

F.No.89-331/2010-Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

09/06/2010

ORDER

WHEREAS the appeal of Smt. K.B. Dave Adyapan Mandir, Distt. Mehsana, Gujarat dated 25/04/2010 is against the Order No. WRC/322165/132nd/2009/66338-66344 dated 26/03/2010 of the Western Regional Committee, withdrawing recognition for conducting PTC course on the grounds that Staff not qualified as per NCTE norms.

AND WHEREAS the Correspondent, Smt. K.B. Dave Adyapan Mandir (hereinafter referred to as the appellant), preferred an appeal dated 29/04/2010 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 Ms. Sanket Raval, Trustee and Ms. Vyas, Nominated Trustee, Smt. K.B. Dave Adyapan Mandir, Distt. Mehsana, Gujarat presented the case of the appellant institution on 20.05.2010. In the appeal and during personal presentation, it was submitted that the staff profiles and details were duly approved by the District Education Officer and, therefore, the decision of the WRC taken in its 132nd meeting deserved to be quashed. It was also stated that show cause notice dt. 12.01.10 issued to the appellant did not specifically raise the withdrawal ground that is in question.

AND WHEREAS the Council noted that the institution was running B.Ed., M.Ed. and PTC courses and the recognition of the institution for PTC course was withdrawn under Section 17 of the NCTE Act on the basis of a complaint dated 20.09.2008 received from the Principal Secretary, Education Department, Government of Gujarat. The WRC initially withdrew the recognition of PTC course vide order dated 23.07.09 on the basis of the said complaint without giving the institution a copy of the complaint or conducting an inspection. Therefore, the Council, vide its order dated 26.11.2009, allowed the appeal dated 04.09.2009 and remanded the case back to the WRC for re-issuance of show cause notice pointing out the deficiencies mentioned in the complaint of the State Government of Gujarat and passing appropriate order after considering reply of the institution to the show cause notice. In compliance with the Appellate Authority's decision WRC issued show cause notice on 12.01.10 and the institution in response to this notice submitted point wise reply in a detailed manner. However, WRC withdrew the recognition of the institution on the ground that the staff was not qualified as per norms without indicating the specific deficiencies. In view of the above, the Council came to the conclusion that there was adequate justification in remanding the case to the WRC for re-examination of the reply submitted by the institution, in reference to the deficiencies pertaining to NCTE Norms & Standards and Regulations only.

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 enough ground to accept the appeal, set aside WRC's order dated 26-03-10 and remand the case to WRC for re-examination of the reply submitted by the institution, in reference to the deficiencies pertaining to NCTE Norms & Standards and Regulations only and for issuing a speaking order thereafter. Accordingly the case was remanded to the WRC.

NOW THEREFORE, the Council hereby remands back the case of Smt. K.B. Dave Adyapan Mandir, Distt. Mehsana, Gujarat to the WRC, NCTE, for necessary action as indicated above.

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

1. **The Secretary, Smt. K.B. Dave Adyapan Mandir, Pilvai, TA. Vijapur,, Distt. Mehsana - 382850, Gujarat**
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 Gujarat, Gandhinagar.

F.No.89-1278/2009-Appeal

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

09/06/2010

ORDER

WHEREAS the appeal of Juglal College of Education, Bhiwani, Haryana dated 27/10/2009 is against the order No. F. NRC/NCTE/F-7/HR-1466/2009 Dated 23.07.09 of the Northern Regional Committee, refusing recognition for conducting B.Ed course on the grounds "Deficiencies communicated in the deficiency letter issued by the office are not removed within stipulated period. The deficiencies are (i) The Government recommendation is negative. (ii) The land is not in the name of the institution. (iii) The building plan is signed by Gram Pradhan without the resolution of Gram Panchayat. (iv) Sufficient number of computers for 100 students is not there. (v) Library facility and multipurpose hall are not as per NCTE norms. (vi) No supporting documents in respect of hardware and software for language lab." The appellant filed an appeal against the refusal order of the NRC. The Council vide its order dated 05-03-2010 rejected the appeal and confirmed NRC's order dated 23-7-09.

