



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

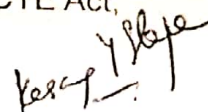
File No. 89-213/E-192360/2021 Appeal/19th Meeting, 2021
 Appeal No. APPLERC202114076

Hindi Teachers Training Institute, Buxi Bazar, Block No. 29, Old Secretariat, Cuttack, Odisha - 753001	<u>Vs</u>	Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Dr. Satya Narayan Panda, Principal
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 Hindi Teachers Training Institute, Buxi Bazar, Block No. 29, Old Secretariat, Cuttack, Odisha dated 20/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ER-274.14.11/(APE00550)/B.H.Ed./2020/63176 dated 13.10.2020 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "faculty list is not as per NCTE Regulations, 2014. Faculty list comprises 1+7 as against the requirement of 1+15 as per NCTE Regulations, 2014. Recognition granted to B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-2021."



II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Satya Narayan Panda, Principal, Hindi Teachers Training Institute, Buxi Bazar, Block No. 29, Old Secretariat, Cuttack, Odisha presented online the case of the appellant institution on 16/08/2021. In the appeal and during personal presentation it was submitted that "as NCTE Regulation 2014 for 100 seats (1+15) faculty required but we are having (1+6) faculty on regular mode available, so at least approve 50 seats for this session 2021-22 this institute is only imparting Hindi B.Ed. in Odisha State."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution has submitted with its appeal memoranda a copy of list of faculty. Appellant has also submitted copy of a letter dated 13/07/2021 of the Department of Higher Education wherein appellant institution has been asked to rectify the deficiencies and prefer appeal. Appeal Committee noted that Teacher Education Institution in the State of Odisha function under the aegis of Government of Odisha which the appointing authority for the faculty.

2. 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."

3. 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."

4. 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

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decided to set aside the impugned order dated 13.10.2020, 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 13.10.2020, 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 Hindi Teachers Training Institute, Buxi Bazar, Block No. 29, Old Secretariat, Cuttack, 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 Principal, Hindi Teachers Training Institute, Buxi Bazar, Block No. 29, Old Secretariat, Cuttack, Odisha – 753001.
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.