

TO BE PUBLISHED IN GAZETTE ON INDIA PART III SECTION 4

F. No.SRC/NCTE/APSO0156,ASPO0544/B.Ed/KA/2020 114592-114593 Date: 21 FEB 2020

ORDER

WHEREAS, the DBHPS Lal Bahadur Shastri College of Education, 113/114, S.C.Road, Sheshadripuram, Bangalore – 560 020, Karnataka was granted recognition by SRC for offering B.Ed. course with an intake of 60 students from the session 2000-2001 vide order dated 10.07.2000.

2. AND WHEREAS, a Complaint was received on 18.11.2009 from the Secretary, Hindi Prachar Mandali, Bijapur, Karnataka addressed to the Chairperson, NCTE, New Delhi regarding misappropriation of funds and Mal-administration of DBHPS institutions in Karnataka. The Complaint was forwarded to SRC from NCTE, Delhi on 10.12.2009.

3. AND WHEREAS, the SRC in its 188th meeting held on 28-29 January, 2010 considered the matter and decided to cause inspection to the institution after obtaining the details of infrastructural and instructional facilities in the Questionnaire format.

4. AND WHEREAS, a letter was issued to all 5 DBHPS institutions on 8.3.2010/5.3.2010 to submit explanation along with 10 documents to submit as per Questionnaire within 21 days from the date of receipt of the letter. The SRC in its 191st meeting held on 20-21 April 2010 considered the written representation submitted on 30.03.2010 and decided to cause inspection under section 17 of NCTE Act. Accordingly, inspection was carried out on 3.6.2010.

5. AND WHEREAS, the SRC in its 193rd meeting held on 21-22 June, 2010 considered the report and decided as under:-

Accordingly, inspection was carried out on 3.6.2010 and the Committee considered the Report and decided to withdraw recognition for B.Ed course for the following reasons:-

- As per VT Report and as countersigned by the Management, the total built-up area of the building comes to 6738 sq.ft which is far short of the NCTE norms of 16,000 sq.ft.
- Language lab. Is not available.
- Games and Sports facilities is not available. Corporation Ground is being used.
- As per VT Report and as countersigned by the Management, 2 staff members do not possess requisite qualification as per NCTE norms.

Under the above grounds, the Committee decides to withdraw the recognition for B.Ed. course with immediate effect. It is made clear that the institution is debarred from making any further admission subsequent to the date of issue of this order.

6. **AND WHEREAS**, as per the decision of SRC a withdrawal order was issued to the institution on 02.08.10. Aggrieved by the Withdrawal order, the institution preferred an appeal to NCTE. Hqs and after considering the oral arguments advanced during the hearing, the council reached the conclusion that there was adequate ground to accept the appeal and reverse the SRC's order dated 2.8.2010 with the direction to the SRC for issuance of show cause notice and for further action thereafter. Accordingly, the appeal was accepted and the order of the SRC dated 2.8.2010 reversed vide HQ order No.89-1010/2010-Appeal A29354 dated 23.12.2010.

7. **AND WHEREAS**, the SRC in its 200th meeting held on 20-21 January 2011 considered the Appellate authority order dated 23.12.2010 VT report, VCD and all the relevant documentary evidences and it was decided to issue Show cause notice. Accordingly, Show cause notice was issued to the institution on 11.03.2011.

8. **AND WHEREAS**, as per VT Report and as countersigned by the Management, the total built-up-area of the building comes to 6736 sq.ft. which is far short of the NCTE norms of 16,000 sq.ft. Language lab, is not available. Games and Sports facilities is not available. Corporation Ground is being used. As per VT Report and as countersigned by the Management, 2 staff members do not possess requisite qualification as per NCTE norms.

9. **AND WHEREAS**, the references to the above notice issued by SRC, NCTE dated 11.03.2011 the same was challenged before the Hon'ble High Court of Karnataka in W.P.No. 13832-13837/2011 (EDN- RES). The Hon'ble High Court of Karnataka after considering the matter has ordered the Stay on all further proceedings by SRC. They have also submitted a copy of the order in W.P.No. 13832-13837/2011 dated 07.04.2011 of Hon'ble High Court of Karnataka.

10. **AND WHEREAS**, the institution has submitted its written representation on 07.03.2011 for the letter dated 10.02.2011, wherein the institution had stated that they have no remarks/comments to offer in this behalf as the letter does not have anything to complain against the college, it specifically mentions Hindi Distance Education, which is not at all concerned with this college.

