

Ky Dand

कार्यालय- भोपाल डिग्री कालेज 393 अशोक विहार भोपाल-23

पत्र क्रमांक:- D.El.Ed./हाईकोर्ट 2019/2020/5

दिनांक:-18.02.2020

स्मरण पत्र क्रमांक:-05

प्रति,

(KELHAN)

श्री निदेशक महोदय,
(WRC) राष्ट्रीय अध्यापक शिक्षा परिषद
द्वारका सेक्टर-10, नई दिल्ली

विषय:- माननीय हाईकोर्ट नई दिल्ली के आदेश क्रमांक रिट याचिका WP(c) 8515/2019 आदेश दिनांक 09.08.2019 का कम्पलाएन्स करने बावत।

कोड क्रमांक:- APW01234/222055 D.El.Ed..

महोदय,

उपरोक्त विषय एवं संदर्भ में निवेदन है कि भोपाल डिग्री कालेज भोपाल द्वारा संचालित पाठ्यक्रम D.El.Ed. की मान्यता NCTE (WRC) द्वारा समाप्त कर दी गयी थी इस तारतम्य में संस्था माननीय उच्च न्यायालय नई दिल्ली में याचिका दायर की थी। याचिका क्रमांक WP(c) 8515/2019 आदेश दिनांक 09.08.2019 द्वारा अपने आदेश में माननीय उच्च न्यायालय ने NCTE (WRC) की मान्यता बेबसाईट पर डालने हेतु निर्देश जारी किया था जो आज दिनांक तक उक्त आदेश का कम्पलाएन्स नहीं हुआ है।

अतः महोदय से निवेदन है कि याचिका क्रमांक WP(c) 8515/2019 आदेश दिनांक 09.08.2019 पालन करते हुए संस्था भोपाल डिग्री कालेज का पाठ्यक्रम D.El.Ed. की मान्यता NCTE (WRC) बेबसाईट पर डालने का कष्ट करें।

संलग्न:-

1. माननीय उच्च न्यायालय नई दिल्ली का याचिका क्रमांक WP(c) 8515/2019 आदेश दिनांक 09.08.2019 की प्रति संलग्न है।

नई दिल्ली



18/2/20

आवेदक

एन.डी. राही
संस्था प्रमुख

\$-66

*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 8515/2019 and CM no. 35142/2019

BHOPAL DEGREE COLLEGE AND ANR.

..... Petitioners

Through: Mr. Amitesh Kumar, Advocate

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR.

..... Respondents

Through: Ms. Arunima Dwivedi, Advocate

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

09.08.2019

%

Submissions have been made on behalf of either side.

Vide the present petition, the prayers made by the petitioner are to the effect:-

- (a) issue a writ of mandamus or any other suitable writ or order directing that consequent to the Appeal order dated 11.03.2019 passed by the Appeal Committee remanding the matter back to WRC, the withdrawal order dated 20.09.2018 issued by WRC stands quashed and set aside; and/or
- (b) issue a writ of mandamus or any other suitable writ, order or direction directing the WRC to comply with and implement the Appeal order dated 11.03.2019 passed by NCTE and to issue a fresh restoration order of Petitioner institution restoring the recognition of D.El.Ed. course which was withdrawn vide its withdrawal order dated 20.09.2018; and/or
- (c) issue a writ of mandamus or any other suitable writ, order or direction directing the Respondents

A H-Need

9/8/19

Clert Master
High Court of Delhi
New Delhi

to treat the Petitioner institution for D.El.Ed. course as recognized Institution and to display the name of Petitioner institution in the List/Category of recognised institutions for conducting D.El.Ed. course for the academic year 2019-20 on the website of Respondents; and/or
(d) issue a writ of mandamus or any other suitable writ, order or direction allowing the Petitioner institution to participate in the ongoing counselling process for academic session 2019-20 for D.El.Ed. course; and / or

...."

