

17/12/2009

ORDER

WHEREAS the appeal of Abhivyakti College of Education (Abhivyakti Jan Shiksha Evam Sanskriti Samiti), Bhopal, Madhya Pradesh dated 06/07/2009 is against the Order No. NCTE/WRC/MP/Legal/APW01584/223260/2009/55448 dated 15/05/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the ground "The institution has failed to reply to show cause notice within the given time limit".

AND WHEREAS the Correspondent, Abhivyakti College of Education (Abhivyakti Jan Shiksha Evam Sanskriti Samiti) (hereinafter referred to as the appellant), preferred an appeal dated 09/07/2009 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 Mahendra Dubey, Director of Abhivyakti College of Education (Abhivyakti Jan Shiksha Evam Sanskriti Samiti), Bhopal, Madhya Pradesh presented the case of the appellant institution on 19.10.09. In the appeal and during personal presentation it was submitted that the WRC issued show cause notice under section 17 of the NCTE Act on 28.02.09 to make a written representation within a week from the date of the receipt of this office letter. Accordingly the appellant submitted the representation on 14.03.09 stating that institution was granted recognition in 2005-06 and as per the relevant norms it was having adequate land and builtup area. Further to meet the requirement of Regulations 2007 the society purchased 02 acres of land and on this land it has planned to construct a new building. Till the new building is constructed it had taken adjacent to the existing building some space for the purpose of seminar hall. On the day of inspection the Principal and six Lectures were physically present and during the session 2007-08 the institution appointed a Principal and seven Lecturers as per norms. Before commencement of the new academic session i.e. 2008-09 it would recruit the staff as per University Code 028. Therefore, the WRC was wrong in issuing the refusal order stating that the institution did not submit the reply within the time frame.

AND WHEREAS the Council made the following observations:

(a) the Council noted that the appellant was in possession of both the land and building on lease and the lease deed did not specify land and building area details. On 13.10.08 it purchased 02 acre of land in the name of the society and on this land it has not yet constructed any building. It further noted from the inspection report conducted U/S 17 on 25.09.08 that the appellant was in possession of 10,000 sq. ft of land on lease and inspection conducted U/S 13 on 15.01.09 mentioned the availability of 195 sq. mts of land and 3793 sq. ft. of builtup area and the land and builtup area as mentioned in both the reports did not conform to the norms. In view of the above the Council came to the conclusion that there was no justification in accepting the appeal.

(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 Hqs 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 reply to the show cause notice, the WRC issued an order dated 15.05.09 refusing the recognition of the institution under Section 14(3)(b) of the NCTE Act, on the grounds 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 institution was issued a conditional recognition order on 09.08.05 followed by the affiliation of the University and formal recognition order on 04.01.07 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 the WRC 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 with prospective effect subject to the following conditions:

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

(ii). 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 the NCTE recognition.

(Hasib Ahmad)
Member Secretary

1. **The Secretary, Abhivyakti College of Education (Abhivyakti Jan Shiksha Evam Sanskriti Samiti), E - 8/138, Trilanga,, Bhopal - 462039, 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.89-752/2009-Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

17/12/2009

ORDER

WHEREAS the appeal of Dayanand Saraswati Shiksha Mahavidyalaya (Shajapur Swawiamban Uchcha Siksha Samiti), Shajapur, Madhya Pradesh dated 27/07/2009 is against the Order No. No.NCTE/WRC/MP/APW01549/223244/2009/55922 dated 28/05/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the ground "The reply not received within the stipulated time".

AND WHEREAS the Correspondent, Dayanand Saraswati Shiksha Mahavidyalaya (Shajapur Swawiamban Uchcha siksha Samiti) (hereinafter referred to as the appellant), preferred an appeal dated 28/07/2009 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 Akhilesh Pandey, Secretary and Shri Vikas Pandya, Member of Dayanand Saraswati Shiksha Mahavidyalaya (Shajapur Swawiamban Uchcha Siksha Samiti), Shajapur, Madhya Pradesh presented the case of the appellant institution on 19.10.09. In the appeal and during personal presentation it was submitted that the appellant submitted its reply on 13.03.09 in response to the show cause notice of the WRC dt 28.02.09 stating that it was in possession of 798 sq. mts of builtup area at the time of inspection and it would meet the requirement of builtup area as per regulation 2007 within 03 years from the date of recognition and the said period has not yet expired and all efforts are being made for upgradation of the college within the stipulated period. The staff profiles from the session 2005-06 was duly approved by the affiliating University. Similarly the staff profile of 2006-07, 2007-08 and 2008-09 are submitted in proof of the availability of the teaching faculty as per norms. It also enclosed affidavits of the individual faculty member to WRC.

