

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2015

Coram:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No. 26579 of 2013 and M.P.No.1 of 2013

Sree Sakthi Vinayaga Trust  
rep. By its Managing Trustee

Mr.J.Narayanan

Plot No.125/4-A, Veppur Road,  
K.Kothanur Village, Nallur Post,  
Virudhachalam Taluk,  
Cuddalore District

.. Petitioner

Vs

The Regional Director,  
National Council for Teacher Education,  
Southern Regional Office,  
Jnana Bharathi Campus Road,  
Opp. To National Law School,  
Nagarabhavi, Bangalore - 560 072

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records in respect of the impugned order issued by the respondent vide his proceedings in F.No.SRC APP/1924/B.Ed/TN/2013-2014/53311 dated 26.08.2013 and quash the same and direct the respondent to complete the process of the application of the petitioner dated 27,28/12/2012 including inspection for grant of recognition to the petitioner's proposed B.Ed., college namely Sree Bhavani College of Education at K.Kothanur Village, Nallur Post, Virudhachalam Taluk, Cuddalore District from the academic Year 2013-2014.

For Petitioner :Mr.R.SureshKumar

For Respondent : Mr.K.Ramakrishna Reddy

O R D E R

Heard Mr.R.Suresh Kumar, learned counsel for the petitioner and Mr.K.Ramakrishna reddy, learned counsel for respondent.

2. The petitioner is a Trust and they have filed this Writ Petition challenging the order dated 26.08.2013, by the said order, the respondent/ NCTE has rejected the permission sought for by the

petitioner/Trust to establish a Institution to offer B.Ed. Course. The reason for rejection is that the petitioner has not adhered to the time schedule fixed for processing application by the Regional Committee and the communication of the decision on the issue of recommendation are being strictly adhered and to be followed on the terms of the order passed by the Hon'ble Supreme Court. In fact, in the impugned proceedings, the order passed by the Hon'ble Supreme Court has been referred to.

3. According to the respondent, after the application filed by the petitioner was received and processed by the Regional Committee, a communication dated 10.04.2013 was sent pointing out deficiencies and the the same has been despatched to the petitioner. There is another communication sent on 12.04.2013, it appears to contain the very same deficiencies as pointed out in the case of the petitioner. But those deficiencies were in respect of another institution. However, the communication sent to the petitioner/Institution has been wrongly forwarded to another institution, which is also situated in the same area, namely, Chandra College of Education and through the said trust, the petitioner got the copy of the notice on 26.04.2013 and within the 60 days time limit, on 21.06.2013, they have submitted their compliance report. Therefore, it is stated that it is not as if the petitioner did not adhere to the time schedule, but, because of the mistake in forwarding the petitioner's letter to the another Institution, which is not the establishment of the petitioner, there has been a delay.

4. In the counter affidavit as well as additional counter affidavit mix up of the letters is not disputed, but, the respondent would state that the communication to the petitioner was sent not only to their Institution address but also to the trust address and it was despatched on 10.04.2013. Therefore, the petitioner should have received the same. In this regard the learned counsel for the respondent referred to the speed post receipt showing the date of despatch. In the additional counter affidavit, this fact has been mentioned and in the additional counter, they did not dispute the fact that there was mix up of the address.

5. In such circumstances, it would be appropriate for the respondent to treat the present case as distinct one, since the limitation period was to be computed from the date on which the petitioner has received the communication and there is no proof produced by the respondent to establish that the petitioner has received the notice despatched on 10.04.2013, earlier than 26.04.2013. A production of the despatch register by itself does not establish the date of receipt, since there is no acknowledgment card to show that the communication which has been sent by speed post was received by the petitioner prior to 26.04.2013

6. Therefore, this Court is of the view that there is no violation of the time schedule attributable to the petitioner, but, on account of the communication sent to the wrong address. However, at this juncture, the question of setting aside the impugned proceedings does not arise, in the light of the fact that NCTE regulation 2014 has come into effect superseding the earlier regulation, NCTE Regulation, 2009.

7. It is submitted by the learned counsel for the petitioner that the petitioner has submitted a fresh application dated 31.12.2014 along with all the documents, as required under the NCTE, Regulation 2014, which has been handed over in-person to the office of the Regional Committee, NCTE on 02.01.2015 and acknowledged vide Sl.No.14046. Therefore, the respondent/NCTE is directed to process application dated 31.12.2014 received by the respondent on 02.01.2015 in accordance with the provisions of the NCTE, Regulation 14.

With the above observation, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-  
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ssd

To

The Regional Director, सतयमेव जयते  
National Council for Teacher Education,  
Southern Regional Office,  
Jnana Bharathi Campus Road,  
Opp. To National Law School,  
Nagarabhavi, Bangalore - 560 072  
1 CC To Mr.K.Ramakrishana Reddy, Advocate SR NO.7268  
1 CC To Mr.R.Suresh Kumar, Advocate SR NO.7094

Writ Petition No. 26579 of 2013

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gp/17.02.