

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

F.NRC/NCTE/HP-209, HP-232 & HP-248/241st Meeting/2015/

20713-717 12 AUG 2015 Dated:

ORDER

WHEREAS, Thakur Pre-Examination Coaching Cum Training Institute (Society), Neharn Pukhar, Tehsil-Dehra, Distt. Kangra, Himachal Pradesh had submitted an application to the Northern Regional Committee of NCTE for grant of recognition for seeking permission to the Thakur College of Education, VPO-Dhaliara, Tehsil-Dehra, Distt. Kangra-177103, Himachal Pradesh for B.Ed. course of one year duration for an intake of 100 (One Hundred Only) students on 09.04.2007. The institution was granted recognition to the N.Ed. Course with an annual intake of 100 seats (One Hundred Only) vide order No. F.NRC/NCTE/F-7/HP-209/2007/23594-600, dated 07.08.2007.

AND WHEREAS, a complaint dated 14.06.2010 received from Shri Ved Prakash Ahluwalia, Dehragopipur, Distt. Kangra, Himachal Pradesh in the NRC office on 18.06.2010.

AND WHEREAS, As per the decision of 176th NRC meeting held from January 07th to 11th, 2011, the Committee observed that Prima facie it appears that recognition to so many courses has been obtained in violation of the NCTE Regulations by the concerned institution either by misrepresentation of facts or by submitting false documents. As such, a comprehensive inspection of the institution be conducted under section 17 of the NCTE Act, 1993 so as to verify all facts/documents in respect of each of the recognized teacher education courses in the institution and whether the institution is conducting all the courses in accordance with NCTE Regulations & Norms. The inspection team may also comprise of a senior official of the NCTE, so as to establish whether this was done in connivance with any official/officials of NRC. NCTE be asked to nominate the official.

AND WHEREAS, the inspection of the institution was conducted under section 17 of the NCTE Act, 1993 on 19.02.2011.

AND WHEREAS, letters dated 09.04.2012 and 11.04.2012 received from Shri M.K. Puri, Dy. Supdt. Of Police, CBI, Branch Shimla at Jaipur in the NRC office in compliance of order dated 09.08.2011 of the Hon'ble High Court of Himachal Pradesh at Shimla passed in CWP No. 6454 of 2010 with CWP No. 6453 of 2010, CBI enquiry is in progress in respect of recognition of all private educational institutions, situated in the State of Himachal Pradesh, which were granted No objection/Clearance/recognition from the NCTE, NRC, NCVT, AICTE and other such agencies.

AND WHEREAS, the case was considered by the NRC in its 200th meeting held from June 20th to 24th, 2012 and the Committee decided that show cause notice under section 17 of NCTE Act, 1993 be issued to the institution. Accordingly, a show cause notice was issued to the institution on 10.07.2012.

AND WHEREAS, the reply dated 27.07.2012 submitted by the institution in response to the show cause notice was considered by the NRC in its 207th meeting held from November 27th to 30th, 2012 and the Committee decided to seek clarification from the institution. Accordingly, a clarification letter was issued to the institution on 12.12.2012 on the following points:-

- The replies of the institution to the show cause notice issued by NRC on 10.07.2012 were considered by the committee and it was decided to seek clarification from the institution with regard to the approval of the teaching faculty by the affiliating University. Institution be directed to submit the approval of the University within 21 days.

AND WHEREAS, reply dated 27.12.2012 submitted by the institution in the NRC office on 08.02.2013 in response to the clarification letter. The reply was considered by the NRC in its 214th meeting held from April 24th to 25th, 2013 and it was decided that show cause notice under section 17 of the NCTE Act, 1993 be issued to the institution. Accordingly, a show cause notice was issued to the institution on 31.05.2013 on the following points:-

- The letter of the institution 12.03.2013 was considered.
- The institution is directed to submit the list of faculty members duly approved by the competent authority within one month of the issue of the letter.

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AND WHEREAS, the institution submitted its reply 22.06.2013 in the NRC office on 28.06.2013 in response to the show cause notice.

