

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.25714 of 2018  
and W.M.P.No.29919 of 2018

Dr. Nallini College of Teacher Education,  
No.68, Ram Nagar,  
Palani Road,  
Dharapuram - 638 673  
Tirupur District  
Rep. By its Correspondent,  
Dr.S.Appuswamy,

... Petitioner

Versus

The Registrar,  
Tamil Nadu Teachers Education University,  
Gangaiamman Kovil Street,  
Karapakkam,  
Chennai - 600 097.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, directing the respondents to reconsider the application submitted by the petitioner college dated 10.06.2018 for grant of continuation of Provisional Affiliation for the period from 2018-19 to 2020-21 for conducting B.Ed., degree course based on the subsequent representation dated 27.08.2018 and 16.09.2018, within a time frame.

For Petitioner : M/S. G. Sankaran  
For Respondent : M/S.P. Rajalakshmi

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondent to reconsider the application submitted by the petitioner's college dated 10.06.2018 for grant of continuation of provisional affiliation for the period from 2018-19 to 2020-2021 for conducting B.Ed., degree course based on the representation of the petitioner dated 27.08.2018 and 16.09.2018.

2 The petitioner College is an Institution originally established by Sakthi Medical Trust in the year of 2005, with the recognition of the National Council for Teacher Education (NCTE) for conducting one year B.Ed., degree course from the

academic year 2005-06 with annual intake of 100 students vide order dated 04.07.2005. The Petitioner College was originally affiliated to Bharathiyar University, Coimbatore and it is admitted that after establishment of respondent University all Teacher Education institutions has to be affiliated by the respondent university. The petitioner institution has obtained affiliation for every three academic years.

3 It is stated that the petitioner submitted the application for grant of continuation of provisional affiliation to offer B.Ed., degree programme from the academic year 2015 - 16 on 03.11.2015 and the same was still pending without being processed. Whereas it is stated that the students, who had undergone the course, have been permitted to complete the course and issue the degree certificate on completion of B.Ed., degree course without any hindrance.

4 It is stated that for the first time after 2 ½ years, the petitioner College has received a communication from the respondent university dated 09.05.2018 and calling upon the petitioner's college to submit a compliance report pointing out certain deficiencies. The petitioner thereafter, submitted a compliance report dated 18.05.2018 with necessary documents and requested for grant of renewal of affiliation. However, the petitioner college was directed to make the payment of affiliation fee and penalty of Rs.1,25,000/- by a communication dated 05.04.2018 and 08.05.2018. Meanwhile, the petitioner has submitted an application for confirmation of provisional affiliation for the period 2018-21 on 10.06.2018.

5 Despite compliance of the order, the respondent university called upon the petitioner to make further payment towards affiliation fee and penalty for the grant of continuation of provisional affiliation for the period from 2018-19 to 2020-21. There were subsequent correspondence and representations by the petitioner. The respondent university has sent a communication dated 26.07.2018 returning the application for continuation of provisional affiliation on the premises that it was not submitted before 10.12.2017 as required under the provisions of Tamil Nadu Teacher Education university statute-2015. It is stated that the application was resubmitted on 02.08.2018.

6 Despite, further representation of the petitioner that the application was submitted belatedly because of the reason that the application of continuation of provisional affiliation for the earlier period was pending and that fresh application may not be considered before getting the order on its previous application, the representation of the petitioner was not considered by the respondent. In these circumstances, the petitioner has preferred the above writ petition.

7 The respondent filed a counter today. Though, the facts stated that in the affidavit filed in support of the writ petition are not seriously disputed, the crux of the counter is that the petitioner's application can be considered only if the following documents are produced.

(a) The recognition order to offer B.Ed. Degree programme in the name of Dr.Nallini College of Teacher Education based on NCTE Regulations 2014.

(b) Demand Draft towards fee for registration and processing of application for continuation of provisional affiliation.

(c) Copies of qualification approval order for Principal and 15 other teaching staff as per the NCTE norms based on the Regulations, 2014.

8 It was further suggested that the respondent university is ready to accept the fresh application for granting continuation of provisional affiliation to offer two year B.Ed., degree programme, if the petitioner resubmit his application in the prescribed format with all the required enclosures particularly three aspects pointed out above. The respondent pointed out that the petitioner requested the university to grant affiliation for "Dr.Nalini College of Teacher Education" whereas in NCTE's recognition order dated 30.05.2015 submitted by the petitioner, the college name is shown as "Dr.Nalini College of Education"

9 The learned Counsel appearing for the petitioner states that the petitioner has obtained recognition only in the name Dr. Nallini College of Teacher Education and that the requirements of the respondent to produce the recognition in the name of Teacher Education is without any basis. Similarly, the learned counsel appearing for the petitioner has agreed for the production of demand draft of Rs.1,25,000/- and the staff approval order granted by the university for the Principal and the other teaching staff particulars and certain clarification of suggestion.

10 The learned counsel for the petitioner only seeks indulgence of this court to give suitable directions to the respondent so that the respondent may consider strictly on merits and pass appropriate orders adhering to the regulations. In that view of the matter, this Court find that no issue needs to be considered at this stage except directing the respondent to consider the fresh application that may be duly submitted to the respondent within a period of four weeks from the date of receipt of a copy of the application.

11 The petitioner shall submit an application along with demand draft and the documents answering the queries raised by the respondent within a period of one week from the date of receipt of a copy of this order. On such application being

submitted by the petitioner within one week from the order, the respondent shall consider the same on merits and pass appropriate orders and in accordance with law, as directed above within a period of four weeks thereafter.

12 With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Registrar,  
Tamil Nadu Teachers Education University,  
Gangaiamman Kovil Street,  
Karapakkam,  
Chennai 600 097.

+1cc to Mr.P.Rajalakshmi, Advocate SR.NO.73429

+1cc to Mr.G.Sanakaran, Advocate SR.NO.73790

VGII(CO)

sm:16.11.2018

W.P.No.25714 of 2018

सत्यमेव जयते

WEB COPY