The petitioner is aggrieved by the impugned order dated 11.3.2019 of the Appellate Committee of the NCTE i.e., the Respondent No.1 vide which in an appeal under Section 18(1) against the order dated 20.9.2018 of the Western Regional Committee under Section 17(1) of the NCTE Act, 1993, vide which the recognition of the petitioner institute for conducting the D.El.Ed. course was withdrawn from the end of the next academic session, the Appellate Committee remanded back the matter to the WRC to examine the matter in relation to the withdrawal of recognition separately/independently and after ascertaining whether the institute was functioning on the old premises or had shifted to the proposed premises, proposal for which had been refused and to issue appropriate orders as per the relevant provisions of the NCTE Act, 1993.

The petitioner submits that in as much as the matter had been remanded back to the WRC, it was essential and incumbent upon the Appellate Authority to set aside the order of withdrawal.

9/8/19
Court Master
High Court of Delhi
New Delhi

Reliance has, *inter alia*, been placed on behalf of the petitioners on the verdict of this Court in W.P. (C) No. 4959/2019 titled as *HICT Shiksha Mahavidyalaya v. National Council for Teacher Education & Anr.*; decided on 8.5.2019 whereby the order vide which the matter had been remanded back to the WRC by the Appellate Authority was clarified to be one which was to be treated as quashing of the order of the WRC and consequently remanding the matter back to the WRC for re-consideration with it having been observed that it is automatic that quashing of the order in appeal necessarily precedes the remand of the matter to the original authority.

Reliance likewise is made on behalf of the petitioner to similar effect on the verdict of this Court in W.P.(C) No. 5069/2019 titled as *Aryan College of Education and Anr. V. National council for Teacher Education and Anr.*; with observations therein in paragraph 20 which reads to the effect:

"20. Once the Appellate Committee had remanded the matter for reconsideration to the WRC, the withdrawal order dated 8th January, 2018 (*supra*) necessarily stood set aside. The petitioners cannot be treated, therefore, as an institution whose recognition stands withdrawn, as on date, though the question of whether to grant recognition to the petitioners-institutions, or not, would have to be decided by the WRC in its *de novo* proceedings presently pending before it."

with the directions followed thereby in paragraph 21 thereof which reads to the effect:

"21. The respondent is, therefore, directed to remove, forthwith, from its website, the status of the petitioners, as contained thereon in above extracted para 17 (*supra*), which makes it appear that the withdrawal order dated


Court Master
High Court of Delhi
New Delhi

8th January, 2018 (supra) still continue to be in force, and to reflect the appropriate status of the petitioners thereon.

Reliance has further been placed on behalf of the petitioner on the following verdicts to contend to similar effect:

- (i) *The Preston College v. NCTE & Anr.*; W.P.(C) No. 5817/2019;
- (ii) *Anjuman College of Education v. NCTE & Anr.*; W.P.(C) No. 73657/2019;
- (iii) *Saifia College of Science & Education & Anr. v. NCTE & Anr.*; W.P.(C) No. 6789/2019 and;
- (iv) *Aryavart Shiksha Mahavidhyalaya v. NCTE & Anr.*; W.P.(C) No. 7986/2019

A further submission was made on behalf of the petitioner that pursuant to the order of remand by the Appellate Committee the Minutes of the 308th Meeting of the WRC held from 19-21.1.2019 vide serial No. 24 reflect only to the effect:

24	APW01234/ 222055	BHOPAL DEGREE COLLEGE, 393 ASHOK NAGAR, GARDEN, 462023, MADHYA PRADESH	DELETED	The appellate authority vide order dated 11/03/2019 remanded back the case to the WRC with the direction "to examine the matter related to the withdrawal of recognition separately/ independently after ascertaining whether the Institution is functioning in the old premises or has shifted to the proposed premises". Hence, the committee decided to ask WRO to prepare a separate agenda and ascertain from the institution accordingly.
----	---------------------	---	---------	--

9/18/19
Court Master
High Court of Delhi
New Delhi

to which it has been submitted by the learned counsel for the respondent that the respondent No.2 has acted upon the directions of the Appellate Committee and a letter dated 5/10.7.2019 was issued to the petitioner herein calling upon the petitioner to inform whether the petitioner is running the institution from the old premises or has shifted to the new premises and to submit the requisite land documents immediately, to which it has been submitted on behalf of the petitioner that the response thereto has been submitted vide a communication dated 19.7.2019 annexed as annexure P-15 to the petition.

