



F.No.89-174/E-116212/2019 Appeal/21<sup>st</sup> Mtg.-2020/7<sup>th</sup> September, 2020

**NATIONAL COUNCIL FOR TEACHER EDUCATION**

G-7, Sector-10, Dwarka, New Delhi-110 075

16

/94802

Date: 04/11/2020

**ORDER**

**WHEREAS** the appeal of Sri Gavisiddeshwara College of Education, Gavimath Road, Koppal, Karnataka dt. 05/05/2019 against the order of the SRC No. SRO/NCTE/APS02097/B.Ed./KA/2019-101959 dt. 06/03/2019 withdrawing recognition for conducting B.Ed. course on the grounds mentioned in that order was rejected and the order of the SRC was confirmed vide Appellate order no. 89-174/E-116212/2019-Appeal/16<sup>th</sup> Meeting-2019/11 June, 2019/80093 dt. 05/07/2019 on the grounds that (i) the institution was not having required faculty approved by affiliating body during the proceeding years and (ii) the institution failed to submit even a belated reply to the Show Cause Notice dt. 29/08/2018.

**AND WHEREAS** the Committee noted that the appellant filed a Writ Petition No. 112255/2019 (EDN – REG – P) against the Appellate order dt. 05/07/2019 before the Hon'ble High Court of Karnataka, dt. 05/07/2019 before the Hon'ble High Court of Karnataka, Dharwad Bench. The Hon'ble High Court, in their order dt. 03/09/2019, directed the Appellate Authority to reconsider the appeal afresh. The reasons cited in the said order briefly by stated are that the *Appellate Authority while taking note of non-furnishing of a reply to the Show Cause Notice, has failed to address rectification of deficiencies as pointed out by the petitioner in the appeal. The order also stated that Appellate Authority appeared to have disposed of the appeal without applying its mind as regards to the compliance with the various deficiencies stated to have been complied on the date of appeal itself.*

**AND WHEREAS** the Committee in compliance with the order of the Hon'ble High Court dt. 03/09/2019 reconsidered the matter and in their order F.No. 89-174/E-116212/2019 Appeal/38<sup>th</sup> Mtg., 2019/28<sup>th</sup> November, 2019/86611 dated 23/12/2019

reaffirmed their earlier decision to confirm the impugned order of withdrawal. The reasons cited for this decision are as below:-

*“Appeal Committee on reconsideration of the submissions made by appellant institution on 28/11/2019 still finds that list of faculty submitted by appellant contains the names of only 9 faculty approved by affiliating university. The remaining six faculty are not found to be qualified as per NCTE Norms & Standards. The revised recognition order dated 15/05/2015 under NCTE Regulation, 2014 made it incumbent on the appellant institution to comply with the revised Norms and Standards and report compliance before 31/10/2015. Perusal of the regulatory file by Appeal Committee reveals that at no point of time after the revised recognition order was issued for an intake of 100 seats (2 units of 50 each), the appellant had ever submitted to SRC a list containing the names of one Principal and 15 faculty qualified as per NCTE norms and approved by the affiliating university. Without undermining other requirements, Appeal Committee is of the opinion that possession of academic faculty is most essential for conducting a course and an institution cannot be allowed to conduct a course with almost 40 % of its faculty not possessing the required qualifications as per regulations.”*

**AND WHEREAS** the Committee noted that appellant, aggrieved by the order of the Appellate Authority dt. 23/12/2019 filed a Writ Petition No. 136703 of 2020 (EDN -Reg-P) before the Hon'ble High Court of Karnataka, Bench at Dharwad. The Hon'ble High Court passed order on 03/03/2020 setting aside the Appellate order dt. 23/12/2019 and restoring the appeal for re-consideration in accordance with law within a period of 30 days from the date of receipt of a certified copy of the order. The reasons for passing this order as contained in the order are as below:-

*“The Appellate Authority has affirmed the withdrawal of recognition in the light of its opinion that 40 % of the petitioner's teaching faculty does not possess the requisite qualification as per the Regulation. The Appellate Authority has confirmed the withdrawal of recognition solely on this ground without examining other deficiencies. The petitioner, in securing the fifth respondent's approval for*

