

F.No.89 - 1171/2009 - Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

08/02/2010

ORDER

WHEREAS the appeal of Diksha B.Ed Mahavidyalaya, Sidhi, Madhya Pradesh dated 30/09/2009 is against the Order No. No.NCTE/WRC/MP/APW03421/223460/121/2009/59050 dated 11/08/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the ground "The College falls under the principle of Jan Seva Shiksha Samiti."

AND WHEREAS the Correspondent, Diksha B.Ed Mahavidyalaya (hereinafter referred to as the appellant), preferred an appeal dated 30/09/2009 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 M.L. Chourasia, President., Diksha B.Ed Mahavidyalaya, Sidhi, Madhya Pradesh appeared on 19.01.10 instead of 18.01.2010 due to late arrival of the train. He was willing to present his case before the Chairman of the Council and Member Secretary, other members were absent as that was not the scheduled date for hearing. Accordingly the case was heard on 18.01.10. The appellant submitted that the institution had been conducting B. Ed programme since 2006-07 and further WRC caused an inspection of the institution under section 17 of the NCTE Act and on the basis of this report WRC in its 108th meeting held on 27-28th Sep'08 decided that the institution was running the existing course as per NCTE norms; Later NCTE Hqrs conducted an inspection and found that five deficiencies existed. With regard to these deficiencies he stated that the society was having adequate land as per norms and 20,000 sq. ft. of land had been diverted from agriculture to education purpose; It was having 5300 sq. ft. of built-up area; the size of the class room was 600 sq. ft.; library was having 3500 books and the inspection team mentioned less no. of books in its report, as the books were borrowed by the students from the library; Further it equipped the library with 2 sets of encyclopaedia and 10 journals

AND WHEREAS the Council made the following observations:

(a). the Council noted that the appellant had made a rent agreement/lease agreement on 20.04.06 for occupying 8 vacant rooms of Ganesh School located in village Jayant and this agreement was only for 3 years and was extendable upto 30 years on renewal basis. Further, it was not clear whether this agreement got extended or not. The society also purchased 0.73 Hec. of land at Kh. No. 34/8, Jayant village on 23.06.06 and out of this 0.73 Hec. 20,000 sq. ft. of land was got diverted for educational purpose; Though the rent agreement did not mention the

area details, but an affidavit dt. 22.01.06 mentioned that 3500 sq. mts. of land at Kh. No. 94, Jayant village alongwith a built-up area of 4360 sq. ft. was on 30 years lease basis. This built-up area was highly inadequate as per norms. The appellant had also filed an affidavit on 09.04.09 stating the availability of 15,300 sq. ft. of built-up area with four class rooms, 3 of them measuring 600 sq. ft. each and the fourth one 1200 sq. ft. However, the building plan annexed in proof, mentioned a different built-up area i.e. 16,000 sq. ft. and it did not mention any Kh. No. to ascertain exactly as to on which piece of land, the building existed and further the area dimensions mentioned against Girls common room (600 sq. mt), Science lab (600 sq. mt.); Gents bath room (300 sq. mt.) are exorbitant and do not conform to the map drawing. It also noted from the inspection report dt. 13.02.09 that the appellant was having inadequate land (20,000 sq. ft.) & built-up area (14,780 sq. ft.) and less no. of books (890). The appellant later purchased more books to augment the existing stock and this was evident from the purchase bills dt. 13.03.09. In view of the Council came to the conclusion that there was no justification in accepting the appeal and that it should be rejected.

(b) the Council observed that as per the direction of the Hon'ble High Court of Madhya Pradesh at Jabalpur in W.P. No. 6146/2008 filed by Subhash Rahangdale Vs. NCTE & Others the institution was got inspected by the NCTE Hqrs and as a sequel to the report of the inspection, the WRC was directed to issue a Show Cause Notice under Section 17 of the NCTE Act to initiate the process of withdrawal of recognition of the institution as the institution was placed under the list of institutions "Recognised up to 2007-08" and this status was submitted to the Hon'ble Court with the stipulation that the formal action would be taken to withdraw the recognition. As a follow up to the NCTE direction the WRC issued Show Cause Notice under Section 17 and after considering the institution's reply to the show cause notice, the WRC issued an order dated 11/08/2009 refusing the recognition of the institution under Section 14(3)(b) of the NCTE Act, on the ground that the said institution was covered under the principle formulated by the Hon'ble High Court of M.P. in its judgement in the "Jan Sewa Shiksha Samiti" case.