It has thus been submitted on behalf of the respondents that the respondent No.2 has been pursuing the matter pursuant to the order of remand and that the process would take time.

On a consideration of the submissions that have been made on behalf of either side and the reliance placed upon the verdicts in W.P.(C) Nos. 4959/2019, 5069/2019, 5817/2019, 7365/2019, 6789/2019 and 7986/2019, it is apparent that the impugned order of withdrawal dated 20.9.2018 as issued by the WRC F.No. WRC/APPW01234/222055/297th/2018/200208 withdrawing the recognition of the petitioners' institute for conducting D.El.ED. course in view of the order of remand dated 11.3.2019 of the Appellate Committee i.e., the respondent No.1 has essentially to be set aside and is thus set aside qua the de-recognition of the petitioners' institute for conducting the D.El.ED. course vide order dated 9.8.2005 and the respondent No.2 is thus directed to upload the correct status of the petitioner on its website in the list of recognized institutes within a


Court Master
High Court of Delhi
New Delhi

period of seven days. The petitioner is also allowed to participate in the counselling process.

The petition is disposed of accordingly.

Copy of the order be given *Dasti*, under the signatures of the Court Master, as prayed.

AUGUST 09, 2019/sv

sd/-
ANU MALHOTRA, J

Attended

9/8/19
Court Master
High Court of Delhi
New Delhi

F.No.WRC/APW01234/222055/297TH/{M.P.}/2018

200201 To 200208 Date: 20/09/18

WITHDRAWAL ORDER

WHEREAS, recognition was granted to the institution namely, BHOPAL DEGREE COLLEGE, 393, ASHOK VIHAR, ASHOKA GARDEN, BHOPAL- 462023, MADHYA PRADESH under section 14/ 15(3)(a) of NCTE Act, 1993 for conducting D.El.Ed. course of two years duration with an annual intake of 50 students vide order dated 09.08.2005.

AND WHEREAS, the institution applied under section 8 (9) of NCTE Regulations 2014, for change of premises from BHOPAL DEGREE COLLEGE, 393, ASHOK VIHAR, ASHOKA GARDEN, BHOPAL- 462023, MADHYA PRADESH to BHOPAL DEGREE COLLEGE, KHASRA NO.120/16, 121/1, 122/2/3, VILLAGE-BILKHIRIYA KALYAN, RAISEN ROAD, DISTRICT-BHOPAL, MADHYA PRADESH on 02.04.2016.

AND WHEREAS, the matter was placed before the WRC in its 282nd meeting held on October 24-26, 2017 and the Committee decided that "...This is a case of shifting. An examination of the file shows that the institution has not submitted the latest CLU with premium receipt, FDRs and the latest staff list approved by the competent authority. Hence, Show Cause Notice be issued on the above points. Reply should be submitted within one month." Accordingly, Show Cause Notice issued on 31.10.2017.

AND WHEREAS, reply received from the institution was placed in 285th WRC meeting held on December 19-21, 2017 and the Committee observed that "...Show Cause Notice was issued to the institution on 30.10.2017 and reply received on 30.11.2017. The institution has submitted CLU premium receipt, FDRs and latest staff list. However, it is seen that the diverted land is much less than the required 3000 sq.mts. for running one unit of B.Ed. and one unit of D.Ed. course. Compliance should be submitted by the institution within one month..." Accordingly, Compliance letter issued on 05.01.2018.

AND WHEREAS, reply received from the institution was placed in 297th WRC meeting held on September 13-14, 2018 and the Committee observed that "...This is a case of shifting. Compliance letter was issued on 29.12.2017 regarding inadequacy of diverted land. The institution replied on 30.01.2018. As per documents submitted by the institution, the land is available at Khasra No.120/16, 121/1 and 122/2. The institution has now stated that it has applied for diversion of Plot under Khasra No.120/20. The land document for Khasra No.120/20 has not been submitted and it is not understood how diversion is sought for this land. The institution has also mentioned about built-up area at Khasra No.123/20 for which land documents are also not available. The institution had asked for six months' time for submission of diversion documents. More than six months' time has passed, the institution has not submitted any document so far. Enough opportunities have been given to the institution to rectify the deficiencies. There has not been any reply to solve the issue of CLU. Hence, shifting is refused and Recognition is withdrawn from the end of the academic session."

