

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.11628 of 2010
and M.P.No.1 of 2010

Sree Narayana Educational Guidance Society
(Educational Charity of Sree Narayana Teacher
Training Institute)
represented by the Secretary,
Mahe 673 310
Union Territory of Pondicherry.Petitioner

Versus

1.National Council for Teacher Education (NCTE),
Hans Bhavan, Wing II,
represented by its Member Secretary,
1, Bahadurshah Zafar Marg,
New Delhi 110 002.

2.Regional Director,
Southern Regional Committee,
National Council for Teacher Education (NCTE),
1st Floor, CSD Building, HMT Post,
Jalahali, Bangalore-560 031.Respondents

PRAYER: Writ petition filed under Article 226 of the
Constitution of India praying for issuance of Writ of Certiorari
calling for the records relating to order No.F.SRO/NCTE/2009-
2010/18683 dated 04.05.2010 passed by the 2nd respondent and
quash the same.

For Petitioner : M/s.P.V.S.Giridhar

For Respondents : Mr.Su Srinivasan
Panel Counsel (NCTE)

O R D E R

This writ petition has been filed seeking to quash the order
passed by the second respondent in No.F.SRO/NCTE/2009-2010/18683
dated 04.05.2010.

2.The petitioner Society is a reputed unaided educational institution in Mahe running the B.Ed., and D.T.Ed courses. The petitioner institution was recognized by the respondent in the year 1997 and has completed 13 years in the field of education. The recognition for the B.Ed course, which is affiliated to Pondicherry University was granted in 1997 and recognition for D.T.Ed course was granted on 18.10.2005 by the 2nd respondent for the intake of 50 students. The course obtained affiliation from the Government of Kerala by order dated 13.01.2006. The students in D.T.Ed course have performed very well and both the NCTE and the Government of Pondicherry have expressed satisfaction with the performance and also the infrastructure and other facilities available in the institution. While so, one Haridasan, has made frivolous complaints to various authorities including the respondents herein and also filed W.P.(C)No.2679 of 2007 before the High Court of Kerala seeking to cancel the recognition granted to the petitioner institution and the same was dismissed on 02.02.2007. However, based on the complaint, the 2nd respondent issued notice dated 03.02.2009 to the petitioner's institute based on the report submitted by the inspection team on 02.05.2008, but no report was annexed with the said notice. The petitioner Society submitted a detailed reply on 25.02.2009 and on 26.04.2009 and also informed that the deficiencies pointed out in the show cause notice have been rectified. However, the 2nd respondent without considering the petitioner's explanation withdrew the petitioner's recognition for the D.T.Ed course from the academic session 2009-2010. Thereafter, the petitioner submitted an appeal dated 09.06.2009 before the 1st respondent, which was rejected by an order dated 07.08.2009. Challenging the rejection order, the petitioner filed a writ petition in W.P.No.17814 of 2009 and this Court by an order dated 29.09.2008 allowed the writ petition by setting aside the orders passed by the 1st respondent granting liberty to the 2nd respondent to conduct fresh inspection through its team and find out as to whether the conditions imposed while granting recognition on 18.10.2005 have been complied with and pass appropriate orders after giving opportunity to the petitioner. Thereafter the 2nd respondent sent a letter dated 14.09.2009 calling upon the petitioner to pay Rs.40,000/- for inspection in the college. Accordingly, the petitioner paid Rs.40,000/- through demand draft and on 15.12.2009, inspection was also carried out and the report was submitted as satisfactory. Again on 04.03.2010, the 2nd respondent issued a letter seeking clarification and original documents for verification. The petitioner has submitted all the necessary documents and details as requested. However, due to the previous order of withdrawal of recognition, which was eventually quashed by this Court, the petitioner could not admit the sanctioned strength of 50 students but could admit only 24 candidates. Though, the petitioner submitted the original documents and other details

for clarification on 22.03.2010, the 2nd respondent without application of mind, passed an order dated 04.05.2010 withdrew the recognition granted to the institute. Challenging the order of withdrawal of recognition, the petitioner has filed the present writ petition.

3.Heard Mr.P.V.S.Giridhar, learned counsel for the petitioner and Mr.Su Srinivasan, learned standing counsel for the respondents.

