

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.12970 of 2018

1. S.Ananthi
2. R.Antony
3. S.Amirthavalli
4. J.R.Archana
5. M.Amirtharani
6. Bindhiya Thompson
7. Cathrin Gnana Selvi
8. R.Chitravathi
9. P.Dhanalakshmi
10. S.Devisri
11. R.Gnana Soundari
12. A.Gopinath
13. D.Grace
14. M.Ishwarya
15. K.R.Jayanthi
16. D.Jeevitha
17. S.Kannadasan
18. M.Kavitha
19. Kavitha Theresa Joeseph
20. M.Malathi
21. B.Manish Mirdhula
22. S.Mohana Priya
23. M.Nagina
24. V.Raju
25. S.Ramachandran
26. R.Rameshwari
27. A.Ramya
28. R.Saritha Rani
29. V.Shanthi
30. P.Shobana Rani
31. P.Sivakami
32. M.Susanna Mary

... Petitioners

vs.

1. Tamil Nadu Teachers Education University,
rep. by the Registrar,
Kangaiamman Koil Street,
Karapakkam,

Chennai - 97.

2. The Principal,
Alwin College of Education,
No.10-A, Madurai Meenakshi Main Road,
Valasaravakkam,
Chennai 600 087.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st Respondent herein to conduct the 2nd year Practical Examination for the Petitioners, who were admitted in the year 2016-2018 batch in the 2nd Respondent College of Education namely Alwin College of Education, Valasaravakkam, Chennai 600 087 and consequently permit the Petitioners to write the 2nd year University Examinations for the award of B.Ed. Degree to be conducted by the 1st Respondent scheduled to be held from 28th May 2018 onwards or any other future dates.

For Petitioner : Mr.A.R.Suresh

For 1st Respondent : Mr.U.Venkatesan

For 2nd Respondent : No appearance

O R D E R

Petitioners have come up with the present Writ Petition seeking a direction to the 1st Respondent herein to conduct the 2nd year Practical Examination for them in B.Ed. Course in the 2nd Respondent College and consequently permit them to write the 2nd year University Examinations for the award of B.Ed. Degree to be conducted by the 1st Respondent scheduled to be held from 28th May 2018 onwards or any other future dates.

2. According to the Petitioners, they joined in the 2nd Respondent/College in two-year B.Ed. Course in the academic year 2016-17 and completed 1st year Examination and obtained Mark Statement. It is further stated that they were regularly attending classes for the 2nd year and the Chief Educational Officer, Kancheepuram, vide proceedings dated 31.07.2017 sent the Petitioners for 16 weeks Observation and Teaching Training Classes at various Government Schools and they have also completed the same. However, no Convener was appointed to their College and hence, the 2nd Respondent/College sent a letter dated 28.02.2018 to the 1st Respondent, requesting him to appoint a Convener.

3. Later, the Petitioners came to know that the affiliation granted by the NCTE to the 2nd Respondent/College

had lapsed from 2017-18, as the 2nd Respondent/College has not fulfilled certain conditions stipulated by the 1st Respondent/University and the NCTE, regarding ownership of the building, infrastructure, etc. due to the sudden death of the erstwhile Chairman Pappa Rajendran on 01.12.2015, followed by the death of his son Dinesh Balaji on 02.01.2017, who met with an accident. That apart, the present Chairman, viz. P.R.Devi is contemplating to close down the College itself and hence, no student was admitted in the academic year 2017-18, as per the instructions of the 1st Respondent.

4. The grievance of the Petitioners is that they joined in the 2nd Respondent/College in the academic year 2016-17 itself and if they are not permitted to write the 2nd year Practical Examination and University Examination, their future is bleak.

5. Heard the learned counsel for the Petitioner and the learned counsel appearing for the 1st Respondent. The 2nd Respondent/College has not been served and hence, none appeared on their behalf.

6. It is seen that the 2nd Respondent/College, represented by their present Chairman, P.R.Devi, had already approached this Court by filing W.P.No.6085 of 2018 seeking a direction to the Respondent to conduct the Practical Examination to 37 students, who were admitted in their College in the academic year 2016-2018 and for a consequential direction to permit 37 students to write the University Examination to be conducted by Tamil Nadu Teachers Education University, Karapakkam, scheduled to be held in the month of April 2018, and this Court, by an order dated 09.04.2018, dismissed the said Writ Petition. Relevant portion of the said order reads as under:

"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.