(c) the Council noted that the institutions was issued a formal Recognition order on 30.10.06 under Section 14 of NCTE Act, followed by the affiliation of the university. As such, the WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution, rather it should have withdrawn the recognition under Section 17 of NCTE Act 1993 with the prospective effect. Also the institution needed to be permitted to continue its recognition during the academic session 2007-2008, as the institution was duly recognised and affiliated by the University during the academic session 2007-08 and was therefore not covered by the directions issued under the "Jan Sewa Shiksha Samiti" case. the Council reasoned out that the order of the refusal of recognition under Section 14(3)(b) be modified to that of withdrawal of recognition under Section 17 of the NCTE Act as per the provisions of the Act.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, VT Report Written submission and after considering oral arguments advanced during the hearing, the Council felt the orders issued by WRC for refusal of recognition under Section 14(3)(b) needed modification to the extent that recognition of the institution be withdrawn under Section 17 of the NCTE Act. The withdrawal shall be with

prospective effect i.e. with effect from the date of the issue of this order, with the following conditions:

(a). The students already admitted, with due observance of affiliation norms/conditions, be allowed to complete the programme.

(b). No fresh admission, either backdated or post dated (with reference to any backlog whatsoever), shall be made in the institution subsequent to the date of the withdrawal of NCTE recognition.

(Hasib Ahmad)
Member Secretary

1. The Principal, Diksha B.Ed Mahavidyalaya, Gole Market, PO - Jayant, District - Singroli,, Sidhi - 486890, Madhya Pradesh

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.

3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.

4. PS to Chairperson

5. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

08/02/2010

ORDER

WHEREAS the appeal of Gyansagar Shiksha Mahavidyalaya, Satna, Madhya Pradesh dated 08/10/2009 is against the Order No. NCTE/WRC/MP/APW03551/223474/121/2009/59172 dated 13/08/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the grounds "the institution falls under the Principle Jan Seva Shiksha Samiti and also reply to the show cause notice not received within stipulated time."

AND WHEREAS the Correspondent, Gyansagar Shiksha Mahavidyalaya (hereinafter referred to as the appellant), preferred an appeal dated 13/10/2009 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 M.K. Malviya, Director, Gyansagar Shiksha Mahavidyalaya, Satna, Madhya Pradesh appeared on 19.01.10, instead of 18.01.2010 due to late arrival of the train. He was willing to present his case before the Chairman of the Council and Member Secretary, other members were absent as that was not the scheduled date for hearing. Accordingly the case was heard on 18.01.10. The appellant submitted that the institution did not receive any show cause notice from WRC and hence did not submit any reply; The institution was not provided a reasonable opportunity for making a representation; The appellant had been conducting B. Ed programme from Sep'06 with recognition from NCTE-WRC, Bhopal, NOC from Higher Education Bhopal and affiliation from APS University, Rewa. With regard to the deficiencies it was submitted that the present building was having 5000 sq. ft. of built-up area; It was having 21,800 sq. ft. of land on lease basis and 13,675 sq. ft. of land on ownership basis and on this land it proposed to construct a building with a built-up area of 15,000 sq. ft., for which the building plan was already got approved by Municipal Corporation, Satna.

AND WHEREAS the Council made the following observations:

(a). the Council noted that the appellant acquired, on ownership basis on 03.06.06, 11275 sq. ft. (1047.86 sq. mt.) of land alongwith a building having a built-up area of 4,000 sq. ft. on the ground floor and 2400 sq. ft of land, on 13.07.06 and this area (11275+2400) = 13,675 Sq.ft. was inadequate as per norms. The appellant had also taken 2 acre of land on 35 years lease basis, but on this land no building existed. Further the appellant in his presentation stated that he would construct a building, as per the approved building plan. The inspection report dt. 15.01.09 inter-alia indicated inadequate infrastructure and instructional facilities. In view of the above the Council came to the conclusion that there was no justification in accepting the appeal and that it should be rejected as the existing built-up area was highly inadequate and the appellant had not taken any steps to construct a building with

a built-up area of 15,000 sq. mt., even though it had been conducting the B. Ed programme since 2006-07.

(b) the Council observed that as per the direction of the Hon'ble High Court of Madhya Pradesh at Jabalpur in W.P. No. 6146/2008 filed by Subhash Rahangdale Vs. NCTE & Others the institution was got inspected by the NCTE Hqrs and as a sequel to the report of the inspection, the WRC was directed to issue a Show Cause Notice under Section 17 of the NCTE Act to initiate the process of withdrawal of recognition of the institution as the institution was placed under the list of institutions "Recognised up to 2007-08" and this status was submitted to the Hon'ble Court with the stipulation that the formal action would be taken to withdraw the recognition. As a follow up to the NCTE direction the WRC issued Show Cause Notice under Section 17 and after considering the institution's reply to the show cause notice, the WRC issued an order dated 13/08/2009 refusing the recognition of the institution under Section 14(3)(b) of the NCTE Act, on the ground that the said institution was covered under the principle formulated by the Hon'ble High Court of M.P. in its judgement in the "Jan Sewa Shiksha Samiti" case.

