

File No.NRC/NCTE/NRCAPP-7052/269th (Part-3 & 6) Meeting /2017/175656

Dated:

TO BE PUBLISHED IN GAZETTE OF INDIA PART-III, SECTION 4

15 MAY 2017

REFUSAL ORDER

WHEREAS, in terms of Section 14/15(3)(b) of the NCTE Act, 1993, Shimla Educational Society Trust, Plot Number- 38, 39 & 40, Street/Road- NH- 22, Village/Town/City- Mauza Chamiana, Post Office- Kamlanagar, Tehsil/Taluka- Shimla(Rural), Town/City- Sanjauli, State- Himachal Pradesh, District- Shimla(HP), Pin Code- 171006, had submitted an application to the Northern Regional Committee of NCTE for grant of recognition/permission to Shimla College of Education, Plot Number- 38, 39 & 40, Street/Road- NH- 22, Village/Town/City- Chamiana, Post Office- Sanjauli, Tehsil/Taluka- Shimla(Rural), Town/City- Shimla, State- Himachal Pradesh, District- Shimla(HP), Pin Code- 171006 for M.Ed. Course of Two years duration on 30.12.2012.

AND WHEREAS, the matter was lastly considered by NRC in its 268th meeting(Part-2) held from 19th to 21st April, 2017, and the Committee decided to issue Show Cause Notice under clause 14/15(3) (b) of NCTE Act,1993, Accordingly, Show Cause Notice was issued on 26.04.2017 on the following grounds: -

- The matter of Shimla College of Education was placed before the Committee along with the land documents submitted by the college and the report received from Govt. of Himachal Pradesh dated 7/4/17. After carefully considering the report of Govt. dated 07.04.2017 and the land documents submitted by the college, the Committee observed that as per the report of Govt., the Shimla College of Education is running from a building which is situated on the land bearing Khasra No. 8 and as per the latest revenue records, the govt. officials found that this particular Khasra No. is registered on the name of Dr. R.K. Shandil and not in the name of Shimla Education Trust. It has also been established from the Supplementary Trust Deed dated 7th January 2010 submitted by the Institution that the land bearing Khasra No. 4, 8, 9, 10, 36, 41 are owned by Dr. R.K. Shandil. The institution submitted the Deed of Trust dated 15.03.1999 followed by Supplementary Trust Deeds dated 8.06.1999 and 9.12.2016 whereby the possession of the land bearing Khasra No. 71/1 (old) 38 (new) measuring 0.00-63-83 hectare has been transferred to the Shimla College of Education, whereas the building of the Shimla College of Education has been constructed on the land bearing Khasra 8 and this land is in the name of Dr. R.K. Shandil. Further, the land which has reportedly been transferred on the name of Shimla Shikshan Society/ Trust bears Khasra No. 38 and the applicant trust have submitted documents pertaining to this particular Khasra No. along with the application to the office of NRC. From above it is clear that the institution is running on building situated at the land bearing Khasra No. 8 which is not owned by society but is in the name of Dr. R.K. Shandil. It appears that the institution has tried to mislead the NRC by submitting the wrong facts.

AND WHEREAS, the institution submitted reply of Show Cause Notice. The matter was considered by NRC in its 269th (Part-3) meeting held from 26th April, 2017 to 02nd May, 2017. The Committee decided to refuse recognition to the institution on the following grounds: -

- NRC issued a SCN dated 26.04.2017. NRC received the reply of the institution on 27.04.2017. NRC considered the reply and found it unsatisfactory. NRC decided that the reply is not acceptable.

AND WHEREAS, the Committee in its same meeting (Part-6) again considered the matter in compliance of the Hon'ble High Court at Delhi order dated 28.04.2017 and decided as under: -

The case of the institution was considered by the NRC in its 268th Meeting (Part - 2) and the Committee decided that SCN U/s 14/15(3)(b) of the NCTE Act 1993 be issued and the same was issued on 26.04.2017. The reply of this SCN was received by the office of the NRC on 27.04.2017. NRC considered the reply and found it unsatisfactory. NRC decided that the reply is not acceptable. Hence, the Committee decided that the application is rejected and recognition/permission is refused U/s 14/15(3) (b) of the NCTE Act, 1993.



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In compliance of the order of the Hon'ble High Court dated 28.04.2017 in W.P. No. 3683/2017 NRC considered the case of the petitioner in 269th meeting being held from 26th April 2017 to 2nd May 2017.

