

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.2.2015

CORAM:

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

W.A. Nos. 650 to 656 of 2014
and
W.P. Nos. 12316, 13186, 13307 and 13780 of 2014
and
M.P.Nos.1,2,2,2,2,2,2 and 3 of 2014, 1 of 2015 and
1,1,2,1 and 1 of 2014, 1 and 1 of 2015

The Tamil Nadu Teacher Education University
rep. By its Registrar,
Lady Wellington College Campus,
Kamarajar Salai,
Chennai 600 005.

.... Appellant in all WA's

Vs.

1. Adhiparasakthi College of Education,
rep. By its Principal,
G.B. Nagar, Kalavai & Post,
Vellore District 632 506.

.... R1 in WA 650/14 and Petitioner
in Wp 13307/14

2. K.S.K College of Education
rep. By its Correspondent
K.S.Krishna Murthy

... R1 in WA 651/14

3. Stanley College of Educational
rep. By its Chairman
V.Murugesan

... R1 in WA 652/14 and Petitioner
in Wp No.12316/14

4. Grace College of Education
rep. By its Chairman
Gnanamani
... R1 in WA 653/14
5. Annai College of Education
rep. By its Correspondent
S.Churchill
... R1 in WA 654/14
6. St. John De Britto College of Education
rep. By its Administrator
Fr.John Kennedy
... R1 in WA 655/14
7. Shivparvathi Mandradiar College of Educational
rep. By its Secretary
S.Naveen Mandradiar
... R1 in 656/14 and Petitioner
in Wp 13186/14
8. Vinayaga College of Education
rep. By its Administrative Officer
Gnanasigamani
... Petitioner in Wp 13780/14
9. The National Council for Teacher Education,
rep. By its Member Secretary,
Wing II Hans Bhavan,
No.1 Bahadur Shah Zafarmarg,
New Delhi 110 002.
... R2 in WA 650/14, 653/14 & 656/14
10. The Regional Director,
National Council for Teacher Education,
Southern Regional Committee,
C.S.D. Building, H.M.T. Post,
Bangalore 560 031.
... R3 in WA 650/14

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11. The Regional Director, Southern Regional Committee,
National Council for Teacher Education,
Nagarabhavi, Opp to National Law School University,
Bangalore 560072

... R3 in WA 653,656/14
... R2 in WA 651,652,654,655/14

12. The National Assessment and
Accreditation Council,
rep. By its Secretary,
P.O.Box No.1075, Nagarbhavi,
Bangalore 560 072.

... R4 in WA 650/14

13. The Director,
National Assessment and Accreditation Council,
P.O.Box No.1075, Gnana Bhavathi Campus,
Bangalore

... R4 in WA 653/14,656/14
... R3 in WA 651/14,652/14,654/14,655/14

14. The Registrar,
Tamil Nadu Teacher's Education University,
Lady Willington College Campus,
Kamarajar Salai,
Chennai-600 005.

... R1 in Wp 12316/14 and
Respondent in Wp Nos. 13186,13307,13780/14

15. The Controller of Examinations,
Tamil Nadu Teacher's Education University,
Lady Willington College Campus,
Kamarajar Salai, Chennai-600 005.

... R2 in Wp 12316/14

Writ appeals filed under clause 15 of the letters Patent preferred against the order of this court dated 24.3.14 and mad in Wp.Nos.31286,33080,31261,34223,32954,32955 & 34436/13 respectively.

W.P.No.31286/13: Petition presented under act 226 of the constitution of India, Praying to issue a writ of certiorarified Mandamus calling for the records of the 1st respondent University leading up to the impugned communication dated 7.11.2013 in NO. TNTEU/R/ Eligibility/ 2013/110 quash the same and consequently direct the 1st respondent University to approve the candidates admitted in the M.Ed. course in the petitioner Institute during the academic year 2013-14.

W.P.No.33080 of 2013 is filed Under Article 226 of the Constitution of India,praying for the issue of a Writ of Mandamus,directing the 2nd respondent to permit the petitioner to admitstudents for the academic year 2013-14 for the one year M.Ed post graduate degree course in view of the recognition granted by the 1st respondent in F.SRC/NCTE/2009/M.ED/RO/9571 dated 24.2.2009 and the subsequent order of affiliation granted by the 2nd respondent in No.TNEU/R/Affln./M.Ed(N)/2009-2010/612 dated 7.9.2009.

