

F.No.89 - 802/2009 - Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

20/01/2010

ORDER

WHEREAS the appeal of Aryan's Institute of Education (Late Ramchandra Gurjar Education Society), Bhopal, Madhya Pradesh dated 04/08/2009 is against the Order No. No.NCTE/WRC/MP/223093/2009/56243 dated 06/06/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the grounds "Reply not received within stipulated time".

AND WHEREAS the Correspondent, Aryan's Institute of Education (Late Ramchandra Gurjar Education Society) (hereinafter referred to as the appellant), preferred an appeal dated 04/08/2009 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 Shri Virendra Singh, Director, Aryan's Institute of Education (Late Ramchandra Gurjar Education Society), Bhopal, Madhya Pradesh presented the case of the appellant institution on 19.12.09. In the appeal and during personal presentation it was submitted that the appellant had been conducting B.Ed. programme since 2004-05; WRC's show cause notice dt. 28.02.09 was received by the institution on 09.03.09 and the appellant immediately replied to this notice on 14.03.09; But WRC without considering the reply submitted by the appellant, issued a refusal order under section 14(3)(b) of the NCTE Act. It was further submitted that the size of the multipurpose hall was increased from 1000 sq. ft. to 15,000 sq. ft. by removing the internal wall of the adjoining room measuring 500 sq. ft. ; The institution possessed latest encyclopedia and journals and this may be verified from the bills; Staff was appointed under code 28 and the list was counter signed by the Register Barakatullah University; a Principal and seven lectures qualified as per norms were serving the institution in the session 2007-08 and this may be verified from appointment letters, joining letters, salary register and attendance register etc.; Earlier teachers were paid salary in cash and this was also informed to WRC through its performance appraisal report, but never the appellant was informed about this as a deficiency. As NCTE now pointed out this in the show cause notice, henceforth salary would be paid through cheque.

AND WHEREAS the Council made the following observations:
(a) the Council noted from the inspection report dt. 16.01.09 that "*Appointment of teachers was done on the date of inspection; Infrastructural facilities were more adequate for B.P.Ed than B.Ed. Instructional facilities were less for B.Ed.; 1560 sq. mt. of built-up area was available for B.Ed. & B.P.Ed. courses.*" It further noted from the presentation that the faculty list was signed by the registrar only and the institution did not produce selection committee minutes in proof of the approved list; only shri R.N. Mishra is continuing since 2004 and rest of the appointments were made afresh for which no proof of selection procedure was shown; Multipurpose hall was made upto 1500 sq. ft. only after the show cause notice; Salary was paid to the staff in cash. It further noted that 1560 sq. mt. of built-up area was inadequate for both B.Ed. & B.P.Ed. programmes. The Council therefore came to the conclusion that there was no justification in accepting the appeal and that it should be rejected.

(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 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's reply to the show cause notice, the WRC issued an order dated 06/06/2009 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 21.06.04 under Section 14 of NCTE Act, followed by the affiliation of the University. As such, the WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution, rather it 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 hearing 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. The withdrawal shall be with prospective effect i.e. with effect from the date of the issue of this order, with the following conditions:

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

(b). 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, Aryan's Institute of Education (Late Ramchandra Gurjar Education Society), Bhadbhada Road, Kalkheda, Ratibadh,, Bhopal - , 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.89-430/2009-Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

20/01/2010

ORDER

WHEREAS the appeal of College of Professional Studies, Hoshangabad, Madhya Pradesh dated 09/06/2009 is against the Order No. NCTE/WRC/MP/Legal/APW03342/223437/115th/2009/53089 dated 01/04/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the grounds "1) The institution is running B.Ed. Course in the leased building but lease is registered in the name of individual. 2) The institution building is constructed on 6000 sq.mt. size of the class room is 120 sq.ft. and multipurpose hall is 1020 sq.ft. which is not as per NCTE Norms. 3) College is housed in residential 3 storied flat."

