

TO BE PUBLISHED IN GAZETTE ON INDIA PART III SECTION 4

F. No. NRC/NCTE/APW05772/222293-D.El.Ed./403rd Meeting/2024/225136
Date:- 16.05.2024

RESTORATION ORDER

WHEREAS, the recognition under section 14(3)(a) of NCTE Act, 1993 was granted to the institution namely **B.K. College Run by Late Shree Bal Kishan Yadav Shiksha Prasara Samiti, Jaura, Morena, Madhya Pradesh** for conducting D.El.Ed. (Co.Ed.) D.El.Ed. Course of two years duration with an annual intake of 50 (fifty) students under clause 7(11) of NCTE (Recognition Norms & Procedure) Regulations 2007 vide order No. WRC/5-6/116th/2008/54170-54175 dated 18.04.2009.

2. **AND WHEREAS**, as per decision of WRC in its 309th Meeting held on 23 to 26 July, 2019 the recognition was withdrawn to the institution for D.El.Ed. course vide order No. WRC/NCTE/APW05772/222293/309th/D.El.Ed./2019/205266 dated 08.08.2019.

3. **AND WHEREAS**, the institution filed an appeal in the NCTE Hqrs New Delhi under section 18 of NCTE Act, 1993 against withdrawal order dated 08.08.2019. The appeal committee passed an order dated 13.10.2020 and confirm the order appealed against.

4. **AND WHEREAS**, the institution filed W.P.(C) 11210/2021 and CM APPL. 34513/2021 and 18822/2023 High Court of Delhi at New Delhi. The Hon'ble High Court of Delhi passed an order dated 25.04.2024 writ Petition is disposed of the following terms :-

- (i) The impugned order of withdrawal dated 8 August 2019 and Appellate Order dated 13 October 2020 **are quashed and set aside.**
- (ii) The respondent WRC/NCTE is directed to conduct the inspection of the new premises to which petitioner desires to shift within a period **of four weeks from today.** If any fees are required to be paid by the petitioner in that regard, the petitioner would be duly intimated and the fees would be paid by the petitioner within 48 hours of being intimated.
- (iii) In case the premises are found to be deficient in any regard, the WRC would proceed in the matter in accordance with law, which would require a proper show cause notice to be issued to the petitioner and the matter to be dealt with in accordance with the procedure prescribed by the NCTE Act and the applicable Regulations, and the principles of natural justice and fair play.

- (iv) Till culmination of the decision on the petitioner's application for shifting, the petitioner would be **entitled to continue to operate from the premise presently in its occupation.**

- This writ petition stands disposed of in the aforesaid terms, with no orders as to costs.
- This judgment shall also be communicated by WRC/NCTE to the Affiliating Institution/Body for appropriate/necessary action.

5. **AND WHEREAS**, as per decision of WRC in tis 385th Emergent meeting held on 2023 considered of matters in which restoration orders are not issued even after the matter has been remanded back by the Appellate Authority or through the court of order and the committee decided as under :-

" It is observed by the Committee that several new writs are being filed before the Hon'ble Delhi High Court seeking issuance of restoration orders in matters which have either been remanded back by Appellate committee of NCTE or where withdrawal order has been quashed by court order.

The Committee noted that in the matter of Arihant College & Anr v NCTE vide order dated 30.07.2021, the Hon'ble Delhi High Court has issued the following directions:

"7. As several petitions for substantially similar relief are being filed in this Court, it is further directed that, whenever a withdrawal order is challenged by an institution (either by way of appeal or by way of writ proceedings) and the matter is remanded to the concerned regional committee, the regional committee will issue an order of restoration of recognition in favour of the institution, pending reconsideration of the withdrawal order. Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned regional committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed. The order of restoration of recognition should be issued within two weeks of the order of remand being communicated to the regional committee, or upon request of the concerned institution. This streamlined procedure would obviate the multiplicity of litigation which is being witnessed at present. Neither the concerned institutions nor the NCTE should be put to the burden of filing or defending proceedings before the Court for this purpose."

In view of the above, the Committee unanimously resolved that in all such matters where the case is remanded back by the Appellate Authority or through the orders of the Court, the Regional Director is hereby authorized to issue restoration order pending re-consideration of the withdrawal order, subject to ratification by the Committee in the ensuing meeting".