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."

7. On a reading of the above order, it is clear that the 2nd Respondent/College has not rectified any of the defects pointed out by the 1st Respondent/University. In the said Writ Petition, the College had approached this Court and now, in the present Writ Petition, the aggrieved students have themselves approached this Court, of course, with the same prayer. First of all, there is no affiliation granted by the NCTE to the 2nd Respondent/College for the academic year 2016-17. However, the 2nd Respondent/College had admitted the Petitioners herein for the said academic year. The present Chairman ought to have taken necessary steps to rectify the defects pointed out by the 1st Respondent/University and submitted a Compliance Report. The Court cannot direct the University to disobey the Statute to which it owes its existence and the Regulations made by the University itself, as that would be destructive of the Rule of Law. Moreover, if the plea of the Petitioners herein is accepted on sympathetic grounds, it will amount to opening the Pandora's box and interfering with the order dated 09.04.2018 passed by this Court in W.P.No.6085 of 2018, mentioned supra.

8. It appears that the 2nd Respondent/College has instigated the students to file the present Writ Petition and for dismissing the Writ Petition, there is no need to hear the 2nd Respondent herein.

The Writ Petition stands dismissed with the above observation. No costs. Consequently, connected W.M.P.No.15226 of 2018 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

(aeb)

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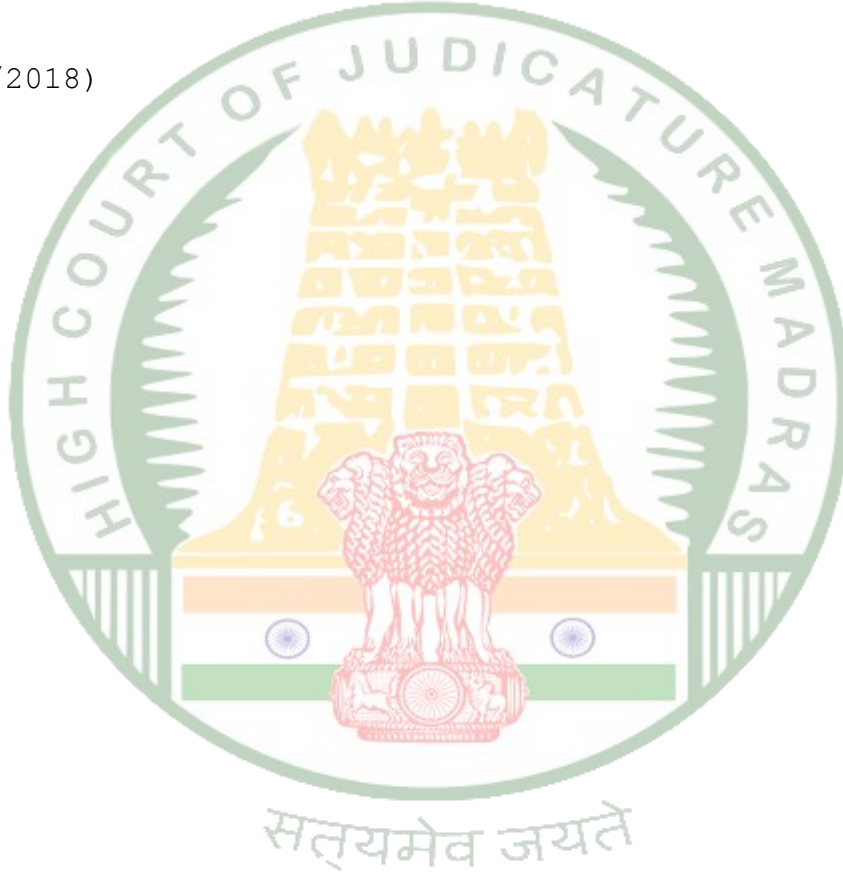
The Registrar,
Tamil Nadu Teachers Education University,
Kangaiamman Koil Street, Karapakkam,
Chennai - 97.

+1cc to Mr.U.Venkatesan, Advocate, S.R.No.48384

+1cc to Mr.A.R.Suresh, Advocate, S.R.No.48595

W.P.No.12970 of 2018

KAN(CO)
GSP(20/08/2018)



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