

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 24.02.2015

DATE OF DECISION: 27.02.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI  
AND  
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A. No.1326 of 2014 and M.P. No.1 of 2014

Na. Gunasekaran  
S/o Narayanasamy  
Correspondent  
Sri Rajarajeshwari College of Education  
VGM Pasumpon Nagar  
Wallajahpet  
Vellore District, Vellore

Appellant/ Petitioner

vs.

1 The Regional Director  
Southern Regional Committee  
National Council for Teacher Education  
Bangalore

2 The Registrar  
Tamil Nadu Teacher Education University  
Lady Willington Campus  
Kamaraj Salai  
Chennai 600 005

Respondents

Writ Appeal preferred under Clause 15 of the Letters Patent against the order dated 15.09.2014 passed in W.P. No.34577 of 2013.

Prayer in W.P.No.34577 of 2013:- Writ petition praying to calling for the entire records in connection with the decision taken by the NCTE Southern regional committee in 256th meeting dated 4-6 Dec 2013 in respect of S.No.14 A.P.S.05218 of Shri Raja Rajeshwari College of Education Vellore District and the subsequent order on 23.01.2014 in F.No.APSO 5218/B.Ed/TN/2013-14/56401 and quash the same consequently direct the 1st respondent to allow the petitioner to shift the institution (Prayer amended by order dated 11.8.2014 in M.P.No.1 of 2014)

For appellant                      Mrs. Chitra Sampath, Sr. Counsel  
for Mr. D. Rajagopal

For R1                              Mr. P.R. Gopinathan  
Standing Counsel

For R2                              Mr. U. Venkatesan  
JUDGMENT

SATISH K. AGNIHOTRI, J.

The instant intra-Court appeal arises from the order dated 15.09.2014 passed by the Writ Court in W.P. No.34577 of 2013.

2        The appellant filed the aforesaid writ petition questioning the correctness of the decision taken by the first respondent in its 256<sup>th</sup> meeting dated 4<sup>th</sup> to 6<sup>th</sup> December 2013 in respect of S.No.14 which reads thus:

“Staff list has many deficiencies. Even the original list is not there. Request for shifting is rejected. Recognition is withdrawn.”

In addition, the appellant sought a consequential direction to the first respondent to allow him to shift the institution.

3        The Writ Court, after hearing the learned counsel on either side, dismissed the writ petition. Aggrieved thereby, the appellant is before us.

4        Indisputably, the appellant institute was established in the year 2006 as a College of Education on the basis of conditional recognition granted vide order dated 26.10.2006 to offer B.Ed. course for a duration of one year with an intake of 100 students. One of the conditions for grant of recognition was that the appellant should shift the institute to its own premises within a period of three years, from the temporary premises where the institute was located, viz., VGM Nagar, Ammoor Road, Wallajahpet. After grant of recognition, the appellant institute continued admitting students and offering B.Ed. course for a duration of one year.

5        The genesis of the case is that while the appellant institute was continuing with the recognition for offering B.Ed. Course, it was served with an order dated 19.06.2013 by the first respondent, after following the requisite process of law, withdrawing the recognition for the specific reason, i.e., “the institution has not submitted the duly approved staff list from the University.” A challenge to that order was laid in W.P. No.16464 of 2013 on the file of this Court. This Court dismissed the said writ petition on the ground of availability of alternative remedy,

reserving liberty to the appellant institute to avail the appeal remedy.

6 The appellant institute, on the heels of the aforesaid order passed by this Court, preferred an appeal before the appellate authority. The appellate authority, initially, by order dated 30.10.2013, ordered to keep the withdrawal of recognition in abeyance. Thereafter, the appellate authority, by final order dated 01.11.2013, remanded back the matter to the first respondent to consider the faculty list. It was also directed that till then, the order of withdrawal may be kept in abeyance. The Southern Regional Committee, the first respondent, by order dated 23.01.2014, finally, concluded to withdraw the recognition of the B.Ed. course run by the appellant institute from the academic year 2013-2014, on the score that the staff list submitted by the appellant institute has many deficiencies and that, even the original list is not submitted/available. It was also stated therein that the request of the appellant institute for shifting proposal is rejected. Needless to state that one of the conditions for the grant of recognition vide order dated 26.10.2006 was to shift the institute to its own premises within a period of three years. It is not in dispute that the premises was not shifted within the specified period.

7 The appellant institute has failed to produce any material to enable us to take a different view than the one taken by the Single Bench. No material has been produced to establish that the decision taken by the first respondent to withdraw recognition of the appellant institute on the ground that it has not submitted the duly approved staff list from the University, is illegal or unjustifiable. Thus, we are unable to hold that the withdrawal of recognition by the first respondent, as aforesaid, is illegal or invalid. However, it is submitted by the learned Senior Counsel that the appellant institute be permitted to make a fresh application for grant of recognition under the latest provisions of law, to which, the learned Standing Counsel for the first respondent has no objection.

