

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.04.2017
CORAM:
THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P.No.31596 of 2016

Excel College of Education
represented by its Chairman
NH-47, Salem Main Road
Pallakapalayam
Komarapalayam Taluk
Namakkal District 637 303

...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 year integrated course) and B.Ed.- M.Ed. (3 year integrated course).

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 year integrated course) and B.Ed.- M.Ed. (3 year integrated course).

3 The petitioner-college, seeking to start B.A.,B.Ed./B.Sc., B.Ed. (4 year integrated course) and B.Ed.-M.Ed. (3 year integrated course), 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 said application to the second respondent on 13.07.2015, pursuant to which, the second respondent issued a notice dated 21.10.2015 to the petitioner-college calling upon the petitioner college 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 31.10.2015 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. When things stood thus, the second respondent, vide order dated 30.01.2016, 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 04.07.2016, 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 university despite sending a reminder dated 23.02.2016 to the first respondent seeking No Objection Certificate, 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.Venkatesan, Advocate, S.R.No.20593

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

W.P.No.31596 of 2016

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

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