

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. Nos.999, 1000, 1970, 1971, 5768,
22782, 34131, 39671 of 2015

and

M.P.Nos.1 and 2 of 2015 in WP.34131 of 2015

Tamil Nadu Self-Financing College
of Education Management Association,
Rep. By its Secretary, Mr.S.Vijayakumar.

...Petitioner in W.P.999/15

National College of Education
Rep.by its Correspondent, Mr.M.Natarasan
Panruti Taluk, Cuddalore District.

...Petitioner in W.P.1000/15

V.E.T. College of Education
Rep.by its Secretary Mr.R.Selvaraj
Villupuram District.

...Petitioner in W.P.1970/15

E.S. College of Education
Rep.by its Chairman S.Selvamani
Villupuram

...Petitioner in W.P.1971/15

Association of the Unaided B.Ed.,
College and Teacher Training Institutions
of Pondicherry Union Territory,
Rep.by its Secretary
Puducherry.

...Petitioner in W.P.5768/15

M/s.Kumaran College of Education,
Rep.by its Chairman,
Vellore 632 010.

...Petitioner in W.P.22782/15

V.Dhinesh

...Petitioner in W.P.34131/15

Kamala College of Education,
Rep.by its Secretary J.Prabhakar Jayaraj

...Petitioner in W.P.39671/15

-Vs-

1. The National Council of Teacher
Education, Rep. By its Member Secretary,
Hans Bhawan, Wing II, 1, Bahadur Shah
Zafar Marg, New Delhi.

2. The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
Jnanabarathy Campus Road,
Opp. To National Law School,
Nagarabhavi, Bangalore.

3. The Tamil Nadu Teacher Education
University, Rep. By its Registrar,
Lady Wellington College Campus,
Kamarajar Salai, Chennai.

...Respondents 1 to 3 in all WPs

4. The State of Tamil Nadu,
Rep. By the Secretary to Govt.,
Higher Education Department,
Fort St. George, Chennai.
(R-4 impleaded as per Order dt.
28.07.2015 in MP.3 of 2015 in
WP.999 & 22782/15 by SKK, CJ & TSSJ)

... 4th Respondent in WPs.999
& 22782/15

W.P.Nos.999, 1000, 1970, 1971, 5768, 22782, and 39671 of 2015 :
Petition filed under Article 226 of the Constitution of India
praying for issue of Writ of Declaration to declare Clauses 8
(1), 8(11), 10 and 11 of NCTE (Recognition, Norms and Procedure)
Regulations, 2014 and Clauses 1, 2.1, 3.1 and 5.1 of Appendix-IV
and Clauses 1 and 3.1 of Appendix-V of NCTE (Recognition, Norms
and Procedure) Regulations, 2014, as null and void,
unenforceable, invalid, arbitrary and unjust besides
unconstitutional.

W.P.No.34131 of 2015 : This Petition under Article 226 of the
Constitution of India prayed for issuance of a Writ of
Certiorarified Mandamus after Calling for the records from the
1st respondent relating to the National Council for Teacher
Education (Recognition Norms and Procedure) Regulations 2014 as
published in the Notification of the 1st respondent dated

28.11.2014 and published in the Gazette of India dated 1.12.2014 and quash the same as illegal, arbitrary, without jurisdiction and consequently direct the respondents 1 and 2 to permit the petitioner to undergo one year B.Ed. Course without any outer limit which he would have been entitled to had the impugned regulations was not published.

For Petitioners

in WP.999 & 1000/2015 : Mr.Muthukumarasamy, S.C.
For Mr.R.Sureshkumar
in WP.1970 & 1971/2015 : Mr.E.Vijay Anand
in WP.5768/2015 : Mr.N.R.Chandran, S.C.
For Mr.R.Kannan
in WP.22782/2015 : Ms.G.Thilakavathy
in WP.34131/2015 : Mr.N.G.R.Prasad
for M/s.Row & Reddy
in WP.39671/2015 : Mr.P.Harikrishnan

For Respondents

RR 1 and 2 in all WPs. : Mr.K.Ramakrishna Reddy
R-3 in WP.999, 1000, 1970
& 1971/2015 : Mr.U.Venkatesan
R-3 in WP.22782, 34131
& 39671/2015 : Mr.G.Anantharangan
R-3 in WP.5678/2015 : Ms.A.V.Bharathi
R-4 in WP.999 & 22782/2015: Mr.D.Krishnakumar,
Special Government Pleader

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard the learned counsel for the parties yesterday and today. The challenge is to the statutory regulations and considering the implicit limitation in the scope of scrutiny of such statutory regulations, learned counsels for the petitioners fairly state that they will confine it to some aspects, which seem to create practical difficulties and what they are requesting is that those aspects may be examined and considered.

