

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2017

CORAM:

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.31595 of 2016

The Kavery College of Education
represented by its Correspondent

M. Kalipatti

Mecheri

Mettur Taluk

Salem District 636 453

...Petitioner

vs.

1 Tamil Nadu Teachers Education University
represented by its Registrar
Gangaiamman Koil Street
Karapakkam
Chennai 600 097

2 National Council for Teacher Education
represented by its Regional Director
Jnana Bharathi Campus Road
Opp. National Law School
Nagarbhavi
Bangalore 560 031

...Respondents

Writ Petition filed under Article 226 of Constitution of India seeking to issue a writ of mandamus directing the first respondent university to forthwith consider and pass orders on the petitioner's application dated 22.06.2015 seeking grant of No Objection Certificate to enable the petitioner institution to submit before the second respondent authority for starting new courses, viz., B.A., B.Ed./B.Sc., B.Ed. (4 years integrated course) and B.Ed. additional intake.

For petitioner Mr. K. Doraisamy, Sr. Counsel
for Mr. Kandhan Duraisami

For R1

Mr. U. Venkatesan

For R2

Mr. K. Ramakrishna Reddy, S.C.G.C.

ORDER

With consent, this writ petition is taken up for final disposal.

2 This writ petition has been preferred seeking a writ of mandamus directing the first respondent university to forthwith consider and pass orders on the petitioner's application dated 22.06.2015 seeking grant of No Objection Certificate to enable the petitioner to submit the same before the second respondent authority for starting new courses, viz., B.A., B.Ed./B.Sc., B.Ed. (4 years integrated course) and B.Ed. additional intake.

3 The petitioner-college, seeking to start B.A., B.Ed./B.Sc., B.Ed. (4 years integrated course) and B.Ed. additional intake, on 22.06.2015, sought No Objection Certificate from the first respondent university for commencing the said courses and also applied online in the website of the second respondent on 30.06.2015 for commencing the said courses. The petitioner-college also submitted a hard copy of the same to the second respondent on 13.07.2015, pursuant to which, the second respondent issued a notice to the petitioner-college calling upon to show cause as to why its application should not be rejected for want of No Objection Certificate from the affiliating university. In response, the petitioner-college addressed a representation to the second respondent on 05.11.2015 stating that the post of the authority to issue No Objection Certificate in the first respondent university is vacant and hence, it is impossible to submit No Objection Certificate from the first respondent university and therefore, approval may be granted for commencing new courses without insisting upon No Objection Certificate from the affiliating university. On the same day, i.e., on 05.11.2015, the petitioner-college addressed a reminder to the first respondent, viz., the affiliating university, seeking No Objection Certificate in order to submit the same to the second respondent and followed it up with a second reminder dated 14.12.2015. When things stood thus, the second respondent, vide order dated 22.12.2015, rejected the petitioner's application on the solitary ground of non furnishing of No Objection Certificate from the first respondent. The said order passed by the second respondent was appealed by the petitioner before the Appellate Committee, which, by order dated 09.06.2016, rejected the petitioner's appeal on the very same ground as was taken by the second respondent, viz., non furnishing of No Objection Certificate from the first respondent university. Since the petitioner is unable to get approval from the second respondent sans No Objection Certificate from the first respondent, the

petitioner has preferred the instant writ petition seeking the aforestated relief.

4 Considering the limited scope of the relief sought by the petitioner-college, without going into the merits of the case, this Court directs the first respondent university to consider and pass orders on the petitioner-college's application dated 22.06.2015 on its own merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition stands disposed of. Costs made easy.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1 The Registrar
Tamil Nadu Teachers Education University
Gangaiamman Koil Street
Karapakkam
Chennai 600 097

2 The Regional Director
National Council for Teacher Education
Jnana Bharathi Campus Road
Opp. National Law School
Nagarbhavi
Bangalore 560 031

+1cc to Mr.Ramakrishnan, Advocate, S.R.No.20971

+1cc to Mr.Venkatesan, Advocate, S.R.No.20592

+1cc to Mr.Muthumani Doraisamy, Advocate, S.R.No.20670

W.P.No.31595 of 2016

SSI (CO)
RS (07/04/2017)