

F.No.89-1122/2009-Appeal

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

03/08/2010

**ORDER**

**WHEREAS** the appeal of Maharana Pratap Mahavidyalaya, Gorakhpur, Uttar Pradesh dated 22/09/2009 is against the Order No. F.NRC/ NCTE/F-7/UP-2751/146th Meeting/2009/8678 dated 22/08/2009 of the Northern Regional Committee, refusing recognition for conducting B.Ed course on the grounds "1) As per approved plan, Block B Ground floor is having classrooms and labs for B.Ed course but the title states "Existing Ground floor plan for B.Ed faculty without labs for Maharana Pratap Mahavidyalaya". Thus, the title contradicts with the approved building plan. 2) As per approved building plan, in Block B, there is no provision for Multipurpose Hall, and Library. 3) The total built up area of Block B ground floor is 706.80 sq.mtr. Thus, the total built up area is not as per NCTE norms for B.Ed. 4) As per approved building plan, Block C first floor is meant for proposed B.Ed faculty for Maharana Pratap Mahavidyalaya(. Its built up area is 989 sq.mtr which is not as per NCTE norms for B.Ed. There is no space for Multipurpose Hall and labs. 5) There is a room for Head in both Blocks B & C. 6) From the building plan, the distance between the Blocks B & C is not clear".

**AND WHEREAS** the Correspondent, Maharana Pratap Mahavidyalaya (hereinafter referred to as the appellant), preferred an appeal dated 24/09/2009 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** the appeal was considered by the Council and it rejected the appeal vide Council's order dt. 05.03.10 and confirmed the order of NRC on the grounds that the institution was already conducting B.A., B.Sc. and B.Com degree courses and from the building plan submitted the total built up area available in all four blocks i.e. A, B, C & D was only 36,493.52 Sq.ft. The built-up area available for the B.Ed. course as indicated in the application was only 10590 sq.ft. as against requirement of 16164 Sq.ft. as per the NCTE norms. There was also contradiction in the position regarding area allocated for B.Ed in the building plan submitted to the NRC to that of appeal. Obviously, the built-up area available was not adequate for running the proposed B.Ed course and also the existing B.A., B.Sc. and B.Com courses. Further as per regulations the institution must have atleast 2500 Sq.mts. of land where upon built-up area consisting of class rooms shall not be less than 1500 Sq.mt. The appellant had allocated the built-up area intermixing with the area of the general graduation courses and this sort of allotment does not meet the requirement as specified under Regulations. Accordingly the Council's decision was conveyed to the institution vide order dt. 05.03.10.

**AND WHEREAS** aggrieved by the decision of the council it filed writ petition No. 23636/2010 before the Hon'ble High Court of Judicature at Allahabad and the Court vide its order dt. 05.05.10 set aside appellate order dt. 05.03.10 and disposed of the

petition with the direction to the NCTE that in the event the petitioners file an application before the Appellant Authority within two weeks from the date of the order with the supporting documents, the Appellate Authority shall examine the same and pass an appropriate order expeditiously, preferably within a period of two months from the date of filing of the application alongwith a Court direction the case was listed for hearing on 25.06.10. But on the day of hearing the appellant sought another date for production of certain original documents in proof of availability of adequate area.

**AND WHEREAS** the Council acceding to his request listed the case for hearing on 15.07.10. The appellant during the course of hearing on 15.07.10 submitted that he was in possession of 3525.76 sq. mt. of built-up area and it had allocated 1762.38 sq. mt. specifically for conducting B.Ed. course and to this effect it submitted building completion certificate issued on 29.06.10 by the executive engineer, CPWD Gorakhpur. The Council however noted that the availability of the exclusive facilities as per the contention of the appellant can only be verified by deputing a team for causing an inspection. In view of this the Council came to the conclusion that there was adequate ground in accepting the appeal in super session of Council's earlier decision dt. 05.03.10 and remanding the case to NRC for causing an inspection of the institution and for further decision thereafter.

