

File No. NRC/NCTE/NRCAPP-3534/278th Meeting /2018/186958

8 JAN 2018
Dated:

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

Refusal Order

The institution had applied in 2008 for grant of recognition for D.El.Ed. Course. The application was rejected and returned to the institution in view of the State Government negative recommendation.

The institution filed W.P. No. 11024/2015 in the Hon'ble High Court of Rajasthan and the Hon'ble Court passed an order dated 28th September, 2015. The operative part of the Order is as under:

"Petitioner may file necessary application as per prescribed norms within a period of one month. In Case such an application is filed, same shall be processed by the respondents in consonance with the provisions of law."

And, Whereas, the application was processed and lastly the VTR / Reply to Letter of Intent was to be considered by the NRC.

And, Whereas, the matter was considered by the NRC in its 264th Meeting (Part -5) held from 20th to 23rd February, 2017 and the Committee decided as under: -

The matter regarding applications received from the Teacher Education Institutes in the State of Rajasthan along with legal advice obtained, was considered by NRC and it was decided as under: -

- In cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014.*
- In cases where the applications were resubmitted along with Court orders through offline mode and processed, the NRC decided that in all such cases, show cause notice be issued to the institution before refusing recognition on the following points:*
 - As per clause 5, Regulations, 2014, an institution desirous of running a Teacher Education Programme shall submit the application online electronically along with processing Fees and relevant documents.*
 - Application shall be submitted along with No Objection Certificate issued by the concerned affiliating body.*
 - The institution has not submitted any proof/evidence of its being a composite institution as required under Rule 2(b) of NCTE Regulations, 2014.*

Accordingly, Show cause notice was issued to the institution.

And whereas, the case of the institution was considered by NRC in its 278th Meeting held on 19th to 20th December, 2017 and the Committee decided as under:

Prof.

NRC observed that the order of the Hon'ble High Court of Rajasthan at Jaipur dated 28.09.2015 reads as follows:-

"W.P. disposed as withdrawn with the liberty to move an application before NRC, for recognition and the same is to be decided by Reasoned & speaking order by NRC strictly in accordance with Regulation, 2014".

The Committee further noted the judgement given in CWP No. 10960/2016 vide order dated 26.04.2017, by the Hon'ble High Court of Rajasthan at Jaipur specifically mentioning that "according to the NCTE Regulations, 2014 which came into force after the judgment given by the Hon'ble Apex Court in the case of State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shahstra Mahavidyalaya, an applicant desirous of establishing a teacher training institute could move an application for recognition of its Teacher Training Course only subsequent to the grant of NOC. Applications pending when the Regulations, 2014 came into force were not to be resubmitted but considered only in terms of the Regulations, 2014. Thus to be valid and competent such pending applications were to be buttressed by the requisite NOC from the affiliating body with reference to Regulation 5(3) of the said regulations.

NRC considered the case and observed that SCN was issued to the institution by the NRC. The reply of the SCN was considered by the NRC and the Committee decided that the recognition be refused primarily on the following grounds while other requirements under NCTE Regulations, 2014 (as amended from time to time) viz. Land, Building, CLU etc. have not been taken into consideration: -

- The Petitioner Society has not submitted the application online electronically along with processing fees and relevant documents as per clause 5 of NCTE Regulations, 2014.
- No Objection Certificate issued by the concerned affiliating body has not been submitted by the petitioner Society alongwith the application.
- The institution has not submitted any proof/evidence of its being a composite institution as required under Clause 2(b) of NCTE Regulations, 2014.

NOW THEREFORE, in exercise of the powers vested u/s 14/15 of the NCTE Act, 1993, the Northern Regional Committee hereby rejects the application of the institution i.e. **Bhanwar Kanwar Sukan Singh Shiksha Mahavidyalaya, Plot no. 194, Village – Inderpura, Post Office – Inderpura, Tehsil – Udaipurwati, Dist. Jhunjhunu, Rajasthan** for D.El.Ed. course and recognition/ permission is refused on the grounds above mentioned above.

If the institution is not satisfied with the order, it may prefer an appeal under Section 18 of NCTE Act, 1993 in the online mode available on NCTE's [website www.ncte-india.org](http://www.ncte-india.org) within 60 days from the issue of this order. The guidelines for filing appeal may be seen on the 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: g

1. The Manager/Secretary,
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J/11/83, Second Floor, Sujan Singh Park,
New Delhi.
2. The Principal/ Correspondent,
Bhanwar Kanwar Sujan Singh Shiksha Mahavidyalaya,
Plot no. 194, Village – Inderpura,
Post Office – Inderpura, Tehsil – Udaipurwati,
Dist. Jhunjhunu, Rajasthan.
3. The Principal Secretary,
School Education, Government of Rajasthan,
Main Building, Secretariat,
R.No.1212,2nd floor, Jaipur 302005.
4. The Director,
Elementary of Education Bikaner
Bikaner, Rajasthan,
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)