AND WHEREAS the Correspondent, College of Professional Studies (hereinafter referred to as the appellant), preferred an appeal dated 09/06/2009 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 Vijay Singh Rai, Member and Shri R.S. Bhadonria, Member, College of Professional Studies, Hoshangabad, Madhya Pradesh presented the case of the appellant institution on 19.12.09. In the appeal and during personal presentation it was submitted that the appellant had been conducting B.Ed programme, since 2006-07. In reference to the show cause notice points, it was submitted that the institution is accommodated in a building rented for 30 years and the rent deed is in the name of the society; It was having 16,000 sq. ft. of built up area in a 3 storey building on a plot of 6,000 sq. ft.; the size of class room was 540 sq. ft. and that of Multipurpose hall was 1500 sq. ft.; The building of the college was a commercial building and this may be verified from approval letter of Chief Municipal Officer, Hoshangabad.

AND WHEREAS the Council made the following observations:

(a) the Council noted that the appellant's society was in possession of 6000 sq. ft. land and 16000 sq. ft. of built-up area on 30 years rent basis, as per the "Kiraya Nama" dt. 23.03.09; 6000 sq. ft. of land was inadequate as per norms; further premises on rent were not permissible as per norms. Though the appellant mentioned that they had purchased a piece of land and building construction would be completed within six months after obtaining loan from bank, but he failed to produce any document in proof of land purchase, approved building plan etc. it further noted that the inspection team vide its report dt. 16.01.09 inter-alia mentioned that the institution was lacking adequate infrastructural and instructional facilities as required under norms & standards. The Council therefore came to the conclusion that there was no justification in accepting the appeal and that it should be rejected.

(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 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's reply to the show cause notice, the WRC issued an order dated 01.04.09 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 formal recognition order on 30.10.06 under Section 14 of NCTE Act, followed by the affiliation of the University. As such, the WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution, rather it 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 hearing 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. The withdrawal shall be with prospective effect i.e. with effect from the date of the issue of this order, with the following conditions:

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

(b). 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 Secretary, College of Professional Studies, Curcit House Road Sadar Bazar, Hoshangabad - -, 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.

ORDER

WHEREAS the appeal of Dr. C.P Tiwari Smriti B.Ed. College, Shahdol, Madhya Pradesh dated 01/06/2009 is against the Order No. NCTE/WRC/MP/Legal/APW05220/223561/2009/53195 dated 02/04/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the grounds “ (1) Staff list not approved by competent authority.”

AND WHEREAS the Correspondent, Dr. C.P Tiwari Smriti B.Ed. College (hereinafter referred to as the appellant), preferred an appeal dated 01/06/2009 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 Rajendra Kumar Secretary and Shri Baijnath Soni, Principal, Dr. C.P Tiwari Smriti B.Ed. College, Shahdol, Madhya Pradesh presented the case of the appellant institution on 19.12.09. In the appeal and during personal presentation it was submitted that the appellant was issued a show cause notice on two points i.e. (i) Built-up area is 3184 sq. ft. as against the requirement of 1500 sq. mt. as per NCTE regulations (ii) The college is also running B.A., B.Sc. course. Hence area is inadequate. But the grounds for refusal of recognition i.e. the institution falls under Jan Sewa Shiksha Samiti and the staff list was not approved by the competent authority” were totally new grounds, for which no notice ever was given by WRC. It was further submitted that the appellant was in possession of 3 acre of land and 16750 sq. ft. of built-up area for the purpose of B.Ed programme; B.A. and B.Sc. courses were being run in another rented building; The faculty was qualified as per norms and it was appointed following the procedure of advertisement, interviews etc. However the selection committee was not constituted by the university.

AND WHEREAS the Council made the following observations:

(a) the Council noted from the inspection report dt. 08.02.09 that “the built-up area was 3184 sq. ft. only for conducting B.Ed, B.A. & B.Sc. courses’ Multipurpose hall was only 500 sq. ft.; ET lab and Library were having inadequate facilities; There was no language learning lab; Staff was not appointed under code 28”; It further noted that NCTE Hqrs. constituted a four member committee for scrutinisation of the files including Dr. C.P. Tiwari Smriti B.Ed. College in reference to the Jabalpur court direction in w.p. No. 12133, 5168 & 5269/2008. The Council in its report inter-alia indicated that ***there was no conformity with regard to the available built-up area, as the appellant mentioned different area in the documents filed on different dates and visiting team under section 14 also indicated only 11300 sq. ft. of built-up area availability. In view of these contradictions with regard to built-up area, it directed WRC to re-examine the case and review its decision.*** The Council also noted that appx. 10,000 sq. ft. was taken on rent by the society on 09.03.09 for 30 years for conducting B.A., B.Sc. & B.Com. courses, from this rent agreement it was apparent that the appellant was conducting all these programmes prior to March, 2009, in the building meant for B.Ed. course having a built-up area of 16750 sq. ft.;The village Sarpanch vide his letter dt. 20.12.06 gave permission for construction of 16750 sq. ft. of building as per the map and vide his letter dt. 29.03.07 stated that building construction was completed as per plan; There was no nominee of the university in the selection of the faculty, further the list was not approved by the university. The Council therefore came to the

conclusion that there was no justification in accepting the appeal and that it should be rejected.