11. **AND WHEREAS**, the SRC in its 204th meeting held on 27-28 April, 2011 considered the above matter and decided to get the stay vacated. The institution had filed a writ petition against the Show cause Notice issued to the institution vide W.P.No.13832-37/2011 filed by Dakshina Bharath Hindi Prachar Sabha(5 institutions) in Karnataka and others.

12. **AND WHEREAS**, as per the decision of SRC, the advocate was requested to vacate the interim stay granted to the institutions vide this office letters dated 11.5.2011, 5.12.2011, 16.4.2012, 4.9.2012 and 6.1.2013.

13. **AND WHEREAS**, a letter dated 13.2.2013 is received by this office on 30.4.2013 from Ashok Haranahalli Associates regarding W.P.No.13832-37/2011 of Dakshina Bharath Hindi Prachar Sabha and others wherein 1st respondent is the NCTE, New Delhi, 2nd respondent is the

SRC, NCTE, 3rd respondent is Union of India, Ministry of Parliamentary Affairs represented by its Secretary, No.87, Parliament House, Parliament Street, New Delhi-110004 and 4th respondent is the Union of India, Ministry of Human Resource Development, Dept. of Higher Education, represented by its Secretary, Shastri Bhavan, New Delhi-110115.

14. **AND WHEREAS**, the writ petition is filed by Dakshin Bharat Hindi Prachar Sabha, Karnataka Branch, No.113/114, S.C. Road, Sheshadripuram, Bangalore-560020 in respect of

1. DBHPS Lal Bahadur Shastri College of Education, Bangalore
2. DBHPS Rajiv Gandhi College of Education, Dharwad
3. DBHPS Dr. B.D. Jatti College of Education, Bijapur
4. DBHPS Dr. B.D. Jatti College of Education, Belgaum and
5. DBHPS Basaveshwara College of Education, Mysore.

15. **AND WHEREAS**, the writ petition was filed questioning the orders dated 23.12.2010 passed by the 1st respondent-NCTE remanding the matter back to the 2nd respondent, and the consequential show-cause notices dated 11.3.2011 issued by the 2nd respondent-SRC. Letter of Ashok Haranahalli Associates dated 13.2.2013 stated that

"the above matter came up for consideration before the Hon'ble High Court on 13.2.2013 for preliminary hearing in 'B' group. After hearing the matter, the Hon'ble Court quashed the impugned orders and notices and remanded the matter to the 1st respondent – NCTE to consider the issue whether NCTE has got supervisory jurisdiction over the petitioner institutions, which are established under Central Legislation and also to consider the case of the petitioners. I have applied for the certified copy of the final order, and the same will be sent to you on its receipt."

16. **AND WHEREAS**, the advocate has opined that "In my opinion the writ petitions were premature and as issuance of show cause notices cannot be questioned in the normal course. The learned Single Judge is also not correct in directing the NCTE to decide the issue whether NCTE has got supervision over petitioner institutions when the petitioner institutions are running the teacher training courses after obtaining recognition from NCTE. Further, NCTE Act prevails over all other Acts governing the field. Therefore, in my opinion this is a fit case for filing a Writ Appeal."

17. **AND WHEREAS**, this office has not yet received certified copy of the order from Hon'ble Court and not even from the institutions. Since the 1st respondent is the NCTE, New Delhi and the direction of Hon'ble Court is for 1st respondent to consider the above issue.

18. **AND WHEREAS**, the SRC in its 245th meeting held on 19th – 21st May, 2013 considered the matter and decided to inform the Lawyer to file an Appeal against the Court order, by highlighting the grant of recognition by SRC/NCTE, Bangalore to DBHPS Lal Bahadur Shastri College of Education, 113/114, S.C. Road, Sheshadripuram, Bangalore, Karnataka for offering B.Ed (APS00156) course with an intake of 60 students from the session 2000-2001 vide order dt.

10.07.2000. Accordingly, as per the decision of SRC, a letter was addressed to the Advocate with a request to file appeal against the order of Hon'ble Court dated 13.02.2013.

19. **AND WHEREAS**, a letter dated 2.8.2013 is received on 20.8.2013 from M/s. Haranahalli and Patil, Advocates stating that:-

"In the above matter by the order dated 13.2.2013, the learned single judge of the Hon'ble High Court has quashed the order passed by the SRC withdrawing recognition granted to the petitioner institutions and the order passed by the appellate authority confirming the said orders. However, the learned single judge has remanded the matter to the Appellate authority to decide to look into the grievance of the petitioners including the applicability of the act to the Petitioner-institutions. Therefore, now the appellate authority has to take a decision in the matter after issuing notice to the petitioner - institutions regarding the applicability of the Act and the deficiencies.