(c). the Council noted that the institutions was issued a formal Recognition order on 15.09.06 under Section 14 of NCTE Act, followed by the affiliation of the university. As such, the WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution, rather it should have withdrawn the recognition under Section 17 of NCTE Act 1993 with the prospective effect. Also the institution needed to be permitted to continue its recognition during the academic session 2007-2008, as the institution was duly recognised and affiliated by the University during the academic session 2007-08 and was therefore not covered by the directions issued under the "Jan Sewa Shiksha Samiti" case. the Council reasoned out that the order of the refusal of recognition under Section 14(3)(b) be modified to that of withdrawal of recognition under Section 17 of the NCTE Act as per the provisions of the Act.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, VT Report Written submission and after considering oral arguments advanced during the hearing, the Council felt the orders issued by WRC for refusal of recognition under Section 14(3)(b) needed modification to the extent that recognition of the institution be withdrawn under Section 17 of the NCTE Act. The withdrawal shall be with prospective effect i.e. with effect from the date of the issue of this order, with the following conditions:

(a). The students already admitted, with due observance of affiliation norms/conditions, be allowed to complete the programme.

(b). No fresh admission, either backdated or post dated (with reference to any backlog whatsoever), shall be made in the institution subsequent to the date of the withdrawal of NCTE recognition.

(Hasib Ahmad)
Member Secretary

1. The Director, Gyansagar Shiksha Mahavidyalaya, Engineering College Road, Amoudha,, Satna - , Madhya Pradesh

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. PS to Chairperson
5. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

08/02/2010

ORDER

WHEREAS the appeal of Jyotiba Phoole College of Education, Bhopal, Madhya Pradesh dated 09/06/2009 is against the Order No. NCTE/WRC/MP/APW00633/223175/2009/53131 dated 01/04/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the grounds "In compliance of the Hon,ble High Court directions and as per instructions of the Apex body of the NCTE, the prima - facie decision to withdraw the recognition was communicated vide letter dated 28.02.2009 to the institution on account of following deficiencies to prefer written representation. 1. The multipurpose hall size is not as per NCTE norms. 2. The institution building is on rent basis and the institution was to shift to its own building by July, 2008, as per Regulations 2002 of NCTE. 3. The institution has instead purchased the same building as per Inspection team, but the document submitted is only an Agreement of Sale that too only notarized. 4. The institution falls under the principle of Jan Seva Shiksha Samiti"

AND WHEREAS the Correspondent, Jyotiba Phoole College of Education (hereinafter referred to as the appellant), preferred an appeal dated 09/06/2009 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 I.S. Morye, President and Shri A.K. Chaturvedi, President, Jyotiba Phoole College of Education, Bhopal, Madhya Pradesh presented the case of the appellant institution on 18.01.10. In the appeal and during personal presentation it was submitted that the size of the multipurpose hall was increased by shifting a wall between two halls; The institution was granted recognition in a rented building and the appellant made an Agreement for purchasing the same building. The registration of the building was delayed in obtaining a loan from the bank and NOC from Bhopal Development Authority for selling the property; The institution was granted formal recognition only on 10.04.07 and the permissible period of three years, for shifting to own premises would be completed in April, 2010. However it had already submitted Rs. 40,000 to the WRC for granting permission to shift to own premises.

AND WHEREAS the Council made the following observations:

(a). the Council noted that the WRC granted conditional recognition on 14.06.05 and on the basis of this order, the appellant had been conducting B. Ed programme since 2005-06 and it was supposed to shift to own premises from the rented building within 3 years from the date of initial recognition i.e. 14.06.05; Further the appellant had been running in the same rented premises and the process to register the premises on ownership basis was under way, only sale agreement had been

notarized on 12.08.09. In view of this, the Council came to the conclusion that there was no justification in accepting the appeal and that it should be rejected.

(b) the Council observed that as per the direction of the Hon'ble High Court of Madhya Pradesh at Jabalpur in W.P. No. 6146/2008 filed by Subhash Rahangdale Vs. NCTE & Others the institution was got inspected by the NCTE Hqrs and as a sequel to the report of the inspection, the WRC was directed to issue a Show Cause Notice under Section 17 of the NCTE Act to initiate the process of withdrawal of recognition of the institution as the institution was placed under the list of institutions "Recognised up to 2007-08" and this status was submitted to the Hon'ble Court with the stipulation that the formal action would be taken to withdraw the recognition. As a follow up to the NCTE direction the WRC issued Show Cause Notice under Section 17 and after considering the institution's reply to the show cause notice, the WRC issued an order dated 01/04/2009 refusing the recognition of the institution under Section 14(3)(b) of the NCTE Act, on the ground that the said institution was covered under the principle formulated by the Hon'ble High Court of M.P. in its judgement in the "Jan Sewa Shiksha Samiti" case.

