

TO BE PUBLISHED IN GAZETTE OF INDIA PART III SECTION 4

F.No.WRC/APP2530/223 (Addl.)/247th/289th/2018/195951

Date: 6 Mar 18

ORDER

WHEREAS, in terms of Section 15 (1) of the NCTE Act, 1993, **ORIENTAL UNIVERSITY INDORE SPONSORED BY DEVI SHAKUNTALA THAKRAL CHARITABLE FOUNDATION, PLOT NO: 81/2,81/3, STREET: SANWER ROAD, VILLAGE: JAKHIYA, POST OFFICE: AUROBINDO, TEHSIL: SANWER, CITY: INDORE, DISTRICT: INDORE-453555, MADHYA PRADESH (WRCAPP2530/223 (Addl.))** had submitted on 08-04-2015 the application to the Western Regional Committee of the NCTE for permission to **ORIENTAL UNIVERSITY, PLOT NO: 81/2,81/3 ETC.,STREET:SANWER ROAD, VILLAGE: JAKHIYA, POST OFFICE: AUROBINDO, TEHSIL: SANWER, CITY:INDORE, DISTRICT :INDORE-453555, MADHYA PRADESH** for conducting **B.ED. (Increase Intake) Course**.

AND WHEREAS, in exercise of the powers conferred by sub-section(2) of Section 32 of the National Council for Teacher Education Act, 1993(73 of 1993), and in supersession of the National Council for Teacher Education [Recognition Norms and Procedure] Regulations, 2009, the National Council for Teacher Education notified the Regulations, 2014 on 1.12.2014.

AND WHEREAS, on scrutiny/perusal of the application submitted by the institution, the documents attached therewith, the affidavit, and the input received from the visiting team in the form of report and videography, recommendation of the State Government, the Committee in its 247th meeting held on April 04-06, 2016 was satisfied that the institution/society fulfills the requirements under the provisions of NCTE Act, Rules and relevant Regulations including the Norms and Standards for the B.Ed. (Increase Intake) programme, such as, infrastructural and instructional facilities, library, accommodation, financial resources, laboratory etc. for running the programme and has selected/appointed duly qualified teaching staff as per NCTE norms.

AND WHEREAS, in exercise of the powers vested under Section 15 (3) (a) of the NCTE Act, 1993 and in accordance with the Regulations, 2014, the Western Regional Committee, NCTE granted permission to **ORIENTAL UNIVERSITY, PLOT NO: 81/2,81/3 ETC.,STREET:SANWER ROAD, VILLAGE: JAKHIYA, POST OFFICE: AUROBINDO, TEHSIL: SANWER, CITY:INDORE, DISTRICT :INDORE-453555, MADHYA PRADESH** for conducting **B.ED. (Increase Intake) programme of 2 (Two) years duration with an additional intake of 50 students (one basic unit of 50 students)** from the academic session 2016-17 thereby making a total annual intake of 150 students (100+50).

AND WHEREAS, the Recognition Order No. WRC/APP2530/223 (Addl.)/247th/2016/164178, 180, 82, 84, 86, 87, 89 dated 07.04.2016 was issued to the institution for an additional intake of 50 students (one basic unit of 50 students).

AND WHEREAS, the appellant, aggrieved by the decision of the W.R.C. to grant recognition for one unit only against their application for four units, filed a Writ Petition No. 2836/2016 before the Hon'ble High Court of Madhya Pradesh, Bench at Indore. The Hon'ble High Court in their order dt. 26.04.2016 "...on behalf of respondent No. 1 on advanced notice has submitted that the members of the Appellate Committee are from different States and, therefore, they shall make an endeavour to decide the appeal expeditiously, as early as possible

Considering the aforesaid, we dispose of this writ petition by directing the respondent no.1/Appellate Authority to decide the appeal of the petitioner expeditiously, as early as possible and endeavour shall be made to decide it on before 02.05.2016

With the aforesaid, the writ petition is disposed of."