W.P.No.31261 of 2013 is filed Under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 2nd respondent to permit the petitioner to admitstudents for the academic year 2013-14 for the one year M.Ed Post Graduate Degree Course in view of the recognition granted by the 1st respondent in F.SRC/NCTE/2008/M.ED/RO/7249 dt 24.11.2008 and the subsequent order of affiliation granted by the 2nd respondent in No. TNEU/R/Affln-Fee/New M.Ed/2009-2010/440 dt 8.8.2009.

W.P.No.34223 of 2013 is filed Under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 1st respondent to approve the admissions of 35 students in M.Ed. course for the academic year 2013-14 at the petitioner Institution.

W.P.No.32954 of 2013 is filed Under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 2nd respondent to permit the petitioner to admit students for the academic year 2013-14 for the one year M.Ed post graduate degree course in view of the recognition granted by the 1st respondent in F.SRO/NCTE/M.ED/2008/5128 dated 22/09/2008 and the subsequent order of affiliation granted by the 2nd respondent in No. TNEU/R/Affln/ M.ED(n)/ 2009-201/699 dated 29/09/2009.

W.P.No.32955 of 2013 is filed Under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records from the file of the 2nd respondent relating to his impugned order in No.TNTEU/R/Admission Instn./Notice/ 2012/1887 dated 25.9.2012 quash the same and forbear the Respondents 1 and 2 from in any way withdrawing the resignation/affiliation without following the due process under Sec.17(1) of the NCTE Act, 1993.

W.P.No.34436 of 2013 is filed Under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 1st respondent to approve the admissions of 35 students in M.Ed. course for the academic year 2013-14 at the petitioner institution.

WP No. 12316 of 2014 is filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to permit the 35 students of the petitioner institution, who have undergone their one year M.Ed. P.G. Degree course in the petitioner - institution for the academic year 2013-14 pursuant to the recognition granted by the Regional Director, NCTE, Bangalore in F.SRC/NCTE/2008/MED/RO/7249, dated 24.11.2008 and the consequent order of affiliation granted by the first respondent in No.TNEU/R/Affln.Fee/New/MEd/2009-2010/440, dated 8.8.2009, publish their results and issue the certificates.

W.P.Nos.13186, 13307 and 13780/14 : Petitions presented under act 226 of the constitution of India, praying to issue a writ of Mandamus, directing the respondent to permit the students admitted in M.Ed. course at the petitioner college during the academic year 2013-14 to complete their course by writing the university examination to be held on 31.5.2014.

For appellants : Mr. G. Anantharangan in all W.As.

For Petitioners : Mr.B.Rabu Manohar
in W.P.No.12316 of 2014
Mr.R.Suresh Kumar
in W.P.No.13186 of 2014
Mr.Jothikumar
in W.P.Nos.13307 and 13780 of 2014

For Respondents : Mr. Jothikumar - R1
in WA Nos.650 and 651/14
Mr. R. Sureshkumar - R1
in WA Nos.653 and 656 of 2014
Mr.B.Rabu Manohar for R-1
in WA Nos.652, 654, 655 of 2014
Mr.K.Ramakrishna Reddy for R-2
in WA Nos.651, 652, 654, 655 of 2014
for RR2 and 3 in WA.650, 653, 656 of 2014

No appearance for R-3
in W.A.Nos.651, 652, 654,655 of 2014
for R-4 in W.A.Nos.650,653, 656 of 2014

Mr.G.Anantharangan for respondents
in W.P.Nos.12316,13186,13307
and 13780/2014

COMMON JUDGMENT

(Judgment of the Court was delivered by SATISH K. AGNIHOTRI, J.)

The intra-Court appeals arise from the common order dated 24.3.2014 passed in W.P. Nos.31286, 31261, 32954, 32955, 33080, 34223 and 34436 of 2013.

2. W.P. Nos.12316, 13186, 13307 and 13780 of 2014 are filed seeking a direction to the respondent-University to permit the students to write M.Ed. Degree examinations and to issue certificates.