AND WHEREAS, A letter dated 23.09.2013 submitted by the Supdt. Of Police, CBI Shimla in the NRC office on 27.09.2013 wherein the CBI requested the following:-

"The CBI, ACB, Shimla had registered the subject case on 08/03/2011 against NCTE officials private persons. During investigation, it was found that Shri Rajesh Thakur had submitted false and fake documents to NCTE, Jaipur with respect to the teaching faculty of Thakur College of Education, Dhaliara, Distt. Kangra, HP to induce NCTE officials to grant recognition for additional 100 seats of B.Ed. and 25 seats in M.Ed. courses. After investigation, a chargesheet u/s 120-B/w/420, 467, 478 & 471, IPC was filed in the Court of Special Magistrate, Shimla against Sh. Rajesh Thakur and other private persons. The detailed CBI report is annexed alongwith for ready reference. In light of the facts disclosed during investigation, it is recommended that the recognition granted by NCTE for the above mentioned educational courses may kindly be cancelled.

AND WHEREAS, the original file of the institution and other relevant documents were carefully considered by NRC in its 221st Meeting and NRC observed the following:-

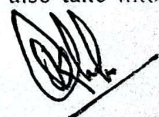
A letter dated 23.09.2013 from CBI, Shimla was received on the following points:-

- Selection Committee was never formed by the State Govt. / University for the date 20.02.2008. Shri Nirmal Jhaben shown as one of the member of the said Committee and proved that his Signature appearing on this list have been forged.
- Educational Certificates of Teaching Staff submitted to VT at the time of inspection on 4 & 5 April - 2008 have been proved to be fake and forged.
- Affidavits submitted to VT are also fake and forged.
- The teaching staff in whose names the affidavit have been shown have denied no have signed the same.
- TDR dated 31.03.2008 for Rs. 7 lacs was a fake document in which the date had been altered.
- Photocopy of an FDR submitted to VT on 28.06.2007 had been pre-maturily encashed and used by Rajesh Jhaben on 18.04.2007.
- FDR bearing Sr. No. 315377 for Rs. 10 lacs was also prematurely withdrawn and used by Rajesh Jhaben on 12.05.2008.
- Photocopies of forged TDRs were used to get recognition for B.Ed. course.
- Affidavit submitted by wife of Rajesh Jhaben on 19.02.2011 contained wrong information about the teaching staff working in the said college.
- Rajesh Jhaben submitted false affidavit in the name of Teaching Staff containing wrong information.
- Rajesh Jhaben used forged documents in getting NCTE Regulation to run additional B.Ed. course in his college.

As per above grounds, a withdrawal order No. F.NRC/NCTE/HP-209/221st meeting/2013/68681-686 dated 21.01.2014 was issued to the institution.

AND WHEREAS, the institution preferred an appeal dated 10.02.2014 to the Council, NCTE, New Delhi under section 18 of the NCTE Act, 1993 against the withdrawal order. The Appellate Authority passed an order dated 29.05.2014 in the appeal. The operative part of the appeal order is as under:-

- The Council noted that the NRC issued the withdrawal order dated 21.01.2014 on the eleven grounds mentioned therein, without issuing a show cause notice as required under the first provision to Section 17(1) of the NCTE Act to the appellant giving him an opportunity for making a representation against the proposed order. In the circumstance, the Council concluded that the mater deserved to be remanded to the NRC with a direction to issue a show cause notice to the appellant and take further action. The NRC should also take into account the mater pending before the Hon'ble Court of Special Magistrate, Shimla in the charge sheet filed by the CBI against Shri Rajesh Thakur and others.
- After perusal of the memorandum of appeal, affidavit, 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 issue a show cause notice to the appellant and take further action. The NRC should also take into



account the matter pending before the Hon'ble Court of Special Magistrate, Shimla in the charge sheet filed by the CBI against Shri Rajesh Thakur and others.

- The Council hereby remands back the case of Thakur College of Education, Kangra, Himachal Pradesh to the NRC for necessary action as indicated above.

AND WHEREAS, A complaint has been received from Sh. Ramavtar Sharma, 145Tha, Mal Road, High Court ke najdeek Shimla, Himachal Pradesh received in the office of NRC on 17.06.2014.

