

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.16165 of 2016

and

WMP.No.13950 of 2016

St. Mary's College of Education
rep. by its Correspondent
M.S.Mani

... Petitioner

vs.

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

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondent University to consider the compliance report dated 4.4.2016 submitted by the petitioner and to process the application of the petitioner dated 30.09.2015 including the inspection for grant of affiliation to the petitioner College viz., St. Mary's College of Education at Vadamalai Samudram, Vikramasingapuram, Ambasamudram Taluk, Tirunelveli District for conducting B.Ed. programme (2 years duration) with an annual intake of 100 seats (2 units) from the academic session 2016-17.

For Petitioner : Mr.R.Suresh Kumar
For Respondent : Mr.U.Venkatesan

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondent University to consider the compliance report dated 4.4.2016 submitted by the petitioner and to process the application of the petitioner dated 30.09.2015 including the inspection, for grant of affiliation to the petitioner College viz., St. Mary's College

of Education at Vadamalai Samudram, Vikramasingapuram, Ambasamudram Taluk, Tirunelveli District for conducting B.Ed. programme (2 years duration) with an annual intake of 100 seats (2 units) from the academic session 2016-17.

2. The case of the petitioner, as per the averments made in the writ petition, is as follows:

2.1 The Management of the petitioner College viz., St. Mary's Christians Educational Development and Charitable Trust, had applied to the Southern Regional Committee of the National Council for Teacher Education (hereinafter shortly referred to as SRC-NCTE) seeking recognition to conduct Bachelor of Education (B.Ed) course from the Academic Year 2013-14, in December 2012. The said application was kept in abeyance in view of the process of issuing new regulations of the NCTE during the year 2013-14. Ultimately, the NCTE had issued the new regulations called 'National Council for Teacher Education (Recognition Norms and Procedure) Regulations 2014' which came into effect from 1.12.2014.

2.2 As per the said Regulations, B.Ed course has been made as two years course. Based on the same, the petitioner's application was taken into consideration and by an order dated 05.05.2015, a letter of intent (LOI) came to be issued by SRC-NCTE for grant of recognition to B.Ed course at the petitioner college. According to the order of LOI, the petitioner has to submit an affidavit about the appointment of teaching faculties and staffs and the approval of the same by the respondent University within two months. Pursuant to the same, the petitioner, having appointed the necessary teaching faculties, approached the respondent for approval of the same. The respondent University, after verifying the qualifications and testimonials of the teaching faculties appointed by the petitioner, has conveyed its approval on 26.05.2015, which was duly submitted to the SRC-NCTE for further consideration for grant of formal recognition.

2.3 After having approved in its Regional Committee Meeting, SRC-NCTE by order dated 31.05.2015, has granted recognition to the petitioner College for conducting B.Ed course of two years duration with an annual intake of 100 students (2 units) from the academic session 2015-16. In the said order, SRC-NCTE has directed the petitioner to obtain affiliation from the examining body i.e., the respondent herein.

2.4 On receipt of the formal recognition order dated 31.05.2015 from SRC-NCTE, the petitioner Management made an application dated 30.09.2015 in the prescribed form, for grant of affiliation to the petitioner college from the respondent University. However, the respondent has not processed the said application, which compelled the petitioner to file a writ petition in WP.No.38588 of 2015 before this Court. The said writ

petition was disposed of on 8.12.2015 by directing the respondent to consider and process the petitioner's application dated 30.09.2015 and pass a final order within a time frame. Though the petitioner has communicated the said order, the respondent, instead of processing the petitioner's application by making an inspection, rejected the petitioner's request by order dated 05.02.2016 on the ground that documents called for by them were not produced and certain deficiencies were not complied with by the petitioner.

2.5 Thereafter, the petitioner submitted all the documents and complied with all the deficiencies pointed out in the order dated 05.02.2016 by way of a compliance report in the form of booklet dated 04.04.2016 to the respondent. Even thereafter, the respondent has not considered the petitioner's request for grant of affiliation to conduct B.Ed. programme. Therefore, the petitioner has no other alternative except to approach this Court with the present petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned standing counsel, who took notice for the respondent.

4. Considering the facts and circumstances of the case, this Court directs the respondent to consider the compliance report dated 4.4.2016 submitted by the petitioner and to process the application of the petitioner dated 30.09.2015 by conducting inspection, for grant of affiliation to the petitioner College viz., St. Mary's College of Education at Vadamalai Samudram, Vikramasingapuram, Ambasamudram Taluk, Tirunelveli District for conducting B.Ed. programme (2 years duration) with an annual intake of 100 seats (2 units) from the academic session 2016-17 and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim projected by the petitioner and it is for the respondent to pass appropriate orders purely on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner. The entire exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

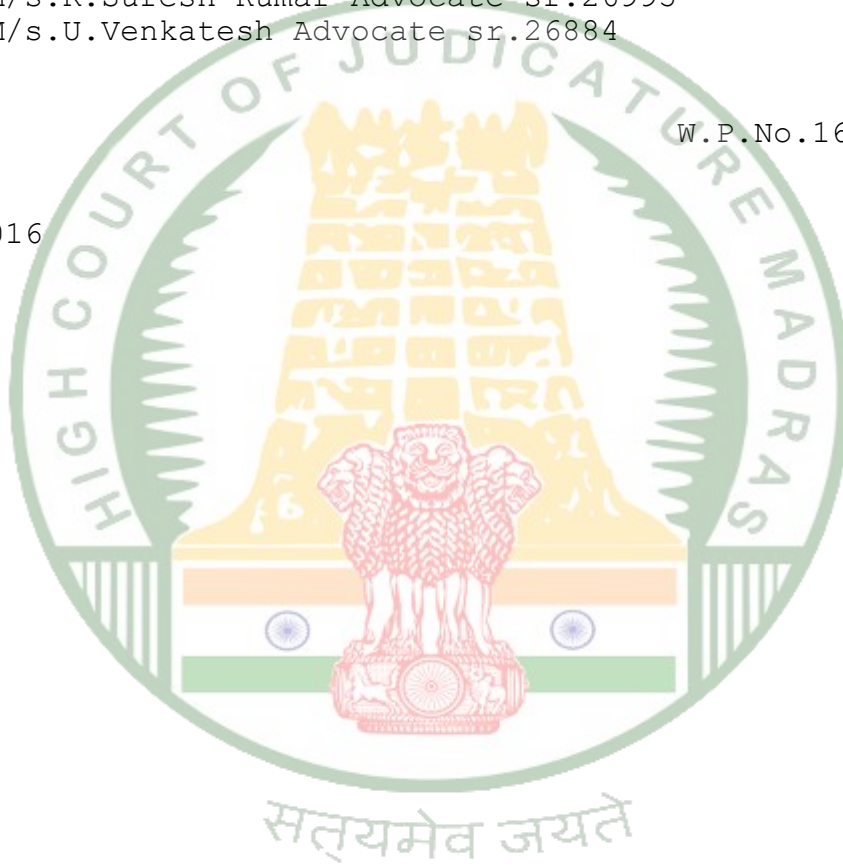
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+1 cc to M/s.R.Suresh Kumar Advocate sr.26995

+1 cc to M/s.U.Venkatesh Advocate sr.26884

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