

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

F.NRC/NCTE/HR-1552/217th MEETING/2013/56914

Dated:-
14 AUG 2013

ORDER OF RESTORATION OF RECOGNITION

WHEREAS in terms of section 14(1)/15(1) of the NCTE Act, 1993 Marc College of Education, Bhiwani, Haryana was granted recognition for D.Ed. vide order No. F.NRC/NCTE/HR-1552/2008/57242-48 dated 19.08.2008.

AND WHEREAS, a complaint received against the institution on 12.03.2010 and the matter was considered by the NRC in its 161st meeting held from 26th to 29th May, 2010 and NRC decided to issue withdraw recognition of D.Ed. as well as B.Ed. courses from 2010-2011 academic sessions. Accordingly, withdrawal order was issued to the institution on 22.06.2010 on the following point:-

- The Institute did not reply to the complaint sent to it vide letter number NRC / NCTE / F-7 / HR-1552 / 153 Meeting / 2009 / 1881 dated 26 March 2010.

AND WHEREAS, the institution, thereafter, preferred an appeal to the NCTE, New Delhi on 05.07.2010 and the Council vide order 15.09.2010 accepted the appeal and reversed the NRC's order with the direction to the NRC for causing a composite inspection of the institution, in the light of irregularities pointed out in the complaints and for further decision thereafter.

AND WHEREAS, the institution filed a W.P. No. 14159/2010 in the Hon'ble High Court of Punjab & Haryana at Chandigarh. The court had passed an order dated 11.08.2010 which is reproduced below:-

"The petitioner's grievance is that name of the petitioner institution has not been included in the prospectus for grant of admission with those institutions, which are not receiving any aid from the college no. Reasons are disclosed as to why the petitioner institution name is not included in the prospectus. Before the right of the petitioner is determined, it would be appropriate for the petitioner to make a representation as to why it has been excluded and praying for inclusion as one of the institution where admission can be carried out on the basis of counseling. The writ petition is accordingly, disposed of with the directions to the petitioner to file such representation, if so advised."

AND WHEREAS, a court order dated 27.09.2010 had also passed by the Hon'ble High Court Punjab and Haryana at Chandigarh in the Civil Writ Petition No. 17453 of 2010 which is reproduced below:-

"The appeal filed by the petitioner against the order of de-recognition has been accepted. Still, the petitioner-institution is not being shown as one of the institution, which can admit students for B.Ed. in a writ petition filed by the petitioner institution concerning the D.Ed. course, notice is already issued for 14.10.2010. Notice of motion for 14.10.2010. The Petitioner-institution, in the meantime, may be considered for allotment of seats as an interim measure, which shall be subject to the final outcome of the writ petition. This will not lead to change of any equity in favour of the petitioner. To be put up before Registrar (Judicial - 1) on the adjourned date for completion of preliminaries."

AND WHEREAS, the whole case alongwith the appeal order was placed in the NRC in its 170th held from October 21-22, 2010 and the NRC decided to VT constituted for composite inspection as per direction of the Appellate authority. Accordingly, VT constitute vide this office letter dated 26.07.2011.

AND WHEREAS, the inspection of the institute was conducted u/s 17 on 30.07.2011. The VTR was placed before the NRC in its 200th meeting held from June 20th to 24th 2012 and it was decided to issue show cause notice u/s 17 of the NCTE Act, 1993. Accordingly Show Cause Notice u/s 17 was issued to the institution on 09.07.2012 of the following points:-

- On the basis of VT report dated 30.7.2011 and viewing CD it was revealed that the MARC College of Education has been running B.Ed. programme (100 seats) and D.EL.Ed. (50 seats). The verification of records reveal that the land of the society (Shivam Education Society of India) is on private lease basis for 30 years Khasra No. 47, 98, 14, 16, 17, 19, 22, 23, 24. This is in contrast to the NCTE norms. The lease is given by Devendra Singh, President of the Society in the name of Shivam Education Society c/o Vikram Singh, Vice President of the Society. The building map does not bear the khasra No. The B.Ed. and D.EL.Ed. programmes also operate partly in the school building run by the society. Building completion certificate is not enclosed. The teaching staff included only one principal and six lecturers for B.Ed. as well as for D.EL.Ed. programmes on the basis of

advertisement given in the newspaper on 2.5.2011 i.e. just before two months of visit of VT. The teachers appointed were not approved by the affiliating university and the SCERT. The NCTE norms for total strength of teachers are not followed by the institution for two programmes. Salary is not being paid by cheque/invoice accounts to the teachers and other employees.

- The VT report has confirmed the confrontation between the groups of members of the education society Registrar firms and society dist. Bhiwani has given warning to Shivam Education Society letter No. 2833 dated 28.7.2011 regarding financial matter of the society and constitution of management body of the society.

AND WHEREAS, a letter dated 23.07.2012 received from the Secretary, Shivam Education Society of India regarding therein the gross irregularities committed by the institution also requesting therein to withdraw approval of B.Ed. and D.Ed. programme of Mare College of Education, Lohani 30.07.2012.

AND WHEREAS, the matter was considered by the NRC in 207th meeting held from 27th to 30th November, 2011. NRC decided that the institution in compliance with order of Hon'ble High Court of Punjab and Haryana at Chandigarh dated 11.10.2012 and decided to withhold its order of withdrawal of recognition dated 26.06.2010.