3. The issue involved in both the writ appeals and the writ petitions being common, all these cases are being considered and decided by this common judgment.

4. For the sake of brevity and clarity, the parties are referred to as per their rank in the writ appeals.

5. The facts in nutshell leading to the filing of the instant appeals are that the first respondent/educational institutions were initially granted recognition by the National Council for Teacher Education (for short "the NCTE") to conduct one year B.Ed. Course. Subsequently, the NCTE also granted recognition to conduct M.Ed. Course. After the Tamil Nadu Teacher Education University came into existence in 2008, the above educational institutions were provisionally affiliated with that University from the academic year 2008-09 and they subsequently applied for extension from the academic year 2012-13 and the same was accepted. Thereafter, they obtained approval for additional intake in the M.Ed. Course from the academic year 2010-11 to admit 35 students. Initially, there were no regulations framed under the National Council for Teacher Education Act (for short "the NCTE Act") for getting accreditation from the National Assessment and Accreditation Council (for short "NAAC"). But, subsequently, the National Council for Teacher Education (Recognition norms and Procedure) Regulations, 2009 (for short "the

Regulations, 2009) were framed and Regulation 8(5) requires all the institutions which have been granted additional intake in B.Ed. or M.Ed. Course should get NAAC accreditation with at least a letter grade 'B' on or before 1.4.2010 and 1.4.2012 respectively, failing which, the recognition granted by the NCTE would stand withdrawn with effect from the academic year 2010-11 and 2012-13 respectively. In view of the said requirement, all the institutions should have submitted applications through on-line on or before 1.4.2012. As the On-line system of NAAC was not in operation from 1.1.2012 until the second week of August 2012, the institutions were unable to submit applications through on-line to the NAAC for accreditation. Out of 7 institutions, 4 institutions have obtained "B" Grade in the year 2014. In such circumstances, the Tamil Nadu Teachers Education University sent a communication directing the respondents-institutions not to admit students for the academic year 2012-2013 for M.Ed. Degree Course on the ground that the institutions did not obtain NAAC accreditation before the cut off date i.e., 1.4.2012. Thereagainst, the first respondent/institutions filed writ petitions.

6. Earlier, similarly placed institutions approached this Court by filing W.P.Nos. 23392 of 2012 batch, seeking to quash the communications issued by the respondent University, wherein, the learned single Judge allowed the writ petitions by quashing the communications impugned therein and made it clear that when the NCTE had already granted recognition followed by the affiliation granted by the Universities and the communication dated 13.7.2012 issued by the NCTE advising the affiliating Universities that action need not be taken for withdrawal of affiliation in respect of the institutions, whose applications for accreditation are pending with the NAAC, the question of withdrawing the recognition on the ground that the institutions failed to get accreditation from the NAAC, is not acceptable. In view of the communication sent by the NCTE and also following the above said order passed in W.P.Nos. 23392 of 2012, etc. batch, the present writ petitions filed by the institutions were allowed.

7. Challenging the same, the present writ appeals are filed by the appellant University on the ground that NCTE has granted recognition under Clause 7(11) of NCTE Regulations, 2009, subject to fulfilment of all such other requirements as may be prescribed by other regulatory bodies like University Grants Commission, affiliating University body, the State Government etc., as applicable and that the University has granted affiliation to offer M.Ed. Degree course with 25 students from the academic year 2009-2010 and therefore, the institutions shall submit the application with prescribed fees for continuation of provisional affiliation on or

before 31st December of the third academic year. When the institutions failed to do so, they are not entitled to approach this Court.

W.P. Nos.12316, 13186, 13307 and 13780 of 2014:

8. These petitions were filed seeking a direction to the respondent /University to permit the students to write the M.Ed. Degree Examinations on the ground that the writ petitioners/institutions were granted recognition and affiliated to different Universities and after establishment of Tamil Nadu Teacher Education University, they got affiliation with Tamil Nadu Teacher Education University. In the year 2008, recognition was granted to conduct M.Ed. Degree course. Though the National Council for Teacher Education did not require accreditation from the NAAC, subsequently, the National Council of Teacher Education (Recognition norms and Procedure) Regulations, 2009 requires accreditation with at least a letter grade 'B' on or before 1.4.2012, failing which, the recognition granted by the NCTE would stand withdrawn with effect from the academic year 2012-13. The applications seeking accreditation is pending before the NAAC. Therefore, the respondent/ University to be directed to permit the students to write the M.Ed. Degree Examinations and to issue the certificates.

