



MS.
28/8/21

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-210/E-192100/2021 Appeal/19th Meeting, 2021
Appeal No. APPLERC202114074

Dr. Parsuram Mishra Institute of Advanced Study in Education, Motijharan, BSS Nagar, Motijharan, Sambalpur, Odisha – 768001 (APPELLANT)	Vs	Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012 (RESPONDENT)
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Representative of Appellant	Dr. Dibaikar Sarangi, Associate Professor
Respondent by	Regional Director, ERC
Date of Hearing	16/08/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Dr. Parsuram Mishra Institute of Advanced Study in Education, Motijharan, BSS Nagar, Motijharan, Sambalpur, Odisha dated 17/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ER-283.3/(OR-S/E-12/96)/B.Ed./2020/162990 dated 08.09.2020 of the Eastern Regional Committee, withdrawal recognition for conducting for B.Ed. Course on the grounds that "total 1+8 teaching faculty list has been submitted against the requirement of 1+15 and no teachers have been appointed for Physical Education, Music/Fine Arts/Performing Arts etc. as per Appendix-4 of Regulation, 2014/Norms & Standards. Hence, B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2021-22."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Dibaikar Sarangi, Associate Professor, Dr. Parsuram Mishra Institute of Advanced Study in Education, Motijharan, BSS Nagar, Motijharan, Sambalpur, Odisha

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presented online the case of the appellant institution on 16/08/2021. In the appeal and during personal presentation it was submitted that "request a reference to the letter of Principal Secretary to Govt. of Higher Education, Govt. of Odisha bearing No. 27176 Dt. 13/7/2021 to the Member Secretary, NCTE, New Delhi. Govt. of Odisha has reconfigured staff position in teacher education institution by transfer and posting of faculty members. This institution has now 1+7 faculty members and hence can run one unit of bed course in 2021-22 session. Hence it is prayed that recognition for 1 unit of B.Ed. programme may be restored/granted in favour of Dr. Parasuram Mishra Institute of Advanced Study in Education, Sambalpur [Dr. PM IASE, Sambalpur], Odisha."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution is a College of Teacher Education conducting B.Ed. programme under the aegis of Government of Odisha. Appeal Committee further noted that in the State of Odisha, teacher education is the primary concern of the State Government.

2. Appeal Committee noted that appellant in its appeal memoranda has stated that the Government of Odisha has reconfigured staff position in teacher education institutions and it has now 1 + 7 faculty members adequate enough for conducting the programme with an intake of one unit (50 seats).

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08/04/2021, passed in W.P. (C) 4382/2021 has observed as follows:-

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30/07/2021, passed in W.P. (C) 7260/2021 has observed as follows:-

"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."

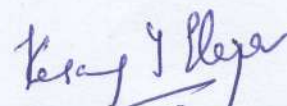
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5. In compliance of the orders dated 08/04/2021 & 30/07/2021 of the Hon'ble High Court of Delhi in W.P. (C) Nos. 4382/2021 & 7260/2021 respectively, Appeal Committee decided to set aside the impugned order dated 08/09/2020, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulations, 2014 until a fresh withdrawal order is passed by the Regional Committee. The case of the institution is remanded back to ERC for revisiting the matter for restoration of recognition (of one unit) which is proportionate to the number of faculty appointed with the approval of affiliating body. Appellant institution is required to submit to ERC the list of faculty approved by affiliating body.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order dated 08/09/2020, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulations, 2014 until a fresh withdrawal order is passed by the Regional Committee and remand back the case of Dr. Parsuram Mishra Institute of Advanced Study in Education, Motijharan, BSS Nagar, Motijharan, Sambalpur, Odisha to the ERC, NCTE, for necessary action as indicated above. ✓

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Associate Professor, Dr. Parsuram Mishra Institute of Advanced Study in Education, Motijharan, BSS Nagar, Motijharan, Sambalpur, Odisha – 768001.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Odisha, Bhubaneswar.