AND WHEREAS, the matter was considered by the NRC in its 227th Meeting, the Committee considered the complaint. The Committee decided that the complainant be asked to submit the same on an affidavit along with necessary documentary evidence to substantiate it. A letter was issued to the applicant on 27.08.2014 and the said letter received back undelivered.

AND WHEREAS, as per decision taken by NRC in its 236th meeting, a show cause notice was issued to the institution on 15.05.2015 on the following grounds:-

"In compliance of the orders of the Appellate Authority dt. 29.5.2014, NRC decided to issue Show Cause Notice to the institution on the basis of contents of the letter from CBI, Shimla dt. 23.9.2013 which reveals the following –

- Selection Committee was never formed by the State Govt. / University for the date 20.2.2008. Shri Nirmal Jhaben shown as one of the member of the said Committee proved that his signature appearing on this list have been forged.
- Educational Certificates of Teaching Staff submitted to VT at the time of inspection on 4 and 5 April, 2008 have been proved to be fake and forged.
- Affidavits submitted to VT are also fake and forged.
- The teaching staff in whose names the affidavit have been shown have denied to have signed the same.
- TDR dt. 31.3.2008 for Rs. 7 lacs was a fake document in which the date had been altered.
- FDR bearing Sr. No. 315377 for Rs. 10 lacs was also prematurely withdrawn and used by Rajesh Jhaben on 12.5.2008.
- Photocopies of forged TDRs were used to get recognition for B.Ed. course.
- Affidavit submitted by wife of Rajesh Jhaben on 19.2.2011 contained wrong information about the teaching staff working in the said college.
- Rajesh Jhaben submitted false affidavit in the name of Teaching Staff containing wrong information.
- Rajesh Jhaben used forged documents in getting NCTE Regulation to run additional B.Ed. course in his college.

AND WHEREAS, the institution submitted its reply to the NRC office on 17.06.2015 and 24.06.2015 in response to the show cause notice issued by NRC which was considered by the NRC in its 241st meeting held on August 3-7, 2015 and the Committee observed that the matter has been pending for four years, the Committee decided that the recognition withdrawn vide order dated 21.1.2014 and 29.12.2014 for B.Ed. & M.Ed. course respectively is restored and revised orders may be issued accordingly awaiting final outcome of the Hon'ble CBI Court, Shimla on the following ground:-

- The withdrawal orders of the B.Ed. course & M.Ed. course were issued vide order dated 21.1.2014 & 29.12.2014 respectively on the basis of the CBI letter to NRC. The NRC noted that the observation of the CBI are further to be considered by the Hon'ble Court which is yet to happen.
- The institution against the withdrawal order had appealed and the Appellate Authority has remanded the case directing for issuance of a Show Cause Notice giving a reasonable opportunity to the Institution to represent its stand before taking a final decision in the matter. The show cause notice was issued which has been replied on 13.7.2015 and has been examined by the NRC. Prima facie the NRC observed that the matter is subjudice and the charges have not been proved by the CBI court Shimla, more so the institution has been functioning and now as per NCTE Regulation 2014 require a revised recognition order so as to continue its functioning till final outcome of the Hon'ble Court. In such circumstances following situation emerge:



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- The institution has been functioning and the withdrawal dated 21.1.2014 and 29.12.2014 regarding B.Ed. & M.Ed. has been remanded back by the Appellate Authority.
- The final decision on the CBI report is yet to be taken by the Hon'ble Court and until and unless the Hon'ble Court gives its final decision it would not be appropriate to continue withdrawal of recognition.
- Since as per the NCTE Regulation, 2014 followed by the Guidelines by the NCTE Hqrs. existing institutions have been issued revised recognition orders with extended duration of the programme and inspection/verification of infrastructure & instructional facilities as per the Regulation, 2014 will be carried out by the NRC, with this background institutions have been given extended period upto 31 Oct., 2015, this institution shall also be subject to all these provisions.