(c). the Council noted that the institutions was issued a conditional Recognition order on 14.06.05 followed by the affiliation of the university and formal Recognition order on 10.04.07 under Section 14 of NCTE Act. As such, the WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution, rather it should have withdrawn the recognition under Section 17 of NCTE Act 1993 with the prospective effect. Also the institution needed to be permitted to continue its recognition during the academic session 2007-2008, as the institution was duly recognised and affiliated by the University during the academic session 2007-08 and was therefore not covered by the directions issued under the "Jan Sewa Shiksha Samiti" case. the Council reasoned out that the order of the refusal of recognition under Section 14(3)(b) be modified to that of withdrawal of recognition under Section 17 of the NCTE Act as per the provisions of the Act.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, VT Report Written submission and after considering oral arguments advanced during the hearing, the Council felt the orders issued by WRC for refusal of recognition under Section 14(3)(b) needed modification to the extent that recognition of the institution be withdrawn under Section 17 of the NCTE Act. The withdrawal shall be with prospective effect i.e. with effect from the date of the issue of this order, with the following conditions:

(a). The students already admitted, with due observance of affiliation norms/conditions, be allowed to complete the programme.

(b). No fresh admission, either backdated or post dated (with reference to any backlog whatsoever), shall be made in the institution subsequent to the date of the withdrawal of NCTE recognition.

(Hasib Ahmad)

Member Secretary

1. The President, Jyotiba Phoole College of Education, Heros Education and Welfare Society, C-19/20 Inderpri, B.H.E.L., Bhopal - -, Madhya Pradesh

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. PS to Chairperson
5. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

F.No.89-265/2009 Appeal

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

05/02/2010

ORDER

WHEREAS the appeal of Prakhar Pragya Shiksha Prasar avam Samaj Kalyan Samiti's Swami Vivekanand Mahavidyalaya, Shahdol Dist. , Madhya Pradesh dated 23/05/2009 is against the Order No. NoNCTE/WRC/MP/Legal/APWO2996/223443/53578 dated 10/04/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the grounds ""the institution falls under the Principle Jan Seva Shiksha Samiti and also reply to the show cause notice not received within stipulated time."

AND WHEREAS the Correspondent, Prakhar Pragya Shiksha Prasar avam Samaj Kalyan Samiti's Swami Vivekanand Mahavidyalaya (hereinafter referred to as the appellant), preferred an appeal dated 28/05/2009 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 Anil Tiwari and Shri Amit Serkar, Prakhar Pragya Shiksha Prasar avam Samaj Kalyan Samiti's Swami Vivekanand Mahavidyalaya, Shahdol Dist., Madhya Pradesh presented the case of the appellant institution on 18.01.10. In the appeal and during personal presentation it was submitted that the institution does not fall under the principle of Jen Seva Shiksha Samiti as it is duly recognized by NCTE and affiliated to the university; The appellant had already constructed own building with a built-up area of 1650 sq. mt. and for inspection of the new premises, it had already submitted the requisite fee of Rs. 40,000/- to the WRC on 16.03.09.

AND WHEREAS the Council made the following observations:

(a). the Council noted that the society was possession of 1.546 Hec. of land and on this land it had constructed 17000 sq. ft. of building. Further the appellant had already applied to WRC on 16-03-09 along with a DD of Rs. 40,000/- for shifting to own premises from rented premises. In view of the above the Council came to the conclusion that there was adequate justification in accepting the appeal, for causing inspection of new premises and thereafter pass appropriate order.

(b) the Council observed that as per the direction of the Hon'ble High Court of Madhya Pradesh at Jabalpur in W.P. No. 6146/2008 filed by Subhash Rahangdale Vs. NCTE & Others the institution was got inspected by the NCTE Hqrs and as a sequel to the report of the inspection, the WRC was directed to issue a Show Cause Notice under Section 17 of the NCTE Act to initiate the process of withdrawal of recognition of the institution as the institution was placed under the list of institutions "Not

recognised" and this status was submitted to the Hon'ble Court with the stipulation that the formal action would be taken to withdraw the recognition. As a follow up to the NCTE direction the WRC issued Show Cause Notice under Section 17 and after considering the institution's reply to the show cause notice, the WRC issued an order dated 10/04/2009 refusing the recognition of the institution under Section 14(3)(b) of the NCTE Act, on the ground that the said institution was covered under the principle formulated by the Hon'ble High Court of M.P. in its judgement in the "Jan Sewa Shiksha Samiti" case.

(c). the Council noted that the institutions was issued a formal Recognition order on 31.08.06 under Section 14 of NCTE Act, followed by the affiliation of the university. As such, the WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution. the Council after hearing to the submission of the institution, came to the conclusion that there was adequate justification in accepting the appeal, for causing inspection of new premises and thereafter pass appropriate order.

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 the new building of the institution should be inspected to ascertain availability of necessary infrastructure, instructional and other facilities in accordance with the norms prescribed by the NCTE to become eligible for recognition by NCTE. Accordingly, the Council remanded back the case to the WRC for inspection of the new building of the institution immediately and thereafter to issue an order. The institution shall continue as recognised institution till then.

