

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.10364 of 2017

in

W.M.P.No.11279 of 2017

Sadasivam Kathirkamavalli College of Arts and Science
run by Indra Gandhi Educational Trust,
represented by tis Managing Trustee
Dr.G.sadasivam
Melavasal Street,
Kumarapuram Village,
Mannargudi taluk,
Tiruvavarur District - 614 001.

... Petitioner

vs.

The Regional Director,
Southern Regional Committee,
National council for Teacher Education,
Jnana Bharathi Campus road,
Nagarabhavi,
Opp. To National Law School,
Bangalore - 560 072

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari and Mandamus to call for the records of the respondent in F.No.SRO/NCTE/SRCAPP201630142/B.A.B.Ed.B.Sc., B.Ed./TN/2017/92804 dated 12.04.2017 based on the decision taken in the 334th Meeting of SRC-NCTE held on 30/31.03.2017 insofar as the petitioner is concerned and quash the same as illegal, arbitrary and against the Provisions of the act and Regulations and consequently, direct the respondent to grant permission to commence the Integrated four Year B.A., B.Ed., (1 Unit) and integrated Four Year B.Sc., B.Ed., (1 Unit) from the academic year 2017-2018.

For Petitioner : Mr.K.Soundararajan

For Respondent : Mr.J.Harikrishnan

O R D E R

The petitioner is aggrieved against the order dated 12.04.2017 passed by the respondent rejecting the application for grant of recognition to the petitioner College for affording B.A., B.Ed./ B.Sc.,B.Ed., integrated course for 4 years duration from the academic year 2017-2018.

2. Mr.K.Soundarajan, learned counsel appearing for the petitioner submitted that both the reasons assigned in the impugned order cannot be sustained since the No Objection Certificate obtained by the petitioner was already scrutinized by the Committee and therefore, belated filing of the same, cannot be a reason to reject the application. Insofar as the other reason, namely, existence of an encumbrance over the property shown by the petitioner to run the College is concerned, the learned counsel invited this Court's attention to a Certificate issued by the Indian Bank, Mannargudi dated 27.03.2017 stating that no liability exists to the said Bank against the petitioner. Therefore, the learned counsel contended that the impugned order cannot be sustained and consequently, the respondent should be directed to issue recognition to the petitioner institution.

3. On the other hand, the learned counsel for the respondent submitted that on the date of making the application through online i.e., 29.06.2016, admittedly, the petitioner did not obtain no objection certificate from the affiliating body, namely, Tamil Nadu Teachers Educational University and when the said certificate itself was obtained only on 22.08.2016, admittedly, after filing the application, the petitioner is not entitled to get recognition based on the application filed on 29.06.2016. He further submitted that as per Regulations of the National Council for Teachers Education (Recognition Norms and Procedure) Regulations, 2014, more particularly, Regulation 5 therein, it is mandatory on the part of the petitioner to make an application online electronically along with the processing fee and scanned copies of required documents such as no objection certificate issued by the concerned affiliating body. Therefore, he submitted that the impugned order was rightly passed, over which, the petitioner cannot have any grievance.

4. Heard both sides.

5. It is seen that the petitioner made an application before the respondent seeking for recognition for conducting B.A.B.Ed., B.Sc.B.Ed., integrated courses for the academic year 2017-2018. There is no dispute to the fact that such online application was made by the petitioner only on 29.06.2016. It is also not in dispute that at the time of filing such online application, the petitioner did not obtain the No Objection Certificate from the

affiliating body, viz., Tamil Nadu Teachers Educational University. On the other hand, such No Objection Certificate was issued by the said University only on 22.08.2016, admittedly, after making an application before the respondent seeking recognition. Therefore, it is evident that the petitioner has not complied with the mandatory requirement as provided under Regulation 5(3) of the said Regulations, which reads as follows:

5) Manner of making application and time limit - An Institution eligible under Regulation 4, desirous of running a teacher education programme may apply to the concerned Regional Committee for recognition in the prescribed application form along with processing fee and requisite documents:

....
....