Now, therefore, in light of the above, the Northern Regional Committee, NCTE hereby restores the recognition for B.Ed. and M.Ed. courses and issues the revised Recognition Order to the institution for conducting the under-mentioned programme/intake from the academic session 2015-2016 subject to fulfillment of the conditions before 31.10.2015 or /and the final outcome of the Hon'ble CBI court, Shimla whichever is earlier.

Sl. No	File No.	Name and address of the institution	Approved programme / intake	Recognition order No / date	Desired number of units of approved intake	Sanctioned Intake	Name of the affiliating body
1.	HP-232	Thakur College of Education, VPO-Dhaliara, Tehsil-Dehra, Distt. Kangra-177103, Himachal Pradesh	B.Ed./100 B.Ed.(Add.)/100	F.NRC/NCTE/F-7/HP-209/2007/23594-600, dated 07.08.2007 & F.NRC/NCTE/F-7/HP-232/2008/49437 dt. 14.05.2008	Four	200	H.P. University, Summer Hill Shimla, Himachal Pradesh.
2	HP-248	Thakur College of Education, VPO-Dhaliara, Tehsil-Dehra, Distt. Kangra-177103, Himachal Pradesh	M.Ed./25	F.NRC/NCTE/F-7/HP-248/2008/49430 dt. 14.05.2008.	One	50	H.P. University, Summer Hill Shimla, Himachal Pradesh.

This revised order will be treated as cancelled in respect of those cases where recognition of the institution has been withdrawn by NRC, NCTE.

Further, the recognition is subject to fulfillment of all such other requirements as may be prescribed by other regulatory bodies like UGC, affiliating University/ Body, State Government etc. as applicable. The affiliating body (University/State Govt.) shall also be required to verify the authenticity of the land & building documents as well as appointment of requisite teaching & non-teaching staff as per provisions of the NCTE Regulations, 2014 by the concerned institution before grant of affiliation to an institution.

The institution shall submit to the Regional Committee a Self-Appraisal Report at the end of each academic year along with statement of annual accounts duly audited by a Chartered Accountant.

The institution shall maintain & update its website as per provisions of NCTE Regulations and always display the following mandatory disclosure:-

- Sanctioned programme(s) along with annual intake in the institution.
- Names of the faculty and staff in full as mentioned in school certificate along with their qualifications, scale of pay and photograph.
- Names of faculty members who left or joined during the last quarter.

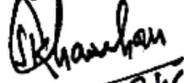


- (d) Names of students admitted during the current session along with qualification, Percentage of marks in the qualifying examination and in the entrance test, if any, date of admission, etc.
- (e) Fee charged from students.
- (f) Available infrastructural facilities.
- (g) Facilities added during the last quarter.
- (h) Number of books in the library, journals subscribed to and additions, if any, in the last quarter.
- (i) The affidavit with enclosures submitted along with application.
- (j) The institution shall be free to post and additional information, if it so desires.

Any false or incomplete information on the website of the institution shall render the institution liable for withdrawal of recognition

If the institution contravenes any of the above conditions or the provision of the NCTE Act, Rules, Regulations and Orders made and issued there-under, the institution will render itself liable to adverse action including withdrawal of recognition by the Regional Committee under the provisions of Section 17(1) of the NCTE Act.

By Order,



(Dr. S. K. Chauhan) 18/8/15
Regional Director

To,
The Manager to Govt. of India,
Department of Publications, (Gazette Section)
Civil Lines, Delhi - 110 054

Copy to:-

1. The Principal/Correspondent, Thakur College of Education, VPO-Dhaliara, Tehsil-Dehra, Distt. Kangra-177103, Himachal Pradesh.
2. The Principal Secretary, (Higher Education) Govt. of Himachal Pradesh, Secretariat, Shimla, Himachal Pradesh.
3. The Secretary, Department of School Education and Literacy, Ministry of Human Resource Development, Govt. of India, Shastri Bhawan, New Delhi- 110001.
4. The Registrar, Himachal Pradesh University, Summer Hill, Shimla, Himachal Pradesh.
5. The US (Computer), National Council for Teacher Education, Hans Bhawan Wing-II, I, Bahadur Shah Zafar Marg, New Delhi- 110 002.
6. Office Order file/ Institution file.



Regional Director