2.In the aforesaid context, learned counsel appearing for the association submits that an Expert Committee has been appointed by the Ministry of Human Resource Development to look into the feed back of the implementation of the impugned regulations and the Committee had sittings throughout the country including at Chennai where the representatives of the petitioner met the Committee. It is, thus, his submission that once the Committee itself is examining the matter, some of the

troublesome provisions may not be given effect to till the exercise is completed.

3.A reference is made to Regulations 8 (1) and 8 (11) qua the time periods specified therein. Apart from this, Clauses 5 and 6 of Appendix IV have also been requested to be re-visited. He, thus, submits that the plea on behalf of the petitioners may be confined to an exercise to re-visit these provisions and solve the problems of the petitioners.

4.On the other hand, learned counsel for the respondents / NCTE states that in so far as the grant of time is concerned, sufficient time would be granted to do the needful. He, further, does not dispute that the exercise which the petitioners claim to be underway is actually being carried out.

5.We are, thus, of the view that since the challenge to the statutory regulations is not pressed, but what is prayed is a re-visiting of those provisions, in view of the exercise already being undertaken by the respondents, as also in view of the submission which has been made on behalf of the learned counsel for the respondents, a reasonable view may be taken in this behalf and as stated, sufficient time would be given to implement the same.

6.We may also note that a petition is filed by certain students. In this behalf, really speaking, the students cannot have much of a role, but the only aspect which has been emphasized before us is that when the courses sought to be increased from one year to two years, at least, the time period for completion of the course may be re-visited from the present three years specified. This is in the context of the illustrations given, i.e., the M.B.B.S. 5 years' course has the outer limit of 9 years, the B.E. Course of 4 years has the outer limit of 7 years and the M.Phil. course of 8 semesters has the outer limit of 12 semesters. In this context, it is submitted that the outer limit should be four years rather than three years. This representation again can be examined by the Committee keeping in mind the outer limits of other courses.

7.The respondents, thus, may carry out the exercise as early as feasible. The learned counsel for the respondents states that no coercive steps would be taken to implement the rigors of the aforesaid provisions till a final decision is taken. The said statement is taken on record.

8.All the writ petitions are, thus, closed in the aforesaid terms. No costs. Consequently, connected miscellaneous petitions also stand closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra
To

1. The Member Secretary,
National Council of Teacher Education,
Hans Bhawan, Wing II, 1, Bahadur Shah
Zafar Marg, New Delhi.
2. The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
Jnanabarathy Campus Road,
Opp. To National Law School,
Nagarabhavi, Bangalore.
3. The Registrar,
Tamil Nadu Teacher Education University,
Lady Wellington College Campus,
Kamarajar Salai, Chennai.
4. The Secretary to Govt. of Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai.

+1cc to Mr.Ms.G.Thilakavathy, Advocate, S.R.No.11541
+2cc's to Mr.E.Vijay Anand, Advocate, S.R.Nos.11321 & 11322
+1cc to Mr.R.Muruganandam, Advocate, S.R.No.11352
+2cc's to M/s.Row & Reddy, Advocate, S.R.No.11301
+2cc's to Mr.R.Sureshkumar, Advocate, S.R.Nos.11205 & 11206
+4cc's to Mr.K.Ramakrishna Reddy, Advocate, S.R.No.11136
+1cc to Ms.A.V.Bharathi, Advocate, S.R.No.11146
+4cc's to Mr.U.Venkatesan, Advocate, S.R.Nos.11119 to 11121
+1cc to Mr.S.K.Selvaraj, Advocate, S.R.No.11133
+ 1 cc to Mr.P.Harikrishnan, Advocate Sr 2602 (9/3/16)

W.P.Nos.999, 1000, 1970,1971, 5768,
22782, 34131 and 39671 of 2015

JSV(CO)
CA(07/03/2016)