

**TO BE PUBLISHED IN GAZETTE OF INDIA PART - III SECTION - 4**

F.No.WRC/APP2081/222/288<sup>th</sup>{M.P.}/2018/195696

Date 27 Feb 18

**REFUSAL ORDER**

WHEREAS, in terms of Section 14(1) of the NCTE Act, **JAN SEVA SAMITI, PLOT NO.100, VILLAGE/POST OFFICE/TEHSIL/TALUKA - PRITHVIPUR, TOWN/CITY/DISTRICT - TIKAMGARH, PIN CODE - 472336, MADHYA PRADESH (WRCAPP2081)** had submitted the application on 26.12.2012 to the Western Regional Committee of the NCTE for grant of recognition to **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** for D.El.Ed. Course of 2 year duration with an annual intake of 50 students.

AND WHEREAS, the matter was placed before WRC in its 185<sup>th</sup> 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 preferred an appeal before the Council (NCTE) u/s 18 of NCTE Act, 1993, against the Rejection order dated 10.07.2013 and the Council vide order dated 29.05.2014 decided not to condone the delay and therefore, the appeal was not admitted.

AND WHEREAS, the institution thereafter 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 246<sup>th</sup> 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.

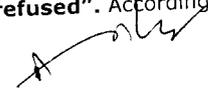
AND WHEREAS, reply received from the institution was placed in the 255<sup>th</sup> WRC meeting held on June 22-24, 2016 and the Committee observed that "...The applicant Jan Seva Samiti had originally applied for D.El.Ed. course vide online application dt. 26/12/2012. The case was considered in the 185<sup>th</sup> 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:-

- i) **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.
- ii) **Other Land Documents** - Originally notarized copies of CLU, Building plan and Building Completion Certificate have not been submitted. 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 issued on 01.07.2016.

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मानस भवन, श्यामला हिल्स, भोपाल-462002

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NCTE HQrs. Website : www.ncte-india.org

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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 the documents forwarded to them by the appellant, and take further action as per the NCTE Regulation, 2014. The appellant was directed to submit all the documents submitted with the 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 283<sup>rd</sup> 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.**" Accordingly, Show Cause Notice was issued on 17.11.2017.

AND WHEREAS, the reply not submitted by the institution. The matter was placed in the 288<sup>th</sup> Meeting of WRC held on February 15-16, 2018 and the Committee decided that "...Consequent to the consideration of the Appellate Authority's order dated 16.10.2017, Show Cause Notice was issued to the institution on 17.11.2017 for submission of all the required documents as directed by the Appellate Authority. The institution has not replied till date. **Hence, Refusal order dated 01.07.2016 stands.**"

NOW, THEREFORE, the WRC, in exercise of powers vested u/s 14(3)(b) of the NCTE Act, hereby refuses recognition to **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** for the D.El.Ed. Course.

Further, if the institution is not satisfied by the order, it can prefer an appeal to the National Council for Teacher Education, Hans Bhawan, Wing-II, 1, Bahadur Shah Zafar Marg, Near ITO, New Delhi - 110002 against the order under Section 18 of the NCTE Act, 1993 within 60 days of the issue of this order. The guidelines for filing of appeal may be seen on NCTE website: [www.ncte-india.org](http://www.ncte-india.org).

Regional Director

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

Copy to:

1. 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.**
2. 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.**
3. The Secretary, Board of Secondary Education, Shivaji Nagar, Bhopal, Madhya Pradesh.
4. The Director, S.C.E.R.T., Wing B, Pustak Bhawan, Arera Hills, Bhopal, M.P.
5. The Secretary, Department of Elementary Education & Literacy, Government of India, Ministry of Human Resource Development, Shastri Bhawan, New Delhi.
6. The Under Secretary (EDP Section), National Council for Teacher Education, Hans Bhawan, Wing- II, Bahadurshah Zafar Marg, New Delhi- 110002.
7. Office Order file/Institution file. (APP2081/222)

  
Regional Director