

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 5.3.2018

CORAM

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

W.A.No.1608 of 2017
and
C.M.P.No.21013 of 2017

Sadasivam Kathirkamavalli
College of Arts & Science
run by Indra Gandhi Educational Trust
Rep by its Managing Trustee
Dr.G.Sadasivam ..Appellant/Petitioner

Versus

The Regional Director
Southern Regional Committee
National Council for Teacher Education
Jnana Bharathi Campus Road
Nagarabhavi Opp. National Law School
Bangalore 560 072 ..Respondent/Respondent

Prayer: Writ Appeal filed filed under Clause 15 of the Letters
Patent against the order dated 27.7.2017 passed in W.P.No.10364
of 2017 on the file of this court.

W.P.No.10364 of 2017:

Writ Petition filed under Article 226 of constitution of
India, to issue a Writ of Certiorarified Mandamus to call for
the records of the respondent in F. No. SRO / NCTE / SRCAPP
201630142 /B.A.B.Ed. B.Sc. B.Ed/ TN/2017/ 92804 dt 12.4.2017
based on the decision taken in the 334th Meeting of SRC-NCTE
held on 30/31.3.2017 in so far as the petitioner is concerned and
quash the same as illegal arbitrary and against the provisions
of the Act and Regulations and consequently direct the
respondent to grant permission to commence the Integrated Four
Year B.A. B.ed. (1 Unit) and Integrated Four Year B.Sc. B.Ed.
(1 Unit) from the academic year 2017-2018.

For appellant : Mr.K.Soundararajan
For respondent : Mr.J.Harikrishna

JUDGMENT

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

Heard the learned counsel appearing for the parties.

2. The writ appeal has been filed by the appellant-institution challenging the order of dismissal passed by the learned Single Judge declining to interfere with the order impugned therein which rejected the application for grant of recognition to the appellant-institution for affording B.A., B.Ed./B.Sc., B.Ed., integrated course for four years duration from the academic year 2017-2018.

2. Having heard the learned counsel appearing for the parties and on perusing the order passed by the learned Single Judge and the materials placed on record, we find that the application seeking recognition of the courses was submitted by the appellant on 29.6.2016 and the 'No Objection Certificate' from the affiliating Body was belatedly produced on 22.8.2016 and it appears that except for the production of the 'No Objection Certificate', the application seeking recognition submitted by the appellant was found to be proper and only on such mere technicality, the application was rejected. Since the writ petition filed by the institution also came to be dismissed, the present writ appeal has been filed by the institution.

3. It is submitted by the learned counsel appearing for the appellant that without there being recognition for the courses, the appellant could not proceed to admit the students for the academic year 2017-2018 and the rejection of the application is on flimsy grounds when the inspection team had given report in favour of the institution and therefore, the rejection is a patently illegal and arbitrary one.

4. We had directed the learned Standing Counsel appearing for the respondent to get instructions, however, it is represented by him that he had not received any communication, which in our view, may be for want of diligence on the part of the respondent.

5. On appreciating the facts and circumstances of the case, we find that the rejection of the application seeking recognition of the courses was only on technical reason of belated production of 'No Objection Certificate' from the affiliating Body. The issuance of 'No Objection Certificate', though belated, itself establishes the approval of the standard in the institution and its fitness for getting recognition. Therefore, in the interest of justice, we permit the appellant to re-submit the application seeking recognition for the academic year 2018-2019 which would be considered for granting recognition by the respondent based on the 'No Objection

Certificate' already issued by the affiliating Body, without any further delay.

6. The writ appeal is allowed in part by modifying the order passed by the learned Single Judge to the above extent. No costs. The connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

ssk.

To:

The Regional Director
Southern Regional Committee
National Council for Teacher Education
Jnana Bharathi Campus Road
Nagarabhavi Opp. National Law School
Bangalore 560 072

+1 CC to Mr.K. Soundararajan, Advocate sr 16965.

+1 CC to Mr.J. Harikrishna, Advocate sr 16552.

W.A.No.1608 of 2017

PA(CO)
SP(02/04/2018)

सत्यमेव जयते

WEB COPY