

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2015

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.Nos.38550, 38551 & 38899 of 2015
and M.P.Nos.1, 1 and 1 of 2015

1. Krishnamoorthy Educational Trust
rep. by its Founder cum Chairman,
No.79/1, Katpadi Road,
Gandhi Nagar Village & Post,
Katpadi Taluk,
Vellore City & District-632 006.
... Petitioner in W.P.38550/2015
 2. K.T. Educational Trust
rep. by its Founder cum Chairman,
No.535, Maraimalai Adigal Street,
Gandhi Nagar,
Vellore-632 006.
... Petitioner in W.P.38551/2015
 3. Sri Venkateswara Educational Trust
rep. by its Chairman,
No.3-243/330, GST Road,
Thanakkankulam Post,
Madurai-625 006.
... Petitioner in W.P.38899/2015
- 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,
Jnanabharathy Campus Road,
Opp. To National Law School,
Nagarabhavi, Bangalore-560 072.

3. The Registrar,
Tamil Nadu Teachers Education University,
Lady Wellington College Campus,
Kamarajar Salai, Chennai-600 005.

4. State Council of Educational Research
& Training,
rep. by its Director, College Road,
DPI Campus,
Chennai-600 006.

... Respondents in all W.Ps

Common Prayer: Petitions filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus, directing the respondents 1 & 2 herein to process the applications submitted by the petitioner Trust for granting recognition to offer B.Ed. Degree Programme in the name and style of "Bharathiyar College of Education", "Venus College of Education" & "Jai Sai Ram College of Education" respectively and Diploma in Elementary Education Programme in the name and style of "Bharathiyar Teacher Training Institute", "Venus Teacher Training Institute" & "Jai Sai Ram Teacher Training Institute" respectively, the academic year 2016-2017 respectively without reference to the NOC to be granted by the respondents 3 & 4 herein.

For Petitioners: M/s.G.Thilakavathi
For Respondent : Mr.K.Ramakrishna Reddy
Nos.1 & 2
For Respondent3: No Appearance
For Respondent : Mr.U.Venkatesan
No.4

C O M M O N O R D E R

Since all the issues involved in these writ petitions are one and the same, they have been taken up together and disposed of, by way of a common order.

2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents 1, 2 and 4.

3. In all the writ petitions, the petitioners are Educational Trust, seeking to start B.Ed. Degree programme. Accordingly, they made the applications within the time prescribed. However, they have not enclosed the 'No Objection Certificate' of the respondents 3 and 4. It is seen from the records that show cause notices were already issued to the petitioner Trusts by the second respondent on 21.10.2015, as to why the applications made, shall not be rejected for non submission of 'No Objection Certificate' to be issued by the Affiliating body. In the said show cause notices, the petitioners were asked to show cause by way of reply.

4.The learned counsel for the petitioners submitted that on an earlier occasion with reference to the similarly placed Trusts, the University has sent a letter to the respondents 1 & 2 stating that application may be proceeded with, as the issue of 'No objection Certificate' is under consideration with the Government. As the petitioners are similarly placed, the respondents 1 & 2 may be directed to proceed with the applications without rejecting them on the ground of non production of 'No Objection Certificate'.

5.The learned counsel for the respondents 1 and 2 submitted that the regulations are having statutory prescriptions and their mandatory nature is not in dispute and thus, the combined reading of Regulations (5) and (7), reveals that production of 'No Objection Certificate' along with application is mandatory and on such failure, the applications are liable to be rejected summarily.

6.The letter of the respondents 3 and 4 said to have been given on the earlier occasion has not been considered favourably and in any case, it would not bind on the respondents, especially, in view of Regulations (5) and (7), the petitioners having been received the show cause notices, without replying the same, have rushed to this Court, seeking an order to nullify the said proceedings and hence, no interference is required.

7.As rightly submitted by the learned counsel for the respondents 1 and 2, so long as the Regulations 5 and 7 of the NCTE regulations 2009, are in the statute book, the petitioners do not have a legal right to seek the prayer sought for. These regulations make it very clear that the applicants shall satisfy its necessary conditions and enclose relevant documents and the failure would, result in automatic rejection.

8.Thus, the reliance made on the communication of the third respondent with respect to some other Trust will not help the case of the petitioners and it would also not bind on the respondents 1 & 2 as well as the Regulations (5) and (7). The petitioners ought to have given their replies to the show cause notices issued, instead of it, sought this prayer.

9.Accordingly, the writ petitions are dismissed, giving liberty to the petitioners to give their reply to show cause notice issued. Taking note of the fact that the petitioners having adjudicating their right before this Court, this Court is inclined to give another two weeks time, to give their response to the show cause notices issued by the second respondent, from the date of receipt of a copy of this order. However, considering the request made by the learned counsel for the petitioners and taking note of the fact that request for 'No

Objection Certificate' is pending consideration with the third respondent as early as on 29.06.2015, the said Authorities are directed to pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. No costs.

DP

s/d-
Assistant Registrar(CS-III)

True Copy

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,
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Kamarajar Salai,
Chennai-600 005.
 4. The Director
State Council of Educational Research
& Training,
College Road,
DPI Campus, Chennai-600 006.
- + 3 ccs to Mr.K.Ramakrishna Reddy, Advocate SR 69568, 69569,
69570.
- + 3 ccs to Mrs.G.Thilakavathi, Advocate SR 69693, 69694, 69695
- + 1 cc to Mr.U.Venkatesan, Advocate SR 69535

jsv(co)
prk28/12

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