

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.12872 of 2012

Dr.J.Premkumar

.. Petitioner

Versus

- 1.The Director of Teach Education
Research and Training,
DPI Campus,
College Road,
Chennai.
 - 2.The Registrar,
Tamil Nadu Teachers Education University,
Lady Wellington College Campus,
Kamarajar Salai,
Chennai -5.
 - 3.The National Council for Teacher Education,
Southern Regional Committee,
Represented by its Regional Director,
Nagarbhavi,
Jnana Bharathi Campus Road,
Opposite National Law School,
Bangalore-560 072.
- ..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance a Writ of Certiorari calling for the entire records pertaining to the proceedings F.No.APS00887/D.T.Ed./TN/2011-12, APS05081-D.T.Ed-A1, APS03622-B.Ed., APS07543-M.Ed/38586 dated 27.02.2012 passed by the third respondent and the subsequent order passed by the second respondent by its proceedings No.TNTEU/RSYN.Mar.2012-Item14/CC 10911/Dis.Aflin./2012/164 dated 09.04.2012 and quash the same.

For Petitioner .. Mr.V.Selvaraj for
M/s C.Robert Bruce

For Respondents .. M/s P.Rajalakshmi
Government Advocate for R1
Mr.G.Anantharangan for R2
Mr.P.R.Gopinathan for R3

ORDER

The petitioner is a Teacher Training Institute. On 16.09.2004, the third respondent has granted recognition for D.T.Ed. Course. On 02.11.2005, recognition was given by the third respondent to the petitioner institution for conducting B.E.d. Course. Similarly, on 13.07.2007 recognition was given by the third respondent for conducting M.Ed course. In such circumstance, the petitioner submitted an application dated 10.02.2009 for shifting of premises for conducting the teacher education courses. On inspection, the third respondent issued show cause notice dated 27.06.2011 on several grounds. On receipt of the show cause notice, the petitioner submitted his reply on 22.07.2011. The third respondent without considering the same reply dated 22.07.2011, issued another show cause on 15.11.2011 for which also, the petitioner submitted his reply on 07.12.2011. Thereafter, the impugned order has been passed on 27.02.2012 by the third respondent in and by which the permission sought by the petitioner to shift the premises was rejected and the earlier recognition given for conducting all the courses were cancelled. Challenging the same, the petitioner has filed the present writ petition.

2. Now, new regulation has been framed by the Government from 01.01.2014, which came to be introduced by accepting the Justice Verma Commission, which was constituted as per the order passed by the Hon'ble Apex Court. Admittedly, the petitioner did apply and got recognition for conducting B.Ed., and M.Ed., courses pending the writ petition pursuant to an order of interim stay passed by this Court. However, the orders of recognition say that they have been passed subject to the further order to be passed in this writ petition.

3. The learned counsel appearing for the petitioner submitted that the order impugned is liable to be set aside inasmuch as it was passed without application of mind. The petitioner produced documents to show that the land where the institution is functioning is his own building and the courses are being conducted in a separate building. Reliance has been made on the inspection report of the third respondent dated 20.06.2005, 27.03.2007 and 22.04.2011.

4. The learned counsel appearing for the third respondent submitted that the relief sought for in the writ petition is no long survives, in view of the subsequent recognition given to the petitioner institution as per the recommendation of the Justice Verma Commission under Section 17 of the National Council for Teacher Education Act, 1993. Notwithstanding the cancellation of recognition, which is impugned in this writ petition, the interest of the students is protected and it will not in any way affect the students, who are pursuing the course in the present academic year.

5. This Court perused the order impugned. In the impugned order, absolutely no reason has been assigned, except re-producing the contents of the show cause notice. On the contrary, the petitioner has produced numerous documents in support of his contention including title deeds and documents to prove the ownership of the land in question. Inspection reports of the third respondent itself were produced from the years 2005-2011 to show that B.Ed., course is being conducted in separate place and they have not been considered by the respondents. The inspection reports also indicates the compliance on the part of the petitioner on those two grounds referred to in the impugned order namely, ownership of land and building and documents in support thereof. In fact, to the show cause notices issued by the second and third respondent, replies were given for all the issues and they have also not been considered. In such view of the matter, the order impugned is liable to be set aside, in view of the documents produced by the petitioner coupled with the subsequent development namely, coming in to force of the recommendation made by Justice Verma Commission, which formed the basis for the new regulation. Therefore, based upon the petitioner's claim, recognition has been granted for the year 2015. Therefore, it is deemed that the petitioner was having recognition prior to the said period. This is also one of the reasons for setting aside the impugned orders. At any rate, it is clarified that in as much as the petitioner has applied and got recognition under the new regulation during the pendency of this writ petition, any compliance required by the petitioner will have to be done under the regulation as required by the third respondent. It is further clarified that it is well open to the third respondent to seek appropriate compliance under the new regulation from the petitioner.

6. Accordingly, the orders impugned are set aside and the writ petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Director of Teach Education
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2.The Registrar,
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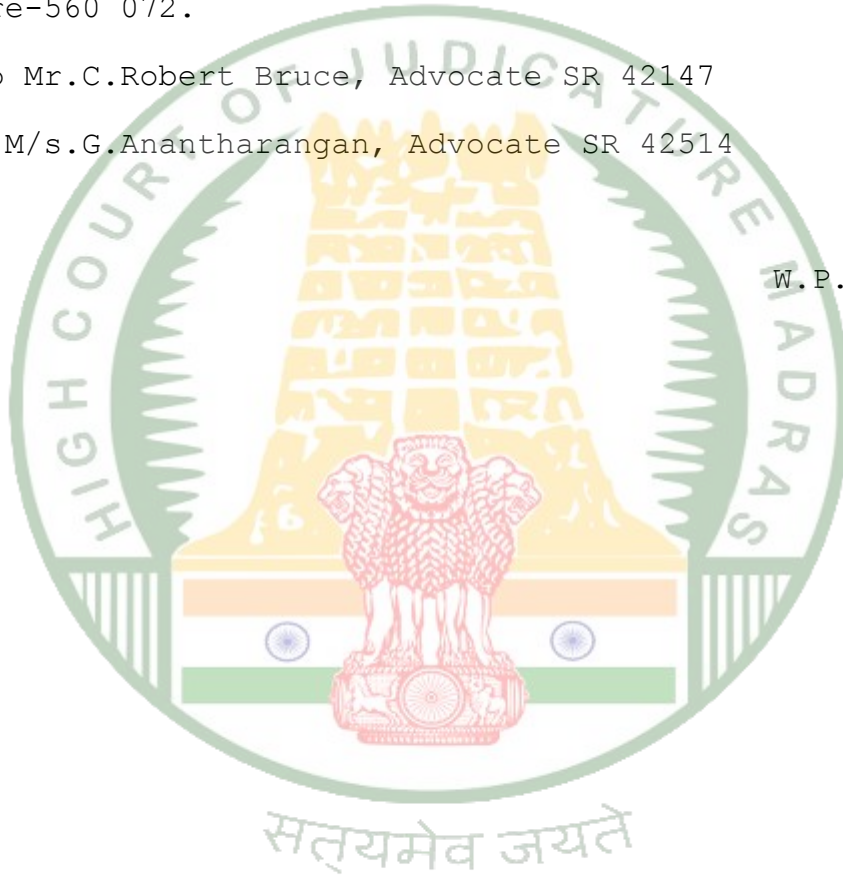
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+ 3 ccs to Mr.C.Robert Bruce, Advocate SR 42147

+ 1 cc to M/s.G.Anantharangan, Advocate SR 42514

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