

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.21546 of 2016, 18906 to 18910 of 2016
and W.M.P.Nos.18424 to 18426 of 2016
and W.M.P.Nos.16497 to 16501 of 2016

1. SMG Anjalai Ammal Educational Society,
Rep by the President Mr.M.Latchumanan,
Thiruvannamalai Road,
Thirukkanur - 605 501,
Pondicherry ... Petitioner in WP 21546 of 2016
 2. S.AbnuSelvam ...Petitioner in WP 18906 of 2016
 3. S.Srimathy ...Petitioner in WP 18907 of 2016
 4. N.Vasanthakumari ... Petitioner in WP 18908 of 2016
 5. A.Sowmia ... Petitioner in WP 18909 of 2016
 6. K.Kasthuri ... Petition in WP 18910 of 2016
- Vs.
1. The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
CSD Building, HMT Post, Bangalore.
 2. The Registrar,
Pondicherry University, Pondicherry
... Respondents in WP 21546 of 2016
 3. The Controller of Examination
Pondicheery University Pondicherry.
 - 4 The Registrar
Pondicherry University Pondicheery.

- 5 The Assistant Registrar
Academic Admissions Pondicheery University
Pondicherry. ..Respondents Rr1 to 3
in WP 18906 of 2016
in WP 18907 of 2016
in WP 18908 of 2016
in WP 18909 of 2016
- 6 The Principal
Amarnath College of Education Coastal Road
Kallikuppam Thiruvettakudy Village
Kottucherry Commune Karaikal-609 602.
..4th Respondents in WP 18906 of 2016
7. The Principal
RVS College of Education Coastal Road
Kallikuppam Thiruvettakudy Village
Kottucherry Commune Karaikal-609 602.
.. 4th Respondent in WP 18907 of 2016
... in WP 18909 of 2016 and
... in WP 18910 of 2016
8. The Principal
Usha Latchumanan College of Education
Thirukkannur Pondicherry.
..4th Respondent in WP 18908 of 2016

PRAYER in WP 21546 of 2016: Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned regulation for 2 years B.Ed., degree (Non Semester) Programme with effect from 2015-2016 issued by the second respondent University in the website Nil dated to quash the same and consequently direct the second respondent to permit the petitioner-College to admit the B.Ed., (Sociology, Commerce, Computer Science and Home Science degree course) students as per the norms prescribed by the first respondent-NCTE.

Prayer in WP 18906/16, 18907/16, 18908/16, 18909/16 and WP 18910/16 : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling to issue a writ of mandamus directing or any other appropriate writ, order or direction in the nature of a writ, directing the 3rd respondent to approve the admission of the petitioner for the B.Ed., (Commerce-Degree Course), B.Ed., (Computer Science-Two Years Degree programme), B.Ed (Sociology-

Degree Course), B.Ed., (computer Science -Two years Degree programme)B.Ed., Computer Science-Two years Degree programme), respectively, in the 4th respondent college.

For Petitioner : Mr.S.Gajendran
in all WPS

For Respondent-1 : Mr.R.Thirunavukarasu, CGSC
in WP No.21546 of 2016

For Respondent-2 : Mr.Stalin Abhimanyu
in WP No.21546 of 2016 Additional Government Pleader (Pondy)
and for Respondents 1 to 3
in all other WPS

COMMON ORDER

SMG Anjalai Ammal Educational Society is the petitioner in W.P.No.21546 of 2016 and the students are the petitioners in W.P.Nos.18906 to 18910 of 2016.

2. The petitioner-College in W.P.No.21546 of 2016 seeks to quash the impugned regulation for 2 years B.Ed., degree (Non Semester) Programme with effect from 2015-2016 issued by the second respondent- University in the website Nil dated and consequently direct the second respondent to permit the petitioner-College to admit the B.Ed., (Sociology, Commerce, Computer Science and Home Science degree course) students as per the norms prescribed by the first respondent-NCTE.

3. The petitioners in W.P.Nos.18906 to 18910 of 2016 seeks for a mandamus, directing the third respondent to approve the admission of the petitioners for the B.Ed., (Commerce, Computer Science and Sociology degree course) in the fourth respondent-College.

4. The petitioner-Society is running B.Ed., Educational institutions for the past 15 years and it is recognised by the NCTE as well as the Pondicherry University by granting affiliation to the petitioner B.Ed. College.