- Teachers appointed for D.El.Ed. has not been approved by the Competent Authority.
- Salary is not being paid by cheque/transfer into account of the teachers and other employees.
- VT report confirmed the dispute between the members of the society.
- District-Registrar, Bhiwani also confirmed the dispute between the members of the society.

AND WHEREAS, the institution preferred an appeal dated 14.01.2013 to the Council NCTE, New Delhi against the aforesaid order. The Council vide order F. No. 89-13/2013 Appeal/4th Meeting-2013 dated 17.04.2013 accepted the appeal with the following observation:-

AND WHEREAS, the Council noted that the recognition granted for conducting D.Ed. course was withdrawn on 22.06.2010 on the ground that the institution did not send a reply to the complaint forwarded to them on 26.03.2010. The appellant filed an appeal against that order and the Council reserved the withdrawal order on 18.09.2010 on the ground that the NRC could have verified the complaint by causing inspection in respect of B.Ed. and D.Ed. courses before taking a decision and the recognition was withdrawn without issuing a show cause notice. In that order NRC was directed to conduct a composite inspection of the institution in respect of B.Ed. & D.Ed. courses, a show cause notice on 09.07.2012. The president of the society sent a reply dated 25.07.2012 contesting the grounds. In that reply he alleged that the inspection was conducted on 30.07.2011 without any intimation to the society or the college. He requested for a fresh inspection. His reply is accompanied by a sworn affidavit. However, one member of the Society wrote to NRC on 27.08.2012 admitting the deficiencies and requesting for withdrawal of recognition. The Council further noted that the order of the institution was again considered by the NRC in pursuance of the order passed by the Punjab and Haryana High Court on 11.10.2012. The list of staff countersigned by Director SCERT in May-2012 includes two members who do not possess Master Degree in School subjects. Moreover, the endorsement is after the date of inspection. However there is no evidence that the staff list has been approved by the competent authority. Regarding payment of salaries through cheques, the institution has admitted that they have been paying salaries in cash, as the staff members were not working continuously due to court cases, but now they have started paying through cheques.

AND WHEREAS, the Council further noted that after considering the order of the Punjab and Haryana High Court dated 11.10.2012 and the consequent actions taken by the appellant institution, the NRC decided to endorse its earlier order dated 22.06.2010 withdrawing recognition both B.Ed. and D.Ed. courses and communicated the decision to the institution through a letter dated 09.01.2013. The Council noted that the issue of the appellate order dated 18.09.2010 reversing the NRC's withdrawal order dated 22.06.2010, the letter has ceased to be operative. The NRC can therefore issue only a fresh order, after following the directions of the Council regarding conduct of a composite inspection as contained in the appellate order and cannot confirm their earlier order dated 22.06.2010. The challenged letter dated 09.01.2013 does not make any reference to the conduct of the composite inspection on 20.07.2011, show cause notice issued thereafter and consideration of the reply thereto. Further the Council also noted that a reference to the order of the Hon'ble High Court for the State of Punjab and Haryana at Chandigarh, which related to the approval of teaching staff for B.Ed. course, is not relevant to the D.Ed. course. In these circumstances the Council concluded that the matter deserved to be remanded to the NRC with a direction to issue a fresh order (and not just confirmation order dated 22.06.2010) narrating all the developments that took place after the issue of the appellate order dated 18.09.2010.

AND WHEREAS, after perusal of the documents, memorandum of appeal, affidavit and after considering oral arguments advanced during the hearing, the Council decided to remand the matter to NRC with the direction to issue a fresh order.

उत्तर क्षेत्रीय समिति
राष्ट्रीय अध्यापक शिक्षा परिषद्
(भारत सरकार का एक विधिक संस्थान)



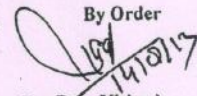
Northern Regional Committee
National Council for Teacher Education
(A Statutory Body of the Government of India)

NOW THEREFORE, the Council hereby remands back the case of Marc College of Education, Bhiwani, Haryana to the NRC, NCTE, for necessary action as indicated above.

AND WHEREAS, the case of the institution was finally considered in its NRC in 217th meeting held from 26th to 29nd July, 2013 and NRC decided the following:-

- As per orders of appellate authority and reply submitted by the institution, recognition of the course is restored.

NOW THEREFORE, in exercise of the powers vested under the NCTE Act, 1993, the recognition of the institution namely Marc College of Education, Bhiwani, Haryana for D.Ed. (D.El.Ed) course is hereby restored as per provisions of the NCTE Act, Rules & Regulations.

By Order

(Dr. Ram Kishor)
Regional Director

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

C.C.-

1. The Secretary/Correspondent, Shivam Education Society, VPO-Lohani, Bhiwani, Haryana.
2. The Principal, Marc College of Education, Bhiwani, Haryana.
3. The Principal Secretary, Department of School Education, Government of Haryana, Shiksha Sadan, Sector - 05, Panchkula, Haryana.
4. The Director State Council of Education Research and Training (SCERT), Opposite Panchayat Bhawan, Sohna Road, Gurgaon-122011, Haryana
5. The Secretary, Dept. of Secondary Education and Literacy, Ministry of Human Resource Development, Govt. of India, Shastri Bhawan, New Delhi- 110001.
6. The US (Computer), National Council for Teacher Education, Hans Bhawan Wing-II, I, Bahadur Shah Zafar Marg, New Delhi- 110 002.
7. Office-order file/ Institution file.


Regional Director