

F.No.89 - 929/2009 - Appeal

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

03/11/2009

ORDER

WHEREAS the appeal of Moga College of Education for Girls, Moga, Punjab dated 22/08/2009 is against the Order No. F.NRC/NCTE/F-3/PB - 413/144 Meeting/2009/7317 dated 31/07/2009 of the Northern Regional Committee, refusing recognition for conducting M.Ed course on the grounds that "The reply of the institution has not been received in the stipulated time". The reply awaited from the institution related to submission of teaching experience certificate of Dr. Bhuwesh Chander Dubey who was appointed to the post of Reader from the Competent Authority.

AND WHEREAS the Correspondent, Moga College of Education for Girls (hereinafter referred to as the appellant), preferred an appeal dated 24/08/2009 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 Dr. Rohin Sachdeva, General Secretary, Moga College of Education for Girls, Moga, Punjab presented the case of the appellant institution on 28-10-09. In the appeal and during personal presentation it was submitted that in reply to NRC's letter dated 03-12-08 the appellant submitted the requisite information to NRC vide its Letter No.MCEG/08/1022 dated 18-12-08 i.e. within the stipulated time of 21 days. However, it is seen that this letter is not available on the relevant file of the NRC. The appellant with his appeal has furnished a copy of this letter together with the proceedings of the Selection Committee that selected Dr. Dubey, as also his experience certificates. In pursuance of the orders of the Hon'ble Punjab and Haryana High Court dated 23.09.09, the appeal was considered. On perusal of these documents the Council found that Dr. Dubey's experience certificates are acceptable.

AND WHEREAS in view of the position stated above and on being satisfied about the teaching experience of Dr. Dubey, the Council came to the conclusion that the appeal deserves to be accepted, the order of the NRC reversed with the direction to the NRC to issue necessary orders under para 7(11) of the NCTE Regulations 2007 granting recognition to the institution for conducting M.Ed course.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, and after hearing oral arguments advanced during the hearing, the Council reached the conclusion that there was adequate ground to accept the appeal and set aside NRC's order dated 31-07-09 with direction to the NRC to grant recognition to the institution immediately.

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

(S.V.S. Chaudhary)

Member Secretary

1. **The General Secretary, Moga College of Education for Girls, Near P.S. Sadar, G.T. Road, District - , Moga - 142001, 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.89-289/2009-Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

06/11/2009

ORDER

WHEREAS the appeal of Mohammadiya Educational Society's M.E.S. College of Education, Khammam Dist., Andhra Pradesh dated 11/03/2009 is against the Order No. F.SRO/NCTE/Ref/2008-09/5861 dated 06/10/2008 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed course on the grounds " 1) The institution was granted recognition in own premises on the basis of land document submitted in the form of sale deed bearing Sy.No.90 & 93 with Ac.1-02 & 3-38 guntas at Barugudem Revenue Village, Arempula Gram Panchayat, Khammam District along with an affidavit dt.04/08/07 swearing that the land is exclusively meant for running the educational institution and the same shall not be used for any purpose other than teacher education programme. 2) As per the visiting team report of Kaktiya University, Warangal the institution has shown the same land for B.Pharma. The same land document have been submitted to other Regulatory Bodies. The institution mislead NCTE and other regulatory bodies. 3) The institution breached oath taken by it in the affidavit dt.04/08/07 swearing that the land is exclusively meant for running the educational institution and the same shall not be used for any purpose other than teacher education programme. 4) As per NCTE norms and standards and Rules and regulations issued from time to time the institutions are required to have exclusive provision for land and building for teacher education course whereas the institution has sought recognition of B.Ed course and in the same premises it started B.Pharma course. The information submitted by it is concealed and put in a misleading form. 5) The institution itself accepted in writing to have accommodated B.Ed and B.Pharma in the same building. 6) The institution did not cooperate to the visiting team in carrying out inspection under section 17 on 17/09/08. This is considered as an act of defiance and unbecoming of an educational institution. 7) The institution violated the provisions contained under various sections of NCTE Act and regulations there under".

AND WHEREAS Shri S.A. Pasha, Chairman, Mohammadiya Educational Society's M.E.S. College of Education, Khammam Dist., Andhra Pradesh presented the case of the appellant institution on 12.10.09. In the appeal and during personal presentation it was submitted that the premises were on society's own land; land earmarked for B. Pharmacy course and the land set aside for B.Ed. course are under separate sale deeds; the two blocks constructed for B. Pharmacy and for B.Ed. courses have common stair case only; when the University inspection team objected to the common stair case, the management constructed an exclusively separate building for B.Ed. course; now the blocks for both these courses have a wide common stair case to facilitate students; the two courses are not being run in the same building and the management only requested the Visiting team to postpone the inspection on account of delay in construction work and heavy rains and floods and non-cooperation to the visiting team is not true. In the course of personal hearing, it was stated that the institution has moved into the new building; which has not yet been inspected by the NCTE. The appellant has stated that he is prepared to get the new building inspected by the NCTE inspection team and make the payment of Rs.40,000/- for the inspection. He has also given a letter dated 12/10/2009 to this effect.

AND WHEREAS the Committee noted that the appellant in its application dated 28.12.06, submitted for B.Ed course indicated that 5 acre of land at S.Y. no. 92 & 93 and 21034 .50 sq. ft. of useable area was meant for the proposed B.Ed programme and also it did not furnish any information about the details of other courses being run by the society in the same building/ same campus. Even VTR dt 30.08.07, u/S 14 of the NCTE Act mentioned that no other

programme was being run in the same building; The University before granting affiliation for the session 2007-08 conducted an inspection of the institution and it was the University's inspection team which pointed out that B-pharmacy building was used for B.Ed programme; The University after obtaining an undertaking from the college that it would construct an exclusive building for the B.Ed programme granted conditional affiliation and the same was intimated to SRC. From all this, it was apparent that the information regarding conducting of B.pharma in the same building was concealed by the society; Further it did not allow the inspection team under Section 17 of NCTE Act on 17.09.2008 to physically verify facilities available for the B.Ed programme. It rather submitted a representation for postponement of the inspection on the pretext of heavy floods which obstructed completion of the construction of the exclusive building. The Committee further noted that the Hon'ble High Court of Andhra Pradesh vide its order dt 11.08.09 directed NCTE not to withdraw the students already allotted to the petitioner college till the disposal of the appeal. In view of above, the Committee came to the conclusion that SRC was right in withdrawing the recognition on valid grounds. It, however, opined that the withdrawal should come into effect from the academic session 2010-11.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, VT Report and after hearing oral arguments advanced during hearing, the Committee reached the conclusion that there was no ground to accept the appeal and that it should be rejected. Accordingly, the appeal was rejected and SRC's order dated 06.10.08 was confirmed, however the withdrawal of recognition shall come into effect from the academic session 2010-11.

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

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

1. **Mohammadiya Educational Society's M.E.S. College of Education, Khammam Dist., 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, Khammam Dist.