(3) The application shall be submitted online electronically along with the processing fee and scanned copies of required document such as no objection certificate issued by the concerned affiliating body. While submitting the application, it has to be ensured that the application is duly signed by the applicant on every page, including digital signature at the appropriate place at the end of the application.

6. No doubt, the petitioner has obtained such no objection certificate later and produced the same before the respondent before considering the application. But the question is whether the very filing of the application is in order. In my considered view, when the regulation contemplates of filing such application with all required documents, more particularly, no objection certificate issued by the affiliating body, in this case the Tamil Nadu Teachers Educational University, not obtaining such no objection certificate before filing such application and not enclosing such certificate along with such application have to be construed as not in conformity with the mandatory requirement as stipulated under Regulation 5 of the said Regulations as stated supra. Insofar as the next reason namely, encumbrance over the property is concerned, as it is stated by the petitioner that there is no encumbrance as on date, it is for the petitioner to satisfy the respondent by producing such certificate issued by the bank by making a fresh application. Therefore, I am of the view that the impugned order does not require any interference. However, it is open to the petitioner to make their` fresh application seeking for

recognition in accordance with law also by following the mandatory requirement in the above said Regulations. Therefore, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

vsi/bsm

To

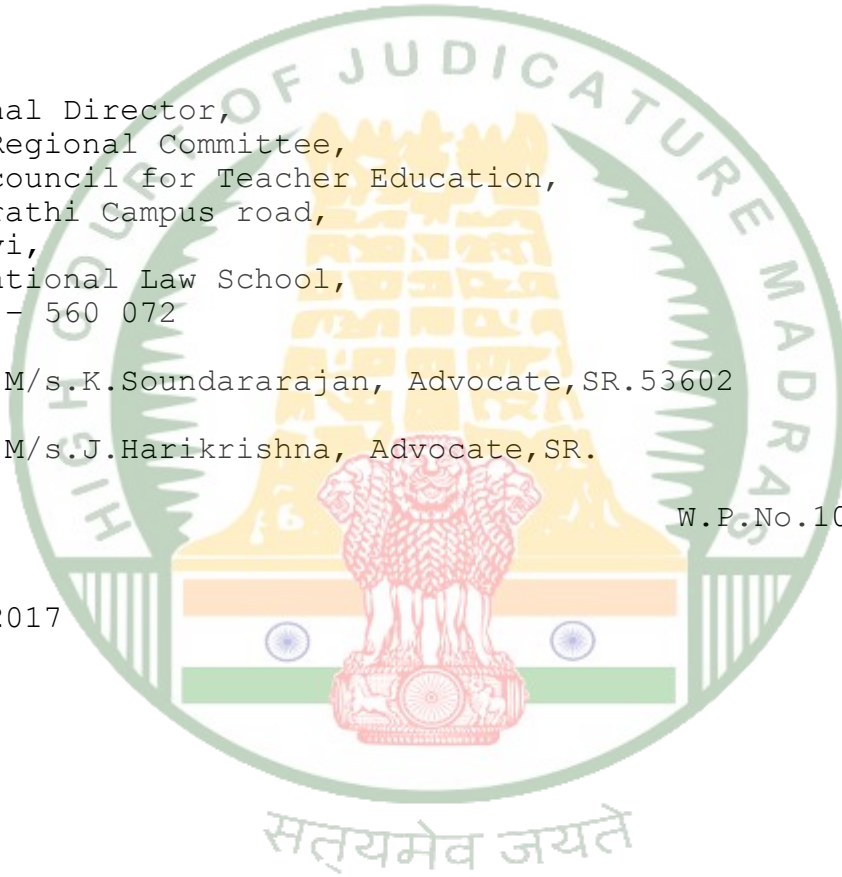
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+ 1 cc to M/s.K.Soundararajan, Advocate,SR.53602

+ 1 cc to M/s.J.Harikrishna, Advocate,SR.

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GJII(CO)
NR 10/08/2017



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