8 Looking from other angle, Section 17 of the National Council for Teacher Education Act, 1993 (for short "the NCTE Act" ) provides for withdrawal of recognition on the basis of contravention of any of the provisions of the Act or rules and regulations or orders made or issued thereunder or any condition subject to which recognition was granted. However, second proviso to the said Section clearly provides that the order withdrawing or refusing recognition passed by the first respondent shall come into force, only with effect from the end of academic session next following the date of communication of such order.

9 In the case on hand, initially, the order of withdrawal of recognition dated 19.06.2013 was kept in abeyance by the appellate authority. Thereafter, while remanding back the matter to the first respondent with a direction to consider the faculty list, it was again directed that the order of withdrawal would be kept in abeyance. The final order dealing with the deficiency in complying with the shifting of building to its own premises and also, deficiency in the staff list, was passed by the first respondent on 23.01.2014. Thus, in the instant case, this order, under second proviso to Section 17 of the Act would come into force after the academic session, which comes to an end only in April/May 2014.

10 In that view of the matter, the appellant institute cannot be faulted with its action of admitting students and conducting the course in the academic year 2013-2014, as the first order of withdrawal of recognition dated 19.06.2013 was kept in abeyance. Since the subsequent order, after remand by the appellate authority, was passed by the first respondent on 23.01.2014, that would come into effect at the end of the academic year, under the aforestated provisions of law. Thus, the students who were admitted and had also appeared in the examination are entitled to publication of their result and also consequential certificate on the basis of their result.

11 Accordingly, we direct the second respondent to publish the result of the students of the appellant institute admitted in the academic session for 2013-2014 and also to issue necessary certificates. We make it clear that this order may not be construed as if the order passed by the first respondent withdrawing the recognition, is set aside. However, it is open to the appellant institute to make a fresh application under the provisions of the relevant law, as prevalent today, for necessary recognition, if so advised.

12 The writ appeal stands disposed of with the aforestated directions and observations. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS II )

/true copy/

Sub Asst. Registrar

cad

To

1 The Regional Director  
Southern Regional Committee  
National Council for Teacher Education  
Bangalore

2 The Registrar  
Tamil Nadu Teacher Education University  
Lady Willington Campus  
Kamaraj Salai  
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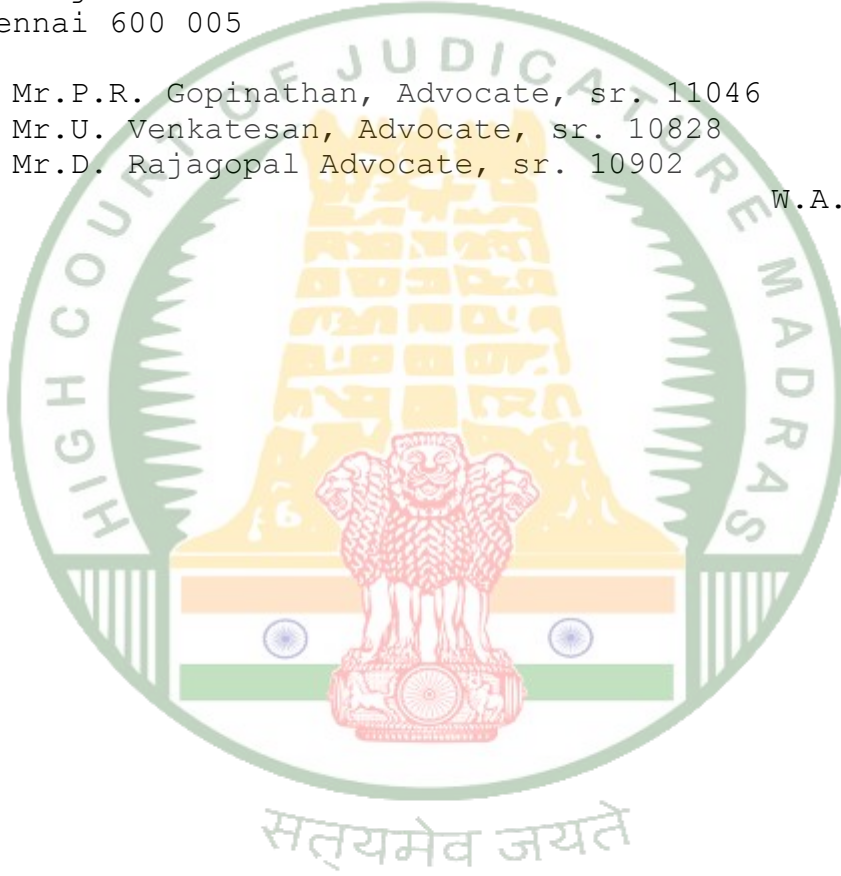
2 cc to Mr.P.R. Gopinathan, Advocate, sr. 11046

1 cc to Mr.U. Venkatesan, Advocate, sr. 10828

1 cc to Mr.D. Rajagopal Advocate, sr. 10902

W.A. No.1326 of 2014

MG (CO)  
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