Shri R.D. Dhiman, Principal Secretary (Education) was present in the 266th Meeting (Part 2) dated 21 to 24 March, 2017 of the NRC as Representative, Govt. of Himachal Pradesh. On his advice a letter was sent to the Govt. of Himachal Pradesh dated 24.03.2017 on which he constituted a committee to inspect Shimla College of Education. The Committee submitted its report on 07.04.2017. NRC considered the report and issued a SCN dated 26.04.2017. NRC considered the reply of this SCN submitted by the applicant institution as well as communication dated 20.04.2017 sent by the applicant institution. On the basis of this consideration, NRC made the following observations:

1. The institution has not submitted any authentic documents issued by the competent Govt. authorities to substantiate its claims made in the various paras of the reply dated 26.04.2017. Para- 6 of the reply dated 26.04.2017 of the institution reads "The college situated in khasra No. 38 and not in Khasra no. 8 and it cannot be in Khasra No. 8 as alleged. Khasra No. 8 is not in the name of Dr. R.K. Shandil which version of the Govt. Officials is incorrect....."
The institution was given an opportunity to explain the differences in the Govt. official's versions and the claim of the institution in this regard by providing documentary evidences, duly verified by the Govt. but the Institution did not provide such evidences. A statement written by the institution which is totally different from the findings of the Govt. officials can not be relied upon in the absence of concrete and solid documentary evidences.
2. The allegations made against the competent Govt. officials in the form of "The Govt. officials have wrongly found" (para 5 of the reply dated 27.04.2017) are very serious. These have been made without any concrete and solid documentary evidences. These have been wrongly made to claim that the findings of the Govt. Officials were incorrect. Such an attempt does not speak well of the intentions of the institution and has been made to mislead the NRC.
3. The contents in Para 7 definitely go against the claim of the institution with regard to the ownership of the land and the building. The line to be quoted reads as "If, however after the adjudication of consolidation/settlement proceedings which involves discrepancy of huge portion of prime land, some changes effected with respect to built – up area or otherwise the same **shall be carried out after transferring and vesting the title of the built up area/land in the name of institution** immediately as per the Clause 8(4) (iii) of Regulations, 2014". This statement clearly reveals that the built-up area/ land is not yet in the name of the Institution.
4. The decision of the NRC taken in its meeting held from 19th to 21st April, 2017 (Part 2) at S.No. 1 reads as "Hence, SCN be issued to the applicant institution to explain the anomaly whether the building is located on Khasra No. 8 or 38 (duly verified by the State Govt.) U/s 14/15(3)(b) of the NCTE Act, 1993 to submit the reply within 30 days from the date of issue of the SCN". Compliance of the decision of the NRC which reads "(duly verified by the State Govt.)" has not been made by the institution. Latest documents showing the exact location of the building, duly verified by the Govt. have not been submitted by the institution.

On the basis of the above observations, NRC decided that the decision for Rejection taken in its 269th Meeting part 3rd dated 28.04.2017 at S.No. 24 stands the same.

NOW THEREFORE, in exercise of the powers vested under section 14/15 (3) (b) of NCTE Act, 1993, the Northern Regional Committee hereby refuses recognition/permission sought by the institution i.e Shimla College of Education, Plot Number- 38, 39 & 40, Street/Road- NH- 22, Village/Town/City- Chamyana, Post Office- Sanjauli, Tehsil/Taluka- Shimla(Rural), Town/City- Shimla, State- Himachal Pradesh, District- Shimla(HP), Pin Code- 171006 for M.Ed. Course on the grounds mentioned above.

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If the institution is not satisfied with the order, it may prefer an appeal under Section 18 of NCTE Act, 1993 through "online mode" available on NCTE's website www.ncte-india.org within 60 days from the date of issue of this order. The guidelines for filing appeal may be seen on NCTE website.

By Order,



(Satish Gupta)

Regional Director(I/C)

To,

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

Copy to: -

1. **The Manager/Secretary,**
Shimla Educational Society Trust,
Plot Number- 38, 39 & 40, Street/Road- NH- 22,
Village/Town/City- Mauza Chamriyana, Post Office- Kamlanagar,
Tehsil/Taluka- Shimla(Rural), Town/City- Sanjauli,
State- Himachal Pradesh, District- Shimla(HP), Pin Code- 171006.
2. **The Principal/Correspondent,**
Shimla College of Education,
Plot Number- 38, 39 & 40, Street/Road- NH- 22,
Village/Town/City- Chamriyana, Post Office- Sanjauli,
Tehsil/Taluka- Shimla(Rural), Town/City- Shimla,
State- Himachal Pradesh, District- Shimla(HP), Pin Code- 171006.
3. **The Registrar,**
Himachal Pradesh University,
Shimla- 171005
4. **The Principal Secretary,**
Department of Higher Education,
Government of Himachal Pradesh,
H.P. Secretariat, Shimla- 171001.
5. **The Secretary,**
Ministry of Human Resource Development
(Department of School Education and Literacy),
Shastri Bhawan, New Delhi-110001
6. **The Under Secretary (EDP),**
National Council for Teacher Education,
Hans Bhawan, Wing-II, Bhadurshah Zafar Marg,
New Delhi-110002.
7. **The Computer Programmer,** NRC, NCTE for uploading on website.
8. **Institution file.**
9. **Guard file.**



Regional Director(I/C)

