

F.No. NRC/NCTE/HR-805/238th meeting (Part-III)/2015

Dated:-

11075
JUL 2015
~~6 JUL 2016~~
ORDER

WHEREAS, in terms of Section 15(1) of the NCTE Act, 1993, Tagore College of Education, Village & P.O.- Barwa, Tehsil- Siwan, District-Bhiwani, Haryana was granted recognition for the following courses :-

1. NRC order No. F.NRC/NCTE/F-73/HR-805/24901-07 dated 18.08.2007 for the B.Ed. course of one year duration with an annual intake of 100 (One Hundred Only) students.
2. NRC order No. F.NRC/NCTE/F-73/HR-1042/2007/36610 dated 25.01.2008 for the Additional intake of B.Ed. Course of One year duration with an annual intake of 100 (One Hundred only) students.
3. NRC order No. F.NRC/NCTE/F-7/HR-858/33968 dated 07.12.2007 for the M.Ed. Course of One year duration with an annual intake of 25 (Twenty Five only) students.
4. NRC order No. F.NRC/NCTE/F-7/HR-1011/2008/45288 dated 09.02.2008 for the C.P.Ed. Course of two year duration with an annual intake of 50 (Fifty only) students.
5. NRC order No. F.NRC/NCTE/F-7/HR-964/38671 dated 19.04.2008 for the D.Ed. Course of two year duration with an annual intake of 50 (Fifty only) students.

AND, WHEREAS, after grant of recognition the institution was inspected under section 17 of the NCTE Act. The VT report was placed in the 145th meeting of the NRC. The NRC decides to issue Show Cause Notice. The reply received from the institution was placed before the NRC.

AND, WHEREAS, the NRC in its 155th meeting "the committee decides to withdraw the recognition of C.P.Ed., B.Ed. D.Ed. and M.Ed. Courses from 2010 – 2011 academic session.

AND, WHEREAS, Thereafter, The NRC in its 156th meeting held on 22nd to 23rd February, 2010 and the Committee decided that Hon'ble High Court of Delhi decision is noted.

"Consequent upon the stay order in WP 9702, 9703, 9705, 9741, 9765, 9766/2009 by the Hon'ble High Court of Delhi filed by the following institutions the decision of the NRC to withdraw the recognition will be held up /where such decision has already been communicated the same has been kept in abeyance."

.... (4) Tagore College Of Education, Barwa, Siwani Distt- Bhiwani Haryana.

The above Writ Petition filed before the Hon'ble High Court at Delhi was disposed off and dismissed."

AND, WHEREAS, Thereafter, the institution approached the Hon'ble Supreme Court The institution alongwith others filed a Civil Appeal No. 3505 of 2012 (arising out of SLP (Civil) No. 233 of 2011 before Hon'ble Supreme Court of India. The Hon'ble Supreme Court held the following:-

"Para 1-31 (pl. see order of the Hon'ble Supreme Court)

Para 32 In what we have discussed above, in our considered view, interest of justice shall be sub-served, if the Council causes inspection of all the institutions concerned in these Appeals-which approached Madhya Pradesh High Court and Delhi High Court- being made as provided n Section 13 of the 1993 Act within six weeks from today. The Council shall communicate to the concerned institutions the result of such inspection and call upon the institutions to make up the deficiencies, if found during such inspection, as early as may be possible. With regard to the institutions where no deficiencies are found in the course of inspection or the institutions which make up deficiencies brought to their notice as a result of inspection, the Regional Committee shall issue appropriate order withdrawing order of de-recognition. In respect of the institutions which do not make up the deficiencies within time granted by the Council, the order of withdrawal of recognition by the Regional Committee shall stand.

Para 33 Civil Appeals are disposed of as above with no order as to costs.

Para 34 In view of the above, Interlocutory Applications, if any, do not survive and stand disposed of.

AND, WHEREAS, the NCTE Hqrs. after examination of the VTR and the available records found the following deficiencies:-

