

राष्ट्रीय अध्यापक शिक्षा परिषद्
(भारत सरकार का एक विधिक संस्थान)
पश्चिम क्षेत्रिय समिति



National Council For Teacher Education
(A Statutory Body of the Government of India)
Western regional Committee

F.No.WRC/APW06088/222319/228th/MP/2015/ 8773

Date: 20/06/15

आपक नं. 83
दिनांक 24.06.15

ORDER

WHEREAS, recognition was granted to CITY D.ED. COLLEGE, NEAR DAK BANGALOW, ATER ROAD, BHIND - 477001, MADHYA PRADESH under section 14 of NCTE Act, 1993 for conducting D.ED course vide order dated 19.02.2009 with an annual intake of 50 students.

AND WHEREAS, the recognition of D.ED course of the said institution was withdrawn by WRC vide order No.WRC/APW06088/222319/143/2010/74467-74473 dated 30.01.2011.

AND WHEREAS, the institution had preferred an appeal before Council (NCTE) u/s 18 of NCTE Act, 1993, against the withdrawal order dated 30.01.2011 and the Council vide order dated 26.05.2011 accepted the appeal and confirmed the WRC's order dated 30.01.2011.

AND WHEREAS, the institution filed a Writ Petition No.5145/2011 and the Hon'ble High Court of Madhya Pradesh, Bench at Gwalior vide order dated 17.05.2012 decided as follows:-

"...From the perusal of the reply of the petitioner to the show - cause notice and also the map attached along with show- cause notice, it is clear that the petitioner - Institution did not mention the fact that in which building it had been running D.Ed. Course and other courses and for that purpose, how much area was allotted. Subsequently, the petitioner filed an application (I.A. No.2943/2010) for taking additional facts on record. In the aforesaid application, the petitioner pleaded that it had been running the course on specific building. However, these facts could not be considered at this stage because these facts have not been brought to the notice of WRC or NCTE at the time of deciding the appeal for order of recognition. Hence, in this petition under Article 226 of the Constitution, these facts cannot be considered. Admittedly, the petitioner - institution had been running all the three courses, i.e. B.P.Ed., D.Ed. and Higher Secondary School in one building which is not permissible under law. Hence, in our opinion, there is no illegality in the orders impugned passed by the authorities. Learned counsel for the petitioner, in support of his contention, has relied on two orders passed by Division Bench of this Court in the case of SPS Academy Vs. The National Council for Teacher Education & Others [Writ Petition No. 6904/2010 decided on 14.03.2011] and Adarsh Rajabhoj Shikshan Samiti Vs. National Council of Teacher Education & three others [Writ Petition No. 4515/2010 decided on 07.02.2011]

However, those orders are not applicable in the facts of the present case because the petitioner- Institution has not pleaded specifically in which building it had been running D.Ed. Course. Hence, we do not find any merit in this petition. It is hereby dismissed. No order as to costs."

AND WHEREAS, the institution filed Civil Appeal No.5549/2014 (Arising out of Special Leave Petition (C) No.32023 of 2012 and the Hon'ble Supreme Court of India, Civil Appellate Jurisdiction vide order dated 09.05.2014 decided that "... the controversy in the present appeal is squarely concluded by the decision of this Court in National Council for Teacher Education and another vs. Vaishnav Institute of Technology and Management (2012) 5 SCC 139."

AND WHEREAS, the aforesaid court order was placed in the 210th WRC meeting held on September 30, 2014 and it was decided that "...the case be referred to NCTE hqrs. for inspection u/s 13 of the NCTE Act, 1993."

AND WHEREAS, the inspection of the institution was conducted u/s 13 of the NCTE Act, 1993 on 14.01.2015.

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