(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 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 recognized" 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 02.04.09 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 formal recognition order on 04.02.08 under Section 14 of NCTE Act, followed by the affiliation of the University. As such, the WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution, rather it should have withdrawn the recognition under Section 17 of NCTE Act 1993 with the prospective effect. 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 hearing 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. The withdrawal shall be with prospective effect i.e. with effect from the date of the issue of this order, with the following conditions:

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

(b). 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. -, **Dr. C.P Tiwari Smriti B.Ed. College, Gram Post: Amjhor, Teh-Jaisinghnagar, Shahdol, Shahdol - 484771, 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 - 1197/2009 - Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

20/01/2010

ORDER

WHEREAS the appeal of Govt. Narmada Mahavidyalaya, Hoshangabad, Madhya Pradesh dated 01/10/2009 is against the Order No. No.NCTE/WRC/MP/APW00023/223112/121/2009/59416 dated 10/08/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the grounds "The College falls under the principle of Jena Seva Shiksha Samiti."

AND WHEREAS the Correspondent, Govt. Narmada Mahavidyalaya (hereinafter referred to as the appellant), preferred an appeal dated 06/10/2009 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 Rajeev Sharma, Asstt. Prof., Govt. Narmada Mahavidyalaya, Hoshangabad, Madhya Pradesh presented the case of the appellant institution on 19.12.09. In the appeal and during personal presentation it was submitted that the appellant was issued show cause notice by WRC on 31.03.09 and in response to this it submitted its reply on 09.04.09 stating that the appellant was having 22.67 acre of land and 9986.80 sq. mts of built-up area in a 3 storey building for conducting B. Ed and other programmes like BA, MA, B. Com., B.Sc., M. Sc., B.P.Ed., BCA, BSC(IT), M.Sc.(IT) etc; It had been conducting regular courses in the morning shift and all other self financed courses in the after noon shift; The building earmarked for B. Ed. course is separate from other building and had a built-up area of 1500 sq. mts; The appellant had applied for appointment of staff under code 28 of the university but the Deputy Secretary of the Higher Education Department of the M.P. Govt. vide order no. 1837/2977/2001/38-2 stated that teacher's shall be appointed on contractual basis for the course run by the Janbhagidari Samiti in Govt. Colleges; The institution however had qualified faculty as per norms. It was further submitted that the institution was having NCTE recognition from the academic session 2003-04 and also affiliation of the Barkatullah University and hence does not fall under the principal of "Jan Seva Shiksha Samiti".

AND WHEREAS the Council made the following observations:

(a) The Council noted from the presentation made by the appellant that the society was having 9986 sq. mt. of total built-up area for conducting a large no. of courses including B. Ed. And further it was conducting B. Ed. Programme alongwith other self-financed courses in the afternoon shift. Hence there was no exclusive built-up area as required under norms and further conducting of B. Ed. Programme on shift basis was not permissible as per norms. It was also noted that the teaching faculty was appointed on contractual basis contrary to the prevailing NCTE norms. The Council therefore came to the conclusion that there was no justification in accepting the appeal and that it should be rejected.

(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 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 10.08.09 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 judgment in the "Jan Sewa Shiksha Samiti" case.

(c). the Council noted that the institutions was issued a formal recognition order on 25.05.04 under Section 14 of NCTE Act, followed by the affiliation of the University. As such, the WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution, rather it 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 hearing 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. The withdrawal shall be with prospective effect i.e. with effect from the date of the issue of this order, with the following conditions:

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

(b). 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, Govt. Narmada Mahavidyalaya, Sadar Bazar, District, Hoshangabad - 461001, 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.89-985/2009-Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

20/01/2010

ORDER

WHEREAS the appeal of Janseva B.Ed College, Tikamgarh , Madhya Pradesh dated 28/08/2009 is against the Order No. NCTE/WRC/MP/APW03563/223479/2009/59119 dated 12/08/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the grounds "Reply of show cause notice not received within stipulated time."