**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 NRC's order dated 22-08-09 and remand the case to NRC for causing an inspection of the institution and for further decision thereafter.

**NOW THEREFORE, the Council hereby remands back the case of Maharana Pratap Mahavidyalaya, Gorakhpur, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.**

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

- 1. The Principal, Maharana Pratap Mahavidyalaya, Jungle, Dhushen,, Gorakhpur - , 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.89-905/2010-Appeal  
**NATIONAL COUNCIL FOR TEACHER EDUCATION**  
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

03/08/2010

**ORDER**

**WHEREAS** the appeal of C.T. College of Education, Jhalandhar, Punjab dated 19/07/2010 is against the Order No. NRC/NCTE/F-3/PB-518/142 Meeting/2009 dated 06/07/2009 of the Northern Regional Committee, refusing recognition for conducting B.Ed, Addl. course on the grounds "Deficiencies communicated to the institution in the show cause notice have not been replied to within stipulated time".

**AND WHEREAS** the Correspondent, C.T. College of Education (hereinafter referred to as the appellant), preferred an appeal dated 19/07/2010 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 appellant institution also forwarded a copy of order dated 29.06.2010 passed by the Hon'ble High Court of Punjab and Haryana, Chandigarh in Writ Petition No.14448 of 2009 filed by the institution against the NRC's order dated 06.07.09 directing the NCTE to dispose the pending appeal filed by the institution within one week. This direction was given by the Hon'ble High Court after taking into consideration the submission made by the institution in the writ petition that an appeal filed by the institution was pending with the NCTE.

**AND WHEREAS** in compliance with direction of the Hon'ble High Court the appeal was heard on 20-07-10. Dr. Ashwani Kansra, Director and Shri. Angrej Singh, A.O, C.T. College of Education, Jhalandhar, Punjab presented the case of the appellant institution. In the appeal and during personal presentation, it was submitted that the reply to the show cause notice was furnished well in time on 06-06-09 and that the matter was sub-judice as the institution had filed a writ petition in the Hon'ble High Court of Punjab and Haryana against the State Govt. of Punjab and the NCTE. It was also submitted that the NRC vide its letter dated 29-05-09 allowed 21 days time for submission of reply but before expiry of the 21 days allowed, the NRC took decision to refuse recognition to the institution in its 142nd meeting held on 14th to 16th June, 2009.

**AND WHEREAS** the Council noted that letter of Intent prior to recognition was issued to the institution on 26-02-08 for additional intake in B. Ed course asking the institution to appoint qualified staff selected through duly constituted selection committee as per the prescribed norms of NCTE/Affiliating University. As no reply was received from the institution, the NRC, vide its letter dated 29-05-09, asked the institution to furnish requisite documents within 21 days. The institution, vide its reply dated 06-06-09 informed the NRC that after getting LOI prior to recognition dated 26-02-08, it had approached the affiliating university namely the Guru Nanak Dev University for grant of affiliation for the additional intake of 100 students but the University initially denied affiliation for additional intake on the ground of non-