NOW THEREFORE, the Council hereby remands back the case of Prakhar Pragma Shiksha Prasar avam Samaj Kalyan Samiti's Swami Vivekanand Mahavidyalaya, Shahdol Dist. , Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

(Hasib Ahmad)
Member Secretary

1. **The Secretary, Prakhar Pragma Shiksha Prasar avam Samaj Kalyan Samiti's Swami Vivekanand Mahavidyalaya, H.No.-218, ward No. 06 Profeser Colony, Shahdol Dist. - , Madhya Pradesh**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. PS to Chairperson
5. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

F.No.89-263/2009 Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

08/02/2010

WHEREAS the appeal of Prakhar Pragya Shiksha Prasara Samaj Kalyan Samiti's Swami Vivekanand Mahavidyalaya, Panna Dist., Madhya Pradesh dated 23/05/2009 is against the Order No. No.NCTE/WRC/MP/APWO3005/223455/53380 dated 06/04/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the ground "the institution falls under the Principle Jan Seva Shiksha Samiti and also reply to the show cause notice not received within stipulated time."

AND WHEREAS the Correspondent, Prakhar Pragya Shiksha Prasara Samaj Kalyan Samiti's Swami Vivekanand Mahavidyalaya (hereinafter referred to as the appellant), preferred an appeal dated 28/05/2009 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 Ajay Tiwari, Secretary and Shri Alok Shukla, Administration Officer, Prakhar Pragya Shiksha Prasara Samaj Kalyan Samiti's Swami Vivekanand Mahavidyalaya, Shahdol Dist., Madhya Pradesh was asked to present the case of the appellant institution on 18/01/10. In the appeal and during personal presentation it was submitted that the appellant submitted its reply within 07 days of the receipt of the show cause notice of WRC; The institution was having NCTE's recognition vide WRC's order dt. 25.08.06 and also affiliated to Dr. H.S. Gaur university and hence does not fall under the principle of Jen Seva Shiksha Samiti; It was also submitted that the appellant was granted recognition in leased premises; At the time of inspection under section 13 of the NCTE Act, it was having a built-up area of 15,500 sq. ft. and further constructed a room measuring 800 sq. ft., so, as on date it is having 16,300 sq. ft. of built-up area; Adjacent to this building the appellant bought 0.48 Hec of land for the purpose of play ground; With regard to the teaching faculty it was submitted that the appellant appointed the faculty for the session 2007-08 and this faculty was duly approved by the university on 14.03.07; The present faculty was selected under code 28.

AND WHEREAS the Council made the following observations:

(a). the Council noted that the appellant had taken a building with a built-up area of 5000 sq. ft. at plot No. 291 on 30 years lease basis vide lease deed dt. 20.04.05; Office of the Nagar Palika gave NOC for utilization of 1st floor of the building for the college; An affidavit dt. 16.07.06 sworn in by Shri Ajay Kumar Tiwari, Secretary, stated that the 5,000 sq. ft. of building constructed on 5,000 sq. ft. of land located at plot No. 291 was taken on 30 years lease basis; Further land title certificate dt. 31.12.05 also mentioned that total land area as 5000 sq. ft.; The society was having 0.48 Hec.

of land on ownership basis, but on this land no building existed. From all these documents it was evident that the appellant was having on long term lease basis 5000 sq. ft. of built-up area on a piece of land measuring 5000 sq. ft. and this was highly inadequate as per norms. The claim of availability of 16,300 sq. ft. of building on lease basis was not supported by any legally valid document. It also noted that the faculty was not appointed following the due procedure laid down in the norms & standards. In view of the Council came to the conclusion that there was no justification in accepting the appeal and that it should be rejected.

(b) the Council observed that as per the direction of the Hon'ble High Court of Madhya Pradesh at Jabalpur in W.P. No. 6146/2008 filed by Subhash Rahangdale Vs. NCTE & Others the institution was got inspected by the NCTE Hqrs and as a sequel to the report of the inspection, the WRC was directed to issue a Show Cause Notice under Section 17 of the NCTE Act to initiate the process of withdrawal of recognition of the institution as the institution was placed under the list of institutions "Not recognised" and this status was submitted to the Hon'ble Court with the stipulation that the formal action would be taken to withdraw the recognition. As a follow up to the NCTE direction the WRC issued Show Cause Notice under Section 17 and after considering the institution's reply to the show cause notice, the WRC issued an order dated 06/04/2009 refusing the recognition of the institution under Section 14(3)(b) of the NCTE Act, on the ground that the said institution was covered under the principle formulated by the Hon'ble High Court of M.P. in its judgement in the "Jan Sewa Shiksha Samiti" case.