AND WHEREAS the Correspondent, Janseva B.Ed College (hereinafter referred to as the appellant), preferred an appeal dated 01/09/2009 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 Shri Virendra Kumar, Chairman, Janseva B.Ed College, Tikamgarh , Madhya Pradesh presented the case of the appellant institution on 19.12.09. In the appeal and during personal presentation it was submitted that the appellant came to know in the month of July, 09 from the website of the WRC, that WRC had decided to refuse the recognition to Janseva B. Ed College on the ground that it had failed to submit the reply to the show cause notice with in the stipulated time; The appellant firmly submitted that it had neither received any information of proposed inspection under section 13 nor it had received any show cause notice from WRC; It was granted unconditional recognition on 30.10.06 by the NCTE and affiliation on 30.03.07 by Dr. H.S. Gaur University; It was having 8100 sq. mts of land and 1550 sq. mts of built-up area and also all other instructional and infrastructural facilities as per norms. It was also stated during the presentation that the inspection team (first inspection team) in January, 09 went to the institution at 2:30 am (midnight) and hence the appellant could not get the inspection done at odd hours and further the appellant was not aware of the visit of the second inspection team.

AND WHEREAS the Council made the following observations:

(a) The Council noted that institution was detailed for an inspection under section 13 on 08.01.09 and the team in its report stated that ***"as the college premises was locked, the inspection team could not inspect the college though the college authorities were informed about team visit and after reaching there, the team tried to contact college authorities but they seemed reluctant to get the inspection on done"***. Further the Council telephonically confirmed from one of the inspection team members i.e. Dr. Neera Narang that the team visited the institution during day time i.e. at 4:00 pm well within the working hours of an institution but not during midnight. The institution was again detailed for an inspection on 10th Feb'09 and the team in its reported stated that ***"The college was found locked. An inquiry was made from the neighbours and they informed that this college had been closed since a long time and there was no teaching activities now- a- days. Due to not availability of management as well as other staff inspection of the institution could not be conducted"***. As per the direction of the Hon'ble High Court of M.P. at Jabalpur institution's recognition status was to be ascertained after

conducting an inspection and institution failed to get an inspection done, inspite of the institution's awareness about the B. Ed colleges recognition status in the Jabalpur Court. Even in its presentation the institution admitted that the 1st inspection team did visit the place but at odd hours i.e. at 2:30 am but then it never informed either the team to cause the inspection on the following day during day time or contacted NCTE Hqrs for revisit of the institution. Though NCTE Hqrs on its own motion detailed for another inspection for physical verification of the facilities and the same could not be done as the institution was found locked. Even at the time of appeal hearing the appellant failed to show the appeal committee original land documents, building plan and any proof for the availability of 58000 sq. ft of built-up area. Further a copy of the building plan submitted along with the appeal. Indicated that the appellant was having 58000 sq. ft of built-up area on the 2nd floor, where as the affidavit dated 29.06.06 mentioned that the building was having 2560 sq. mt. The Council therefore came to the conclusion that there was no justification in accepting the appeal and that it should be rejected.

(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 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 recognized" 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 12.08.09 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 formal recognition order on 13.10.06 under Section 14 of NCTE Act, followed by the affiliation of the University. As such, the WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution, rather it 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 hearing 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. The withdrawal shall be with prospective effect i.e. with effect from the date of the issue of this order, with the following conditions:

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

(b). 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 Chairman, Janseva B.Ed College, Janseva Bhawan, Tahsil colony, Prithvipur, , Tikamgarh - , 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- 717/2009-Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

20/01/2010

ORDER

WHEREAS the appeal of Matushri Ahilya Devi Teachers Education Institute, Indore, Madhya Pradesh dated 21/07/2009 is against the Order No. WRC/APW00638/223180/2009/53007 dated 09/07/2009 of the Western Regional Committee, refusing recognition for conducting B. Ed course on the grounds "WRC considered the reply alongwith original file and all relevant documents, considered writ petition numbers 12133 of 2007, 6146 of 2008, 11095 of 2008, 11725 of 2008 and 11360 of 2008 with the legal opinion received by WRC and found that the college falls under the principle of Jan Seva Shiksha Samiti."