In my opinion, since the Learned Single Judge has not decided the issue of applicability of the NCTE Act and has remanded the matter to the Appellate authority, this is not a fit case for filing an appeal. However, the appellate authority/NCTE still wants to file an appeal, you are requested to send the copy of the writ petition along with certified copy of the final order so as to enable us to prepare the appeal papers."

20. **AND WHEREAS**, the advocates' letter dated 13.2.2013 and 2.8.2013 are contrary to each other. In the letter dated 13.2.2013, the advocate has opined that this is a fit case for filing an appeal. In the letter dated 2.8.2013, he has stated that this is not a fit case for filing an appeal and has requested to send a copy of the writ petition along with certified copy of the final order. The Committee considered the matter, letter from the Advocate dated 2-8-2013 and also Hon'ble High Court direction vide order dated 13-02-2013 remanding the matter to the Appellate authority to decide to look into the grievance of the petitioners including the applicability of the act to the petitioner-institutions. Therefore, now the appellate authority has to take a decision in the matter after issuing notice to the petitioner-institutions regarding the applicability of the Act and the deficiencies.

21. **AND WHEREAS**, since the case has been remanded to the Appellate authority (i.e., the NCTE) to examine the jurisdictional issues raised and to clarify the legal position, it is decided by the Committee to request the NCTE (H'qrs) to take further action accordingly. As per the decision of SRC, a letter is addressed to the NCTE, New Delhi on 29.10.2013 with a request to take further action. The original file was sent to the NCTE-Hqrs on 20.11.2013.

22. **AND WHEREAS**, the appellate authority (NCTE-Hqrs) was submitted its decision in its 12th meeting held on 20.10.2014 received by SRC on 08.12.2014 and the committee decided as under:-

"The appeal pertaining to cases filed by Dakshin Hindi Prachar Sabha, Belgaum, Karnataka in pursuance of the Court's order dated 13.02.2013 passed by Hon'ble High Court of Karnataka in the W.P.No.13831-13837/2011 was discussed in the 10th meeting of the Appeal Committee and Committee noted the legal opinion obtained by NCTE. The legal opinion is in conformity that the powers vested with the Dakshin Hindi Prachar Sabha through an Act to determine and maintain standards for teacher education and to regulate the same. Further the NCTE Act, 1993 is 'subsequent' and the "special legislation" and therefore, the

provisions of NCTE Act will apply to Dakshin Bharath Hindi Prachar Sabha in relation to teacher training courses being conducted by it.

The High Court order dated 13.02.2013 while referring the case or adjudication to the Appellate authority had advised that appellate authority shall give an opportunity to the petitioner's, before passing an order, to have their say in the matter.

Appeal Committee, therefore, concluded that the above five appellants may be asked to appear before the Appeal Committee with their written submissions. Accordingly notice noted 30.09.2014 was issued to Secretary, Dakshin Baharath Hindi Prachar Sabha (DBHPS). S/Sh. Deen Bandhu, Special officer and Dr. Satish Kumar Pandey, Principal, Basaweshawara College of Education appeared before the Committee on 20.10.2014. The representatives of DBHPS submitted the written consent to the effect that the Sabha is in the ambit of NCTE Act and its regulations issued from time to time.

Attention of NCTE is however, drawn the verdict dated 13.02.2013 of the High Court of Karnataka in the WP. Case no.13832-13837/2011. As per verdict given by the Hon'ble Court the impugned order dated 02.08.2010 derecognising the institutions was render 'Non Est' and also the consequential order dated 23.12.2010 of Appellate Authority to look into grievances of the petitioners as to whether NCTE has got supervisory jurisdiction when necessarily the petitioner (DBHPS) is a statutory body. Hon'ble Court ha desired that Appellate Authority has to adjudicate in the matter by giving an opportunity to the petitioners before passing any order. After seeking legal opinion and holding delliberations. Appeal Committee formed a view that the Institutions imparting teacher education, in whatever dialect, are covered under the ambit of NCTE Act and the representatives of DBHPS have also agreed that all teacher education courses being conducted by DBHPS are covered under the ambit of NCTE Act. A report in this regard is required to be submitted in the Hon'ble Court by the NCTE".

