

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.9293 of 2014 and M.P.No.1 of 2014

Sri Meenakshi Chandrasekaran Pillai

Educational Trust

Mr.C.Sundarapandian,

No.2851, Trichy Road,

Thanjavur & District

Pin 631 007

...Petitioner

Vs

1. The National Council for Teacher Education

rep. By its Member Secretary,

Hans Bhavan, Wing-II,

No.1, Bahadur Shah Zafar Marg,

New Delhi

2. The Regional Director,

National Council for Teacher Education,

Southern Regional Committee,

1st floor, CSD Complex,

HMT Township,

Bangalore - 31

3. The Secretary to Government,

Higher Education Department,

Government of Tamilnadu,

Fort St. George, Chennai - 9

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent vide his proceedings in F.No.89-562/2013 appeal/16th meeting-2013 dated 13.11.2013 and to take a final decision in the said matter regarding grant of recognition to the petitioner college namely Meenakshi Chandrasekaran College of Education for conducting B.Ed., course, within a time frame.

For Petitioner :Mr.R.Sureshkumar

For Respondents :Mr.K.Ramakrishna reddy for R1 and R2

Mr.S.Gunasekaran, for R3

Government Advocate

O R D E R

Heard Mr.R.Sureshkumar, learned counsel appearing for the petitioner and MrK.Ramakrishna reddy, learned counsel appearing for the 1st and 2nd respondent and Mr.S.Gunasekaran, learned counsel appearing for 3rd respondent and perused the materials placed on record including the counter affidavit filed by the first and second respondents.

2.The petitioner is an Educational Trust, which submitted an application to the 2nd respondent for requesting permission to start an institution offering B.Ed Course with annual intake of 100 students vide application dated 26.12.2012. The said application by an order dated 19.03.2013 pointed out certain deficiencies and 60 days time limit was granted to the petitioner to furnish those documents.

3.The petitioner submitted their documents called for. However, the petitioner appears to have not submitted the same within a period of 60 days and therefore, the 2nd respondent by an order dated 18.06.2013 rejected the petitioner's application by referring to Section 18 of NCTE Act, 1993. Aggrieved by the same, the petitioner preferred an appeal before the appellate authority/1st respondent. The appellate authority by an order dated 13.11.2013 after hearing the petitioner and pursing the documents, which were available on record, held that appeal has to be allowed and remanded to the 2nd respondent with a direction to the 2nd respondent to issue show cause notice and consider reply thereto. Accordingly, an order of remand was passed. The petitioner now seeks to implement the order of remand.

4.The respondent has filed counter affidavit interalia admitting all the factual details, which has been made with regard to scope of remand, it is stated petitioner's application having been rejected on 18.06.2013, the present writ petition itself has become infructuous and the stand taken by the 2nd respondent appears to be that despite remand order passed by the appellate authority, they will not be able to comply with the same, in the light of the fact that NCTE Regulation 2009 has been superceded and that new Regulation have come into force, NCTE, Regulation, 2014.

5.In my view, the approach of the 2nd respondent is incorrect. On the date when the appellate authority passed the order, new Regulation were not in force and the remand was to consider the documents, which were already filed under old regulation. Therefore, the order has been passed by the appellate authority on 13.11.2013, remanding the matter to the 2nd respondent ought to have been implemented. It is not known as to why it had been kept in cold storage by the 2nd respondent.

6.Be that as it may, as on date, New Regulation 2014 have come into force. Therefore, the petitioner has to necessarily comply with all the requirements under the New Regulation. The learned

counsel for the petitioner submitted that the petitioner is ready and willing to comply with the requirements under the New Regulation.

7. In the light of the above, there shall be a direction to the petitioner to comply with all requirements as per regulation 2014 by down-loading the application from the web-site of the respondent-NCTE and submit the application along with the copy of this order to the 2nd respondent. The petitioner shall also enclose one more set of document, which have to be furnished along with earlier application as well as comply with the other requirements under New Regulation 2014. As and when the application is filed by the petitioner, under New Regulation, the 2nd respondent is directed to consider the application in all respects and pass appropriate orders on merits and in accordance with law.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//
Sub Assistant Registrar

To

1. The Member Secretary,
National Council for Teacher Education
Hans Bhavan, Wing-II,
No.1, Bahadur Shah Zafar Marg,
New Delhi
2. The Regional Director,
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1st floor, CSD Complex,
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3. The Secretary to Government,
Higher Education Department,
Government of Tamilnadu,
Fort St. George, Chennai - 9

- + 1 cc to Mr.K. Ramakrishna Reddy, Advocate SR.8738
+ 1 cc to Mr to Government pleader SR.9147
+ 1 cc to Mr.R.Suresh Kumar, Advocate SR.8901

W.P.No.9293 of 2014 and
M.P.No.1 of 2014

MG(CO)

Eu 23.02.15

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