compliance of conditions and subsequently asked for copy of unconditional recognition order for consideration of the request of the institution for affiliation. The NRC in its 142nd meeting held on 14-16th July 2009 considered the matter and decided to refuse recognition to the institution for additional intake of 100 students for B.Ed course and accordingly refused recognition for additional intake vide order dated 06-07-09. the Council also noted that on receipt of the Letter of Intent prior to recognition dated 26.02.08, as per the provisions in the NCTE Regulations, the institution was required to appoint qualified staff selected through duly constituted Selection Committee as per the norms of the NCTE/affiliating university and submit requisite documents to the NRC for issuance of formal recognition order to the institution. An institution was eligible to admit students only after obtaining formal recognition from the Regional Committee and thereafter, affiliation from the affiliating university/examining body. Section 16 of the NCTE Act, 1993 stipulated that no examining body shall grant affiliation or hold examination, whether provisional or otherwise, to any institution unless the institution has obtained recognition for the course or training from the Regional Committee concerned under Section 14/Section15. But the institution, instead of approaching the affiliating university to get nomination of expert to the selection committee, appointing qualified faculty selected through the Selection Committee duly constituted and obtaining formal recognition order from the NRC as per the prescribed procedure after receipt of the Letter of Intent prior to recognition dated 26.02.08, chose to seek affiliation from the affiliating university although the university could grant affiliation only after issue of formal recognition to the institution under section 14 or section15 of the NCTE Act. The institution actually applied to the affiliating university for nomination of expert to the Selection Committee only on 26-02-09 i.e. after a period of about one year from the dated of issue of Letter of Intent prior to recognition dated 26.02.08. However, the university declined to grant affiliation and insisted on submission of formal recognition order from the NRC. Also, the institution did not comply with the requirements of LOI. The Council was of the view that the institution was not eligible for recognition for additional intake in B. Ed course. The Council further noted that while the institution, in its writ petition filed before the Hon'ble High Court of Punjab and Haryana, stated that appeal filed by the institution against the Northern Regional Committee's order dated 06-07-09 was pending before the NCTE, in fact no such appeal was filed by the institution to the Council. It filed appeal to the Council only on 19-07-10. Thus, the institution mislead the Hon'ble High Court.

**AND WHEREAS** it however noted that since the decision to refuse recognition was taken by the NRC in its 142<sup>nd</sup> meeting held on 14-16 June 2009 i.e. before expiry of the period of 21 days allowed for furnishing reply to letter dated 29-05-09, which was not in order. Therefore, the Council was of the view that there was adequate ground to accept the appeal, set aside the NRC's order dated 06-07-09 with direction to the NRC for considering the reply submitted by the institution and take appropriate decision thereafter.

**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 set aside NRC's order dated 06-07-09 and remand back the case to NRC for reconsideration of the case. Accordingly, NRC's order dated 06-07-09 was set-aside with direction to the

NRC for considering the reply submitted by the institution and take appropriate decision thereafter.

**NOW THEREFORE, the Council hereby remands back the case of C.T. College of Education, Jalandhar, Punjab to the NRC, NCTE, for necessary action as indicated above.**

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

1. **The Chairman, C.T. College of Education, Greater Kailash, G.T. Road, Maqsudan Chowk, Jalandhar, Jalandhar - 144008, Punjab**
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 Punjab, Chandigarh.

F.No.89-805/2010-Appeal  
**NATIONAL COUNCIL FOR TEACHER EDUCATION**  
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

03/08/2010

**ORDER**

**WHEREAS** the appeal of B.R. College of Education, Mohindergarh, Haryana dated 02/07/2010 is against the Order No. NRC/NCTE/F-3/HR-956/162 meeting/2010 dated 16.07.10 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed course on the grounds "1) Deficiency with respect to built up space still exists. 2) As per website faculty is yet to be appointed. As per the document submitted by the Management, the faculty was selected on 17.08.2008. The supporting documents for the selected faculty have not been given. 3) The documents of selected faculty submitted to NRC vide letter dated 06.06.2008 is entirely different from the faculty selected on 17.08.2008. 4) As per website accessed on 27.06.2010, there are only 7 computers which are not enough for 100 students of B.Ed. 5) The information given on the website is not as per NCTE norms for B.Ed. 6) The deficiencies in respect of labs still exists. 7) The deficiencies in respect of land still exist."

**AND WHEREAS** the Correspondent, B.R. College of Education (hereinafter referred to as the appellant), preferred an appeal dated 05/07/2010 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 Harish Bhardwai, Member and Shri Amit Jaiswal, Co-orienteer, B.R. College of Education, Mohindergarh, Haryana presented the case of the appellant institution on 21.07.10. In the appeal and during personal presentation it was submitted that the built up space of the college was 1676.89 sq.mt. which was sufficient for running a B.Ed college; the regular faculty had been working in the institute and the list of faculty members with supporting documents was given to the NRC; the faculty appointed at the first time (06.06.2008) was relieved and it again gave advertisement in the leading news paper and selected the faculty member by duly constituted selection committee as per NCTE norms; the society purchased 15 more computers and now the total no. of computers is 22; the website would be shortly updated as per NCTE norms; all laboratories were well equipped and in proof photographs are attached; the total land registered in the name of the society is 5836.50 sq. mt. and built-up area is 1676.89 sq.mt.