AND WHEREAS the Correspondent, Matushri Anilya Devi Teachers Education Institute (hereinafter referred to as the appellant), preferred an appeal dated 22/07/2009 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 R.B. Sharma, Chairman and Shri P. Sagar, Director, Matushri Anilya Devi Teachers Education Institute, Indore, Madhya Pradesh presented the case of the appellant institution on 19.12.09. In the appeal and during personal presentation it was submitted that the institution does not fall under the principle of Jana Seva Shiksha Samiti as it was duly recognized by the NCTE vide its order dt. 10.11.06 and also affiliated to Devi Ahilya University, Indore; The appellant was having 4376 sq. mts of land and 3233.70 sq. mts of built-up area in the year 2005 it self and further constructing 10,000 sq. ft. of building so as to make it a total built-up area of 4463.46 sq. mts by the next academic session for conducting B. Ed (1 unit), D.Ed (3 units) and M. Ed (1 unit); It was also submitted that the appellant's institution was got inspected thrice by NCTE on 15.11.08, 16.01.09 and again on 10.02.09.

AND WHEREAS the Council made the following observations:

(a) The Council noted that first and third inspection reports were composite in nature, where as the second one was restricted to only B. Ed programme. The Council observed from the 3rd inspection report dt. 10.02.09 that the appellant was in possession of 3248.70 sq. mt of built-up area for conducting D. Ed (150 intake) B. Ed (100 intake) and M. Ed (25 intake) and the appellant in the presentation admitted that it was already having 3233.70 sq. mts of built-up area and as further started constructing 10,000 sq. ft building which was going to be completed before the start of next academic session. The existing built-up area was therefore inadequate for all the courses and for the additional unit that has been sanctioned. The Council therefore came to the conclusion that there was adequate justification for continuation of one unit each of B. Ed & M. Ed course and 2 units of D. Ed (i.e. Basic + one additional unit) and the institution may not be allowed to continue with second additional unit of D. Ed course. The Council therefore felt that WRC may be asked to initiate action to withdraw the recognition of an additional unit of D. Ed course separately, while agreeing to continue B. Ed, M. Ed course and also D. Ed with two units.

(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 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's reply to the show cause notice, the WRC issued an order dated 09.07.2009 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 formal recognition order on 10.11.06 under Section 14 of NCTE Act, followed by the affiliation of the University. As such, the WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution, rather it 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 therefore accepted the appeal with a direction to the WRC to restore the recognition granted to the institution immediately for the B. Ed course. Action may be initiated by WRC separately, to withdraw recognition for an additional unit of D. Ed course from a prospective date, after following the due process.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, VT Report, Written submission and after hearing oral arguments advanced during the hearing, the Council felt that there was enough ground to accept the appeal and that it be accepted. Accordingly, the appeal was accepted and WRC order dated 09/07/2009 was set aside with a direction to the WRC to restore the recognition granted to the institution immediately for two units of D. Ed, one unit of B. Ed and one unit of M. Ed, recognition for an additional unit of D. Ed is to be withdrawn with prospective effect.

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

(Hasib Ahmad)
Member Secretary

1. **The Director, Matushri Anilya Devi Teachers Education Institute, 23,24, Press Complex, A.B.Road,, Indore - 452010, 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- 997/2009-Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

20/01/2010

ORDER

WHEREAS the appeal of National Education College, Gwalior, Madhya Pradesh dated 02/09/2009 is against the Order No. NCTE/WRC/MP/APW00611/223153/2009/59444 dated 19/08/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the grounds "The College falls under the principle of Jan Seva Shiksha Samiti."

AND WHEREAS Shri Gurdev Jewani, Chairman and Shri B.D. Agrawal, Secretary, National Education College, Gwalior, Madhya Pradesh presented the case of the appellant institution on 19.12.09. In the appeal and during personal presentation it was submitted that the institution was inspected on 22.09.08 under section 17 and on the basis of this report WRC decided to continue its recognition by granting permission to shift to new premises; Just after 4 months Hqrs inspected the institution on 09.02.09 under section 13 and on the basis of this report WRC issued a show cause notice under section 14 of the NCTE Act and in compliance to this the appellant made a written representation vide its letter dt. 11.08.09; And WRC after considering this reply refused on some other ground i.e. "The institution falls under the principle of Jan Seva Shiksha Samiti". The ground of refusal of recognition was not valid as the WRC granted recognition vide order dt. 13.05.05 for the academic session 2005-06 and WRC vide its corrigendum dt. 12.04.08 stated that the recognition is from 2005-06 and the institution also affiliated to Jowaji University, Gwalior.

