

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.6085 of 2018

Alwin College of Education,
No.10-A, Madurai Meenakshi Main Street,
Valasaravakkam,
Chennai 600 087.
rep. by its Chairman/C.E.O.,
P.R. Devi, W/o.Papa Rajendran

... Petitioner

vs.

Tamil Nadu Teachers Education University,
Kangaiamman Koil Street,
Karapakkam,
Chennai 600 097.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the Respondent to conduct the Practical Examination to 37 students, who were admitted in the year 2016-2018 batch in the College viz. Alwin College of Education, Valasaravakkam, Chennai - 87 and consequently permit the 37 students to write the University Examination to be conducted by the Respondent scheduled to be held in the month of April 2018.

For Petitioner : Mr.M.Rajendiran

For Respondent : Mr.U.Venkatesan

O R D E R

Petitioner-College has come up with this Writ Petition seeking a direction to the Respondent to conduct the Practical Examination for 37 students, who were admitted in the year 2016-2018 batch in their College and consequently permit the 37 students to write the University Examination to be conducted by the Respondent scheduled in the month of April 2018.

2. According to the Petitioner-College, Affiliation Order was granted to them by the National Council for Teacher Education (NCTE) vide order dated 13.07.2006 and they are

imparting education to the poor and downtrodden and nearly 10 batches have passed out from their College. It is stated by the Petitioner that 37 students were admitted in 2016-2018 batch and they have paid prescribed fees to the Respondent as per the Government norms and in the middle of the academic year 2016-2017, examination fees has been remitted to the University along with the Demand Draft. After completion of the Practical Examination and University Examination, the Respondent issued Mark Statement to the students, who joined in the 2016-2018 batch. Most of the students secured good marks and maximum students passed out in the first year, i.e. 2016-2017.

3. It is further stated by the Petitioner that in the second year of 2016-2018 batch, i.e. 2017-2018, they remitted the requisite Examination fee and the Respondent issued a Letter dated 20.02.2018 to their College, instructing them to conduct Practical Examination in their College. The Respondent also mentioned that the University has selected the panel of the Examiners as Convener/Member for B.Ed. Practical Examination February 2018 and mailed the same to their College. However, no Examiner/Convener came to their College to conduct the Practical Examination and on verification in that regard, the Petitioner was informed that they should not admit any students from the year 2017-2018, as Affiliation granted to their College has lapsed and the Petitioner, confirmed the said information through website. Hence, the Petitioner-College made a representation to the Respondent to re-consider their Affiliation and the same is pending.

4. Now, the grievance of the Petitioner is that 37 students who got admitted in 2016-2018 batch and completed their first year studies are not able to appear for the second year Examinations and are neither in a position to complete their second year in their College or in some other College. Hence, having no other efficacious alternative remedy, the Petitioner-College is before this Court with the aforesaid prayer.

5. The Respondent-Tamil Nadu Teachers' Education University, Chennai has filed a counter affidavit, wherein, it is stated as under:

5.1. The Government of Tamil Nadu enacted the Tamil Nadu Teachers Education University Act, 2008 to provide for the establishment and incorporation of Tamil Nadu Teachers Education University in the State of Tamil Nadu for promoting excellence in Teachers Education and the Act came into effect from the 1st day of July, 2008. The Act empowers the Respondent University to grant provisional affiliation to the Colleges of Education situated in the State of Tamil Nadu to offer teacher education programmes and that no College of Education could offer teacher

education programme without the provisional affiliation granted by the Respondent-University under the above Act.

5.2. The Writ Petitioner-College is not having the provisional affiliation granted by the Respondent-University from the academic year 2012-2013 onwards and also recognition order of the National Council for Teacher Education from the academic year 2015-2016 onwards to offer two-year B.Ed. Degree programme. In spite of the said fact, the Petitioner-College has approached this Court with the present Writ Petition. As the Petitioner-College has violated the Regulations of both the Respondent-University and the National Council for Teacher Education, the University has sent a four-page Official communication dated 20.04.2017 to the Petitioner-College, pointing out the various lapses on the part of the College and asking them to submit their explanation along with 12 vital documents on or before 10.05.2017. But, the Petitioner-College has not availed the opportunity given by the University and not submitted all the 12 documents.

