

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.6700 of 2016
and
W.M.P.No.5939 of 2016

M/s.Kumaran College of Education
Rep. by its Chairman
No.309/13 B2, Bangalore Main Road,
Melmonavoor Village,
Abdullapauram (P.O.)
Vellore - 632 010.Petitioner

Vs.

- 1.The National Council for Teacher Education,
Rep. by its Member Secretary
Hans Bhawan, Wing II
1, Bahadur Shah Zafar Marg,
New Delhi - 110 002.
- 2.The Regional Director
Southern Regional Committee (NCTE)
Jnana Bharathi Campus Road,
Nagarabhavi, Opp. National Law School
Bangalore - 560 072.
- 3.The Vice Chancellor
The Tamil Nadu Teacher Education University
Lady Willingdon College Campus
Kamarajar Salai,
Chennai-600 005.
- 4.The Tamil Nadu Teacher Education University
Rep. by its Registrar,
Lady Wellington College Campus,
Kamarajar Salai,
Chennai-600 005.

5.Mr.K.Saravanan

..Respondents

Prayer :

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent culminating in the order dated 05.02.2016 made in No.TNTEU/R/CC/Affln./Syn.FebI-Item 10/2016/173 and quash the same and consequently direct the fourth respondent to grant continual affiliation under the application dated 23.10.2014 as per the orders of the first respondent dated 28.10.2015.

For Petitioner : Mrs.G.Thilakavathi
Senior Counsel for M/s.R.Gopinath
For Respondents : Mr.G.Jehanathan,
standing counsel, for R1 & R2
Mr.U.Venkatesan
standing counsel, for R3 & R4.

O R D E R

This writ petition is filed challenging the order passed by the fourth respondent dated 05.02.2016 and consequently seeking for a direction to the fourth respondent to grant continuous affiliation based on the application dated 23.10.2014, as per the orders of the first respondent dated 28.10.2015.

2. Heard Mrs.G.Thilakavathi, learned Senior Counsel appearing for the petitioner, the learned standing counsel appearing for the respondents 1 and 2 and the learned standing counsel appearing for the respondents 3 and 4.

3. The petitioner sought for continuous affiliation before the fourth respondent University and such request was rejected by the fourth respondent by way of the impugned order, based on the resolution passed by the Syndicate of the University at its meeting held on 01.02.2016. It is seen that the respondent University, in pursuant to the inspection conducted and a report filed thereafter on 07.07.2015, observed that the petitioner management is running the college of education in the land and building where already two institutions viz., Tamizhaga Industrial Institute and Tamizhiga Industrial School, are accommodated and functioning, and that the documents submitted by the petitioner college are with contradictory facts.

4. The learned Senior Counsel appearing for the petitioner submitted that the very same allegations were made by one K.Saravanan through his complaint dated 07.07.2014 and such complaint was dropped by the first respondent NCTE through proceedings dated 28.10.2015/12.11.2015 and therefore, the

respondent University is not justified in re-iterating the very same allegations against the petitioner institution for rejecting the grant of continuous affiliation. She further submitted that the allegations referred to in the impugned proceedings are in fact not correct, as the land owned by the petitioner college are segregated separately from other two institutions, which can be physically verified by the respondent University, also by appreciating the documents which are in possession of the petitioner college.

5. On the other hand, it is submitted by the learned counsel for the respondent University that the present impugned proceeding was passed only after conducting an inspection and therefore, the petitioner cannot be permitted to contend that the reasoning stated in the impugned proceeding are factually correct. He further invited this Court's attention to certain discrepancies in the building plan approval alleged to have been granted by the local authority with regard to the date of presentation and the date of the grant of building plan approval.