AND WHEREAS the Council made the following observations:

(a) the Council noted that from the building plan dt 24.12.08 approved by Nagar Palika Office that only 1420 sq. mts of land is available and on this land a four storey building was planned and this land area was inadequate as per norms. It further noted that the appellant have been conducting the session since 2005-06 with the built-up area of 798 sq. mts. only and has not made up the built-up area upto 1500 sq. mts. as required as per norms. Even inspection report dt. 10.01.09 mentioned inadequate land and built-up area. Moreover, the institution has not made any progress in construction of its own building as per NCTE norms except getting a plan approved by Nagar Palika Office in January, 2009. In view of the above the Council came to the conclusion that there was no justification in accepting the appeal.

(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 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 28.05.09 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 under Section 14 of NCTE Act followed by the affiliation of the University. As such the WRC should not have issued an order of refusal of recognition to an already existing recognised institution, rather it should have withdrawn the recognition under Section 17 of NCTE Act 1993, with a 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 found that the order issued by the 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 with prospective effect subject to the following conditions:

- (i). The students already admitted, with due observance of affiliation norms/conditions, be allowed to complete the programme.
- (ii). 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, Dayanand Saraswati Shiksha Mahavidyalaya (Shajapur Swamiamban Uchcha siksha Samiti), Nai Sadak Shajapur,, Shajapur - 465001, 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.89-1235/2009-Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

17/12/2009

ORDER

WHEREAS the appeal of IITS College (Late Shri Bhagwan Singh Sharma Prasar Shiksha Samiti), Guna, Madhya Pradesh dated 15/10/2009 is against the Order No. NCTE/WRC/MP/APW01565/223252/121/2009/59451 dated 19/08/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the ground "The College falls under the principle of Jan Seva Shikhsa Samiti".

AND WHEREAS the Correspondent, IITS College (Late Shri Bhagwan Singh Sharma Prasar Shiksha Samiti) (hereinafter referred to as the appellant), preferred an appeal dated 15/10/2009 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 Shri Vipin Kumar Sharma, Secretary of IITS College (Late Shri Bhagwan Singh Sharma Prasar Shiksha Samiti), Guna, Madhya Pradesh presented the case of the appellant institution on 19.10.09. In the appeal and during personal presentation it was submitted that the appellant was granted conditional recognition vide WRC order dt 27.06.05 for the session 2005-06 and further the WRC issued a corrigendum on 14.03.08 stating that the recognition is to be read from the session 2005-06. Since its inception the institution has been conducting the B.Ed. programme in a leased premises situated at Dubey Colony, near Sahyog Hospital. Further it purchased 0.617 Hec. of land on 08.11.06 at Hilgana village, in the name of the society and on this land it constructed a building with an area of 3056 sq.mt. After obtaining the completion certificate on 17.02.09, it applied to the WRC on 06.03.09 for inspection of the new premises along with a D.D.of Rs.40,000/-

AND WHEREAS the Council made the following observations:

(a) the Council noted that inspection under Section 14 of the institution was conducted in a rented building and the inspection team mentioned in its report that the management was in possession of own land, where it was constructing its own building. Another inspection report dated 10.02.2009 was positive and it inter alia indicated the availability of adequate infrastructure and instructional facilities. Further the institution had already applied to the WRC on 06.03.09 for inspection of the new premises along with a D.D.of Rs.40,000/-. In view of the above, the Council came to the conclusion that there was adequate justification in accepting the appeal and remanding the case to WRC for causing inspection of the new premises.

(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 on 10.02.09 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 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 19.08.09 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 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 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 therefore came to the conclusion that there was adequate justification in accepting the appeal and remanding the case to WRC for causing inspection of the new premises.

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 needs to 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 a recognised institution till then.**

NOW THEREFORE, the Council hereby remands back the case of IITS College (Late Shri Bhagwan Singh Sharma Prasar Shiksha Samiti), Guna, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

(Hasib Ahmad)
Member Secretary

1. **The Secretary, IITS College (Late Shri Bhagwan Singh Sharma Prasar Shiksha Samiti), Near Gaushala, Mahaveerpura, A.B.Road,, Guna - , 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.