AND WHEREAS the Committee made the following observations:

(a) The Council noted from the inspection report dt. 09.02.09 that the appellant was having 10432.156 sq. mts of land on ownership basis and 1685 sq. mts of built-up area for B. Ed programme and this was adequate as per norms; The team however reported that the available infrastructural and instructional facilities were not satisfactory; so WRC issued a show cause notice to the institution for inadequacy of instructional and infrastructural facilities and in reply to this the institution countered that the institution was having a four story building measuring 26000 sq. ft. out of which 19,600 sq. ft. (on 3 floors) was completed in all respects and on the fourth floor final touches for completion of construction was going on. The already completed 19,600 sq. ft of built-up area on 3 floors was adequate for B. Ed programme, as 1500 sq. mt only required as per norms. It further noted from the documents/ bills presented during the appeal that the labs and library were also adequate by equipped. The Committee therefore, came to the conclusion that there was enough ground to accept the appeal for restoration of the recognition granted to the institution earlier

(b) The Committee 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 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 judgment in the "Jan Sewa Shiksha Samiti" case.

(c). The Committee noted that the institutions was issued a conditional recognition order on 30.05.05 under Section 14 of NCTE Act, followed by the affiliation of the University. As such, the WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution, rather it 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 Committee further accepted the appeal for restoration of the recognition granted to the institution earlier.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, VT Report and after hearing oral arguments advanced during the hearing, the Committee reached the conclusion that there was enough ground to accept the appeal and that it should be accepted. Accordingly, the appeal was accepted and WRC's order dated 19-08-2009 was set aside with direction to the WRC to restore the recognition of the institution immediately.

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

(Hasib Ahmad)
Member Secretary

1. **The Director, National Education College, Gwalior, 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.89-482/2009-Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

20/01/2010

ORDER

WHEREAS the appeal of R.S.C. College , Gwalior, Madhya Pradesh dated 08/06/2009 is against the Order No. NCTE/WRC/MP/APWO1152/223223/115th/2009/53354-53359 dated 06/04/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the grounds "1) The building is shared between B.Ed. course and a Nursing college. 2) Science lab facilities are inadequate."

AND WHEREAS the Correspondent, R.S.C. College (hereinafter referred to as the appellant), preferred an appeal dated 10/06/2009 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 Ajay Chandak, Chairman and Smt. Rakhi Sharma, Principal, R.S.C. College , Gwalior, Madhya Pradesh presented the case of the appellant institution on 19.12.09. In the appeal and during personal presentation it was submitted that the appellant was granted conditional recognition for the academic session 2005-06 vide WRC's order dt. 27.06.05 and unconditional recognition vide order dt. 27.04.06 and it was also duly affiliated to Jiwaji University, Gwalior and hence WRC cannot refuse recognition for an already recognized institution. It was further submitted that the institution was having a four story building, each floor measuring 12069 sq. ft and it had allocated ground and first floor for B. Sc.(Nursing) and Second & Third floors, measuring in total 2250 sq. mt (24138 sq. ft.) for B. Ed programme; At the time of inspection the science lab was under up gradation and now the labs are perfectly in order to comply with the NCTE norms.

AND WHEREAS the Council made the following observations:

(a) the Council noted from the visiting team report dt. 14.06.05 under section 14 if the NCTE Act that the building with a constructed area of 12,000 sq. ft. situated at Basant Prishad, Mayur Market, Gandhi Road, Gwalior was on 5 years rent and the society's own building was under construction at sy. No. 63/4(old) 126 (New) and the building map submitted there with for only ground and first floor measuring 1908.64 sq. mt. and it was meant for R.S.C. College and the appellant shifted the B. Ed course to own premises located at sikroda (village) Jhansi Road Gwalior, in the year 2006. Further the Council noted from the inspection report under section 13 stated that the trust name as Somani Charitable Trust and it was in possession of 1254 Hec. of land at Sikroda Village as per the sale deed dt. 27.05.04 and even Village Sarpanch vide letter dt. 10.12.07 stated that Somani Charitable Trust constructed building of R.S.C. College at Sikroda Village. Where as the appellant in the application form on page-2 mentioned the name of the trust as "Mangalam Charitable Trust" and the Trust purchased the land at Sikroda Village through its trustee Shri Ashok Singh. It further noted from a document that Mangalam Charitable Trust transferred all its possessions alongwith the B.Ed College to another trust i.e Somani Charitable Trust. The recognition was granted to the institution under the patronage of Mangalam Charitable Trust but not to the Somani Charitable Trust. Hence, the land and buildings are no more with the trust to which the recognition was granted. In view of this, the

Council came to the conclusion that there was no justification in accepting the appeal and that should be rejected.