6. Heard both sides.

7. It is not in dispute that the petitioner institution originally granted with affiliation by the respondent University and for grant of continuous affiliation, they approached the respondent University and such request was rejected by the impugned order. The reasons stated for rejecting such request are that the petitioner is running the college in the land and building where two other institutions are also accommodated and functioning. It is also seen that the first respondent viz., National Council for Teacher Education considered the complaint filed by one K.Saravanan raising the very same objections and that through the proceedings dated 28.10.2015/12.11.2015, the NCTE has treated the said complaint as closed, also by stating that no further action is required in that matter. However, while passing the impugned order, the respondent University has not taking into account and given any finding as to how such communication of the first respondent is distinguishable. In any event, as the main objection raised by the respondent University is with regard to the functioning of the college in the land and building wherein allegedly two more institutions are also accommodated and functioning, it is for the petitioner college to satisfy the respondent University by way of convincing documents that such reasoning is not factually correct. Therefore, I find that it is for the parties viz., the petitioner and the respondent University to sort out the dispute by making one more attempt to scrutinize the documents filed by the petitioner and by making one more inspection, also by giving a personal hearing to the petitioner at that time of scrutinization of documents.

8. Accordingly, the writ petition is allowed and the impugned order is set aside. Consequently, the matter is remitted back to the respondents for considering the matter afresh in the light of the observation made supra and pass fresh orders on merits and in accordance with law. It is made clear that the petitioner should satisfy the respondent University by furnishing convincing documents if any, apart from the documents already filed. The whole exercise shall be completed by the respondent University within a period of four weeks from the date of receipt of a copy of this order. The petitioner is given liberty to furnish the additional documents if any, within a period of seven days from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mk

To

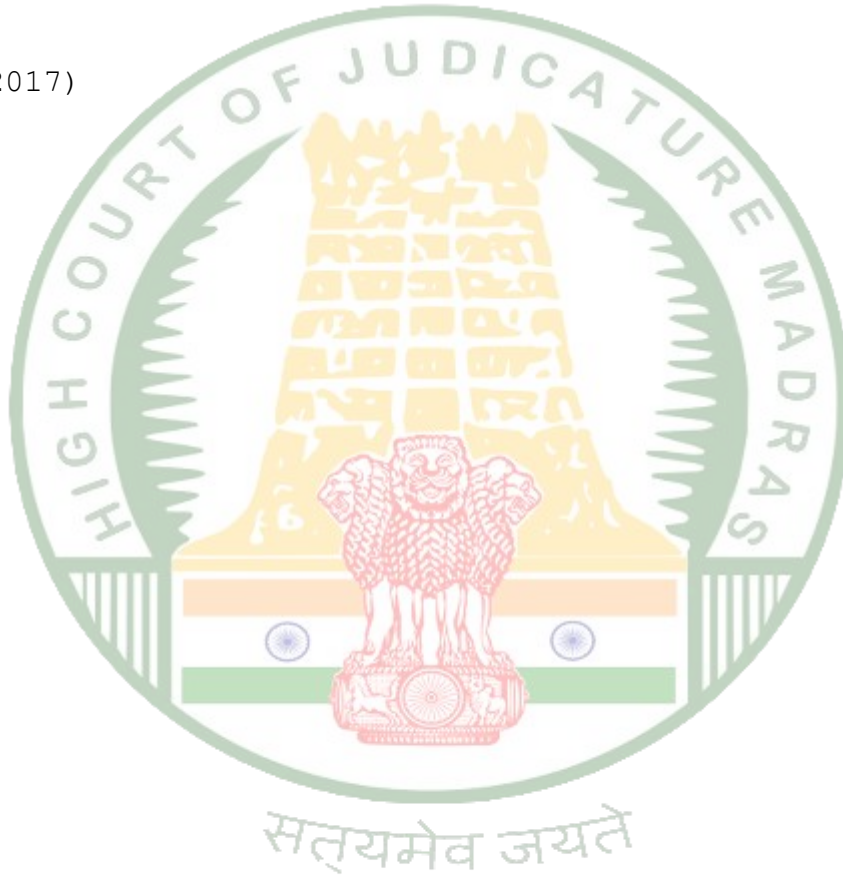
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+1cc to Mr.V.Venkatesan, Advocate Sr. 53069
+1cc to Mr.G.Jehanathan, Advocate Sr. 53151
+1cc to Mr.R.Gopinath, Advocate Sr. 53571

W.P. No.6700 of 2016

SR(CO)
VR(09/08/2017)



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