5. The grievance of the petitioner-Society is that the regulations issued by the University for the year 2015-2016 are contrary to the Regulations of the NCTE.

6. Clause 3 of the NCTE Regulations provides for Intake, Eligibility, Admission Procedure and Fees for admission to B.Ed., Degree, Clause 3.2 relates to the Eligibility. Clause 3.2 (a) provides for Candidates with at least fifty percent marks in the Bachelor's Degree and / or in the Master's Degree

in Sciences/Social Sciences/Humanity, Bachelor in Engineering or Technology with specialisation in Science and Mathematics with 55% marks or any other qualification equivalent thereto, are eligible for admission to the programme.

7. While so, the grievance of the petitioner-College and some of its students is that the Pondicherry University Regulations for two year B.Ed., Degree non semester programme with effect from 2015-2016, provides for Eligibility for Admission to the Programme as follows:-

Clause 1 (a): A candidate shall be eligible for the admission to two year Bachelor's Degree programme in Education [B.Ed., (Non Semester)] provided that he / she should have passed the three years Bachelor's Degree Course under 11+1+3 or 10+2+3 pattern of study or five years integrated Master's Degree Course under 10+2+5 pattern of study and majored in any one of the subjects related to a school subject offered at the Secondary / Senior or Higher Secondary education level (OR) four years Bachelor's Degree programme in Engineering / Technology under 11+1+4 or 10+2+4 pattern of study [with Mathematics and Science in both Higher Secondary and Engineering / Technology degree programmes.

5.1 In the schedule given thereunder, it is specifically stated that (i) for the Pedagogical subjects- Commerce, Computer Science and Home Science, the candidates should have passed both Bachelor's and Master's Degree in the same subject. (ii) For the subjects - Psychology, Sociology and Philosophy, one should have passed both Bachelor's and Master's Degree in the same subject.

8. These two clauses provided in the schedule insist the candidates to complete the Master's Degree as qualification for admission into B.Ed., degree. The said clauses are now challenged on the ground that they are violative of the norms prescribed by the NCTE.

9. Learned counsel appearing for the NCTE submitted that the regulations of the NCTE relate to only fixing the minimum standards. It is open to the University to fix any higher standards for eligibility criteria.

10. Learned counsel appearing for the University submitted that those subjects mentioned in the schedule do not have all the papers covered in the Under Graduate Degree. That is the reason they ask for Master Degree in the same subject for those who want to enroll for B.Ed.,

11. As the University has got a free hand to maintain their standards, it has prescribed Post Graduate qualification for the

above said subjects, whereas as far as the other streams are concerned, which are enlisted in the said Regulations, it is only the pass in the under graduate degree with 50% is the criteria. Therefore, the petitioner cannot challenge the norms prescribed by the University, which are well within their power. If the students intend to study B.E.d., or other equivalent P.G graduation, it is open to them to apply in the above said relevant subjects.

12. Merely fixing a higher standard by the University, which is well within their power, it cannot be challenged by the petitioner. The difficulty of the petitioner-College is that they have admitted the students without even following the norms and hence, they are projecting the students' interest or trying to eschew the University Regulations.

13. In the light of the above discussion, there is no merit in the case of the petitioner-College. Accordingly, W.P.No.21546 of 2016 is dismissed.

14. In view of the above findings rendered by this Court in W.P.No.21546 of 2016, there is no merit in the prayer sought for by the students in W.P.Nos.189906 to 18910 of 2016. Accordingly, the said Writ Petitions are also dismissed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

srn

To

1. SMG Anjalai Ammal Educational Society,
Rep by the President Mr.M.Latchumanan,
Thiruvannamalai Road,
Thirukkanur - 605 501,
Pondicherry

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8. The Principal
Usha Latchumanan College of Education
Thirukkannur Pondicherry.

+6cc to Mr.S.Gajendren, Advocate SR.No.26059,26060,26061,
26062,26063,26064

+1cc to Mr.R.Thirunavukarsu, Advocate SR.No.25008

W.P.Nos.21546 of 2016, 18906 to 18910 of 2016
and W.M.P.Nos.18424 to 18426 of 2016
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VBA (CO)
GMY (02/05/2019)

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