

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2017

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.5258 of 2014

Vaagai Educational Trust
Represented by its Chairman
Mrs. S. Sankar
running Vaagai College of Education,
48, Sembuvarayan Koil Street,
Salem Main Road,
Pappireddipatti Post & Taluk,
Dharmapuri District ... Petitioner

--Vs--

1. National council for Teacher Education,
represented by its Member Secretary,
Hans Bhawan, Wing II,
1, Bahadurshah Zafar Marg,
New Delhi - 110 002.
2. The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
Bangalore - 560 072.
3. Tamil Nadu Teachers Education University,
Lady Willington College Campus,
Kamarajar Salai,
Chennai - 600 005 ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order calling for the records relating to impugned order passed by the second respondent vide its communication made in F.No. SRCAPP1994(2013-14)/B.Ed/TN/2013-14/530102 dated 06.08.2013 and as confirmed by the first respondent vide its impugned order F.No.89-590/2013 Appeal/17th Meeting-2013/A80782 dated 10.01.2014 and quash the same and consequently direct the respondents 1 and 2 herein to grant recognition to the petitioner institution for running the B.Ed course for the academic year 2014-2015 or for any other

academic year and within such time as may be prescribed by this court.

For Petitioners : Mr. N. Damodharan

For Respondents : Mr.P.R. Gopinathan for R1 & R2
Mr. U. Venkatesan for R3.

O R D E R

This writ petition has been filed, challenging the order passed by the second respondent dated 06.08.2013 in F.No. SRCAPP1994(2013-14)/B.Ed/TN/2013-14/530102 and as confirmed by the first respondent vide its impugned order dated 10.01.2014 in F.No.89-590/2013 Appeal/17th Meeting-2013/A80782 and quash the same and consequently direct the respondents 1 and 2 herein to grant recognition to the petitioner institution for running the B.Ed course for the academic year 2014-2015 or for any other academic year, within the stipulated time.

2. Heard the learned counsel for the petitioner, the learned counsel appearing for the respondents 1 and 2 and also the learned counsel appearing for the third respondent.

3. The case of the petitioner is that petitioner is an Educational Trust and for the purpose of starting B.Ed course, it acquired the land comprised in S.No.114/2A1A, which was later sub-divided as 114/3, Pudupettai Village, Pappireddipatti Taluk, Dharmapuri, by way of sale deed dated 04.07.2012. The petitioner after obtaining the necessary building permission from the competent authorities had put up pucca buildings for the purpose of establishing B.Ed college. Thereafter, the petitioner had applied for grant of recognition for the petitioner college for the B.Ed Course of one year duration, under section 14(1) of the National Council for Teacher Education Act, 1993 to the second respondent herein by complying all the requirements for the intake of 100 students for the academic year 2013-2014. An online application was made on 29.12.2012 to the second respondent. The second respondent vide letter F.SRCAPP1994/B.ed/TN/2012-13/51015 dated 22.04.2013 returned the same for complying with certain deficiencies. The second respondent has pointed out that the certified copy of the registered land documents was not furnished, the approved building plan and the permission of the competent authority to use the land for the Educational purpose etc.,. The petitioner further stated that he had complied with all the deficiencies as pointed out by the second respondent, by submitting a representation dated 05.06.2013 by enclosing the required documents. However, the second respondent passed the impugned

order on 06.08.2013. Aggrieved by the same, the petitioner preferred the statutory appeal under Section 18 of NCTE Act, 1993 to the first respondent. The said appeal was numbered as APPL 1536 of 2013. The appellate authority also rejected the contention of the petitioner and concluded that the Southern Regional committee was justified in refusing the same. Aggrieved by the same, the present Writ Petition is filed.

4. The second respondent has filed a counter affidavit, stating that the recognition to the petitioner could not to be granted for the reason that the last date for the issuance of formal order of recognition by the second respondent, as directed by the Hon'ble Supreme Court in Maa Vaishno Devi Mahila Mahavidyalaya -vs- State of Uttar Pradesh & Others -(2013) 2 SCC617, is on 03.03.2014.

5. Admittedly, the order of the second respondent dated 06.08.2013, which was confirmed by the first respondent on 10.04.2014, are very well beyond the date mentioned by the Hon'ble Supreme Court. It is pertinent to note that the regulations have come into force and it is stated and the said regulations are also under challenge before this court. As stated earlier, the cut-off for making the application for formal recognition is over and therefore the prayer in this Writ Petition would automatically become infructuous and nothing survives for adjudication.

6. In view of the same, this Writ Petition is dismissed. No costs. Consequently, Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

nl/arr

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To

1. The Member Secretary,
National council for Teacher Education,
Hans Bhawan, Wing II,
1, Bahadurshah Zafar Marg,
New Delhi - 110 002.

2. The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
Bangalore - 560 072.

3. Tamil Nadu Teachers Education University,
Lady Willington College Campus,
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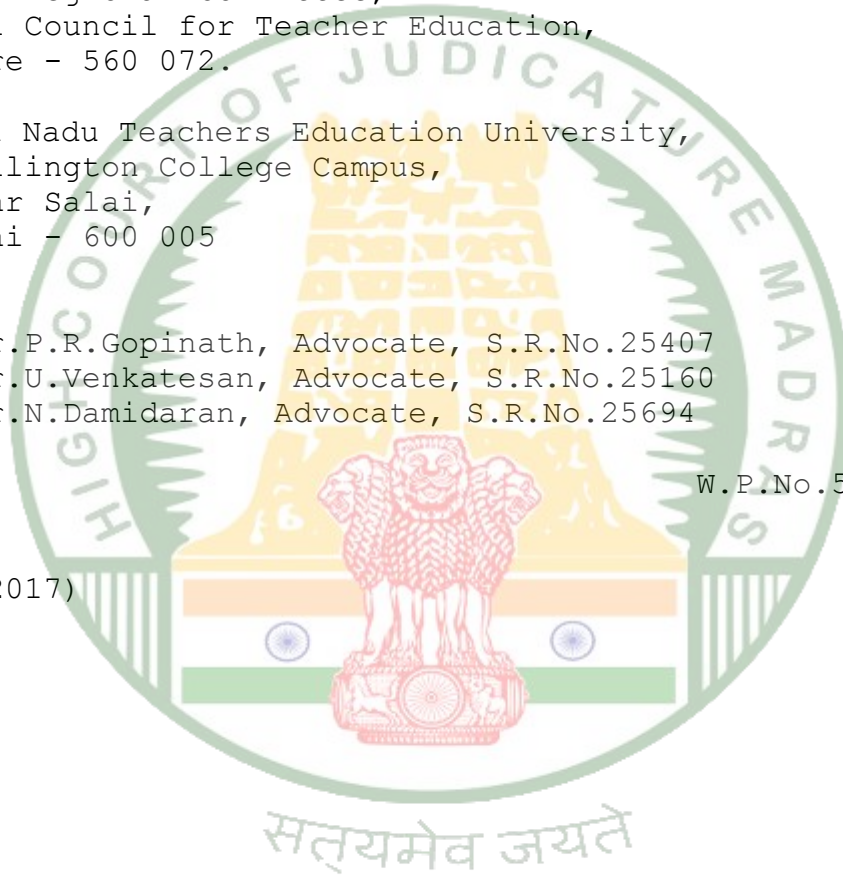
+1cc to Mr.P.R.Gopinath, Advocate, S.R.No.25407

+1cc to Mr.U.Venkatesan, Advocate, S.R.No.25160

+1cc to Mr.N.Damidaran, Advocate, S.R.No.25694

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KJI (CO)
RS (11/05/2017)



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