



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.05.2016

CORAM :

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P(MD)No.4981 of 2016
and W.M.P.(MD) no. 7278 of 2016

R.M.Rajesh

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 9.

2.The Vice Chancellor,
Tamil Nadu Teachers Education University,
Lady Willingdon College Campus,
Kamarajar Salari,
Chennai - 5.

3.The Registrar,
Tamil Nadu Teachers Education University,
Lady Willingdon College Campus,
Kamarajar Salari,
Chennai - 5.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the third respondent based on the resolution of the syndicate of the respondent university in No. TNTEU/R/CC/Affln./Syn/Feb1-Item 11/2016/192 dated 5.2.2016 and quash the same as illegal and consequent direction may be issued to the second and third respondents to grant affiliation to petitioner college for the academic year of 2016-2017 within stipulated time by treating the application submitted by the petitioner college for the academic year of 2015 - 2016 as the application for the academic year for 2016- 2017 by considering the recognition given by the NCTE in its letter dated 12.05.2015.

For Petitioner

: Mr.T.A.Ebenezer

For R1

: Mr.Aayiram K. Selvakumar

<https://hcservices.ecourts.gov.in/hcservices/>

Government Advocate

For R2 & R3

: (No appearance)

O R D E R

The petitioner has filed this writ petition for issuance of writ of Certiorari Mandamus to quash the order passed by the third respondent dated 05.02.2016, in and by which, the application for grant of affiliation for starting a new College of Education to offer B.Ed Degree Programme from the academic year 2015-2016 has been rejected based on the inspection report dated 23.07.2015, which observed the deficiency in built up areas among others.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent. There is no representation for the respondents 2 and 3.

3. The copy of the Inspection report has not been furnished to the petitioner, which has been referred to in the order passed by the respondent University dated 01.10.2015. Adverse observations made in the impugned order are to the following effect:

a. The total built up area available is 1799.64 sq.mt and total built up area required to offer B.Ed. And 2nd year DT.Ed. As per the NCTE norms is 3000 sq.mt. Hence, there is a deficiency in built up area.

b. Multipurpose hall with seating capacity of 200 students is not available as per NCTE norms.

c. The Library cum reading room area and books are not adequate as per NCTE norms.

d. The area for ICT Resource Centre is also inadequate.

e. The facilities in Curriculum Laboratories are inadequate and

f. Other eight more deficiencies.

4. According to the learned counsel for the petitioner, the observations contained in the Inspection report could not have been the reason for rejection. Though the required total built up area is 1500 sq metres, the petitioner has excess than what is prescribed.

5. The learned counsel for the petitioner submitted that the other deficiencies pointed out by the Inspection Committee are also incorrect and all the facilities are available. The petitioner had challenged the order of rejection dated 01.10.2015 by filing a writ petition in W.P.(MD)No.18811 of 2015, which was dismissed by order dated 14.10.2015 with liberty to the petitioner to file an appeal before the appropriate authority. As against the said order, the petitioner preferred an appeal in W.A.(MD) No.1297



of 2015, which is pending before the Hon'ble Division Bench and the petitioner obtained an interim order to the following effect:

3. Therefore, we pass the following order, temporarily,

(i) If any meeting of the Syndicate is convened on or before 04.12.2015, the case of the appellants shall be placed before the syndicate so that they could pass final orders.

(ii) In the meantime, whoever among those 22 students already admitted by the College is willing to join the seats under the management quota in any of the institutions in Tuticorin District, they shall be permitted to go and join. The Government shall issue instructions to those colleges so that the academic year of the students is not wasted.

6. Though the Hon'ble Division Bench passed the above order, the petitioner was not in a position to obtain an order of affiliation, since the respondent University has rejected the petitioner's application. After taking this Court through the above proceedings, the learned counsel for the petitioner submitted that the petitioner is ready and willing to apply afresh and the authorities may take a pragmatic view of the matter and satisfy themselves that the petitioner has complied with all the conditions.

7. In the light of the said concession given by the petitioner, this Court is of the view that the following order would meet the ends of justice:

(I).The petitioner is permitted to file a fresh application for starting a new College of Education to offer B.Ed. Degree Programme from the year 2016-17 based on the recognition granted by NCTE, by order dated 12.05.2015 and if such an application is filed, the respondent University will consider the same on its own merits and in accordance with law and the pendency of W.A.(MD) No.1297 of 2015 and the order impugned in this Writ Petition dated 05.02.2016 would not operate as a bar and such application shall be treated as a fresh application.

(ii). The above direction shall be complied with by the respondent University within a period of six weeks from the date on which the application to be filed. It is made clear that the application shall be accompanied by the required fee and all particulars to be furnished afresh.



8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected W.M.P.(MD) No. 7278 of 2016 is closed.

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Sd/-

Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1.The Secretary to Government of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai - 9.

2.The Vice Chancellor, Tamil Nadu Teachers Education University,
Lady Willingdon College Campus, Kamarajar Salari, Chennai - 5.

3.The Registrar, Tamil Nadu Teachers Education University,
Lady Willingdon College Campus, Kamarajar Salari, Chennai - 5.

+One cc to Mr.T.A.Ebenezer, Advocate, SR.No.26049

+One cc to The Special Government Pleader, SR.No.26041

CM

RL/6C/4P/DP/SARIII/17/5/2016

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