

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.3038 of 2015

and M.P.No.1 of 2015

Jaya Educational Trust
Rep. by its Chairman Prof. A.Kanagaraj CTH
Road Thirunindravur 601024
Thiruvellore District. Petitioner

Versus

- 1 National Council for Teacher Education rep. by its Member Secretary Hans Bhavan wing II 1 Bahadur Shah Zafar Marg New Delhi 110002.
- 2 Southern Regional Committee National Council for Teacher Education Jnana Bharathi Campus Road Opp. National Law School NagarabHAVI Bangalore 560 072. ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, Calling for the records pertaining to the impugned order of the 2nd Respondent vide F.No. SRCAPP208 / M.Ed / TN / 2013--2014 / 53446 dated 02.09.2013 and the impugned Appeal Order passed by the 1st Respondent vide F.No.89- 685 / 2013 Appeal / 3rd Meeting 2014 dated 24.03.2014 and quash the same and directing the 1st Respondent to remand back the Application of the petitioner for recognition of M.Ed. Course to the 2nd Respondent for further processing of application and grant of recognition of M.Ed Course to the Petitioner Institution Jaya College of Education run by the petitioner trust at CTH Road, Thirunindravur 602 024, Thiruvallur District for the academic year 2015-2016.

For Petitioner : Mr.H.Mohammed Farook

For Respondents : Mr.K.Ramakrishna Reddy

O R D E R

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

2. The petitioner Trust would claim that it is running institutions for imparting education in Teacher's Training under the name and style of 'Jaya College of Education' at S.No.97/1, Main Road, Thiruninravur Village and Post, Poonamallee Taluk, Thiruvallur District. The petitioner institution is running B.Ed., Course with an intake of 35 students from the Academic year 2011-12. Thereafter, the petitioner applied for starting Postgraduate course viz., M.Ed., Course and it was rejected on 18.04.2011 by the 2nd respondent on the ground that National Assessment and Accreditation Council's (NAAC) 'B' Grade Certificate was not furnished. The petitioner challenging the legality of the said order filed an appeal on 29.04.2011 under Section 18 of the National Council for Technical Education (NCTE) Act, before the 1st respondent, which was also rejected on 06.07.2011 citing the very same reasons.

3. The petitioner aggrieved by the rejection of the appeal, filed W.P.No.18410 of 2011 and this Court vide order dated 11.11.2011 directed the NAAC to consider the issuance of 'B' Grade Certificate to the petitioner institution and in the event of such a certificate being issued, the petitioner institution were directed to forward the same to the 2nd respondent within a period of two weeks from the date of receipt of such certificate and the 2nd respondent was directed to consider the grant of recognition to the petitioner institution for the M.Ed., Course for the Academic Year 2012-13 on merits within a stipulated time. Accordingly, NAAC has issued provisional 'B' Grade Certificate dated 21.04.2012 to the petitioner institution and in turn they forwarded the same to the respondents. However, it was not taken into consideration by the respondents. Subsequently the 2nd respondent made another inspection through their experts on 15.05.2012 and according to the petitioner after such an inspection, the Visiting team had fully satisfied with the human resource, infrastructural facilities and other facilities. However, the 2nd respondent has not properly taken into consideration the said aspect and in its 248th meeting held between 13th and 15th July 2013 has chosen to reject the application of the petitioner's institution for recognition of M.Ed., Course. The petitioner aggrieved by the said order of rejection dated 02.09.2013 passed by the 2nd respondent once again preferred an appeal before the 1st respondent and it was once again rejected by the 1st respondent on 25.03.2015. The petitioner thereafter submitted a representation to the 1st respondent on 04.07.2014, pointing out that even the inspection team has noted separate wing/block for running M.Ed., course and also got the Fixed Deposit Receipts for the required sum, prayed for consideration of the representation in their favour. However, the 1st respondent in their 271st meeting held on 01.08.2014, took a decision that it was an appeal confirm case and consequently, no action is required to be taken based on the said representation and the legality of the same, the present writ petition.

4. Mr.H.Mohammed Farook, learned counsel for the petitioner would submit that since new NCTE regulations, 2014 came into force, the petitioner submitted a fresh application on ***02.06.2015** to the 2nd respondent and appropriate direction may be issued to the 2nd respondent to consider the application as expeditiously as possible and since the inspection team has already opined that the petitioner is having a separate wing to start M.Ed., course and that the required Fixed Deposit Receipts have ***been made Ready**, re-inspection need not be done.

5. Per contra, Mr.Ramakrishna Reddy, learned standing counsel appearing for the respondents, has drawn the attention of this Court to the orders dated 22.04.2014 and 23.04.2015 made in W.P.Nos.11210 of 2015 and 31585 of 2013, respectively and would submit that this Court has merely directed the 2nd respondent to consider the fresh application submitted by the concerned institution in accordance with NCTE Regulations, 2014 and has not issued any further directions and therefore, the prayer sought for by the petitioner that re-inspection need not be done cannot be granted and would further submit that if at all there is a positive consideration of the petitioner's fresh application, it can be only in respect of Academic Year 2016-17 and prays for appropriate orders.

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

7. The fact remains that as on today, NCTE Regulations 2014, is in force and the petitioner has also submitted a fresh application on ***02.06.2015**. This Court, in the above cited orders has directed the 2nd respondent to consider the application submitted by the respective writ petitioners therein only in accordance with NCTE Regulations 2014 and therefore, this Court, cannot give any positive direction, directing the 2nd respondent not to make any fresh inspection while considering the fresh application dated ***02.06.2015** submitted by the petitioner to the 2nd respondent through online.

8. It is a well settled position of law that if the statute prescribes a thing to be done in a particular manner, it should be done only in that manner and not in any other manner and in the light of the ratio laid down by the Hon'ble Supreme Court of India, in catena of decisions, this Court is not in a position to issue such a direction to the 2nd respondent.

9. In the result, the writ petition is disposed of and the 2nd respondent is directed to consider the application dated ***02.06.2015**, submitted by the petitioner through online, in accordance with NCTE Regulations, 2014, and pass orders as expeditiously as possible and also in accordance with law and communicate the decision taken, to the petitioner institution. No

Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar
1.7.2015

*Corrected as per order dated 08.07.2015
in W.P.No.3038/2015.
Sd/-
Assistant Registrar
(9.7.2015)

True Copy

Sub Assistant Registrar

To

- 1 The Member Secretary,
National Council for Teacher Education
Hans Bhavan wing II 1 Bahadur Shah Zafar
Marg New Delhi 110002. to be substituted
to the order
already
despatched on
2.7.2015
 - 2 Southern Regional Committee
National Council for Teacher Education
Jnana Bharathi Campus Road Opp. National
Law School Nagarabhavi Bangalore 560 072
- +1 cc to Mr.H.Mohammed Farook, Advocate, SR.*34439
- +1 cc to M/s.K.Ramakrishnan, Advocate, SR.31767.

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krd 1/7

Rv(co)pmk.9.7.2015

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