(c). the Council noted that the institutions was issued a conditional Recognition order on 27.06.05 followed by the affiliation of the university and formal Recognition order on 25.08.06 under Section 14 of NCTE Act. As such, the WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution, rather it should have withdrawn the recognition under Section 17 of NCTE Act 1993 with the prospective effect. Also the institution needed to be permitted to continue its recognition during the academic session 2007-2008, as the institution was duly recognised and affiliated by the University during the academic session 2007-08 and was therefore not covered by the directions issued under the "Jan Sewa Shiksha Samiti" case. the Council reasoned out that the order of the refusal of recognition under Section 14(3)(b) be modified to that of withdrawal of recognition under Section 17 of the NCTE Act as per the provisions of the Act.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, VT Report Written submission and after considering oral arguments advanced during the hearing, the Council felt the orders issued by WRC for refusal of recognition under Section 14(3)(b) needed modification to the extent that recognition of the institution be withdrawn under Section 17 of the NCTE Act. The withdrawal shall be with prospective effect i.e. with effect from the date of the issue of this order, with the following conditions:

(a). The students already admitted, with due observance of affiliation norms/conditions, be allowed to complete the programme.

(b). No fresh admission, either backdated or post dated (with reference to any backlog whatsoever), shall be made in the institution subsequent to the date of the withdrawal of NCTE recognition.

(Hasib Ahmad)
Member Secretary

1. The Secretary, Prakhar Pragya Shiksha Prasar avam Samaj Kalyan Samiti's Swami Vivekanand Mahavidyalaya, Pahadi Kheda Road, Near Rambaug, Panna Dist. - , Madhya Pradesh

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.

3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.

4. PS to Chairperson

5. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

F.No.89-264/2009 Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

08/02/2010

ORDER

WHEREAS the appeal of Prakhar Samajotthan Pragati Samiti's Swami Vivekanand Mahavidyalaya, Panna Dist., Madhya Pradesh dated 24/05/2009 is against the Order No. No.NCTE/WRC/MP/APWO1657/223286/2009/53254 dated 02/04/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the grounds "the institution falls under the Principle Jan Seva Shiksha Samiti and also reply to the show cause notice not received within stipulated time".

AND WHEREAS the Correspondent, Prakhar Samajotthan Pragati Samiti's Swami Vivekanand Mahavidyalaya (hereinafter referred to as the appellant), preferred an appeal dated 28/05/2009 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 Raj Gupta, Director and Shri Pradeep Chaurasia, Administrator, Prakhar Samajotthan Pragati Samiti's Swami Vivekanand Mahavidyalaya, Panna Dist., Madhya Pradesh presented the case of the appellant institution on 18.01.10. In the appeal and during personal presentation it was submitted that the institution sent its reply within 07 days of the receipt of the WRC's show cause notice; With regard to deficiencies it was submitted that at the time of granting recognition to the institution, it was having 0.670 Hec. of land and 9450 sq. ft. of built-up area, on long term lease basis; To meet the requirement of regulations 2007, it increased the built-up area by constructing another floor measuring 9450 sq. ft.; The society also purchased 2.14 Hec. of land and at present it was used as play field. It had been continuing in the same leased premises since its inception, by upgrading the built-up area and had not shifted to any other premises. But the appellant had a proposal to construct own building in future. The staff approved by the university was already in position all through the sessions, and in Dec'08 it replaced the staff in implementation of code 28; It was also submitted that it did not fall under the Jen Seva Shiksha Samiti principle as the institution was duly recognized by the NCTE and also affiliated to the university.

AND WHEREAS the Council made the following observations:

(a). the Council noted from lease deed dt. 23.12.04 that the society had taken 0.67 Hec. of land alongwith an already constructed building measuring 5500 sq. ft, on long term lease basis; The building plan attached with the lease document also mentioned that 5500 Sq.ft. of building was given on rent to the appellant society. Whereas the plan shown to the appeal Committee indicated 18,900 sq. ft. of total built-up area on first and ground floors was with the institution (each floor measuring 9450 sq. ft.) and 5500 sq. ft. was with school. From these the building plans and lease

document, one can easily conclude that the area dimensions have been added as an eye wash; the appellant did not produce any valid document in support of the availability of 18,900 sq. ft. of built-up area,. Even a document issued by the Section officer of the Court, Panna. stated that 5500 sq. ft. of building was diverted for educational purpose. Hence the available built-up area, as evidenced from these documents was highly inadequate as per norms. In view of the above, the Committee came to the conclusion that there was no justification in accepting the appeal and that it should be rejected.

(b) the Council observed that as per the direction of the Hon'ble High Court of Madhya Pradesh at Jabalpur in W.P. No. 6146/2008 filed by Subhash Rahangdale Vs. NCTE & Others the institution was got inspected by the NCTE Hqrs and as a sequel to the report of the inspection, the WRC was directed to issue a Show Cause Notice under Section 17 of the NCTE Act to initiate the process of withdrawal of recognition of the institution as the institution was placed under the list of institutions "Not recognised" and this status was submitted to the Hon'ble Court with the stipulation that the formal action would be taken to withdraw the recognition. As a follow up to the NCTE direction the WRC issued Show Cause Notice under Section 17 and after considering the institution's reply to the show cause notice, the WRC issued an order dated 02/04/2009 refusing the recognition of the institution under Section 14(3)(b) of the NCTE Act, on the ground that the said institution was covered under the principle formulated by the Hon'ble High Court of M.P. in its judgement in the "Jan Sewa Shiksha Samiti" case.