5.3. In response to the University's communication dated 20.04.2017, the Principal of the Petitioner's College, vide letter dated 27.05.2017, has submitted only six documents out of twelve documents, with an Undertaking that the remaining six documents will be submitted later and further requested the University to permit the 37 I year B.Ed. students for University Examination to be commenced within two days. Though the University allowed the 37 students to write I year B.Ed. Examination, even after a lapse of one year, the Petitioner's College has not submitted the remaining six vital documents to the University.

5.4. In the Official communication dated 20.04.2017 of the Respondent-University, it has been clearly stated that in the event of failure to produce the requisite documents and explanation, the application seeking Affiliation of the Petitioner's College will be summarily rejected without further notice. Relevant paragraph of the said communication is reiterated hereunder:

"If the Management of the Alwin College of Education fails to produce the above original documents on or before the stipulated date, it will be construed that all the above contradictory facts listed above in paragraph 1 to 11 are true and that no documents/information are available with the College to prove the above facts are not correct. Further, in the event of failure to produce on the part of the College, the

application received from the Alwin College of Education for grant of continuation of affiliation will be summarily rejected without further notice and the above matter will be appraised to the SRC/NCTE/Bangalore for further action."

5.5. NCTE has granted recognition to the Petitioner's College on 13.07.2006 to run the College in a rental building at "No.537, P.H.Road, Arumbakkam, Chennai 600 106" with the following conditions:

(a) The Institution has acquired the land for setting up the Teacher Education Institution;

(b) The Institution will ensure that a permanent building is constructed within a period of 3 years on the acquired land.

5.6. But, pursuant to the NCTE's order, the Petitioner-College has not taken any effort to shift the College to their own permanent building even after a lapse of 12 years. Contrary to the above requirement, the College has been shifted to another rental building at "No.10A, Madurai Meenakshi Main Street, Valarasaravakkam, Chennai 600 087", for which, the Petitioner-College has not obtained any permission either from the NCTE or from the Respondent-University. Also, there is no rental agreement for the rental building occupied, for the period from 01.10.2009 to 09.01.2017. A lease agreement dated 09.01.2017 was submitted to the University during the year 2017 with the following contradictions/errors:

(a) The lease agreement was not at all registered under the Registration Act;

(b) Nobody has signed as witness and witness column is blank;

(c) The Agreement has been executed in the name of Ms.P.R.Devi, W/o.V.Pappa Rajendran. But, the name of Ms.P.R.Devi is not found in any of the records maintained in the University so far or produced by the College;

(d) Petitioner has claimed that the building is at No.10A, Madurai Meenakshi Nagar Main Road, Rajaji Avenue, Valasaravakkam, Chennai-87, but, as per the building plan produced by the Petitioner, the building is at Kalaigamar Road, Valasaravakkam for Smt.M.Sivanthi;

(e) As per the building Plan, the owner of

the building is Smt.S.Sivanthi, but, Mr.Murugesu Nadar & 4 others have executed the Agreement as owner of the building and not by Smt.S.Sivanthi.

5.7. As regards the averment of the Petitioner-College in paragraph 4 of the Writ Petition, it is stated that as per the communication of the University dated 08.09.2017 published in the University website, all the Principals of the Colleges of Education have paid the Eligibility Fee for Second Year B.Ed. students on or before the last date, i.e. 25.09.2017, but the Principal of the Petitioner's College has not paid the eligibility fee for 37 students said to be studying in the second year B.Ed. Degree programme in the academic year 2017-2018 so far. Hence, the 37 students are not granted approval for second year B.Ed. course in the Respondent-University. As these students are not on the roll of the University, the question of conducting Practical Examination or Written Examination does not arise, as claimed by the Petitioner-College.

