

TO BE PUBLISHED IN GAZETTE OF INDIA
(EXTRAORDINARY)
PART – III, SECTION 4

F.No.ER-324.2/NCTE/APE00851/D.P.Ed./BR/2023/67705

Dated: 23-03-2023

ORDER

WHEREAS, in terms of Section 14/15 of the NCTE Act, 1993, the recognition was granted to Mithila Hanumant National College of Health and Physical Education, Indira Nagar, Goi-Mishra Lahama, Ghansyampur, P.O.-Salepur Lagama, Dist.-Darbhanga, Bihar-847427 for conducting D.P.Ed. programme of two year duration vide order no. ER-183.2.1/APE00851/D.P.Ed./2015/ 30756 dated 03.03.2015 with an intake of 50 one basic unit of 50 students from the academic session 2015-16.

2. **AND WHEREAS**, the Show cause notice under section 17 (1) of NCTE Act, 1993 was issued on 04.08.2022 as per decision of 306th meeting held on 12th & 13th July, 2022 to the all institutions which have not filed PAR on the ground that the institution has breached the condition of recognition as per the provision of clause 8 (12) of NCTE Regulations, 2014 and also Clause 7(14) of NCTE, Regulation, 2014 which is related to uploading information on the website, if the website of the institution is not working.

3. **AND WHEREAS**, the matter was again considered by ERC in its 311th (Virtual) meeting held on 11th October, 2022 and the case of the institution which had not filed up the PAR was considered by the ERC in its 306th meeting held 12th & 13th July, 2022 and as per decision of the Committee, the Show cause notice under section 17 (1) of NCTE Act, 1993 was issued on the ground that the institution has breached the condition of recognition as per the provision of clause 8 (12) of NCTE Regulations, 2014 and also clause 7 (14) of NCTE, Regulations, 2014 which is related to uploading information on the website, if the web site of the institution is not working. The Committee decided that Final Show Cause Notice be issued before withdrawal of recognition under Section 17 of the NCTE Act, 1993 to the following 62 institutions to submit reply within 15 days from the date of issue of Final Show Cause Notice. As per decision of ERC-NCTE, SCN was issued to the applicant institution on 28.10.2022.

4. **AND WHEREAS**, the original file of the institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, the matter was considered in its 313th (Virtual) meeting by ERC and the committee observed that:-

- *As per provision contained in Section 12 (j) & (k) of the NCTE Act, 1993, the institution was asked to fill up the Performance Appraisal report (PAR) for the academic session 2020-21, however, the institution has not filled up the same.*

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- *Therefore, as per decision taken by ERC in its 306th meeting held on 12th to 13th July, 2022, Show Cause Notice under Section 17 (1) of NCTE Act, 1993 was issued to the institution for not filing PAR on the ground that the institution has breached the condition of recognition as per the provision of clause 8 (12) of NCTE Regulations, 2014 and also clause 7 (14) of NCTE, Regulations, 2014 which is related to uploading information on the website, if the web site of the institution is not working.*
- *Further, as per decision taken by ERC in its 311th meeting held on 11th October, 2022, Final Show Cause Notice was issued to the institution for not submitting the reply of Show Cause Notice issued to it.*
- *The Committee further noted that the institution has not submitted the reply of Final Show Cause Notice.*

Hence, Committee decided that the recognition for D.P.Ed. Programme be withdrawn under Section 17 (1) of the NCTE Act, 1993 with effect from the end of academic session next following the date of communication of withdrawal order.

Accordingly, Withdrawal Order was issued to the institution on 24.11.2022.

5. **AND WHEREAS** the institution preferred an appeal to NCTE Hqrs. against the withdrawal order dated 24.11.2022. The Appellate Authority has passed an order vide its Order No.89-31/E-288842/2023 Appeal/3rd Meeting, 2023 APPLERC202314539/117427 dated 07.03.2023. the operative part of order as under:-

“...In view of the afore-mentioned extracts of the court order, the impugned withdrawal order dated 24.11.2022 is set-aside and the Appellate Committee has decided to remand back the case to ERC for revisiting the matter in light of court order dated 31.01.2023 passed in LPA 190/2021 & LPA 520.2022.

After perusal of the Memoranda of Appeal, Affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the matter is being remanded back to the ERC in light of the aforesaid order dated 31.01.2023 and the ERC is directed to carefully decide the matter with respect to the outcome of the LPA 190/2021 & LPA 520/2022”.

6. **AND WHEREAS**, The institution submitted a representation received in ERC office on dated 20.03.2023.

7. **AND WHEREAS**, The matter was considered by the ERC in its 324th (Virtual) meeting of the ERC held on 21.03.2023 and the committee decided as under:-

“The original file of the institution alongwith Appeal Order No. F. No.89-38/E-290199/2023 Appeal/3rd Meeting, 2023 APPLERC202314520 dated 07.03.2023, other related documents submitted by the institution, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, was considered by ERC.

- *The Committee noted that the withdrawal order 24.11.2022 has already been set aside by the Appellate Authority vide its Order dated 07.03.2023 and remanded back to ERC for consideration. It was reiterated by the Appellate Authority that the ERC shall take an appropriate decision with respect to the outcome of the LPA 190/2021 & LPA 520/2022. The said LPA was decided by the Hon'ble High of Delhi at Delhi vide its Order dated 13.03.2023 in favour of the petitioner institutions”.*

In view of the above, the ERC decided that the recognition granted to the institution for running D.P.Ed. programme is hereby restored. Order be issued accordingly.

8. **NOW THEREFORE**, in terms of above decision of ERC, the recognition granted to the institution viz. Mithila Hanumant National College of Health and Physical Education, Indira Nagar, Goi-Mishra Lahama, Ghansyampur, P.O.-Salepur Lagama, Dist.-Darbhanga, Bihar-847427 vide order No. ER-183.2.1/APE00851/D.P.Ed./2015/ 30756 dated 03.03.2015 for D.P.Ed. programme with an annual intake of 50 students (one unit) is hereby restored.

(Ravindra Singh)
Regional Director

The Controller of Publications,
Department of Publications, (Government of India),
Ministry of Urban Development,
Civil Lines, New Delhi-110054.

To,

✓ Mithila Hanumant National College of Health & Physical Education,
Indira Nagar, Goi- Mishra Lahama,
Ghansyampur, P.O.-Salepur Lagama,
Dist.-Darbhanga, Bihar-847427

Copy to:-

1. The Commissioner-cum-Secretary, Primary, Secondary & Higher Education, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna, Bihar-800015.
2. The Secretary, Bihar School Examination Board, Fraser Road, Patna, Bihar-800001.
3. The Director, Department of Primary Education, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna, Bihar- 800015.
4. The Secretary, Department, of School Education and Literacy, Ministry of Education, Govt. of India, Shastri Bhawan, New Delhi - 110001.
5. The Under Secretary (IT), NCTE, G-7, Sector-10, Dwarka, Landmark-Near Metro Station, New Delhi-110075.
6. Office Order file/Institution file.

Regional Director