(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 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 06.04.09 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 for Refusal of recognition to an already existing recognised institution, rather it 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 hearing 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. The withdrawal shall be with prospective effect i.e. with effect from the date of the issue of this order, with the following conditions:

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

(b). 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 Chairman, R.S.C. College , Basant Parisar Gandhi Road, Gwalior - 474011, 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 - 1212/2009 - Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

20/01/2010

ORDER

WHEREAS the appeal of Rajeev Gandhi College , Raisen, Madhya Pradesh dated 07/10/2009 is against the Order No. No.NCTE/WRC/MP/APW01738/223310/121/2009/59398 dated 19/08/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the grounds "The institution falls under the principle of Jan Seva Shiksha Samiti."

AND WHEREAS the Correspondent, Rajeev Gandhi College (hereinafter referred to as the appellant), preferred an appeal dated 09/10/2009 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 Mohd Faisal Khan, Director, Rajeev Gandhi College, Raisen, Madhya Pradesh presented the case of the appellant institution on 19.12.09. In the appeal and during personal presentation it was submitted that the appellant was granted recognition by NCTE vide WRC's order dt 28.10.06 and also affiliation by 'Barakhtullah University, Bhopal; The institution was having adequate no. of books for B.Ed and D.Ed course (3342 books for B.Ed and 2020 books for D.Ed course); it was in possession of 2 acre of land and 3294 sq. mts. of built up area in 3 blocks for conducting D.Ed and B.Ed programmes.

AND WHEREAS the Council made the following observations:

(a) the Council noted that the appellant was issued a Show Cause Notice for the inadequacy of books and built up area; From the bills and accession register, it observed that the institution was having adequate no. of books; further the Council on perusal of the building plan and building completion certificate found that the institution was in possession of a requisite land and built up area as per norms for both D.Ed and B.Ed programmes. The Council, therefore, came to the conclusion that there was enough justification to accept the appeal and restore the recognition already granted to it.

(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 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 09.08.05 under Section 14 of NCTE Act, followed by the affiliation of the University. As such, the

WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution, rather it 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.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, VT Report, Written submission and after hearing oral arguments advanced during the hearing, the Council felt that there was enough ground to accept the appeal and that it be accepted. Accordingly, the appeal was accepted and WRC order dated 19/08/2009 was set aside and it was directed to restore the recognition granted to the institution immediately.

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

(Hasib Ahmad)
Member Secretary

1. **The Secretary, Rajeev Gandhi College , Vidisha Road, , Raisen - , 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.89-428/2009-Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

10/08/2009

ORDER

WHEREAS the appeal of Shaheed Padmadhar College of Education, Satna, Madhya Pradesh dated 01/06/2009 is against the Order No. NCTE/WRC/MP/APW01860/223375/2009/53338 dated 06/04/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed course on the grounds "(1) The institute is functioning from a rented building th at is first floor of a marriage hall. (2). The institution did not shift in to its new building with in the period of 3 years. (3). The institution falls under Jen Seva Shiksha Samiti principle."

AND WHEREAS the Correspondent, Shaheed Padmadhar College of Education (hereinafter referred to as the appellatant), preferred an appeal dated 01/06/2009 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 Rajesh Singh, Director and Shri Vivek Singh, Principal, Shaheed Padmadhar College of Education, Satna, Madhya Pradesh presented the case of the appellatant institution on 19.12.09. In the appeal and during personal presentation it was submitted that the institution was inspected under section 17 of the NCTE Act on 22.09.08 and on the basis of this report WRC allowed the institution's recognition to continue; Further an inspection under section 13 was got conducted by the NCTE Hqrs on 14.11.08 and on the basis of this report a show cause notice was issued by WRC on 28.02.09 and the institution in reply to this notice submitted to WRC that - (i) Collector, satna vide its order dt 10.12.08 imposed a ban upon making of new tube-wells and new construction. Hence shifting to new building at that juncture was impossible; (ii). The appellatant had never run its college in Marriage hall and the entire premises was used for conducting B. Ed course. It was also submitted that the institution was duly recognized by the NCTE and affiliated to Jiwaji University. Further, WRC also vide its letter dt. 23.12.08 permitted the institution to construct the own building within 6 months of clearance from the collector and intimate WRC, NCTE for inspection as per regulation.