NOW THEREFORE, the recognition granted to **BHOPAL DEGREE COLLEGE, 393, ASHOK VIHAR, ASHOKA GARDEN, BHOPAL- 462023, MADHYA PRADESH** for conducting D.El.Ed. course vide order dated 09.08.2005 is hereby withdrawn from the end of the next academic session under section 17(1) of the NCTE Act, 1993.

...2...

315-313
(201)

...2...

Further, if the institution is not satisfied by the order, it can prefer an appeal online to the National Council for Teacher Education, Hans Bhawan, Wing-II, 1, Bahadur Shah Zafar Marg, Near ITO, New Delhi - 110002 against the order under Section 18 of the NCTE Act, 1993 within 60 days of the issue of this order. The guidelines for filing of appeal may be seen on NCTE website.


Regional Director

To,

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

Copy to:

1. The Principal, BHOPAL DEGREE COLLEGE, 393, ASHOK VIHAR, ASHOKA GARDEN, BHOPAL-462023, MADHYA PRADESH.
2. The Secretary, COUNCIL FOR RESEARCH IN YOGA & NATUROPATHY & TECHNICAL EDUCATION, MUKDAS NAGAR, BHOPAL.
3. The Secretary, Board of Secondary Education, Shivaji Nagar, Bhopal, Madhya Pradesh with a request to update the list of recognized institutions as per recognition order issued by WRC, NCTE and this copy endorsed to you.
4. The Director, S.C.E.R.T., Wing B, Pustak Bhawan, Arera Hills, Bhopal, M.P.
5. The Secretary, Department of School Education & Literacy, Ministry of Human Resource Development, Government of India, Shastri Bhawan, New Delhi-110001.
6. The Under Secretary (EDP Section), National Council for Teacher Education, Hans Bhawan, Wing- II, Bahadurshah Zafar Marg, New Delhi- 110002.
7. The Computer Programmer, EDP Section, WRC, NCTE, Bhopal with a request to remove the name of the institution in the recognized list uploaded in WRC website.
8. Office Order file/Institution file.**APW01442/223110.**
9. Office Order file/Institution file.**APW01234/222055.**


Regional Director

राष्ट्रीय अध्यापक शिक्षा परिषद्

(भारत सरकार का एक विधिक संस्थान)

पश्चिम क्षेत्रीय समिति



National Council for Teacher Education

(A Statutory Body of the Government of India)

Western Regional Committee

No.WRC/2-32/222055/76/2005/ 6152

August 9, 2005

To

The Commissioner/Director,
Madhya Pradesh State Council of Research and Training,
Rajya Shiksha Kendra,
Pustak Bhawan, Arera Hills,
Bhopal, Madhya Pradesh

Sub: Recognition of Elementary level Teacher Training Institutions.

Sir,

Please find the following institutions recognised by Western Regional Committee (NCTE) with the **additional/new unit** of 50 students for the **D.Ed.** course for the academic session **2005-2006**, subject to the condition that the college will submit the list of staff/ faculty duly approved by the Director, SCERT/ competent authority before commencement of the academic session and before starting the course the institution should seek prior permission of the competent authority for conducting the exam and approval of the curriculum that they are going to adopt for the course. Institution if starts the training programme without prior approval / permission of competent authority / examining body regarding the curriculum they have adopted and conduct of examination for award of Diploma / Certificate the recognition of such institution shall stand withdrawn.

The formal order of recognition will be issued only after the receipt of this list in WRC, NCTE, Bhopal. You are requested to allow all the institutions to admit students only up to the approved intake for which recognition has been granted.

