

TO BE PUBLISHED IN GAZETTE OF INDIA PART III SECTION 4

PREAMBLE:-

Dada Khalandaria Muslim Minorities Educational Welfare Society, No.2/903, Nehru Nagar Cuddapah-516002, Andhra Pradesh submitted an application for grant of recognition for B.Ed. course and recognition was granted to the institution vide SRC order dated 3.3.2003 at Dada Khalandaria College of Education, Cuddapah Revenue Division, No.2/820, Madras Road, Nehru Nagar, Chinna Chwok Village, Cuddapah-5106002, Andhra Pradesh with the condition to shift to its own premises within three years from the date of recognition.

The SRC in its 178th Meeting held on 13th-14th July, 2010 and the committee decided to issue notice under section 17 of NCTE Act and obtain shifting fees and other documents for causing inspection for shifting.

Accordingly, notice was issued to the institution on 01.09.2009.

Non-submission of show cause notice reply was placed before SRC in its 201st Meeting held on 22-23rd February, 2011 and the committee has decided to withdraw recognition.

As per the decision of SRC, a withdrawal recognition order was issued to the institution on 07.04.2011.

Aggrieved by the withdrawal order of SRC the institution preferred an appeal to NCTE-Hqrs vide the appellate authority order no. F.No.89-278/2011 Appeal/8th Meeting -2011 dated 09.12.2011 stating that "... aggrieved by the decision of SRC, the appellant filed W.P. No. 11388 of 2011 before the Hon'ble High Court of Andhra Pradesh Bench at Hyderabad and the Court vide order dated 21.04.2011 disposed of the petition with the observation that " after hearing the learned Counsel for the parties, this writ petition is disposed of in the same terms as in the order passed in W.P.No.22090 of 2008 and batch of writ petitions dated 11.08.2009. petitioners are granted sixty (60) days time to file statutory appeal U/s 18 of the NCTE Act and the appellant authority shall receive the appeal by treating the same as on appeal filed within the limitation and dispose of the same after hearing both the parties, in accordance with law. Till such time, the impugned order dated 07.04.2011 shall remain suspended". Subsequent to the Court direction, the appellant preferred an appeal on 17.06.2011 U/s 18 of the NCTE Act. in compliance with the Court directions. The NCTE listed the case for hearing before the Council, on 19.07.2011, 07.10.2011 and also on 01.11.2011 giving three opportunities as per Appeal Rules. But nobody appeared before the Council on all the three occasions. The Council, therefore, decided to dispose the appeal of the institution on the basis of the written representation made in the appeal along with the documents annexed therewith and also the once available in the SRC file of the institution.

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Appellant in his representation stated that the institution was granted recognition with conditions. The appellant had complied with the conditions as required by the SRC. The institution was issued a show cause notice on 01.09.2009 for shifting of the premises. In response, a reply dt. 27.09.2009 was submitted to the SRC stating that it had entered into permanent lease for a period of 45 years with the owners of the building, where the institution was functioning and the appellant development all the infrastructural facilities and provided all the amenities to the satisfaction of students as well as to the requirements of the NCTE. The institution complied with all the deficiencies which were pointed out by the SRC and also submitted documents as sought by the SRC in the said show cause notice. In fact, the appellant had already taken steps to shift the college to its permanent premises. However, since running of the institution was permissible in the lease hold premises, hence, the appellant had been running the institution by obtaining lease for a period of 45 years which was also accepted by the NCTE. If the NCTE insists for shifting of the institution to own premises. It would be ready to pay the prescribed fee for shifting of the premises.