(c). the Council noted that the institutions was issued a conditional recognition order on 27.06.05 followed by the affiliation of the University and formal recognition order on 28.10.06 under Section 14 of NCTE Act. As such, the WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution, rather it should have withdrawn the recognition under Section 17 of NCTE Act 1993 with the prospective effect. Also the institution needed to be permitted to continue its recognition during the academic session 2007-2008, as the institution was duly recognised and affiliated by the University during the academic session 2007-08 and was therefore not covered by the directions issued under the "Jan Sewa Shiksha Samiti" case. the Council reasoned out that the order of the refusal of recognition under Section 14(3)(b) be modified to that of withdrawal of recognition under Section 17 of the NCTE Act as per the provisions of the Act.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, VT Report ,Written submission and after considering oral arguments advanced during the hearing, the Council felt the orders issued by WRC for refusal of recognition under Section 14(3)(b) needed modification to the extent that recognition of the institution be withdrawn under Section 17 of the NCTE Act. The withdrawal shall be with prospective effect i.e. with effect from the date of the issue of this order, with the following conditions:

(a). The students already admitted, with due observance of affiliation norms/conditions, be allowed to complete the programme.

(b). No fresh admission, either backdated or post dated (with reference to any backlog whatsoever), shall be made in the institution subsequent to the date of the withdrawal of NCTE recognition.

(Hasib Ahmad)

Member Secretary

1. The Secretary, Prakhari Samajotthan Pragati Samiti's Swami Vivekanand Mahavidyalaya, Indrapuri Colony, Dahalan Chowki Road,, Panna Dist. - , Madhya Pradesh

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.

3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.

4. PS to Chairperson

5. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

F.No.89-266/2009-Appeal

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

08/02/2010

ORDER

WHEREAS the appeal of S.P.N. Mahavidyalaya, Narsinghpur Dist., Madhya Pradesh dated 23/05/2009 is against the Order No. NCTE/WRC/MP/Legal/APWO1750/223316/115th/2009/53149 dated 01/04/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the grounds "the institution falls under the Principle Jan Seva Shiksha Samiti and also reply to the show cause notice not received within stipulated time."

AND WHEREAS the Correspondent, S.P.N. Mahavidyalaya (hereinafter referred to as the appellant), preferred an appeal dated 28/05/2009 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 Anil Tiwari, Treasure of the Society and Shri Ashutosh Sharma, Administrator, S.P.N. Mahavidyalaya, Narsinghpur Dist., Madhya Pradesh presented the case of the appellant institution on 18.01.10. In the appeal and during personal presentation it was submitted that the appellant's institution was not covered under "The principle Jen Seva Shiksha Samiti" as the institution was duly recognized by the NCTE vide WRC's order dt. 28.10.06 and affiliated to the university; It had already replied to the show cause notice of WRC, within 07 days of receipts of the notice; With regard to the deficiencies it was submitted that the main building of the institution is pucca and in good condition, a little portion of the building was old and semi pucca and this portion was already made pucca; All the labs were adequately equipped as per norms and the library was having 3214 books, 10 journals and 07 encyclopaedia.

AND WHEREAS the Council made the following observations:

(a). the Council noted from the inspection report dt. 29.12.08 that "The existing building maintenance was in worse condition; The huge building is in bad/dilapidated shape; Facilities in the library and labs were inadequate" It was also noted that the society on 29.06.06 purchased 0.809 Hec. of land alongwith a pucca building measuring 500 sq. ft. (46.45 sq. mt.); the building plan of S.P.N. College does not indicate any Kh. No., and further in proof of conversion of semi-pucca into pucca building, the appellant did not show any valid document. the Council on perusal of the accession register noted that book entries in the register were made after 07 months of purchase. In view of the Council came to the conclusion that there was no justification in accepting the appeal and that it should be rejected.

(b) the Council observed that as per the direction of the Hon'ble High Court of Madhya Pradesh at Jabalpur in W.P. No. 6146/2008 filed by Subhash Rahangdale Vs. NCTE & Others the institution was got inspected by the NCTE Hqrs and as a sequel to the report of the inspection, the WRC was directed to issue a Show Cause Notice under Section 17 of the NCTE Act to initiate the process of withdrawal of recognition of the institution as the institution was placed under the list of institutions "Recognised up to 2007-08" and this status was submitted to the Hon'ble Court with the stipulation that the formal action would be taken to withdraw the recognition. As a follow up to the NCTE direction the WRC issued Show Cause Notice under Section 17 and after considering the institution's reply to the show cause notice, the WRC issued an order dated 01/04/2009 refusing the recognition of the institution under Section 14(3)(b) of the NCTE Act, on the ground that the said institution was covered under the principle formulated by the Hon'ble High Court of M.P. in its judgement in the "Jan Sewa Shiksha Samiti" case.