5.8. According to the Respondent-University, they are not able to permit 37 students for II year B.Ed. Examination on the following grounds:

(a) The Eligibility Fee for 37 second year B.Ed. students has not been paid to the Respondent-University by the Petitioner-College on or before 25.09.2017;

(b) The 16-Week School Internship Programme is the essential component of the second year B.Ed. Degree Programme. As per the University's academic schedule for the academic year 2017-2018, all the second year B.Ed. students should have undergone the 16-Week School Internship Programme at the High Schools based on the proceedings of the Chief Educational Officer concerned. The copy of the proceedings of the Chief Educational Officer issued for these 37 students to undergo training and the attendance certificates issued to each student by the respective School where the students have undergone 16 weeks training have not been submitted to the University so far;

(c) Biometric attendance of all the 37 second year B.Ed. students for the academic year 2017-2018 has not been submitted to the University periodically;

(d) Qualification approval granted by the

affiliating University for the Teaching staff served in the Petitioner's College during the academic year 2017-2018 has not been submitted to the University so far.

(e) The National Council for Teacher Education has not granted revised recognition order to the Petitioner College to offer two-year B.Ed.Degree programme.

6. Heard the learned counsel on either side and perused the materials placed on record.

7. It is not in dispute that the Petitioner College started functioning in the year 2006 and they submitted an Application for grant of recognition to the National Council for Teacher Education (NCTE). Though conditional recognition was granted by the NCTE, Bangalore to the Petitioner-College vide proceedings dated 13.07.2006, on a perusal of the documents placed before this Court, it is clear that the Petitioner-College has not submitted vital documents to the Respondent-University, even after a lapse of one year from the University's communication, dated 20.04.2017. Out of the 12 documents sought by the Respondent-University, the Petitioner-College has produced only 6 documents before 10.05.2017. However, on mercy grounds, the Respondent-University permitted 37 students of 2016-2017 batch to take up their First Year Examinations.

8. It is seen that there is no recommendation by the NCTE to the Petitioner-College with regard to the academic year 2015-2016 and that the Respondent-University has not granted Affiliation to the Petitioner-College from the year 2012. However, the Petitioner-College continued admitting students in their College.

9. Further, the Commission constituted by the Vice Chancellor of the Respondent-University, paid a surprise visit to the Petitioner-College and found that the Petitioner-College is functioning in a temporary leased building and that the College building is not shifted to a permanent building and site, as per NCTE norms. In the Commission's Report dated 10.04.2017, it is also stated that out of 37 students enrolled for the first year B.Ed. programme, not even a single student was present on 10.04.2017 and out of 21 students enrolled for the second year B.Ed. Programme, only four students were present on 10.04.2017. Also, as pointed out by the Respondent-University, the Lease Agreement dated 09.01.2017 produced by the petitioner-College does not contain the signature of the witnesses and it has not been registered.

10. Thus, there are several violations/lapses pointed out

by the Respondent-University and the Petitioner-College has not functioned properly with the true spirit of imparting quality Teachers' Training to the candidates enrolled in their College. It is also seen that the Petitioner-College has maintained false records to dupe the educational authorities. Since the Petitioner-College has not taken diligent steps in carrying out the directions of the Respondent-University for grant of permanent Affiliation, they are not entitled to the relief sought for in the present Writ Petition.

11. Teaching profession is one of the noblest professions. It is Teachers, who have produced Doctors, Lawyers, Judges, etc. If there is no quality and genuineness in the Institutions which impart education, there is no possibility of getting quality Teachers and we cannot expect such Teachers to inculcate moral values to the children. The interest of the Educational Institution must be to impart education and not to issue Certificate of qualification, as Education is different from Qualification.

In fine, the Writ Petition stands dismissed. No costs. Consequently, connected W.M.P.No.7502 of 2018 is closed.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

(aeb)

To:

The Tamil Nadu Teachers Education University,
Kangaiamman Koil Street,
Karapakkam, Chennai 600 097.

+lcc to Mr.M.Rajendran, Advocate SR.No.26138

+lcc to Mr.U.Venkatesan, Advocate SR.No.26018

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GN(11/05/2018)