

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.11210 of 2015

and

M.P.Nos.1 and 2 of 2015

Nova College of Education
Rep. By its Correspondent
A.Rangasamy
Selvapuram Village
Koodalur Revenue Village
Jothipuram Post
Coimbatore District 641 047

... Petitioner

vs

- 1.The National Council for Teacher Education
Rep. By its Member Secretary
Hans Bhawan, Wing II
1, Bahadur Shah Zafar Marg
New Delhi 110 002.
- 2.The Regional Director
Southern Regional Committee
National Council for Teacher Education
Janabarathy Campus Road
Opp. to National Law School
Nagarabhavi, Bengaluru 560 072

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records in respect of the impugned order issued by the first respondent vide his proceedings in F.No.89-175/2013 Appeal/9th Meeting-2013/A71677 dated 25.7.2013, and quashing the same and directing the respondents especially the second respondent to process the application submitted by the petitioner through on-line on 22.12.2012, for grant of recognition to the petitioner college for conducting B.Ed. Course under the NCTE (Recognition Norms and Procedure) Regulations, 2014, within a time frame.

For Petitioner : Mr.R.Suresh Kumar

For Respondents : Mr.K.Ramakrishna Reddy
Senior Central Government
Standing Counsel

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. One Alpha Educational Trust in order to conduct Bachelor of Education (B.Ed.) Course, wanted to start an institution under the name and style of "Nova College of Education" at Koodalur Revenue Village, Jothipuram Post, Coimbatore District, and in this regard, submitted an application through on-line to the second respondent on 22.12.2012, seeking recognition and the said College is being run with an annual intake of 100 students from the academic year 2013-2014.

3. According to the petitioner, the application was in order; but, however, it was not processed and when the representative of the petitioner-institution made an enquiry, he was informed that the application was preliminarily scrutinised by the office of the second respondent and it was found that the land document was in the name of an individual i.e., the Correspondent/Managing Trustee, and from whom the lease deed was executed in favour of the Trust/Institution and on that ground, the second respondent may not proceed further with the application and it was also informed that unless and until the land, where the College has been established, is transferred in the name of the Trust, which is managing the petitioner-college, the application of the petitioner cannot be considered and it would be rejected. The petitioner, on receipt of such information, transferred the land in the name of the Managing Trustee of the Trust by way of registered sale deed dated 4.3.2013, vide Document No.2787 of 2013, on the file of the Sub-Registrar, Periyanaicken Palayam, Coimbatore District. However, the petitioner, to its shock and surprise, received an order of rejection dated 19.3.2013, stating that the land was not transferred in favour of the society and only a lease deed dated 11.6.2009, was executed in favour of the society and that was shown as document.

4. The petitioner, challenging the order of rejection, filed an appeal before the first respondent/Appellate Authority and it was also rejected on 25.7.2013, and it was not challenged immediately for the reason that during the year 2013, the National Council for Teacher Education (NCTE) was directed to keep all the applications seeking recognition from various Regional Committees of NCTE including the second respondent, filed under the NCTE Regulations, 2009, pending till the new comprehensive Regulations are framed by the NCTE pursuant to the recommendation of the Expert Committee. Thereafter, new Regulations in the form of NCTE (Recognition Norms and Procedure) Regulations, 2014, (for short, NCTE Regulations, 2014) came into force and it was published in the Official Gazette of the Government of India and came into effect from 1.12.2014, and in terms of the new Regulations, pending applications, numbering more than 3,000, are to be considered.

5. The petitioner, challenging the correctness of the order passed by the Appellate Authority, has filed this writ petition.

6. Mr. R. Suresh Kumar, learned Counsel appearing for the petitioner, would submit that since the new NCTE Regulations, 2014, holds the field, as on today, this Court without going into the merits or otherwise of the impugned order passed by the first respondent/Appellate Authority, may permit the petitioner to submit a fresh application and the second respondent, in turn, may be directed

to consider the same in accordance with law, and pass fresh orders and also placed reliance upon the order dated 19.3.2015, made in W.P.No.686 of 2014.

7.Per contra, Mr.K.Ramakrishna Reddy, learned Senior Central Government Standing Counsel, who accepts notice for the respondents, would submit that in respect of the pending applications only, the new Regulations will come into play and even for the sake of arguments, if the impugned order is set aside, it will be of no help to the petitioner and also placed reliance upon the order dated 30.1.2015, made in W.P.No.24613/2013.

8.This Court has carefully considered the rival submissions and also perused the materials placed before it.

9.In the light of the submissions made by the learned Counsel appearing for the petitioner, this Court is of the view that the petitioner may be permitted to submit a fresh application in accordance with the NCTE Regulations, 2014, with a further direction to the second respondent to consider the same in accordance with the said Regulations, and pass appropriate orders. Accordingly, this Court, without going into the merits of the impugned order, which is the subject matter of challenge in this writ petition, permits the petitioner to submit a fresh application in accordance with the NCTE (Recognition Norms and Procedure) Regulations, 2014, dated 1.12.2014, and on receipt of the said application, the second respondent is directed to consider the same strictly in accordance with the above said Regulations, and pass appropriate orders and communicate the decision to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy

सत्यमेव जयते
Sub Assistant Registrar

To:

- 1.The Member Secretary
National Council for Teacher Education
Hans Bhawan, Wing II, 1, Bahadur Shah Zafar Marg
New Delhi 110 002.
- 2.The Regional Director
Southern Regional Committee
National Council for Teacher Education
Janabarathy Campus Road, Opp. to National Law School
Nagarabhavi, Bengaluru 560 072

+1 cc to Mr.K.Ramakrishna Reddy, Advocate, SR.22003.

+1 cc to Mr.R.Suresh Kumar, Advocate, SR.21951.

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