(c). the Council noted that the institutions was issued a conditional Recognition order on 27.06.05 followed by the affiliation of the university and formal Recognition order on 28.10.06 under Section 14 of NCTE Act. As such, the WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution, rather it should have withdrawn the recognition under Section 17 of NCTE Act 1993 with the prospective effect. Also the institution needed to be permitted to continue its recognition during the academic session 2007-2008, as the institution was duly recognised and affiliated by the University during the academic session 2007-08 and was therefore not covered by the directions issued under the "Jan Sewa Shiksha Samiti" case. the Council reasoned out that the order of the refusal of recognition under Section 14(3)(b) be modified to that of withdrawal of recognition under Section 17 of the NCTE Act as per the provisions of the Act.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, VT Report Written submission and after considering oral arguments advanced during the hearing, the Council felt the orders issued by WRC for refusal of recognition under Section 14(3)(b) needed modification to the extent that recognition of the institution be withdrawn under Section 17 of the NCTE Act. The withdrawal shall be with prospective effect i.e. with effect from the date of the issue of this order, with the following conditions:

(a). The students already admitted, with due observance of affiliation norms/conditions, be allowed to complete the programme.

(b). No fresh admission, either backdated or post dated (with reference to any backlog whatsoever), shall be made in the institution subsequent to the date of the withdrawal of NCTE recognition.

(Hasib Ahmad)
Member Secretary

1. The Secretary, S.P.N. Mahavidyalaya, Kheri Naka, Kareli Road, Narsinghpur Dist. - 487001, Madhya Pradesh

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. PS to Chairperson
5. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

F.No.89-44/2009-Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

08/02/2010

ORDER

WHEREAS the appeal of Anushasan Shiksha Samiti's Jai Hind Defence College, Bhopal, Madhya Pradesh is against the Order No. WRC/APWO1729/223306/121/2009/63737 dated 19/01/2010 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the grounds "Approved building plan not submitted and the institution falls under the Jan Seva Shiksha Samiti Principle".

AND WHEREAS the Correspondent, Anushasan Shiksha Samiti's Jai Hind Defence College (hereinafter referred to as the appellant), preferred an appeal dated 13/01/2009 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 Upendra Singh Tomar, Founder Chairman, Anushasan Shiksha Samiti's Jai Hind Defence College, Bhopal, Madhya Pradesh presented the case of the appellant institution on 21.07.09. In the appeal and during personal presentation it was submitted that the appellant had already submitted approved building plans (old and new) to WRC and it had been conducting B.Ed. course in own premises. It was also submitted that the institution does not fall under the Principle of Jan Seva Shiksha Samiti as the institution is duly recognized by the NCTE and affiliated to the university.

AND WHEREAS the Council made the following observations:

(a) the Council noted that the building plan was approved by the Municipal Corporation on 30-01-03. It further noted that the appellant was in possession of 7.5 acre of land and 18000 sq.ft. of built-up area, which was adequate as per norms. The Council, therefore, came to a conclusion that there was enough justification in accepting the appeal and that should be accepted.

(b) the Council observed that as per the direction of the Hon'ble High Court of Madhya Pradesh at Jabalpur in W.P. No. 6146/2008 filed by Subhash Rahangdale Vs. NCTE & Others the institution was got inspected by the NCTE Hqrs and as a sequel to the report of the inspection, the WRC was directed to issue a Show Cause Notice under Section 17 of the NCTE Act to initiate the process of withdrawal of recognition of the institution as the institution was placed under the list of institutions "recognized upto 2007-08" and this status was submitted to the Hon'ble Court with the stipulation that the formal action would be taken to withdraw the recognition. As a follow up to the NCTE direction the WRC issued Show Cause Notice under Section 17 and after considering the institution's reply to the show cause notice, the WRC issued an order dated 19.01.2010 refusing the recognition of the institution under Section 14(3)(b) of

the NCTE Act, on the ground that the said institution was covered under the principle formulated by the Hon'ble High Court of M.P. in its judgement in the "Jan Sewa Shiksha Samiti" case.

(c) the Council noted that the institutions was issued conditional recognition on 27.06.05 followed by the affiliation of the university and formal Recognition order on 26.06.08 under Section 14 of NCTE Act. As such, the WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution. The Council after hearing to the submission of the institution, came to the conclusion that there was adequate justification in accepting the appeal, for restoring the recognition of the institution granted to it earlier.

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 that it should be accepted. Accordingly, the appeal was accepted and WRC's order dated 19.01.10 was reversed with a direction to WRC to restore the recognition of the institution granted to it earlier, immediately.

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

(Hasib Ahmad)
Member Secretary

1. **The Principal, Anushasan Shiksha Samiti's Jai Hind Defence College, Jaihind D.Mahavidyalaya, Campus By Pass Road, Ayodhya Nagar, Bhopal - , Madhya Pradesh**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. PS to Chairperson
5. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.