The council noted that the appellant institution submitted an application for grant of recognition of B.Ed Course to the SRC, on 29.12.2000. along with the application he submitted a sale deed dated 19.01.1999 for 5 acres of land at property bearing Sy.No. 63/1 in thollaganganapalle Village, Cuddapah. SRC vide order dated 03.03.2003 granted recognition to the institution in rented premises, located at Door No. 2/820, Madras Road, Nehru Nagar, Chinna Chowk Village, Cuddapah, with a condition to shift to own premises within 3 years. SRC vide their notice dated 01.01.2009 informed the institution that it was granted recognition in rented premises and it had not yet shifted to permanent premises within 3 years. Though the appellant claimed that he sent a reply on 22.09.2009 to the SRCs Notice, the same was not available in the SRCs file. It was further observed that as per extant Regulations which were applicable in the instant case, lease from private party was not acceptable, except from Govt/Govt. institutions. Hence the claim of the appellant that it had complied with the condition laid in the recognition order, by executing a long term lease agreement for the temporary premises where recognition was granted in the year 2003, is not acceptable. The appellant was supposed to shift to own building constructed on the land available with the institution at Sy.No. 63/1 as per the submission made at the time of application. The appellant without constructing any building rather executed a lease agreement and this is in contravention to the Regulations. Moreover 0.15 acre of land and 14.64 X 27.45 sq.mts. of built up area available at these leased premises was highly inadequate. The appellant also submitted a gift deed dated 06.05.2011 for 0.405 Hect. Of land at Sy.No. 673/3, 674A16 in palempalli and an approved building plan dated 16.05.2011. it appeared that he intended to construct a building on this new piece of land. The appellant was supposed to shift to own premises by March 2006 and even after 7 years of grant of recognition in the year 2003, he has not yet shifted to own premises. The Council therefore, came to the conclusion that the appeal deserved to be rejected and the order of SRC confirmed.

After perusal of documents, memorandum of appeal, affidavit VT report, Hon'ble Court directions and after considering all the documents and evidences available on record. The council reached the conclusion that there was no ground to accept the appeal and hence it should be rejected. Accordingly, the appeal is rejected and SRC's order dated 07.04.2011 is confirmed.

The council hereby confirms the order appealed against".

In the meantime, a court notice has been received from the Hon'ble High Court of Andhra Pradesh in W.P.No. 28162 of 2012. The Hon'ble High Court has directed respondent No.2 (SRC-NCTE) to appear before personally or by advocate on the day of 28th December, 2012 at 10.30 a.m.

Accordingly, a letter was sent to the advocate on 26.12.2012.

Now the institution has submitted a letter dated 30.12.2013 stating that "...it is respectfully submitted that pursuant to the orders passed by the Hon'ble High Court of A.P. we have addressed letters while communicating the copy of orders of the Hon'ble High Court dated. 14.09.2012, requesting to inspect the building in terms of the orders of the Hon'ble High Court. However, no inspection team was deputed by your authority and the convener allowed these students for the academic year 2012-13 as per the orders of the Hon'ble High Court.

That being so, the college now, has acquired the own premises, permanently through registered Gift Deed dt. 27.06.2013 bearing No. 702 registered at the office of S.R.O. Kadapa. The said premises is having a adequate space including the built up area and as per the norms of the NCTE. The college has already developed required infrastructural facilities and also employed necessary Teaching and Non teaching staff.

Therefore, we hereby request your goodself to inspect the above described premises and permit the college to run from its permanent premises and accord the recognition immediately for the year 2013-2014.

[D.D. of Rs 50,000/- bearing no. 104469 dated 06.01.2014 from State Bank of Hyderabad is submitted".

The SRC in its 268th Meeting held on 4th & 5th June, 2014, considered the written reply and other documents submitted by the institution and advised Southern Regional Office to obtain relevant documents from the institution, process and put up for causing inspection.

The institution has submitted following documents along with an affidavit to process the application as per NCTE Regulations, 2014 on 02.01.2014

The institution has also submitted the following along with the affidavit:-

1. A photocopy of the Demand Draft of Rs. 50,000/- of State Bank of Hyderabad submitted to this office on 6.1.2014 vide DD No.104469(the Demand Draft has to be revalidated).
2. A photocopy of Court order dated 21.4.2011 in WP No.11388 of 2011 disposed with a direction to prefer appeal under Section 18 of NCTE Act. Till such time the order dated 7.4.2011 is suspended.
3. A photocopy of the Court order dated 14.9.2012 in WP No 28162 of 2012 Wherein the 1st respondent is NCTE, New Delhi and 2nd Respondent is SRC, NCTE. The Hon'ble Court has ordered as under:-
" On behalf of the petitioners, petitioner No.3 filed an additional affidavit, wherein it is stated that a new premises bearing House No.48/152 and 153 comprising three floors admeasuring 19233 sq.ft. at Ravindra Nagar within Kadapa Municipal Corporation was secured by the petitioners under lease agreement, dated 11.9.2012.

At the hearing, Sri CV Mohan Reddy , learned Senior Counsel appearing for the petitioners, submitted that due to paucity of time, the lease deed could not be registered and that the same will be registered on 17.9.2012 and that the inspection team of respondent NO.2 can inspect he building. He further submitted that this rrangement will be made for this academic year, the petitioners will shift the college to the new building, which is under construction in their site.