**AND WHEREAS** the Council noted that the appellant filed an appeal with NCTE Hqrs on 05.07.10 against the decision of NRC taken in its meeting held on 24-27th June'10, withdrawing recognition for conducting B.Ed. course and also filed a writ petition before the Hon'ble High Court of Delhi for obtaining stay on the NRC's decision, during the pending of the statutory appeal. The Court vide their judgment dt. 13.07.10 stayed the NRC's decision and further directed appeal committee to decide the appeal and pass an order on or before 3rd August 2010. In the light of the Court directions the case was heard on 21.07.10.

**AND WHEREAS** the Council noted that the institution was granted recognition on 08-08-07; NRC on 05-02-10 issued show cause notice u/s 17 of the NCTE Act and the basis for issuing show cause notice was not recorded by NRC. After considering the reply the NRC withdrew the recognition. It further noted that Panchayat office vide their letter dt. 22.06.07 certified that the building is constructed according to the map, however it did not mention the land and built-up area details as well as Syrvey No./ Kh. No. etc. Panchayat office also issued another building completion certificate on 14.06.10, even that did not mention Kh. No. and area details. So, it was difficult to ascertain the exact available built-up area for the B.Ed. institution and school. There is also discrepancy in the building plans submitted alongwith the appeal and the one submitted to NRC in reply to the show cause notice interms of built-up area, Kh. Nos. and also map of the building. Moreover both the plans are undated. Further the institution on 20.07.10 requested for issue of an occupation certificate under Rule 47(1) of the Punjab scheduled roads & controlled areas restriction of unregulated development Rules 1965 stating that the building has been completed on 20.07.10, with certain modification and changes. That means earlier the building was not as per norms and henceforth certain changes were brought in and further issue of occupation certificate from Punjab scheduled roads and controlled areas is still awaited. The society was in possession of approx. 2 acres of land on lease basis from a private party. Out of this land the appellant by way of gift deed executed on 19.07.10, was in possession of 5 kanal 4 marla land; the institution vide their letter dt. 06.06.08 submitted an affidavit dt. 24.05.08 stating that it had selected the faculty (1 principal & 7 lecturers), through duly constituted selection committee, when this was true, then there was no reason for the appellant to constitute another selection committee on 17.08.08 and select a new set of faculty and further the appellant again on 27.12.09 selected yet another set of faculty. The reason behind the constitution of several selection committees is not recorded by the institution. Moreover, payment of salary paid to the faculty/ staff was shown since February, 2010 only to the Appeal Committee. Prima-facie it appeared that it lacked exclusive infrastructure for B.Ed college and facilities were being shared with its school. **Therefore the contention of the appellant for having exclusive facilities need to be verified by deputing a visiting team from the NCTE Hqrs. and further decision by the Appeal Committee shall be taken after considering the VT report.**

(S.V.S. Chaudhary)  
Vice Chairperson

1. **The President, B.R. College of Education, VPO-Sehelang, Mohindergarh - 123027, 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.89-582/2010-Appeal

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

03/08/2010

**ORDER**

**WHEREAS** the appeal of Sree Narayana College of Teacher Education, Kozhikode, Kerala dated 28/05/2010 is against the Order No. SRO/NCTE/2010/18902 dated 17/05/2010 of the Southern Regional Committee, withdrawal recognition for conducting M.Ed course on the ground "The recognition is withdrawn for M.Ed course due to shortage of built up area w.e.f. 2010-11."

