

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

F. No. NCTE/WRC/APW01595/223265/384th/B.Ed./M.P/2023

Date: 19/05/2023

223171 to

RESTORATION ORDER 223178

WHEREAS, the institution, namely, Shiv Vidya Shiksha Prasar Samiti, D.V.S. Mahavidyalaya, 48, Saraswati Nagar-1, Opp. of A.G. Office, Gwalior, Madhya Pradesh, Pin Code-474002 was granted recognition by WRC NCTE for B.Ed. Course of one year duration with an annual intake of 100 students vide Order No.WRC/2-32/223265/74/2005/4935 dated 27.06.2005 followed by formal recognition order vide No.WRC/5-6/92/2006/C-13813 dated 10.04.2007.

2. **AND WHEREAS**, after promulgation of NCTE Regulations, 2014, the Revised Order was issued to the institution vide No.WRC/APW01595/223265/92/2015/138563-571 dated 30.05.2015 for conducting B.Ed. Course of two years duration with an annual intake of 100 students (two basic units of 50 students each) from the academic session 2015-2016.

3. **AND WHEREAS**, matter was considered in the 258th meeting of WRC held on August 22nd-24th, 2016 and Committee decided to issue Show Cause Notice under Section 17 to the institution, Accordingly, Show Cause Notice was issued to the institution dated 26.08.2016.

4. **AND WHEREAS**, in response to show cause notice, the institution submitted reply on 07.09.2016 and WRC in its 259th meeting held on September 21st-23rd, 2016 considered the matter and as per decision of WRC, clarification letter dated 27.09.2016 on the following grounds:-

(i) **“Shifting:**

The institution has stated that it had shifted in the year 2006 and in spite of many reminders inspection was not carried out.

The VT conducted under Section 13 has not made any adverse observations on land and built up area. However, on perusal of the records it is seen that, while the land area is sufficient to run two courses, the built up area is less i.e. 3000 sq. mtrs against a requirement of 3500 sq. mtrs for two units of B.Ed. and one unit of the D.Ed. course.

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The institution is required to exercise one of the two options: of either increasing the built up area by 500 sq. mtrs or reducing the units of the B.Ed. course to one. The institution should convey its decision within 15 days.

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(ii) **Staff:**

The institution is required to appoint staff as per NCTE Regulations, 2014. This action is necessary since the Regulations have been framed under the supervision of the Hon'ble Supreme Court. The institution is advised to comply with the requirement immediately. It should submit the lists of the required staff members duly approved by the competent authorities within a period of one month."

5. **AND WHEREAS**, another show cause notice dated 28.04.2017 was issued to the institution for compliance of conditions in light of NCTE Regulations, 2014 as mentioned in the revised recognition order.

6. **AND WHEREAS**, the institution has submitted reply vide letter dated 11.10.2016 in response to clarification letter dated 27.09.2016 and WRC in its 290th meeting held on March 21st-23rd, 2018 decided to issue Clarification letter on the following grounds:-

- (a) *The required built-up area as per NCTE Regulations, 2014 for running two units of the B.Ed. course and one unit of the D.Ed. course is 3500 sq.mts. Whereas the institution has only 3000 sq.mts. If the institution wants to continue both the courses it should send a resolution to reduce the intake of the B.Ed. to one unit then the built-up area is sufficient.*
- (b) *The institution should submit in original the staff profile approved by the affiliating body. The staff profile required for one unit of B.Ed. course is one Principal and seven faculty members. The staff profile required for two units is one Principal and fifteen faculty members.*

Accordingly, Clarification letter issued on 26.03.2018 and reply of the institution dated 20.04.2018 was received.

7. **AND WHEREAS**, matter was considered in 291st meeting of WRC held on April 26th-27th, 2018 and Committee decided to issue clarification on the following grounds:-

"The case file was seen. Compliance letter was sent on 26.03.2018 regarding reduction of units for B.Ed. course. Institution vide reply dated 20.04.2018 has enclosed a resolution for reducing the unit of B.Ed. from two to one and has also submitted staff profile. The institution needs to submit an additional FDR for Rs.4.00 lakhs.