1. **Land:** (a) The inspection team reported that 10,142 sq.mts. (2.5 acre) of land area is available for B.Ed. (2 units), M.Ed. (1 unit), D.Ed. (1 unit) and C.P. Ed. (1 unit). As per NCTE norms C.P.Ed. Programme alone requires 5 acre of land and other programmes requires at least 4000 sq.mts. of land. **Therefore the land is inadequate.** (b) The gift deeds dt. 2.12.2009 and 3.12.2009 show that Shri Rajendra Kumar gifted the land to the institution in the year 2009 only. The institution may furnish the land documents submitted at the time of recognition.
2. The building completion certificate mentioned the year of construction of the building as 2007. But the land for these premises was acquired by the institution in Dec. 2009.
3. Separate premises for physical education programme are not maintained as per NCTE norms.
4. **Labs, Library and Class rooms:** (a) there are only 04 classrooms for all the courses.(b) Not submitted any supporting document like bills and stock register entry in proof of providing adequate facilities in various labs and laboratories.
5. **Faculty:** (a) Dr. Sarita Singh, Mr. Varun Singh, Mr. Narendra Kumar and Ms. Meenu Sharma have been selected by the selection committee on 5.09.2011. However, they have been appointed in the year 2009 and 2010 that is much before the selection. (b) The institution has not submitted certificates pertaining to academic qualifications and teaching experience for ascertaining the eligibility of the faculty as per NCTE norms. (c) Not submitted university's letter for constituting the selection committee and approval of the university for the appointed faculty. (d) CPF/PPF of the staff members is not maintained. (e) Not submitted any proof for paying the salary through Band.
6. Course-wise **FDRs are not** maintained jointly with NCTE.
7. There are only **five practice** teaching schools for all the courses.
8. The institution **did not submit NAAC accreditation certificate.**

The above deficiencies were communicated to the institution vide letter No. F.No. 93-21/2012/NCTE/Sec.13/Insp./A55970 dt.06.08.2012 with the direction to furnish its compliance directly to the concerned Regional Committee within 30 days from the issue of this letter for taking further action by the Regional Committee.

AND, WHEREAS, the reply dated 05.09.2012 received from the institution in response to the aforesaid notice on 05.09.2012.

AND, WHEREAS, The matter was considered by the NRC in its 207th meeting held from 27th to 30th November, 2012 and it was decided that the following:-

"The Northern Regional Committee in its 207th meeting held from 27th - 30th November, 2012 considered the case in view of the direction of the NCTE Hqr. following the directions of the Hon'ble Apex Court in the Civil Appeal No. 3505 of 2012 (arising out of S.L.P. (Civil) No. 233 of 2011 in light of provisions of the NCTE Act, Rules & Regulations.

The Committee after going through all relevant records, report of the NCTE Hqrs. under section 13, of the NCTE Act, 1993, deficiencies pointed out by the NCTE Hqrs., reply submitted by the institution viz-a-viz provisions of the NCTE Act, Rules & Regulations deliberated and considered the case in detail.

The Committee observed that the institution has make up the deficiencies satisfactorily in respect of B.Ed. (including B.Ed. (Addl.) & D.Ed. courses, therefore, decided that the recognition of the institution shall stands for B.Ed. (including B.Ed. (Addl.) & D.Ed. course as per the order of the Hon'ble Supreme Court. Accordingly, appropriate order withdrawing order of de-recognition for these de-recognised courses be issued.

The Committee also observed that although the institution has submitted the reply in respect of its M.Ed. course, however, the institution was not able to submit approved list of faculty duly approved by the affiliating University for M.Ed. course. In addition the institution has also requested for withdrawal of recognition for C.P.Ed. course. The same is also accepted by the NRC, NCTE.

Therefore the NRC decides that the order of withdrawal of recognition stands for M.Ed. & C.P.Ed. Course."

AND, WHEREAS, an order was issued to the institution on 24.01.2013.

AND, WHEREAS, the institution preferred an appeal dated 01.04.2013 to the Council NCTE, New Delhi against the aforesaid order. The Council vide order F. No. 89-167/2013 Appeal/16th Meeting-2013 dated 13.11.2013 accepted the appeal with the following observation:-

"AND WHEREAS the Council noted that NRC which granted recognition for conducting various courses including M.Ed. by the appellant institution during the years 2007-08 decided to withdraw recognition for all the courses from the academic session 2010-11. The appellant approached the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India; NCTE got an inspection of the institution Under Section 13 of the NCTE Act. On receipt of a reply to the deficiencies communicated. NRC decided to withdraw de-recognition of the courses other than M.Ed. The institution requested withdrawal of recognition for C.P.Ed. course and it was accepted by the NRC. The M.D. University, on the basis of the decision of NRC to confirm the order of withdrawal of recognition of M.Ed. has written to the appellant on 10.01.2013, withdrawing provisional affiliation granted for M.Ed. course w.e.f. the 2013-14 session the Council noted from the submission contained in the appellant's letter dt. 23.07.2013 and its enclosures that in their letter dated 23.07.2013, approving the proceedings of the Selection Committee, the university asked the appellant to forward a number of documents mentioned therein to them and informed that the case with regard to approval of appointments in respect of the candidates recommended by the Selection Committee shall be considered and conveyed only after the receipt of the documents. This means that the approval of the affiliating University is yet to come. The appellant in the course of the presentation requested that he may be given two months to obtain the approval of the University for the appointments of the faculty.