**AND WHEREAS** the Correspondent, Sree Narayana College of Teacher Education (hereinafter referred to as the appellant), preferred an appeal dated 01/06/2010 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 P.M. Raveendran, Manager and Dr. M. Devakumar, Principal, Sree Narayana College of Teacher Education, Kozhikode, Kerala presented the case of the appellant institution on 21.07.10. In the appeal and during personal presentation it was submitted that the SRC accorded recognition to Sree Narayana College of Teacher Education, Chelannur, Kozhikode, Kerala to conduct M.Ed. programme from 2009-10 session and accordingly students have been admitted to the college and the course commenced in 2009-10 itself. The college had a total built-up area of 31261.5 sq. ft. (2903 sq. mts.) for conducting B.Ed and M.Ed. programmes this included the built-up space of an old building with 14459 sq.ft. (1343 sq. mt.) and new building with 16802.05 sq.ft. (1560 sq.mt.); while submitting the filled up proforma in the questionnaire sent to the SRC, there happened a clerical error due to oversight in filling up the built-up area of the old building where M.Ed. course was being conducted, i.e. instead of entering 14459 sq.ft. against the column it was mistakenly entered as 16803 sq.ft., which was actually the figure entered in the column just above, in the questionnaire, for the B.Ed. course. It was on perusal of the questionnaire that SRC withdrew the recognition of the M.Ed. course of Sree Narayana College of Teacher Education, Chelannur, Kozhikode, Kerala due to shortage of built-up area w.e.f. 2010-11. The institution did not get an opportunity to explain the error happened in this case before the recognition was withdrawn by the SRC, NCTE.

**AND WHEREAS** the Council noted that appellant filed a writ petition against the SRC's withdrawal order before the Hon'ble High Court of Kerala Bench at Ernakulum and the Court vide its order dt. 15.06.10 directed the NCTE to dispose the appeal matter filed by the institution within a period of one month from the date of receipt of a copy of the judgment. The NCTE Hqrs received the judgment on 30.06.10 and listed the case for hearing on 21.07.10.

**AND WHEREAS** the Council further noted that the appellant submitted to the SRC "filled in questionnaire form" for B.Ed. and M.Ed. courses. The Council perused this form and other documents submitted in support of the information furnished therein and noted that the appellant mentioned the built-up area under column- '5' as 16863 sq. mts. and under column '6' –built-up area for B.Ed as 16863 and built-up area for M.Ed. as 16863, it however did not mention any unit of measurement and further under the column- '7' the appellant specified the carpet area for the courses as 16863 sq.ft. only. And the appellant enclosed a completion certificate dt. 17.07.09, issued by the PWD Office stating the built-up area for B.Ed. and M.Ed. courses as 16,802.50 sq.ft. only (8118.50 sq.ft. on ground floor + 7630.50 sq.ft. on first floor + 1053.50 sq.ft. on second floor). From the submission made before the SRC it was apparent that the institution was having only 16,800 plus sq.ft. only and this was not adequate for conducting B.Ed. and M.Ed. programmes. So, SRC was justified in withdrawing recognition for the M.Ed. programme. The appellant during the appeal submitted two building completion certificates issued by an Assistant Engineer, PWD Building Section, Balussery – one of the certificate dt. 17.07.09 mentioned 16,802.50 sq.ft. only and the other certificate dt. 18.05.10 mentioned that the building with tiled roof was 4864 sq.ft. and an asbestos cement sheet roof auditorium with 9595 sq.ft. The built-up area mentioned against the auditorium (9595 sq.ft.) can not be taken as built-up area as it was having asbestos cement sheet roof. Moreover this certificate was obtained only on 18.05.10 that was after the date of withdrawal order. And also the stability and suitability at this building with tiled roof need to be verified. **Therefore, the Council came to the conclusion that an inspection of the institution may be caused by the NCTE Headquarters by deputing a two member team for ascertaining the available built-up area for both B.Ed. and M.Ed. courses, as per norms and for further decision thereafter.**

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

1. **The Secretary, Sree Narayana College of Teacher Education, Chellannur Post, Kozhikode - -, Kerala**
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 Kerala, Thiruvananthapuram.