NCTE CODE	NAME & ADDRESS OF THE INSTITUTION	COURSE	APPROVED ADDITIONAL/ NEW UNIT OF	ACADEMIC SESSION
222055	BHOPAL DEGREE COLLEGE, 393, ASHOK VIHAR, ASHOKA GARDEN, BHOPAL 462023 MADHYA PRADESH	D.ED.	50	2005-2006

Also, instruct the institutions to adhere to the norms prescribed by the NCTE relating to eligibility criteria for admission; infrastructure; staff and curriculum transaction; etc. to the standards laid down by the NCTE and continuous maintenance of these norms and standards is mandatory and binding on the institution.

Yours faithfully,

Regional Director
Regional Director

Copy to:

1. The Member Secretary, National Council for Teacher Education, New Delhi 110 002.
2. The Secretary, Board of Secondary Education, Board Office Campus, Shivaji Nagar, Bhopal, Madhya Pradesh
3. The Principal, BHOPAL DEGREE COLLEGE, 393, ASHOK VIHAR, ASHOKA GARDEN, BHOPAL 462023 MADHYA PRADESH. The institution is directed that the list of the faculty members are sent to this office duly signed by the Director, SCERT/Competent Authority. The formal order of recognition will be issued only after the receipt of this list in WRC, NCTE, Bhopal.

मानस भवन, श्यामला हिल्स, भोपाल - 462 002 Manas Bhawan, Shyamla Hills, Bhopal - 462 002

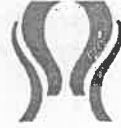
दूरभाष/ Phone : 2660912, 2739672, फेक्स/ Fax : 0755-2660912, E-mail : nctebhpl@sancharnet.in

NCTE website : www.ncte-in.org.

राष्ट्रीय अध्यापक शिक्षा परिषद्

(भारत सरकार का एक विधिक संस्थान)

पश्चिम क्षेत्रीय समिति



गुरुकुलमो धाम

NCTE

SPEED POST
National Council for Teacher Education

(A Statutory Body of the Government of India)

Western Regional Committee

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

No/WRC/5-6/49/2003/ 4540

Date: 09.07.2004

ORDER

In terms of Section 14 (1) of the NCTE Act, 1993 **Bhopal Degree College, Bhopal** had submitted an application to the Western Regional Committee of NCTE for grant of recognition for starting **B.Ed.** of one year duration from the academic session 2003-2004 with an annual intake of 100 students.

2. On scrutiny of the application submitted by the institution, the documents attached therewith and the input received from the visiting team, the Committee has noted the following:

- (i) The institution has acquired the land for setting up the teacher education institution.
 - (ii) The institution has constructed the building for conducting the course on the above mentioned land.
- or
- (iii) The institution has made arrangements for conducting the course in rented premises.
 - (iv) The institution has created an Endowment Fund of Rs. 5.00 lakhs and a Reserve Fund of Rs. two lakhs.
 - (iv) The institution has initiated the process for recruitment of Principal/Head of Department and teachers for the said course.

3. Now, therefore, in exercise of the powers vested under Section 14(3) (a) of the NCTE Act, 1993, the Regional Committee hereby grants recognition to **Bhopal Degree College, Bhopal** for **B.Ed.** of one year duration from the academic session 2003-2004 with an annual intake of 100 or less students subjects to fulfillment of the following.

- (a) The institution shall ensure that it gets duly affiliated for this course to the concerned university and all other formalities required by the university are also completed before the commencement of the course and admission of the students to the course and a report to this effect should sent to the Committee.
- (b) That the institution will ensure that 08 (one Principal and 07 lecturers) faculty members are in position for an intake of 100 or less students before commencement of the course and a report to this effect duly verified by the Registrar of the concerned University shall be sent to the Committee within one month of commencement of the course.
- (c) The institution shall within one month of the receipt of recognition convert the endowment fund account into a joint account to be operated along with an official of the Regional Committee.
- (d) The institution shall shift to its own premises within three years from the date of recognition (In case the course is started in rented premises).
- (e) The institution shall comply with the various other norms and standards as prescribed in the NCTE Regulations.

PTO

