and remand the case to SRC for causing inspection of the institution for ascertaining the availability of adequate land and built-up area including other facilities for conducting B.Ed. programme as per norms after obtaining a payment of Rs.40,000/- and SRC may take further decision thereafter.

**NOW THEREFORE, the Council hereby remands back the case of SVM College of Education, Mahabubnagar, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.**

**S.V.S. Chaudhary  
Vice-Chairperson**

- 1. The Secretary, SVM College of Education, Bheem Nagar, Gadwal, District, Mahabubnagar - 509125, Andhra Pradesh**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, 1st Floor, CSD Building, HMT Post, Jalahali, Bangalore - 560 031.
4. PS to Chairperson
5. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.