AND WHEREAS the Correspondent, Juglal College of Education (hereinafter referred to as the appellant), preferred an appeal dated 27/10/2009 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 aggrieved by the Council's decision, the appellant filed a writ petition W.P.(c) No.2235 of 2010 before the Hon'ble High Court of Delhi at New Delhi and the Hon'ble High Court vide its order dated 07-04-10 remitted the case to the NCTE with the directions - Re-inspection will be carried out by the respondents of the petitioner institute to verify whether the stated deficiencies stand cured and all norms fulfilled; (2) The petitioner will pay the re-inspection fee and deposit the same within a week; (3) The re-inspection will be carried out within a period of three weeks after deposit of the fee; (4) The report will be submitted to the Appellate Authority with advance copy to the petitioner within two (2) weeks of the re-inspection; (5) The Appellate Authority will re-examine the matter based on the report of the re-inspection team; (6) The petitioner will be heard by the Appellate Authority on the re-inspection report; (7) In so far as the issue of having the land registered in the name of the college is concerned, the matter will be dealt within terms of our orders passed in WP(c) No.162/2010 decided on 16-03-2010 (annexure P-8); (8) The final decision will be taken by the Appellate Authority within a period of four (4) weeks after the aforesaid re-inspection.

AND WHEREAS in pursuance to the Court direction the Council caused re-inspection of the institution on 17-05-10 and a copy of the inspection report was forwarded to the appellant, alongwith the notice for hearing, requesting him to

appear before the Council on 28-05-10 to present his case. Accordingly, Shri. Surender Singh, President and Shri. Satyawani, Member, Juglal College of Education, Bhiwani, Haryana presented the case of the institution on 28-05-10. During personal presentation, the appellant submitted his explanation on the VT report stating that the land was in the name of the society; the institution has three easy and smooth approachable roads; it purchased 653 reference books on 12-03-10 and the library contained 4000 books covering almost the required number of titles and it had been a regular subscriber of NCERT's Journals and others; the hall with dimension 50'x20'(1000 Sq.ft.) measured by VT was library room; the actual multipurpose hall was under furnishing but not under construction and in proof thereof he enclosed completion certificate dated 27-05-10; the second VT raised a new objection of psychology lab, which was not pointed out by the earlier VT; the faculty had been selected by a selection committee; there was no contradiction between the bills and materials, apparatus and equipments, available with the institution. He further stated that no separate bills were made for each resource; the building completion certificate dated 24/05/08 was only for ground floor with RCC roof; the stone slab and iron beam were used only for the first floor, which was under construction; language learning lab was adequately equipped.

AND WHEREAS the Council noted from the inspection report dated 17-05-10 that library was having 2000 books with about 400 titles only, and did not have reference books and educational journals; multipurpose hall with required size was under construction, the management also showed another hall with 20'x50' (1000 Sq.ft.) dimensions and its size was not according to the norms(as per norms the multipurpose hall size shall be 1500 Sq.ft.) ; psychology laboratory was having only 04 sets of different tests, but they were photocopies and were also incomplete; proceedings of the selection committee were not shown to the team; there were contradictions between the bills and actual availability of the material/equipments; the building completion certificate issued by the architect mentioned the building with RCC roof, but actually it was made with big stone slabs supported by iron beams. It further noted that a completion certificate issued by S.P. Bose, a civil engineer, which mentioned that two storey building with RCC roof was constructed in the year 2007 itself, was contrary to the visiting team observation that the building was not yet complete as per the plan and only ground floor was complete. Further the appellant in its explanation at point No.8 of the written submission stated that "the completion certificate dated 24-05-08 was only for ground floor, which was made of RCC roof and the stone slab and iron beams were used for first floor roofing and this was under construction" and this statement was also in contradiction with the building completion certificate dated 24-05-08 whereby it had mentioned two storey building with RCC roof was already completed. The appellant also admitted that multipurpose hall was under construction and obtained completion certificate on 27-05-10 from an architect. This certificate was not issued by the competent civic authority and further it did not mention the actual built-up area and khasra number, etc. In view of these points, the Council came to the conclusion that there was no justification in accepting the appeal and that it should be rejected.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, VT report and after considering oral arguments advanced during hearing, the Council reached the conclusion that there was no ground to accept the appeal

and that it should be rejected. Accordingly, the appeal was rejected and NRC's order dated 23-07-09 was confirmed.

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

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

1. **The President, Juglal College of Education, Kaunt Road,, Bhiwani - , 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.