AND WHEREAS the Council felt that as the appellant has been continuously pursuing the matter relating to appointment of approval faculty for M.Ed. and reached the stage where the University approved Selection Committee proceedings, he may be given two months time to secure the affiliating University's approval for the appointment of the faculty. Since the inspection of the appellant institution was conducted under section 13 of the NCTE Act as per the directions contained in the Hon'ble Supreme Court order dated 12.04.2012 in Civil Appeal No. 3505 of 2012, the Council decided to have the matter examined from legal point of view the Council further considered the matter in their meeting held on 22.10.2013 and in the light of legal position concluded that the appellant may be given two months time for obtaining the approval of the university for the appointment of faculty and inform the NRC. In these circumstances, the Council concluded that the matter deserved to be remanded to the NRC with a direction to examine the list of approved faculty to be submitted by the appellant within two months from the date of issue of the order on the appeal and take a decision thereafter within a month. In the meantime the withdrawal order may be kept in abeyance.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Council concluded that the appeal deserves to be remanded to NRC with a direction to examine the list of approved faculty to be submitted by the appellant within the time allowed to him and take a decision thereafter. In the meantime the withdrawal order may be kept in abeyance.

NOTICE

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

AND, WHEREAS, a letter no. TCE/NCTE/978 dated 22.11.2013 received from the institution in NRC office on 12.12.2013 regarding request for consideration of NCTE Appeal for M.Ed. course remanded to NRC-NCTE (Vide order no. 89-167/2013/16th meeting-2013, dated 18.1.2013) in regard to the Appeal dated 24.03.2013 under Section 18(1) of NCTE Act, 1993 in respect of Tagore College of Education, Haryana against the order dated 24.01.2013 of NRC, Jaipur regarding M.Ed. course.s

AND, WHEREAS, The matter was placed before the NRC in its 223rd meeting held from January 17th to 19th, 2014. The Committee decided as under:-

"The original file of the Institution and reply of the institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines of NCTE published from time to time were carefully considered by NRC and following observations was made:

- As per affiliating body's direction the institution was supposed to submit the list of M.Ed. programme teachers approved by the Affiliating University. The reply given by the institution regarding M.Ed.

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programme faculty positions does not include the approved name for the post of Reader / Associate Professor.

Hence, NRC decided that Show Cause Notice under section 14/15 (3) (b) of NCTE Act, 1993 be issued to the Institution on the above point and direct the Institution to submit the reply as per the provisions of NCTE Act, 1993 Rules & Regulations within 30 days from the date of issue of Show Cause Notice.”

AND, WHEREAS, a show cause notice was issued to the institution on 06.03.2014.

AND, WHEREAS, the reply dated 15.05.2015 received from the institution in response to the show cause notice dt. 06.03.2014.

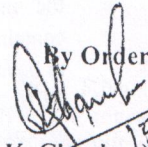
AND, WHEREAS, the matter was placed before the NRC in its 238 Meeting (Part-III) held from 20th to 31st May, 2015. The Committee decided as under: -

“The original file of the Institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines of NCTE published from time to time were carefully considered by NRC and following observations was made.

The Committee decided that recognition of the institution for M.Ed. be restored.”

NOW, THEREFORE, in exercise of powers vested under the NCTE Act, 1993 the recognition/permission granted to the institution for M.Ed. course shall stand continue.


If the institution is not satisfied with the order, it may prefer an appeal under Section 18 of the NCTE Act, 1993 in the “on-line mode” available on NCTE’s website www.ncte-india.org within 60 days from the issue of this order.

By Order

(Dr. S. K. Chauhan) 15/7/15
Regional Director

The Manager to Govt. of India
Department of Publications, (Gazette Section)
Civil Lines, Delhi- 110054

Copy to: -

1. The Secretary/Correspondent, Tagore Education Society, N.H. 65, Hisar-Rajgarh Road, V.P.O.- Barwa, Tehsil- Siwan, District-Bhiwani, Haryana.
2. The Principal, Tagore College of Education, Village & P.O.- Barwa, Tehsil- Siwan, District-Bhiwani, Haryana.
3. The Registrar, M.D. University, Rohtak, Haryana.
4. The Principal Secretary, Department of Higher Education, New Haryana Civil Secretariat, Sector-17-C, 5th Floor, Room No. – 528, Chandigarh-160017, Haryana
5. The Principal Secretary, Department of School Education, Civil Secretariat, 3rd Floor, Room No. – 207, Sector – 17, Chandigarh - 160017.
6. The Secretary, Department of School Education and Literacy, Ministry of Human Resource Development, Govt. of India, Shastri Bhawan, New Delhi- 110001.
7. The US (EDP), National Council for Teacher Education, Hans Bhawan Wing-II, I, Bahadur Shah Zafar Marg, New Delhi- 110 002.
8. Office order file/ Institution file.


Regional Director