

F.No.89-473/2009-Appeal

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

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

27/07/2009

**ORDER**

**WHEREAS** the appeal of Himalaya College of Education, Karnal, Haryana dated 05/06/2009 is against the Order No. NRC/NCTE/F-7-3/HR-269/2009/4042 dated 09/06/2009 of the Northern Regional Committee, withdrawing conditional recognition for conducting B.Ed course on the grounds "1) The list of Faculty selected by duly constituted selection committee as per NCTE Norms is not submitted i.e. affidavit are not on prescribed formats. 2) One teacher on contract basis".

**AND WHEREAS** the Correspondent, Himalaya College of Education (hereinafter referred to as the appellant), preferred an appeal dated 23/06/2009 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. Arun, Director, Himalaya College of Education, Karnal, Haryana presented the case of the appellant institution on 22-07-09. In the appeal and during personal presentation it was submitted that the appellant institution had applied to the Northern Regional Committee (NRC) of NCTE for recognition of B.Ed. course and the NRC, vide its Letter of Conditional Recognition No.F.NRC/NCTE/F.7/HR-269 dated 27-8-06, accorded conditional approval for B.Ed. course subject to appointment of staff by a duly constituted Selection Committee with the requisite qualification as per norms and standards of NCTE and affiliating University and inform the Regional Committee by sending signed copy of the minutes alongwith affidavit, within 21 days. That the Management Committee of the institution selected the staff as per the norms of the NCTE/affiliating university and submitted compliance report to the NRC vide its letters dated 15-3-07 and 21-6-07. That the appellant applied to the NRC for additional intake in December, 2006 in response to which the NRC, vide its letter dated 23-5-08 asked to remove certain deficiencies pointed out including submission of reply to the Conditional Recognition granted vide aforementioned letter dated 27-8-06 and eventually issued a letter seeking unconditional confirmation of readiness for inspection of the institution, obviously after satisfying with the reply furnished by them. That the NRC, vide its Order No.F.NRC/NCTE/NCTE/F.7-3/HR-269/2009/4042 APN 0251 dated 9-6-09 withdrew the aforesaid conditional recognition dated 27-8-06 on the ground that the list of faculty selected by duly constituted Selection Committee as per NCTE norms was not submitted i.e. affidavit were not on prescribed formats and one teacher was on contract basis.

That there was a gap in the records of the NRC which had led to the arbitrary and erroneous withdrawal of conditional approval to the appellant in spite of prompt and timely action on the part of the institution and that the impugned order dated 9-6-09 was violative of Section 17(1) of the Act as no opportunity of making representation was given to the appellant institution before withdrawal of the conditional approval granted. That the impugned Order was too harsh in as much as the allegation "affidavits are not on prescribed formats. One teacher on contract basis" was not so grave that the only punishment was withdrawal of grant of recognition to the institution. During the hearing it was also submitted that students were admitted for the session 2006-07, 2007-08 and 2008-09. The appellant institution therefore prayed for setting aside the impugned order and granting appropriate relief to it.

**AND WHEREAS** the Council noted that the appellant institution namely the Himalaya College of Education, Kernal, was issued only a conditional recognition vide NRC's letter dated 27-8-06 and the institution was required to furnish to NRC, within 21 days, list of faculty selected by the duly constituted Selection Committee with the requisite qualification as per norms and standards of NCTE and the affiliating university alongwith the minutes and affidavit. On receipt of the same the NRC was to issue a formal recognition order. the Council also noted that the NCTE Regulations stipulated that an institution shall make admission only after it obtains unconditional recognition order from the Regional Committee concerned and affiliation from the examining body. Nevertheless, the institution obtained affiliation from the affiliating university namely the Kurukshetra University and admitted students for the academic session 2006-07 onward. the Council observed that although the institution, in its appeal had claimed that it furnished the requisite details in respect of staff to the NRC on 15-3-07 and 21-6-07, no such documents were available on the file and the NRC, vide its letter dated 12-11-07 addressed to the institution drew attention to the letter of conditional recognition dated 27-8-06 and requested the institution to submit the requisite documents. It also observed that, the institution, in its letter dated 18-6-08 addressed to the Dean of college of Kurushetra forwarded the proceedings and recommendations of the Selection Committee for approval of the university and copy of the same alongwith affidavits etc. were furnished to the NRC on 18-6-08. However, the fact remains that though the institution was not granted formal recognition for B.Ed course and therefore, it was not eligible to admit students, yet the affiliating university namely the Kurkshetra University granted affiliation to the institution on the basis of only conditional recognition granted by NRC vide its letter dated 27.08.2006 and students were admitted for the sessions 2006-07 onward. However, withdrawal of the conditional recognition vide NRC's Order dated 09/06/2009, without specifying the session from which the withdrawal would be effective, would imply that the admission of students made during the session 2006-07 onward was illegal and therefore the interest of the students so admitted to the institution would be adversely affected, in as much as the degree, if any awarded/to be awarded to them would become invalid. the Council was, therefore, of the view that in order to protect the interest

of the students already admitted, the case should be remanded back to the NRC for issuing a revised order specifying the session from which the withdrawal of conditional recognition would be effective so that the interest of the students already admitted would not suffer. Since the withdrawal has to be from a prospective date in this case, so the withdrawal of recognition would be effective from the academic session 2009-10.

**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 the case should be remanded back to the NRC for issue of a revised order specifying that the withdrawal of conditional recognition accorded to the institution vide NRC's order dated 09-06-09, would be effective from the academic session 2009-10. Accordingly, the case was remanded back to the NRC for issue of revised order.

**NOW THEREFORE, the Council hereby remands back the case of Himalaya College of Education, Karnal, Haryana to the NRC, NCTE, for necessary action as indicated above.**

**(Hasib Ahmad)**  
Member Secretary

1. **The President, Himalaya College of Education, The Guru Darshan Education Society (Registered), Village - Ranwar, PO Box No. - 117,, Karnal - 132001, 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.