

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.31585 of 2013

and

M.P.No.1 of 2013

Holy Cross College of Education
Administered by Trinity Educational
& Social Welfare Trust
S.Pallipattu Village, Adhiyur Post
Tirupattur Taluk,
Vellore District 635 601
Rep. By its Correspondent
S.Salette Mary

... Petitioner

vs

1. The Member Secretary
National Council for Teacher Education
Hans Bhavan, Wing II
1, Bahadursha Zafar Marg
(Near I.T.O.)
New Delhi 110 002.
2. The Regional Director
Southern Regional Committee
National Council for Teachers Education
Nagarabhavi
(Opp. National Law School University)
Bangalore 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 relating to the impugned order passed by the second respondent in F.No.SRCAPP1855(2013-2014)/B.Ed/TN/2013-14/52001 dated 1.6.2013, confirmed by the consequential order of the first respondent in F.No.89-409/2013-Appeal/14th Meeting dated 30.10.2013, quashing the same and further directing the second respondent to process the application for a recognition of the petitioner's application for recognition dated 21.12.2012, on merits with regard the one year B.Ed. Degree course.

For Petitioner : Mr.B.Rabu Manohar
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.The deponent of the affidavit claims that she is the Correspondent of the petitioner-Institution and the Trust viz. Trinity Educational and Social Welfare Trust, which is administering the petitioner-institution, is an educational agency and has proposed to start a one year B.Ed. Programme in Tirupattur and application through on-line, was submitted along with necessary documents for commencing the course for the Academic Year 2013-2014. The petitioner in order to run the institution, also purchased one acre of land by means of a sale deed dated 21.12.2012, and after it's registration, the document was also submitted along with a hard copy of the application. According to the petitioner, the application for recognition was submitted well within the cut off date i.e., on or before 31.12.2012.

3.The grievance expressed by the petitioner, is that the second respondent, without taking note of the relevant aspects, has summarily rejected the application vide impugned order dated 1.6.2013, stating that the application for recognition submitted by the petitioner through on-line, was on 22.12.2012, and the registration of the land was on 26.12.2012, which is after the date of on-line application. The petitioner, challenging the legality of the said order, has filed this writ petition.

4.Mr.B.Rabu Manohar, learned Counsel appearing for the petitioner, would submit that subsequently, NCTE (Recognition Norms and Procedure) Regulations, 2014, have come into place and in the light of the said development, the petitioner may be permitted to submit a fresh application in accordance with the new Regulations, and the respondents may be directed to consider the same in accordance with the prevalent Rules and Regulations and pass appropriate orders. The attention of this Court was also invited to the order dated 30.1.2015, made in W.P.No.24613/2013.

5.Mr.K.Ramakrishna Reddy, learned Senior Central Government Standing Counsel, who accepts notice for the respondents, would submit that in the light of the statement made by the learned Counsel appearing for the petitioner, the writ petition may be disposed of accordingly.

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

7.It is relevant to extract paragraph Nos.3 and 4 of the order dated 30.1.2015, made in W.P.No.24613/2013, as under:-

"3.Though the respondents have filed an elaborate counter affidavit setting out the reasons for rejection, in my view, the question whether the impugned order has been validly passed or not, has become academic in the light of the new regulations which have come into force. Therefore, as on date, even if the petitioner's case has to be reconsidered, it has to be considered under the new regulations. Therefore, the observations which have been made or findings which have been recorded in the impugned order should not be taken as a bar for the petitioner to approach the respondents under the New Regulations by way of a fresh application. In other words, it is observed that if the petitioner applies afresh for additional intake under the new regulations, the said application should be considered on merits and in accordance with the new regulations without in any manner being influenced by any observation made in the impugned order challenged in this writ petition or any earlier proceedings of NCTE.

4.With the above observations, the writ petition is disposed of giving liberty to the petitioner to file a fresh application under the new regulations for additional intake which shall be considered by the 2nd respondent bearing in mind the observations made above as expeditiously as possible. The petitioner shall file the fresh application within a period of thirty days from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed."

8.There is no controversy that the application of the petitioner was considered in terms of NCTE Regulations, 2009, and admittedly, new Regulations came into force in the year 2014. The prayer made by the petitioner, that it may be permitted to submit a fresh application in terms of the new NCTE Regulations, 2014, cannot be said to be unjustified or unreasonable.

9.In the result, the writ petition is disposed of and the petitioner is at liberty to submit a fresh application under new NCTE Regulations, 2014, and the second respondent on receipt of the same, is directed to consider it in accordance with the above said new

Regulations and pass orders as expeditiously as possible and communicate the decision to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The Member Secretary
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Bangalore 560 072

+1cc to Mr.K.Ramakrishna Reddy, Advocate, S.R.No.22675
+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.22363

W.P.No.31585 of 2013
and
M.P.No.1 of 2013

SV(CO)
CA(28/04/2015)

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