

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1685 of 2017
and
C.M.P.No.21688 of 2017

1 National Council for Teacher Education
Rep. by its Member Secretary
Wing-II Hans Bhawan
No.1 Bahadurshah Zafar Marg
New Delhi 110 002

2 The Regional Director
Southern Regional Committee
National Council for Teacher Education
Jana Barathi Campus Road
Opp. to National Law School
Nagarabhavi Bangalore 560 072

Appellants

Versus

1 The Government of Tamil Nadu
Rep. by its Secretary
Youth Welfare and Sports Development
Department Secretariat Chennai 600 009

2 The Registrar
Tamil Nadu Physical Education and Sports
University
Melakottaiyur Post Chennai 600 127

3 Mother Terasa Educational
Charitable Trust
Rep. by its Managing Trustee
Mr.R.C.Udhayakumar Veerapatti Village
Mettusalai Street Illuppur Taluk
Pudukottai District 622 102

Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 14.9.2017 passed in W.P.No.23935 of 2017 on the file of this court. Petition praying to issue a writ of certiorarified Mandamus calling for the records relating to the rejection order of the 2nd

respondent in F.No.SRO/ NCTE/ SRCAPP 201630157/ M.P.Ed/ TN/ 2017-18/ 92898. dated 20.04.2017 consequential order of rejection by the 1st respondent dated 21.08.2017 and quash the same further directing the respondents 1 and 2 to grant recognition for M.P.Ed. Course to the college run by the petitioners Trust from the academic year 2017-18.

For appellant : Mr.J.Harikrishna
For R1 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader
For R3 : Mr.V.R.Kamalanathan for
Mr.K.Rameshkumar

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. Challenging the order passed by the learned Single Judge in allowing the writ petition thereby directing the appellants to re-consider the claim of recognition made by the respondent institution based on the 'no objection certificate' issued by the affiliating body.

3. It appears that on the ground that 'No objection Certificate' from the affiliating Body viz., the second respondent-University, the application seeking recognition for M.P.Ed. course from the academic year 2017-18 has been rejected by the appellants.

4. Having heard the learned counsel appearing for the parties and going through the materials available on record, we find that during the month of April 2017, the application was filed by the College seeking for issuance of No Objection Certificate. It appears that at the time of filing the application, the No Objection Certificate issued by the State alongwith other relevant materials, the application seeking recognition had been filed but, for belated issuance of No Objection Certificate by the affiliating authority, viz., the University, the same could not be furnished by the respondent institution earlier, of course, the same had also been furnished on obtaining the same.

5. The learned counsel appearing for the appellants would submit that the mandatory requirements under Regulation 5(3) of the Regulations of the National Council for Teacher Education (Recognition Norms and Procedures) Regulations 2014 (NCTE Regulations 2014) have not been complied by the respondent-institution while submitting the application seeking recognition.

6. We can understand even if the application has been filed belatedly. But, it appears that the respondent-institution has done it in time. For the belated issuance of No Objection Certificate, the respondent-institution should not be blamed and

it cannot be attributed to the institution. It also appears that even such No Objection Certificate was, thereafter, filed in time. It is not an illegality, but, only an irregularity, which has been set right subsequently. The learned Single Judge, looking into the above aspects, directed to re-consider the application of the respondent-institution along with the No Objection Certificate issued by the University. Therefore, we do not find any scope to interfere with the order passed by the learned Single Judge. Accordingly, the writ appeal is dismissed. The appellants are hereby directed to reconsider the application of the respondent-institution seeking recognition of the course as per the orders of the learned Single Judge, within a period of six weeks from today. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Member Secretary National Council for Teacher Education Wing-II Hans Bhawan No.1 Bahadurshah Zafar Marg New Delhi 110 002
- 2 The Regional Director Southern Regional Committee National Council for Teacher Education Jana Barathi Campus Road Opp. to National Law School Nagarabhavi Bangalore 560 072
- 3 The Secretary Government of Tamil Nadu Youth Welfare and Sports Development Department Secretariat Chennai 600 009
- 4 The Registrar Tamil Nadu Physical Education and Sports University Melakottaiyur Post Chennai 600 127
- 5 The Managing Trustee Mother Terasa Educational Charitable Trust Mr.R.C.Udhayakumar Veerapatti Village Mettusalai Street Illuppur Taluk

Pudukottai District 622 102

+ 1 cc to M/s. K. Ramesh Kumar, Advocate SR.88483
+ 1 cc to M/s. J. Harikrishna, Advocate Sr.88443
+ 1 cc to Government Pleader Sr.89424

W.A.No.1685 of 2017

NRI (CO)
EU (19/12/2017)



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