23. AND WHEREAS, in view of the above, the decision of the Appeal Committee is hereby communicated. This issue with the approval of the competent authority. The SRC in its 277th meeting held during 20th to 22nd January, 2015 considered the matter, Appellate authority order dated 20.10.2014, decided ad advised Southern Regional Office to:

- 1.Request NCTE (H'qrs) to communicate the appellate order to the Court.
- 2.Await Court orders.

24. AND WHEREAS, as per decision of SRC, a letter was issued to NCTE Hqrs on 11.02.2015. In the meantime, the institution has submitted an affidavit on 22.01.2015 as per the new regulations 2014 and the revised order was issued to the institution on 29.05.2015. The institution has submitted reply to the revised order on 29.02.2016 & 31.05.2016.

25. AND WHEREAS, the SRC in its 321st meeting held during 28th to 30th September, 2016 considered the revised order reply and decided as under:-

1. "Title is there.
2. LUC is not approved by the competent authority.
3. EC- not given.
4. BP-not approved by competent authority. Built up area is inadequate.
5. BCC is not approved by competent authority.
6. FDRs- not given.

7. Faculty list is not approved; not as per Regulations, Not adequate. Physical education/Fine Arts/Perspectives have not been covered.
8. Fee not paid.
9. Collect fee and cause inspection.
10. Ask VT to collect all relevant documents and check on the deficiencies listed."

26. **AND WHEREAS**, a representation dated 01/10/2016 has been received from the institution requesting for one unit of B.Ed course instead of two units and also for cancellation of inspection. The SRC in its 324th meeting held during 07th – 08th December, 2016 considered the request of the institution for one unit and decided as under:-

1. "There is no need of inspection in this case.
2. The request for reduction from 2 units to 1 unit is accepted.
3. Ask them to submit all relevant documents by 30.12.2016.
4. Process; and put up."

27. **AND WHEREAS**, as per the decision of SRC a letter was issued to the institution on 16.12.2016. The institution has submitted documents for one unit on 30.12.2016. In the meantime a court notice was received by this office on 02.08.2017 from the Hon'ble High Court of Karnataka in W.P.No. 106596/2017 filed by Dakshina Bharata Hindi Prachara Sabha V/s (1)The Union of India (2) The State of Karnataka (3) NCTE New Delhi (4) NCTE Bangalore & others before the Hon'ble High Court of Karnataka Bench at Dharwad.

28. **AND WHEREAS**, the SRC in its 352nd meeting held during 04th to 05th January, 2018 considered the matter and decided as under;

1. The details of the petition are noted.
- 2.1. This office is not mandated to go into issues relating to equivalence of courses/degrees/certificates. DBHPS should approach the NCTE (HQ) for that.
- 2.2. The Communications addressed to this office in this connection have already been forwarded to NCTE (HQ) for appropriate further action.
3. No inspection is required in this B.Ed case.
- 4.1. Process the documents as an RPRO case.
- 4.2. Give priority to new application cases. RPRO cases can be taken up after 15 March ie., after we clear the new cases before expiry of the time-limit prescribed by the Supreme Court for issue of FR w.e.f. 2018-19.

29. **AND WHEREAS**, the SRC in its 381st meeting held on 31st Oct & 01st Nov, 2019 considered the matter and decided to issue First Show Cause Notice to the institution. Accordingly, as per the decision of SRC a First Show Cause to the institution on 12.12.2019. The institution vide letter dated 09.01.2020 submitted its reply of First Show Cause Notice. The SRC in its 384th meeting held on 12th – 13th February 2020 considered the matter and decided as under:-

The original files of the Institution alongwith other related documents, NCTE Act, 1993, Regulations Guidelines issued by NCTE from time to time and documents furnished by

the institution were carefully considered by the SRC and the following observations were made:-

On the perusal of the reply, documents and records submitted by the Institution, Committee decided that the continuation order be issued to the Institution **DBHPS Lal Bahadur Shastri College of Education, Bangalore – 560 020, Karnataka** for B.Ed programme for 1 basic unit of 50 students.

30. **NOW THEREFORE**, this order is issued permitting the institution i.e. **DBHPS Lal Bahadur Shastri College of Education, Sy.No. 113,114//1, 114/3, S.C.Road, Sheshadripuram, Bangalore – 560 020, Karnataka** run by **Dakshin Bharat Hindi Prachar Sabha, D.C. Comound, Dharwad-1, Karnataka** for continuation of recognition for B.Ed course of two years duration with an intake of 50 students (one unit) of subject to fulfillment of the following conditions:

I.The Endowment fund of Rs. 5 lakhs and Reserve fund of Rs. 7 lakhs kept in joint account with Regional Director of NCTE should be maintained perpetually. Raising loan against the FDRs or mortgaging them shall not be done.

