

MAA VIDYA MAA KUSUM TEACHER'S TRAINING COLLEGE

COLLEGE ,IJARTA, PALIGANJ, PATNA,801110

RECOGNIZED BY : NCTE-ERC-BHUBNESHWAR(GOV OF INDIA)

AFFILIATED TO : PATLIPUTRA UNIVERSITY, PATNA, COLLEGE CODE -0316

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BY SPEED POST AND EMAIL

Date: 12.11.2022

To

The Regional Director, ERC
National Council for Teacher Education
G-7, Sector-10, Dwarka, New Delhi – 110075

Sub: Regarding reply to the Show Cause Notice No. ER-311.17/ERCAPP2730/B.Ed./2022/66692 dated 28.10.2022 issued to Maa Vidya Maa Kushum Teachers Training College, Patna, Bihar (ERCAPP2730) (State of Bihar) in respect of withdrawal of recognition under Section 17 of NCTE Act, 1993 for the failure to submit PAR for the academic session 2020-21.

Sir,

Kindly refer to the subject mentioned above. We would like to inform that after verifying the availability of physical and academic infrastructure and also being fully satisfied with adherence to the norms & standards laid down by NCTE, ERC in exercise of its powers conferred under Section 14 of the NCTE Act, 1993 granted recognition to our collage namely Maa Vidya Maa Kushum Teachers Training College, Patna, Bihar for conducting B.Ed. course with an annual intake of 100 students by order dated 02.05.2017.

Subsequently, the NCTE issued the public notice dated 22.09.2019 requiring the recognized institutions to submit online PAR. In compliance of the said public notice, we successfully registered our institution for submission of online PAR and we also received acknowledgement of the same by email from NCTE. A copy of email of NCTE is enclosed as **ANNEXURE -1**.

However, on various petitions filed before the Hon'ble Delhi High Court challenging the said public notice dated 22.09.2019, the Ld. Single Judge of Hon'ble Delhi High Court granted interim order in favour of institutions which continued till the judgment dated 27.05.2021 was passed by Ld. Single Judge. Thus, in view of the interim order operating during the period from 2019 to 27th May, 2021, the PAR was not submitted.

Subsequently, being aggrieved by the judgment & order dated 27.05.2021 passed by Ld. Single Judge of Hon'ble Delhi High Court, both institutions /associations filed appeals before Hon'ble Division Bench which is presently pending. It is submitted that Hon'ble Division Bench vide its interim order dated 25.02.2022 extended the time for submission of online PAR from 15.03.2022 to 31.03.2022. Subsequently, on appeals being filed by various associations, the Hon'ble Supreme of India by its order dated 01.04.2022 passed in SLP (C) No.5479/2022 & connected matters, extended the time for submission of PAR till 02.04.2022. Further, in view of the extension only till 02.04.2022, the Hon'ble Supreme Court of India recorded the following statement made on behalf of NCTE: -

"The learned Solicitor General assures that the requisite steps for facilitating compliance by the respective institutions shall be taken by the respondents, including opening of the portal until mid-night tomorrow i.e., 2nd April, 2022."

A copy of order dated 01.04.2022 passed by Hon'ble Supreme Court of India in SLP(C) No. 5479/2022 & connected matters is attached as **ANNEXURE-2**.



It is submitted that despite the aforesaid assurance given by NCTE to Hon'ble Supreme Court of India, the NCTE consumed substantial time on 01.04.2022 in issuing the public notice informing the stake holders regarding extension of time upto midnight of 02.04.2022 for submission of online PAR for the academic session 2020-21. It is further submitted that NCTE activated the PAR Portal around late evening on the said day i.e. 01.04.2022. Thus, the institution got much lesser time than time granted by Hon'ble Supreme Court for filling up the online PAR for the academic session 2020-21, as the same was to be submitted until 02.04.2022 mid night.

It is submitted that there are approximately 24,000 recognized teacher education institutions in the country and most of them had not submitted the online PAR for the academic session 2020-21 in view of the pendency of the proceedings (LPAs) before the Division bench of this Hon'ble Court and filing of SLPs by various Associations before Hon'ble Supreme Court of India. It is submitted that in view of availability of limited time/paucity of time for submission of online PAR and in view of simultaneous attempts being made by thousands of recognized institutions in the country to register /login on the NCTE Web Portal for submitting the online PAR, there was extremely heavy load on the NCTE web portal and the server. It is further submitted that place where our institution is situated also had the problem of broadband/internet speed.