*the appointment of the teaching faculty, is able to address the deficiency insofar its teaching faculty. Though it is contended that the merit of the appellate authority's order cannot be tested as against a subsequent approval granted by the fifth respondent for the petitioner's teaching faculty, this Court is of the considered view that if the petitioner is able to establish to the satisfaction of the Appellate Authority that the approval now granted by the fifth respondent is as per the relevant Regulation, it would be a material circumstance in deciding on the withdrawal of recognition. Further, it would also be appropriate for the appellate Authority to examine all aspects of compliance with the relevant Regulations for a comprehensive decision on confirmation of the withdrawal of recognition to the petitioner's institution to offer B.Ed. course."*

**AND WHEREAS** the committee, in compliance with the orders of the Hon'ble High Court dt. 03/03/2020 reconsidered the matter in their 21<sup>st</sup> Meeting held on 07/09/2020. Dr. Eklote, Chief Executive Officer presented the case of the appellant institution on that day. Subsequently, the appellant, with their letter dt. 08/09/2020, forwarded a faculty list of 16 members, duly countersigned by the Registrar, Vijayanagara Sri Krishnadevaraya University, Bellary. The appellant also enclosed copies of two letters dt. 03/05/2019 and 20/01/2020 from the Registrar of that University approving 10 and 06 faculty members respectively. The appellant also enclosed a note indicating the efforts made by them to get the staff approved by the University.

**AND WHEREAS** the Committee noted that the re-affirmation order of the Council dt. 23/12/2019 took into account all documents submitted and highlighted the necessity of possessing requisite faculty possessing the qualifications laid down in the Regulations and the Hon'ble High Court in their order dt. 03/03/2020 held a considered view that if the petitioner is able to establish to the satisfaction of the Appellate Authority that the approval now granted by the fifth respondent (the University) is as per the relevant Regulations, it would be a material circumstances in deciding on the withdrawal of recognition.

**AND WHEREAS** Appeal Committee noted that appellant institution with its written submission dated 08/09/2020 has submitted copies of correspondence exchanged between the appellant institution and affiliating University from 19/02/2015 to 31/10/2018 and a list of faculty. This is ample evidence that appellant institution after issue of the revised recognition order dated 15/05/2015 did not possess required number of faculty as per NCTE Regulation, 2014 and in compliance with the terms and conditional of revised recognition order dated 31/05/2015. There have been two orders dated 05/07/2019 and 23/12/2019 issued by Appellate Authority confirming the impugned order of withdrawal dated 06/03/2019. The order dated 03/03/2020 issued by Hon'ble High Court of Karnataka, with all respect, is treated by Appellate Authority as an extraneous pressure created by appellant to bridge the gap in the period for which it did not have the required faculty qualified and approved by the affiliating University.

**AND WHEREAS** the Committee noted that the appellant has since submitted a faculty list of 16 members approved by the affiliating University. In view of this, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the approved staff list now submitted as also the other documents submitted earlier with the appeal, all to be submitted to them by the appellant, and take further necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the SRC, the documents submitted to the Council with their letter dt. 08/09/2020 and other relevant documents submitted with the appeal, within 15 days of receipt of orders on the appeal.

**AND WHEREAS** after perusal of the Memoranda of Appeal, affidavit, documents on record and online submission made by appellant, Appeal Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the approved staff list now submitted as also the other documents submitted earlier with the appeal, all to be submitted to them by the appellant, and take further necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the SRC, the documents submitted to the Council with their letter dt. 08/09/2020 and other relevant documents submitted with the appeal, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Sri Gavisiddeshwara College of Education, Gavimath Road, Koppal, Karnataka to the SRC, NCTE, for necessary action as indicated above.

The above decision is being communicated on behalf of Appeal Committee.

(T. Pritam Singh)  
H.O.D.

1. The Secretary/Appellant, Sri Gavisiddeshwara College of Education, Gavimath Campus, Gavimath Road, Koppal, Karnataka.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.

Received  
Salleel  
18/11/2020