

No.WRC/APP2081/222/283rd/{M.P.}/2017/

192775

Date: 17 Nov 17

SHOW CAUSE NOTICE

WHEREAS, in terms of Section 14 of the NCTE Act, 1993, **JAN SEVA SAMITI, PLOT NO.100, STREET/ROAD/VILLAGE/TOWN/CITY/POST OFFICE/TEHSIL/TALUKA - PRITHVIPUR, TOWN/CITY/DISTRICT - TIKAMGARH, PIN CODE - 472336, MADHYA** had submitted the application on **26.12.2012** to the Western Regional Committee of the NCTE for grant of recognition for D.El.Ed Course.

AND WHEREAS, the matter was placed before WRC in its 185th meeting held on June 13-15, 2013 and the Committee decided that "...The institution has not submitted any land document which is necessary for processing the case for recognition. Hence, the case is summarily rejected and processing fees and FDRs be returned." Accordingly, Rejection order issued on 10.07.2013

AND WHEREAS, the institution filed W.P. No.18755/2014 before the Hon'ble High Court of Madhya Pradesh, Principal Seat at Jabalpur and the Hon'ble High Court had passed an order dated 05.02.2016.

AND WHEREAS, the aforesaid court order was placed in the 246th Meeting of WRC held on March 16-18, 2016 and the Committee decided that Show Cause Notice be issued to the institution. Accordingly, Show Cause Notice was issued on 24.03.2016.

AND WHEREAS, reply received from the institution was placed in the 255th WRC meeting held on June 22-24, 2016 and the Committee observed that "...The applicant Jan Seva Samiti had originally applied for D.El.Ed. course vide online application dt. 26/12/2012. The case was considered in the 185th meeting (13-15 June, 2013). The institution had not submitted any land document, which was necessary as per the NCTE Regulations, 2009, then extant. As per the provisions of NCTE Regulations, 2009, submission of Processing Fee and land ownership document was a necessary condition for processing by the Regional Committee Office. Since, the mandatory conditions were not satisfied, the case was summarily rejected. When the applicant went in Appeal, the Appeal was also not admitted. Then, the applicant approached the Hon'ble High Court of M.P. at Jabalpur which directed the respondents to proceed in the matter. The Hon'ble Court Order dt. 05/02/2016 mentions the quashing of the notification - "...in W.P. No. 19819/2015 (Ambition College of Education Vs. NCTE and others) and by a detailed order passed on 28/01/2016, the notification has been quashed..." This order related to rejection of applications filed by persons from districts which were banned by the Public Notice of the NCTE Hqrs. In this case, the issue relates to submission of documents required under NCTE Regulations for consideration of an application for Recognition of a teacher education course. Accordingly, after the case was received back with the Hon'ble High Court order, the application was examined. It was found that land ownership documents were not submitted, nor the other related documents properly notarized. Even processing fee was not resubmitted. Accordingly, Show Cause Notice dt. 24/03/2016 was issued. The documents received after the Show Cause Notice were examined. It is seen as follows:-

- Land Ownership Document - There is one land document but two owners are shown -one is Sachiv of the Jan Seva Samiti, and the other Smt. Phoolwati. These are photocopies; there is a seal of the Sub-Registrar's office only on the land in which Smt. Phoolwati is the owner. But since private land ownership is not allowed, the document is not acceptable.
- Other Land Documents - Originally notarized copies of CLU, Building plan and Building Completion Certificate have not been submitted.

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मानस भवन, श्यामला हिल्स, भोपाल-462002

Manas Bhawan, Shyamla Hills, Bhopal-462002

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As for the Non-Encumbrance Certificate, it is from the applicant Society itself, who is not the competent authority. Thus, it is found that in spite of the Show Cause Notice dt. 24/03/2016, the applicant has not filed documents in accordance with Clauses 5, 6 and 8 of the NCTE Regulations, 2014. Hence, Recognition is refused". Accordingly, Refusal order was issued on 01.07.2016.

AND WHEREAS, the institution preferred an appeal before the Council (NCTE) u/s 18 of NCTE Act, 1993, against the Refusal order dated 01.07.2016 and the Council vide order dated 16.10.2017 remanded the case to WRC with a direction to consider these documents, to be forwarded to them by the appellant, and take further action as per the NCTE Regulation, 2014. The appellant is directed to submit all the documents submitted with their appeal, to the WRC within 15 days of receipt of the orders on the appeal.

AND WHEREAS, the aforesaid appeal order was placed in the 283rd WRC meeting held on November 14-15, 2017 and the Committee decided that "...This is a case of appeal. The Appellate Authority vide order dated 16.10.2017 remanded the case to WRC. It also directed the institution to submit all the documents produced before the Appeal Committee to the WRC within 15 days. The institution has still not submitted the documents. **Hence, Show Cause Notice be issued to the institution on this ground. If no reply is received within 30 days, the Refusal order will stand.**"

NOW THEREFORE, this Show Cause Notice is issued to the institution u/s 14(3)(b) of NCTE Act, 1993 giving an opportunity for making a written representation within a period of 30 days from the date of issue of this notice. In the event of this office not receiving any representation within 30 days of the issue of this notice, it will be presumed that the institution does not wish to make any representation and the Western Regional Committee shall take decision, as it deems fit and proper.

Regional Director

To,

The Secretary,
JAN SEVA SAMITI,
PLOT NO.100, STREET/ROAD/VILLAGE/TOWN/CITY
/POST OFFICE/TEHSIL/TALUKA - PRITHVIPUR, TOWN/CITY/
DISTRICT - TIKAMGARH, PIN CODE - 472336, MADHYA PRADESH

Copy to the Principal, CHAIRMAN VK SHRIVAS, KHASRA NO.365, 366/2, PLOT NO.100, STREET NO.04, VILLAGE/POST OFFICE/TEHSIL/TALUKA - PRITHVIPUR, TOWN/CITY/DISTRICT - TIKAMGARH, PIN CODE - 472336, MADHYA PRADESH

Regional Director