9. The question that arises for our consideration is as to whether in the facts situation of the cases, the appellant University was right in declining permission to conduct M.Ed. degree course for the year 2013-2014 on account of non grant of accreditation by the NAAC to the writ petitioner Colleges.

10. Indisputably, the requirement of grant of 'B' Grade accreditation by the NAAC after 1.4.2010 for additional intake in M.D. Course was mandatory. It is also not in dispute that the writ petitioners /institutions were required to make applications through online format on or before 1.4.2012 to NAAC for accreditation. The NAAC has admitted that online system of NAAC was not in operation from 1.1.2012 until the second week of August, 2012. Thus, the writ petitioners institutions were not in a position to make format applications through online. Recognising the problems faced by the NAAC, the respondent NCTE, by communication dated 13.7.2012, advised all the universities, including the appellant university from not taking any action for withdrawal of additional intake / recognition in respect of all cases, wherein applications were pending consideration before the NAAC.

11. We are informed that all writ petitioners institutions, except K.S.K.College of Education, Grace College of Education and Annai College of Education, have been granted "B" Grade accreditation, subsequently as required on the applications made by them prior to the cut-off date for making applications. In respect of other colleges, i.e., K.S.K.College of Education, Grace College of Education and Annai College of Education, the applications, which were made earlier in 2012 before the cut-off date, are still pending consideration. In that event and also having regard to the communication dated 13.7.2012 and 17.7.2012, the learned Single Judge has rightly come to the conclusion that the writ petitioners institutions were entitled to permission for academic year 2013-2014. It transpires that students admitted to the course in the said session were permitted to write the examination and their results are awaited.

12. The next contention of the learned counsel for the appellant University that accreditation granted by the NAAC is prospective, does not merit acceptance as the accreditation granted does not indicate that the same was firstly prospective and secondly, accreditation was sought on the basis of applications made earlier for the academic session 2012-2013. Thus, the accreditation ought to be treated as accreditation for the relevant year for which applications were made.

13. Resultantly, we do not find any error, irregularity or illegality in the impugned order passed by the learned Single Judge. Thus, all the writ appeals are dismissed. No costs. Consequently connected miscellaneous petitions are closed.

14. In view of the foregoing, all the writ petitions are allowed. The university is directed to declare the results and issue certificates accordingly. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Asst. Registrar

/true copy/

Sub Asst. Registrar.

RA/VVK

To

1. The Member Secretary,
The National Council for Teacher Education,
Wing II Hans Bhavan,
No.1 Bahadur Shah Zafarmarg,
New Delhi 110 002.
2. The Regional Director,
National Council for Teacher Education,
Southern Regional Committee,
C.S.D. Building, H.M.T. Post,
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3. The Secretary,
The National Assessment and
Accreditation Council,
P.O.Box No.1075, Nagarbhavi,
Bangalore 560 072.
4. The Registrar,
Tamil Nadu Teacher's Education University,
Lady Willington College Campus,
Kamarajar Salai,
Chennai-600 005.
5. The Controller of Examinations,
Tamil Nadu Teacher's Education University,
Lady Willington College Campus,
Kamarajar Salai, Chennai-600 005.
6. The Regional Director, Southern Regional Committee,
National Council for Teacher Education,
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Bangalore 560072
7. The Director,
National Assessment and Accreditation Council,
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+1cc to Mr.G.Anantharangan ,Advocate, S.R.No.8651

+1cc to Mr.K.Rama Krishna Reddy,Advocate, S.R.No.8661

+3cc to Mr.M.Jothi Kumar,Advocate, S.R.No.8646 to 8648

+2cc to Mr.R.Suresh Kumar,Advocate, S.R.No.8674 & 8675

+3cc to Mr.B.Rabu Manohar ,Advocate, S.R.No.8641 to 8643

W.As. No.650 to 656 of 2014, WP Nos. 12316,
13186, 13307 and 13780 of 2014

KSJ(CO)
CA(03/03/2015)



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