Considering the fact that the B.Ed. counseling will commence from 17.9.2012 and any delay would deprive the petitioners of the opportunity of admitting students for this academic year, this Court feels it appropriate to pass an interim order pending further orders in the following terms:

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1. The petitioners shall register the lease deed on 17.9.2012 positively.
2. Respondent No.2 shall depute an inspection team within one week from the date of receipt of a copy of this order and submit its report before this court on the adequacy or otherwise of the building.
3. Petitioner No.2 College shall be included in the list of colleges for counseling for admission of the students into B.Ed. course for the academic year 2012-2013 by indicating in the web that the students will be provisionally admitted in petitioner No.2 college subject to the contingency of their adjustment in other colleges in the event the building selected by the petitioners is not approved by respondent No.2, which will be subject to the orders of this Court and
4. Neither the petitioners nor the students shall claim any equity merely on account of admission of the students. Post on 8.10.2012."

The SRC in its 276th Meeting held on 07 -09 January, 2015, considered the matter, reply of the Institution dated 02.01.2015 along with affidavit expressing their willingness to process their application as per Regulations 2014, also considered the Court directions and letter from the institution dated 30.12.2013, decided to Cause Inspection.

The inspection of the institution was conducted on 04.02.2015 and the VT Report was received by this office on 09.02.2015.

The SRC in its 280th meeting held during 12th -14th February, 2015 considered the VT Report and decided as under:-

" This is a stand alone institution. They have to gradually move towards composit status. Other parameters are okay. But, approved staff list is not there -Issue Show Cause Notice for approved staff list."

Before issuance of Show Cause Notice as per the website information the institution has submitted its written representation on 01.03.2015

The Southern Regional Committee in its 283rd meeting held during 2nd 3rd March, 2015 considered the matter, reply from the institution vide letter dated 01.03.2015, and all other relevant documents of the institution, decided as under: **1.Restore Recognition and 2.Permit shifting**

ORDER

WHEREAS, in exercise of the powers conferred by sub-section(2) of Section 32 of the National Council for Teacher Education Act, 1993(73 of 1993), and in supersession of the National Council for Teacher Education [Recognition Norms and Procedure] Regulations, 2009, the National Council for Teacher Education has notified the Regulations, 2014 on 1.12.2014.

2. AND WHEREAS, on scrutiny it is found that the institution has not maintained/revalidated the Fixed Deposited Receipts towards Endowment and Reserve Funds.

3. AND WHEREAS, it has been decided to permit the institution to have two basic units of 50 students each subject to the institution fulfilling following conditions namely,

- (i). The institution shall submit revalidated FDRs of the enhanced values, in joint account with the SRC before 30 June, 2015 failing which the recognition will be withdrawn.
- (ii). The institution shall create additional facilities that include (a) additional built-up area, (b) additional infrastructure, (c) additional staff as per Regulations, 2014 and inform Regional Committees with required documents by October 31, 2015.

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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,

P Revathi Reddy
(Dr.P.Revathi Reddy)
Regional Director

The Manager
Government of India Press
Department of Publications (Gazette Section)
Civil Lines, New Delhi – 110054.

To:

The Principal,
Dada Khalandaria Muslim College of Education,
D.No.48/152, 153, Ravindra Nagar
Chemmumiyyapet, kaddapa 516003,
YRS District
Andhra Pradesh

Copy to:

1. The Secretary, Dept. of School Education and Literacy, Ministry of Human Resource Development, Govt. of India, Shastri Bhavan, New Delhi – 110 001.
2. The Education Secretary, In-charge of Higher Education Department, 'J' Block, 3rd Floor, Secretariat Building Hyderabad-500022, Andhra Pradesh
3. The Director, SCERT, Opp LB stadium, E Gate, Nampally, Hyderabad-500 001, Andhra Pradesh.
4. The Secretary/ Correspondent, **Dada Khalandaria Muslim Minorities Educational Welfare Society, No.2/903, Nehru Nagar Cuddapah-516002, Andhra Pradesh**
5. The Under Secretary (CS), National Council for Teacher Education, Hans Bhawan, Wing-II, 1, Bahadurshah Zafar Marg, New Delhi – 110 002.
6. Office Order file/institution file.