On receipt of the amount, order will be issued."

Accordingly, Clarification letter was issued on 04.05.2018 and Institution has not submitted any reply.

8. **AND WHEREAS**, matter was again considered in 303rd meeting of WRC held on February 26th-28th, 2019 and Committee decided to issued Withdrawal Order on the following grounds:-

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- *The clarification letter dated 26/03/2018 & 04/05/2018 was issued to the institution to fulfill the requirement additional Fund vide NCTE Regulations 2014.*
- *The institution has not submitted any reply in this regard.*

Accordingly, Withdrawal Order issued to the institution dated 07.03.2019.

9. **AND WHEREAS**, the institution filed an appeal and NCTE Appellate Authority remanded back the case vide order dated 10.06.2019.

10. **AND WHEREAS**, matter was considered in 312th meeting of WRC held on January 27th-29th, 2020 and Committee decided to issue Show Cause Notice to the institution on the following grounds:-

- *The institution vide letter dated 03.07.2006 requested for the permission to change the campus of the D.Ed. and B.Ed. courses without submitting the requisite fees as well as the application for shifting.*
- *The request made vide letter dated 20.04.2018 from the institution is for the reduction to one unit of B.Ed. without mentioning whether the proposed reduction in area is in the old campus or the changed campus.*
- *Original FDR for Rs. 5+7 lacs towards Endowment and Reserve Fund not submitted.*

Accordingly, Show Cause Notice issued dated 13.02.2020 and institution has submitted reply vide letter dated 07.03.2020.

11. **AND WHEREAS**, matter was considered in 316th meeting of WRC held on August 27th-28th, & 04th September, 2020 and Committee decided to issue Show Cause Notice to the institution. Accordingly, Show Cause Notice issued to the institution dated 23.09.2020 and institution has submitted reply vide letter dated 19.10.2020.

12. **AND WHEREAS**, the institution has filed W.P.(C) No. 5258/2020 in the Hon'ble High Court of Delhi at New Delhi and the Hon'ble Court passed an order dated 06.01.2021, the operative portion of court order is as follows:

“...3. In the meantime, respondent no.2/Western regional Committee, is directed to decide the petitioner's application for restoration of recognition, which has been remanded to it by the order of the Appellate Committee dated 10.06.2019, as expeditiously as possible, and place a copy of the decision on record.

4. *List on 25.03.2021.*
5. *Interim orders to Continue.”*

13. **AND WHEREAS**, matter was considered in the 336th meeting of WRC held on March 24th-25th, 2021 and Committee decided to issue Show Cause Notice, Accordingly, Show Cause Notice issued to the institution on 15.04.2021 and institution has submitted reply on 17.05.2021.

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14. AND WHEREAS, matter was considered by WRC in its 384th meeting held on May 10th & 11th, 2023 and Committee decided as under:-

"The original file of the institution along with other related documents was carefully examined in the light of the NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time and the Committee observed as under:

- *Recognition was granted for B.Ed. course of one year duration with an intake of 100 vide order dated 27.06.2005 in a rented building.*
- *Recognition was granted for D.Ed. course with intake of 50 vide order dated 08.08.2007.*
- *On the directions received from Hon'ble High Court of Madhya Pradesh at Jabalpur in the matter of PIL filed by Sh. Pawan Dubey, inspection u/s 13 was conducted by NCTE HQrs. on 04.09.2014.*
- *Deficiency letter was issued by the NCTE HQrs. to the institution dated 13.04.2015 and the reply of the deficiency letter was received on 21.05.2015.*
- *On promulgation of NCTE Regulations, 2014, revised order was issued dated 30.05.2015 for B.Ed. course of two years duration with certain conditions for compliance.*
- *WRC in its 258th meeting held on 22-24 August, 2016 considered the deficiency letter dated 13.04.2015 and reply received dated 21.05.2015. As decided by the Committee Show-cause notice u/s 17 was issued dated 26.08.2016 related to built-up area and staff list and for regularization of shifting by the institution without obtaining prior permission and non-fulfillment of the prescribed norms concerning built up area and infrastructural facilities, submission of all documents and depositing the fee of Rs.1,50,000/- for shifting.*
- *Therein, it has been mentioned that the institution is recognized for 2 units of B.Ed. hence, the norms stated in Appendix-4 of the NCTE Regulations, 2014 apply. The staff required is 1+15. The institution has submitted an approved faculty list of only 1+7.*
- *The institution submitted reply to the SCN vide letter dated 03.09.2016 and stated that "language of the notice is bit confusing" and requested to clarify and inform on what points compliance has been sought.*
- *The matter was then placed in 259th meeting of WRC held on September 21-23, 2016. The Committee considered the reply of SCN received on 07.09.2016 and accordingly, institution was conveyed the decision of WRC vide letter dated 27.09.2016 with direction to submit representation along with supporting documents on the following within 15 days:*
- *"... Show Cause Notice was issued to the institution on 26.08.2016, and the reply was received on 07.09.2016, the points of the reply are as under:-* (i) *Shifting: The institution has stated that it had shifted in the year 2006 and in spite of many reminders inspection was not carried out. The VT conducted Section 13 has not made any adverse observations on land and built up area. However, on perusal of the records it is seen that, while the land area is sufficient to run two courses, the built up area is less i.e. 3000 sq.mts. against the requirement of 3500 sq.mts. for two units of B.Ed. and one unit of D.Ed. course. The institution is required to exercise one of the two options: of either increasing the built up area by 500 sq. mt. or reducing the unit of B.Ed. course to one.*
- *(ii) Staff: The institution is required to appoint staff as per NCTE Regulations, 2014. The action is necessary since the Regulations have been framed under the supervision of the Hon'ble Supreme Court. The institution is advised to comply with the requirement immediately. It should submit the lists of the required staff members duly approved by the competent authorities*

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within a period of one month. Hence, clarification be obtained from the institution on the above two grounds."

- Reply to the show cause notice dated 27.09.2016 was submitted by the institution vide letter dated 11.10.2016 and stated that the institution has preferred writ petition no. 6397/2016 before the Gwalior Bench of Hon'ble High Court of Madhya Pradesh against the SCN and requested to keep the SCN in abeyance till the final decision of the Hon'ble Court.
- The above said Writ Petition was disposed off by the Hon'ble Court with the following directions-

(i) That respondent-WCR for NCTE is directed to take a decision by considering the reply, Annexure P/7 filed by the petitioner to the impugned notice after providing reasonable opportunity of being heard to the petitioner in terms of the provisions of NCTE Act and relevant regulations.

(ii) Till decision as aforesaid [vide (i)] is taken by the respondent-WCR, no coercive steps shall be taken against the petitioner/institution while implementing the rigors of the provisions of the Regulations 2014 under review.

(iii) If aggrieved by the decision of WCR, the petitioner shall be free to avail the remedy of appeal before NCTE. With the above said directions, the petition stands disposed off."

- The matter was placed in 263rd meeting of WRC held on November 25-27, 2016 and it was decided that the case be put up after receipt of final judgment of Hon'ble High Court of M.P. Bench at Gwalior.
- Another show cause notice dated 28.04.2017 was issued to the institution u/s 17(1) of the NCTE Act for compliance of conditions in light of NCTE Regulations 2014 as mentioned in the revised recognition order on the following grounds:

" ... it has been found from the record that the institution has not submitted the following documents in compliance of the conditions mentioned in the revised order: (i) Original staff profile (1-Principal/HOD +15 faculties) for the session 2015-16 duly approved by the affiliating body. (ii) Originally notarized (not xerox) CLU, NEC, Building Plan and Building Completion Certificate in prescribed format."