II.The institution shall comply with the various other norms and standards prescribed in the NCTE Regulations, 2014 as amended from time to time.

III.The institution shall make admissions only after it obtains affiliation from the examining body in terms of clause 8(10) of the NCTE (Recognition Norms & Procedure) Regulations, 2014.

IV.The institution shall ensure that the required number of academic staff duly approved by affiliating body for conducting the course should always remain in position.

31. Further, the institution is required to fulfill all such other requirements as may be prescribed by other regulatory bodies like UGC, affiliating University /Body, the State Government etc as applicable.

32. The institution shall submit to the Regional Committee as Self – Appraisal Report at the end of each academic year along with the statement of annual accounts duly audited by a Chartered Accountant.

33. The institution shall maintain its Website with hyperlink to the Council and the Southern Regional Committee, covering, inter – alia, the details of the institution, its locations, name of the programme(s) with intake; available of physical infrastructure, such as land, building, office, classrooms, and other facilities of amenities; instructional facilities, such as laboratory and laboratory and library and the particulars of their teaching faculty and non-teaching staff with photographs, for information of all concerned. The information with regard to the following shall also be made available on the website namely:-

- a. Sanctioned programme(s) along with annual intake in the institution:
- b. Name of faculty and staff in full as mentioned in school certificate along with their qualifications, scale of pay and photograph.
- c. Name of faculty members who left or joined during the last quarter:
- d. Name of Students admitted during the current session along with qualification, Percentage of marks in the qualifying examination and in the entrance test, if any, date of admission, etc.;
- e. Fee charged from students;
- f. Available infrastructural facilities;
- g. Facilities added during the last quarter;
- h. Number of books in the library, journals subscribed to and additions, if any, in the last quarter;
- i. The affidavit with enclosure submitted along with application.
- j. The institution shall be free to post additional relevant information, if it so desires.
- k. Any false or incomplete information on website shall render the institution liable for withdrawal of recognition.

34. The institution shall adhere to the mandatory disclosure in the prescribed format and display up-to-date information on its official website.

35. The institution shall make available the list of students admitted on its official website.

36. The institution shall fill the information on GIS Portal on the NCTE Website.

If the institution contravenes any of the above conditions or the provision of the NCTE Act, Rules, Regulations and orders made or issued there under, the institution will render itself vulnerable to adverse action including withdrawal of recognition by the Southern Regional Committee under the provision of Section 17(1) of the NCTE Act, 1993.

Also order that a copy of this Order be published in the official Gazette.

By Order,
11/12/20
(Dr. Anil Kumar Sharma)
Regional Director

The Manager
Govt. of India Press
Department of Publications, (Gazette Section)
Civil Lines, Delhi - 110 054

Copy to:-

- (114832)
1. **The Principal,**
DBHPS Lal Bahadur Shastri College of Education,
Sy.No. 113,114//1, 114/3, S.C.Road,
Sheshadripuram, Bangalore – 560 020,
Karnataka.
 2. **The Manager/Secretary,**
Dakshin Bharat Hindi Prachar Sabha,
D.C. Comound, Dharwad-1,
Karnataka.
 3. **The Principal Secretary, (Higher Education)**
Govt. of Karnataka, M.S. Building,
Dr. Ambedkar Veedhi, Bangalore-560001,
Karnataka.
 4. **The Registrar,**
Uchcha Shiksha Aur Shodh Sansthan,
Dakshina Bharat Hindi Prachar Sabha,
T. Nagar, Chennai- 600017.
 5. **The Secretary,**
Department of School Education and Literacy,
Ministry of Human Resource Development,
Govt. of India, Shastri Bhawan,
New Delhi- 110001.
 6. **The Under Secretary (IT and E-governance),**
National Council for Teacher Education,
G-7, Sector-10, (Near Sector-10 Metro Station), Dwarka,
New Delhi-110075.
 7. **The Computer Programmer (IT Cell)**
Southern Regional Committee
National Council for Teacher Education,
G-7, Sector-10, (Near Sector-10 Metro
Station),
Dwarka, New Delhi- 110075.
 8. **Institution file**
 9. **Guard file.**

With the direction to make necessary changes as per the directions contained in the order in the website data of the SRC.

11/2/20
Regional Director