4.The learned counsel for the petitioner would submit that though the inspection was carried out on 15.12.2009, the 2nd respondent has passed an order only on 04.05.2010. He further submitted that by virtue of interim order granted by this Court in W.P.No.17814 of 2009, the petitioner was enjoying the benefit all along and the infrastructure of the institution have also been improved. Without considering all the above facts, the 2nd respondent has passed on order without application of mind and therefore, he seeks to set aside the order dated 04.05.2010 and remand the matter back to the concerned authorities for fresh inspection and pass appropriate orders.

5.The learned counsel for the respondent conceded to the request made by the learned counsel for the petitioner to remand the matter back to authorities concerned.

6.In view of the limited prayer sought for by the petitioner and also considering the fact that the petitioner institution is running for more than ten years and in lieu of the interim order granted by this Court, the infrastructure of the institution has also been improved, this Court is inclined to set aside the order dated 04.05.2010, passed by the 2nd respondent and remand the matter back to the authorities concern.

7.Accordingly, the order dated 04.05.2010 passed by the 2nd respondent is set aside and the matter is remanded back to authorities concern. The 2nd respondent is directed to conduct fresh inspection on the petitioner's Society and also to furnish a copy of the report/recommendation of the inspection team to the petitioner and after affording an opportunity to the petitioner, take a decision according to the law.

8.With the above observation, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Member Secretary,
National Council for Teacher Education (NCTE),
Hans Bhavan, Wing II,
1, Bahadurshah Zafar Marg,
New Delhi 110 002.

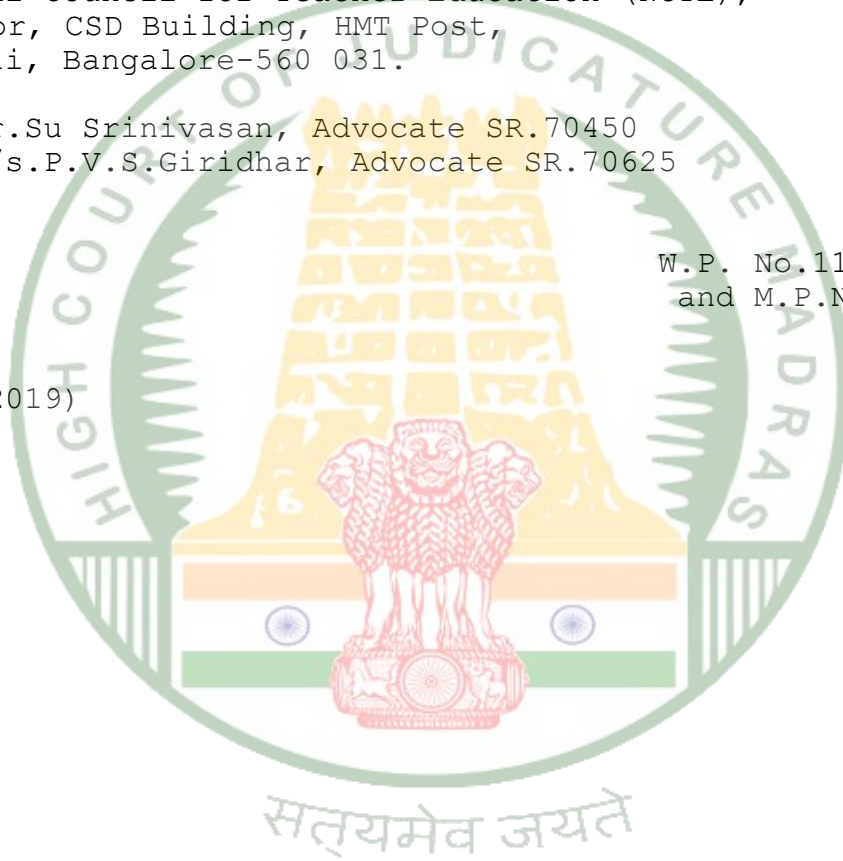
2.The Regional Director,
Southern Regional Committee,
National Council for Teacher Education (NCTE),
1st Floor, CSD Building, HMT Post,
Jalahali, Bangalore-560 031.

+1cc to Mr.Su Srinivasan, Advocate SR.70450

+1cc to M/s.P.V.S.Giridhar, Advocate SR.70625

W.P. No.11628 of 2010
and M.P.No.1 of 2010

SS (CO)
CB (22/10/2019)



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