Thus, despite the fact that we had registered for submission of online PAR, due to technical glitches, slow down of the functioning of the NCTE portal and extremely high time lag in uploading and saving of the data on the NCTE Web Portal, the PAR form could not be submitted/uploaded within the stipulated time.

It is submitted that non-submission of PAR of our institution for the academic year 2020-21 within the time extended by the Hon'ble Supreme Court of India was neither deliberate nor willful but occasioned due to the aforesaid technical glitches on the NCTE Web Portal and Server which was beyond the reasonable control of our institution. It is submitted that after expiry of the stipulated time i.e. mid night of 02.04.2022, the NCTE de-activated the web portal which remains closed until now.

It is submitted that our institution is recognized by ERC from 2017 and accordingly, we have been conducting the B.Ed. course from last more than 5 years. After 5 years of establishment & recognition of our college, it is completely unjustified to withdraw recognition of our college and close down the same only on account of non-submission of PAR and not on any deficiency in respect of physical & academic infrastructure.

It is submitted that Hon'ble Supreme Court of India in the matter of National Council for Teacher Education & Anr Vs. Vaishnav Institute of Technology and Management [(2012) 5 SCC 139] has held as under: -

"24. **What is clear from the provisions of the 1993 Act is that post-recognition, an institution acquires a different position. On recognition by the Regional Committee under Section 14 and on affiliation being granted by the examining body, once the recognised institution starts functioning, the interest of teachers, employees and the students intervene.** In order to ensure that the recognised institutions function in accordance with the 1993 Act, the 1997 Rules, Regulations and the conditions of recognition and, at the same time, the functioning of such recognised institutions is not disturbed unnecessarily, the provision for inspection and follow-up action pursuant thereto has been made in Section 13.

27. On the inspection being completed as provided in sub-sections (1) and (2) of Section 13 of the 1993 Act read with Rule 8 of the 1997 Rules, the Council is required to communicate to the institution concerned its views with regard to the outcome of the inspection and, if deficiencies are found, to recommend to such institution to make up the deficiencies. The whole idea is that the Council as a parent body keeps an eye over the recognised institutions that they function in accordance with the 1993 Act and the Rules and the Regulations and Orders made or issued thereunder and, if any recognised institution is found wanting in its functioning, it is given an opportunity to rectify the deficiencies.

28. **De-recognition or withdrawal of recognition of a recognised institution is a drastic measure. It results in dislocating the students, teachers and the staff. That is why, the Council has been empowered under Section 13 to have a constant vigil on the functioning of a recognised institution. On the recommendation of the Council**

after inspection, if a recognised institution does not rectify the deficiencies and continues to function in contravention of the provisions of the 1993 Act or the Rules or the Regulations, the Regional Committee under Section 17 has full power to proceed for withdrawal of recognition in accordance with the procedure prescribed therein."

It is submitted that our institution does not suffer from any deficiency pertaining to physical and academic infrastructure and if it is considered appropriate, NCTE may inspect our institution as provided under Section 13 of NCTE ACT. Further, our institution is willing to submit PAR as & when the online portal for submission of PAR is opened by NCTE. It is submitted that even those institutions which have submitted PAR for session 2020-21, the NCTE is yet to take any action for scrutiny /verification of information/documents provided therein. In such circumstances, when no action whatsoever has been initiated by the NCTE to verify the correctness of information submitted by institutions in the PAR and also verification of their physical & academic infrastructure, then, it would be extremely unjust & harsh to take action of withdrawal of recognition in respect of our institution which could not submit PAR due to the reasons and facts & circumstances explained above. As we are willing to submit PAR as and when the online portal for submission of PAR is opened by NCTE, you are requested not to take any action of withdrawal of recognition under Section 17 of NCTE Act and close the proceedings. Further, you are requested to allow the continuation of recognition of our institution for conducting B.Ed. Course with 100 seats (2 basic units).

Thanking You

Yours Sincerely,

Maa Vidya Maa Kushum Teachers Training College

Enclosure:

1. A copy of email dated 24.11.2019 of NCTE
2. A copy of order dated 01.04.2022 passed by Hon'ble Supreme Court of India in SLP(C) No. 5479/2022 & connected matters

Copy to: -

The Member Secretary, NCTE, G-7, Sector-10, Dwarka, New Delhi – 110075.