AND WHEREAS, the institution filed appeal u/s 18 of the NCTE Act with the Council. The Council vide order No. F.No. 89-92/2016 Appeal/06th Meeting-2016 dated 02.05.2016 remanded the case to the WRC with the following directions that : "... the appeal deserved to be rejected and the order of the WRC is confirmed."

AND WHEREAS, the appellant, aggrieved by the decision of the W.R.C. to grant recognition for one unit only against their application for four units, filed a Writ Petition No. 3738/2016 before the Hon'ble High Court of Madhya Pradesh, Bench at Indore. The Hon'ble High Court in their order dt. 13.06.2016 disposed the Writ Petition by directing the respondent No. 1 being a statutory authority should have pass the responded order and act independently in fair manner which is lacking in the impugned order. Thus, we have no option except is remanded back to the appellate authority to pass a speaking order within a period of one month.

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AND WHEREAS, the institution filed appeal u/s 18 of the NCTE Act with the Council. The Council vide order No. F.No. 89-182/2016 Appeal/10th Meeting-2016/36756 dated 08.08.2016 remanded the case to the WRC with the following directions : "the Committee concluded that the appeal deserves to be remanded to W.R.C. with a direction to re-examine the request of the appellant for permission for four units as per the provisions of the NCTE Regulations and take further necessary action."

AND WHEREAS, the order was placed before the WRC in its 261th Meeting held on October 26-28, 2016 and the Committee observed that "The case file was seen. This is a case of Appeal. The Appellate Authority vide order dt. 08/08/2016 has remanded the case to WRC with a direction to re-examine the request of the appellant for four units of the B.Ed. course under NCTE Regulations, 2014.

The institution is required to send a list of 32 faculty members for four units of the B.Ed. course in all (refer to Appendix-4). These faculty members should be different from all other teacher education courses. The list should be signed by the competent authority.

To expedite the case the University is required to send the list of approved staff members for all other teacher education courses (APP2531-M.Ed., APP2532-B.A.B.Ed./B.Sc.B.Ed., APP2533-B.Ed.[Part-Time], APP2015-B.Ed.) sanctioned by the WRC.

Compliance should be sent within one month."

AND WHEREAS, the letter No. WRC/APP2530/223/261st/2016/175349, 350 dated 02.11.2016 was issued to the institution and the reply received from the institution on 21.11.2016 & 19.12.2016.

AND WHEREAS, the order was placed before the WRC in its 265th Meeting held on **December 27-29, 2016** and the Committee observed that "...Compliance letter was issued on 02/11/2016 to submit a list of 32 faculty members for 4 units of the B.Ed. course.

The institution has submitted the same.

Hence, Recognition be granted for 4 additional units of B.Ed. course from the academic session 2017-2018."

AND WHEREAS, as per minutes of the 265th meeting were confirmed by the committee with the following corrections in 266th Meeting held on January 10-12, 2017 : "...Serial No. 77 (Code- APP2530) – The minutes should now be read as "Hence, Recognition be granted for 2 additional units of B.Ed. course from the academic session 2017-2018." Reference may be made to clause 3.1 of the Appendix-4 which permits only a maximum of 2 units." But the letter was not issued to the institution.

AND WHEREAS, the appellant, aggrieved by the decision of the W.R.C. to grant recognition for one unit only against their application for four units, filed a Writ Petition No. 2547/20177 before the Hon'ble High Court of Madhya Pradesh, Bench at Indore. The Hon'ble High Court in their order dt. 22.04.2017 and it was decided that: "...On due consideration, petition filed by the petitioner is disposed of with a direction to the Appellate Authority that if any appeal is pending before Appellate Authority, then, the same shall be decided as expeditiously as possible in accordance with law. It is made clear that we have not expressed any opinion on merits of the case.

Petition stands disposed of Accordingly".

AND WHEREAS, the institution filed appeal u/s 18 of the NCTE Act with the Council. The Council vide order No. F.No. 89-182/2016 Appeal/12th Meeting-2017/56892 dated 10.08.2017 remanded the case to the WRC with the following directions : "to consider the request of the appellant for four additional units of B.Ed. course (after taking into account the one additional unit already granted on 07.04.2016)... "