- The matter was placed in 290th meeting of WRC held on March 21-23, 2018 and it was observed that WRC in its 263rd meeting decided that "the case should be put up as soon as the final judgment of the Hon'ble High Court of Madhya Pradesh, Bench at Gwalior is received. The decision of the court is now received. The court has asked the WRC to take a decision after considering the reply of the institution (dated 11.10.2016)" ... "Compliance should be submitted by the institution within one month failing which recognition will be withdrawn."
- In compliance of the decision of the WRC in its 290th meeting, letter was issued to the institution dated 26.03.2018.
- The reply of the institution dated 20.04.2018 was considered in 291st meeting of WRC held on 26-27 April 2018 and it was observed that "the institution has enclosed a resolution for reducing the unit of B.Ed. from two to one and has also submitted staff profile. The institution needs to submit an additional FDR for Rs. 4.00 lakhs. On receipt of the amount, order will be issued."
- Accordingly, a letter dated 04.05.2018 was issued to the institution for submitting additional FDR of Rs. 4.00 lakh.

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- No reply was received to the letter dated 04.05.2018.
- The matter was placed in 303rd meeting of WRC held on 26-28 February, 2019 and the Committee decided to withdraw the recognition for B.Ed. programme from academic session 2019-2020 u/s 17(1) of NCTE Act, 1993.
Accordingly, withdrawal order dated 07.03.2019 was issued to the institution.
- The institution filed an appeal on 26.03.2019.
- The Appellate Committee remanded back the case to WRC vide order dated 10.06.2019 and directed the appellant institution to forward to WRC the original FDR for Rs.4.00 lakh within 15 days of receipt of orders of appeal.
- WRC in its 312th meeting held on 27-29 January, 2020 considered the matter and show cause notice u/s 17 of NCTE Act 1993 be issued on the following grounds:
- (i) The request made vide letter dated 20.04.2018 from the institution is for the reduction of one unit of B.Ed. without mentioning whether the proposed reduction in area is in old campus or in changed campus. (ii) Original FDR of Rs.5+7 lacs towards Endowment and Reserve Fund not submitted.
- Accordingly, SCN dated 13.02.2020 was issued to the institution.
- The institution replied to the SCN vide letter dated 07.03.2020.
- In 316th meeting of WRC held on 27-28 August & 4th September, 2020, the WRC considered the issue of institution which were granted recognition/permission by NCTE on rented premises and decided to issue Show Cause Notice u/s 17 of NCTE Act to all such institutions.
- Accordingly, final Show Cause Notice dated 23.09.2020 was issued to the institution.
- The institution replied to the show cause notice vide letter dated 19.10.2020.
- The matter was placed in 336th meeting of WRC held on 24-25 March, 2021 and the Committee decided to issue show cause notice u/s 17 of NCTE Act 1993 to the institution for submission of BCC in prescribed format duly approved by the competent authority, Building plan duly approved by competent authority, processing fee of Rs.1,50,000/-.
- The reply submitted by the institution is not traceable in the regulatory file.
- Vide order of the Hon'ble High Court of Delhi in W.P.(C) 5258/2020 dated 06.01.2021, "WRC is directed to decide the petitioner's application for restoration of recognition, which has been remanded to it by the order of the Appellate Committee dated 10.06.2019".

In consideration of documents available on record in light of NCTE Regulations, the Committee decides for issuance of restoration order to the institution with intake of one unit of 50 students for B.Ed. course until a fresh withdrawal order is issued to the institution. A copy of restoration order be endorsed to State Govt., affiliating body and others concerned and the copy of restoration order be uploaded on the NCTE web portal.

- The Committee also considered the matter in detail and observed that the institution's action of shifting is still not regularized as also mentioned in the withdrawal order dated 07.03.2019 and the Committee decided that the institution is required to submit the following documents as provisions of NCTE Regulations prior to inspection of the new premises and to process its application for shifting:

- (i) The institution needs to submit all requisite documents related to infrastructure and instructional facilities required under NCTE Norms and Regulations as amended time to time.