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6. **NOW THEREFORE**, this order is issued permitting the institution i.e. **B.K. College Run by Late Shree Bal Kishan Yadav Shiksha Prasara Samiti, Jaura, Morena, Madhya Pradesh** restore the recognition for **D.El.Ed.** course for two-years duration with an annual intake of 50 (**One basic unit**) subject to fulfilment of the following :-

- (i) The Endowment fund of Rs. 5 lakhs and Reserve fund of Rs. 7 lakhs kept in joint account with Regional Director of NCTE should be maintained perpetually. Raising loan against the FDRs or mortgaging them shall not be done.
- (ii) The institution shall comply with the various other norms and standards prescribed in the NCTE Regulations, 2014 as amended from time to time.
- (iii) The institution shall make admissions only after it obtains affiliation from the examining body in terms of clause 8(10) of the NCTE (Recognition Norms & Procedure) Regulations, 2014.
- (iv) The institution shall ensure that the required number of academic staff duly approved by affiliating body for conducting the course should always remain in position.

7. Further, the institution is required to fulfill all such other requirements as may be prescribed by other regulatory bodies like UGC, affiliating University /Body, the State Government etc. as applicable.

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

9. The institution shall maintain its Website with hyperlink to the Council and the Northern Regional Committee, covering, inter – alia, the details of the institution, its locations, name of the programme(s) with intake; available of physical infrastructure, such as land, building, office, classrooms, and other facilities of amenities; instructional facilities, such as laboratory and library and the particulars of their teaching faculty and non-teaching staff with photographs, for information of all concerned. The information with regard to the following shall also be made available on the website namely:-

- (a) Sanctioned programme(s) along with annual intake in the institution.
- (b) Name of faculty and staff in full as mentioned in school certificate along with their qualifications, scale of pay and photograph.
- (c) Name of faculty members who left or joined during the last, quarter;
- (d) Name 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 enclosure submitted along with application.

- (j) The institution shall be free to post additional relevant information if it so desires.
- (k) Any false or incomplete information on website shall render the institution liable for withdrawal of recognition.

10. The institution shall adhere to the mandatory disclosure in the prescribed format and display up-to-date information on its official website.

11. The institution shall make available the list of students admitted on its official website.

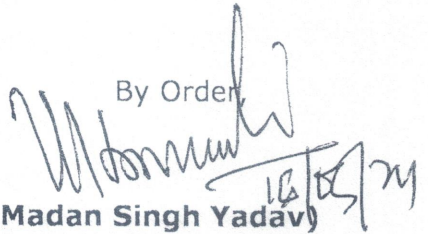
12. The institution shall fill the information on GIS Portal on the NCTE Website.

If the institution contravenes any of the above conditions or the provision of the NCTE Act, Rules, Regulations and orders made or issued there under, the institution will render itself vulnerable to adverse action including withdrawal of recognition by the Northern Regional Committee under the provision of Section 17(1) of the NCTE Act, 1993.

(यदि संस्थान उपरोक्त किन्हीं शर्तों या एन.सी.टी.ई. अधिनियम, नियमों, विनियमों तथा उनके अंतर्गत जारी किये गए आदेशों का उल्लंघन करता है, तो उस संस्थान के प्रति सख्त कार्यवाही की जायेगी जिसमें पश्चिम क्षेत्रीय समिति द्वारा एन.सी.टी.ई. अधिनियम 1993 की धारा 17(1) में किये गए प्रावधानों के अनुरूप मान्यता भी समाप्त की जा सकती है।)

Also order that a copy of this Order be published in the official Gazette.

(इसके अतिरिक्त, इस आदेश की एक प्रतिलिपि सरकारी राजपत्र में भी प्रकाशित की जाए।)

By Order

(Madan Singh Yadav)
Regional Director,

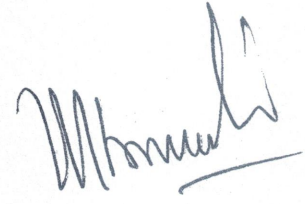
The Manager
Govt. of India Press
Department of Publications, (Gazette Section),
Civil Lines, Delhi - 110 054

Copy to:-

1. **The Principal**, B.K. College, Joura, Morena, Madhya Pradesh.
2. **The Manager**/ Late Shri Krishna Yadav Shiksha Prasara Samiti Tehsil-Joura, District - Morena, Madhya Pradesh.
3. **The Secretary**, (Elementary Education), Government of Madhya Pradesh, Mantralaya, Vallabh Bhawan, Bhopal, Madhya Pradesh.

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4. **The Director,** State Council of Educational Research & Training 'B' Wing, Pustak Bhawan, Arera Hills, Bhopal, Madhya Pradesh.
5. **The Director,** Madhyamik Shiksha mandal, Satpura Bhawan, Bhopal, Madhya Pradesh.
6. **The Commissioner,** Rajya Shiksha Kendra, Pustak Bhawan, B-Wing, Arera Hills Bhopal - 462011.
7. **The Secretary,** Department of School Education and Literacy, Ministry of Education, Govt. of India, Shastri Bhawan, New Delhi- 110001.
- ✓ 8. **Computer Section,** WRC, for uploading on Website.
9. **Institution file.**



Regional Director