AND WHEREAS the Council made the following observations:

(a) the Council noted that the appellatant had been conducting B. Ed programme since 2005-06 vide WRC order dt. 09.08.05 in rented premises and it was supposed to shift to own premises by August 2008; Where as the collector imposed ban only in December, 2008. Prior to that it did not attempt to complete the construction of own building for shifting within the stipulated period. Further the existing rented premises has a built-up area of 6510 sq. ft. on the first floor of a building and this is not adequate for conducting B. Ed programme. The Council therefore came to the conclusion that there was no justification in accepting the appeal and that it should be rejected.

(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 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's reply to the show cause notice, the WRC issued an order dated 06.04.09 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 09.08.05 under Section 14 of NCTE Act, followed by the affiliation of the University. As such, the WRC should not have issued an Order for Refusal of recognition to an already existing recognised institution, rather it 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 hearing 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. The withdrawal shall be with prospective effect i.e. with effect from the date of the issue of this order, with the following conditions:

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

(b). 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, Shaheed Padmadhar College of Education, Bharhut Bhawan Behind Christ Jyoti School Bharut Nagar, Satna - 485001, 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.89-428/2009-Appeal
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

10/08/2009

ORDER

WHEREAS the appeal of Swami Vivekanand B.Ed College, Bhopal, Madhya Pradesh dated 27/10/2009 is against the Order No. WRC/APW05308/223094(Addl.)/116th/2009/60330 dated 02/09/2009 of the Western Regional Committee, refusing recognition for conducting B.Ed (Addl.) course on the grounds "Recognition to the institution has been withdrawn in 115th Meeting of WRC".

AND WHEREAS Shri K.P. Dwivedi, Chairman, Swami Vivekanand B.Ed College, Bhopal, Madhya Pradesh presented the case of the appellant institution on 19.12.09. In the appeal and during personal presentation it was submitted that the appellant applied for B.Ed (Addl.) course on 03/01/2007 to WRC. And WRC vide its order 02/09/2009 refused recognition for B.Ed (Addl.) unit on the ground that recognition of the institution for the existing B.Ed course has been withdrawn. It was also submitted that the appellant institution was inspected under section 13 of the Act in compliance to the Jabalpur Court directions, and subsequent to inspection, WRC issued a Show Cause Notice under section 17 of the NCTE Act and finally refused recognition vide its order dated 06/04/2009. The institution preferred an appeal and the Appellate Authority vide its order dated 18/08/2009 restored the recognition of the institution by reversing the WRC's order. In view of the restoration of the recognition granted to the institution, the appellant's case for B.Ed (Addl.) unit may be considered.

AND WHEREAS the Council noted that the appellant's institution for conducting B.Ed course was recognized by NCTE vide WRC's order dated 09/07/2004; The institution was refused recognition by WRC vide its order dated 06/04/2009, after issuing a Show Cause Notice u/s 17 of the NCTE Act. Aggrieved by this order, the appellant preferred an appeal and the Council restored the recognition of the institution vide order dated 18/08/2009. It also noted that the WRC was not right to refuse recognition for an additional unit in B.Ed course, during the pendency of appeal at the Hqrs. for the B.Ed basic unit. The council therefore came to the conclusion that there was adequate justification in accepting the appeal and remand the case to WRC for further processing of the proposal based on merit.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit and after hearing oral arguments advanced during the hearing, the Committee reached the conclusion that there was adequate ground to accept the appeal, set aside WRC's order dated 02-09-09 and remand the case to WRC to examine the proposal on merit.

NOW THEREFORE, the Council hereby remands back the case of Swami Vivekanand B.Ed College, Bhopal, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

(Hasib Ahmad)
Member Secretary

1. The Secretary, Swami Vivekanand B.Ed College, Bhopal, 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.