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- (ii) The application for shifting in NCTE prescribed proforma.
- (iii) Processing fee of Rs. 1,50,000/- towards shifting of premises.
- (iv) Certified copy of registered land documents pertains to new premises.
- (v) Change of Land Use certificate issued by competent revenue authority.
- (vi) Land possession certificate issued by competent revenue authority.
- (vii) Mutation certificate issued by competent revenue authority.
- (viii) Non-encumbrance certificate issued by competent authority.
- (ix) Blue print of approved Building plan of the institution by competent authority.
- (x) Certified copy of Building completion certificate issued by competent authority in the NCTE prescribed format.
- (xi) Building safety certificate issued by competent Govt. authority.
- (xii) Current updated approved faculty list in the NCTE prescribed proforma for courses recognized by WRC, NCTE, along with copy of letters of approval by affiliating bodies regarding appointment of teaching staff.
- (xiii) FDRs towards Endowment and Reserve Fund.
- (xiv) Fire safety certificate issued by competent Govt. authority.
- (xv) Certificate issued by competent Govt. authority that the campus of the institution, building and its furniture is barrier free for persons with disability.
- (xvi) Certified copy of 'Not for Profit' certificate issued by competent authority.
- (xvii) Copy of registration certificate of trust/society.
- (xviii) Geographical location regarding institutional building at the new premises with correct latitude and longitude.
- (xix) Details of Institutional website updated and uploaded with all the necessary documents required under NCTE Norms and Regulations as amended time to time.
- (xx) Affiliation report of the recognizing body affiliating university/State Govt./ Any other.
- (xxi) Bank statement for salary of staff for last three months and account related records.
- (xxii) NOC for shifting issued by affiliating bodies and State Govt.

In view of the above, the Committee decided to issue show cause notice prior to rejection of shifting application of the institution. The institution shall submit a reply accompanied by an original affidavit within 15 days from the date of issue of SCN failing which the WRC will take a decision as deemed fit as per the provisions contained in the NCTE Act and Regulations. A copy of show cause notice be endorsed to the State Government and Affiliating Body."

14. NOW THEREFORE, recognition of the institution viz. Shiv Vidya Shiksha Prasar Samiti, D.V.S. Mahavidyalaya, 48, Saraswati Nagar-1, Opp. of A.G. Office, Gwalior, Madhya Pradesh, Pin Code-474002 for B.Ed. course of two years duration with an annual intake of 50 students (one basic unit) is hereby restored till a fresh withdrawal order is issued by the WRC.

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The terms and conditions shall remain the same as mentioned in the revised recognition order issued vide order dated 30.05.2015.

By Order,

Meetu Bharti

(Dr. Meetu Bharti)
Regional Director

To

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

Copy to:-

1. **The Principal**, Shiv Vidya Shiksha Prasar Samiti, D.V.S. Mahavidyalaya, 48, Saraswati Nagar-1, Opp. of A.G. Office, Gwalior, Madhya Pradesh, Pin Code-474002.
2. **The Secretary**, Shiv Vidya Shiksha Prasar Samiti, 48, Saraswati Nagar-1, Opposite of A.G. Office, Gwalior, Madhya Pradesh.
3. **The Secretary**, Higher Education, Govt. of Madhya Pradesh, Mantralaya, Bhopal, Madhya Pradesh.
4. **The Registrar**, Jiwaji University, Gwalior, Madhya Pradesh.
5. **The Secretary**, Department of School Education and Literacy, Ministry of Education, Government of India, Shastri Bhawan, New Delhi – 110001.
6. **The Under Secretary (IT & e-Governance)**, NCTE, G-7, Sector-10, Dwarka, New Delhi-110075.
7. **IT Section**, WRC - for uploading on Website.
8. Office Order/File APW01595/223265/B.Ed.

Meetu Bharti
Regional Director

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19/5/23