

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21/8/2019

C O R A M

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.23976 of 2019

J. Rajendra Prasad Petitioner

Vs

1. The Chairperson
National Council for Teacher Education
Hans Bhawan, Wing II
1, B.S.Zafar Marg
New Delhi 110 002.
2. The Registrar
Tamil Nadu Teachers Education University
Gangaiamman Koil Street
Karappakkam
Chennai 600 099. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of mandamus, to direct the respondents to take action against those B.Ed., Colleges for committing fraud and admission in irregular mode and non-installation of CCTV camera and Biometric system, as per the petitioner's representation dated 18/5/2019.

सत्यमेव जयते

For Petitioner ... Mr.M.Thamizhavel

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O R D E R
(Order of the Court was made by S.MANIKUMAR, J)

Mr.J.Rajendra Prasad, Correspondent & Secretary of Vysya College of Education, Salem, has sought for a writ of mandamus, to take action those Colleges for committing fraud in admission, non-installation of CCTV camera and Bio-metric system.

2. On the prayer sought for, Mr.M.Thamizhavel, learned counsel for the petitioner made submissions.

3. Material on record discloses that petitioner has sent a representation dated 18/5/2019, to the Chairperson, National Council for Teacher Education, New Delhi and the Registrar, Tamil Nadu Teachers Education University, Chennai, praying for action against the Colleges. Representation dated 18/5/2019, reads thus:-

"Sub: Petition about B.Ed., Education quality - reg.

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There are 659 B.Ed., Colleges running in Tamil Nadu, on the academic year 2016 - 2017, among these Colleges only 10% to 15% of colleges full filling B.Ed., College Rules and Regulation including regular mode of study, rest of the B.Ed Colleges spoiling the quality of Education and against the NCTE Norms. The following points indicating poor level of Education, today most of the B.Ed Colleges producing only B.Ed degree holders, not teachers.

The issues in most of the B.Ed colleges especially in Tamil Nadu, as follows:-

1. Most of the B.Ed colleges providing Irregular (IR) mode of study, the students may not come to colleges due to they are work in some private schools as teacher or may work in some companies, etc., but degree will be given as regular mode of B.Ed.

2. Most of the private school teachers records showed as a student of B.Ed colleges, due to lack of admission B.Ed colleges ready to give irregular mode, candidate are also willing to get B.Ed degree without going colleges as regular.

3. Most of the private M.Ed schools teachers records showed as teachers of B.Ed colleges, this is totally illegal.

4. Maximum number of B.Ed colleges have only buildings, but no lab, no regular staff, no regular students running only for business not for providing education to society.

5. Government of Tamil Nadu providing scholarship to backward class students like SC, ST whether the students get benefited by this scholarship, using this scholarship scheme B.Ed colleges publishing their college advertisement as no fee for SC/ST students full and full free of study like that. To utilise and enjoy the scholarship amount colleges targeting SC/ST

students and forcing them to get admission, one admission is finished no care of the students, only taking care to get scholarship amount of that particular students, this only happening most of the B.Ed colleges in Tamil Nadu.

6. Those students studying in B.Ed colleges as irregular (IR) mode they don't want to come to colleges at the same time even for practice in schools which is near to their home town, college management giving corruption to CEO officer for favour of their students.

7. Even practising schools is near to student's home town, B.Ed students are not possible to go schools for practice, there also students giving corruption to Head Master (HM) and getting full attendance for practice without going practice, then how the students become teacher even getting degree as B.Ed scholar?

8. Most of the colleges have not installed the CCTC camera and bio-metric system and suppose if the CCTV camera and biometric system and installed in some colleges they should be under the control of Tamil Nadu Teachers Education University to prevent the malpractice.

These are all the ignoring facts really happening most of the Bed Education, what I told its real fact to find this you may take surprise visit to all the B.Ed college at any time with other state educationist, then you may find this is fact."

4. Contending inter alia that the said representation has not been responded, instant writ petition has been filed as a public interest writ petition.

5. On the aspect as to how the public interest writ petition has to be filed, High Court, Madras, has issued a Notification, in SRO C-2/2010 dated 26/7/2010, which is extracted hereunder.

"No. SRO C-2/2010.

By virtue of Article 225 of the Constitution of India and of all other powers hereunto enabling, the High Court makes the following Rules to regulate Public Interest Litigations (PIL) filed under Article 226 of the Constitution of India:

Every Public Interest Litigation must be filed in accordance with the following rules:-

1. Every PIL must indicate that the petitioner has no personal interest in the case. If he has any personal interest, he must

disclose the same. In the event of the High Court finding the claim as frivolous or vexatious, the PIL shall be dismissed with exemplary cost.

2. If the PIL is filed on behalf of a class of persons, the details of the persons for whose benefit the PIL is filed, must be indicated. If it is a society or association of persons, the writ petitioner must enclose a resolution from such society or association of persons, authorising the petitioner to file the writ petition and if the body is duly registered with competent authority, a copy of the bye-laws of the said body authorising the petitioner to file the writ petition, shall be enclosed.

3. If the petitioner has filed any PIL earlier, the details of the petition, and the final order, if any, passed in that petition, the relief granted and costs, if any, awarded, shall be indicated. No Public Interest Litigation Petition will be entertained in respect of civil disputes between individuals or in service matters. The petitioner shall give an undertaking that he will pay the costs, if any, if it is found to be intended for personal gain or oblique motive.

4. The petitioner must disclose whether he has filed the petition out of his own funds or from other sources. If it is the latter, the particulars should be given.

5. The petitioner must state in the affidavit that to his knowledge, no PIL arising on the same issue, has been filed anywhere.

6. The affidavit filed by the petitioner must contain the averments that he has filed the writ petition based on his information and his personal knowledge. If he has filed the writ petition based on an information received from any other source, he must clearly indicate the source. If it is a newspaper report, the affidavit shall clearly state as to whether the deponent has verified the facts by personally visiting the place or talking to any responsible person or Reporter or Editor of the newspaper concerned.

7. If the petitioner has given any representation to any authority, a copy of the same shall be filed in the typed set of papers along with reply, if any, received from the authority. He shall file the proof of service of representation before the Court.

The above rules will not be applicable to the Public Interest Litigations taken on file by the High Court"

6. Averments made in the supporting affidavit are not substantiated by any document. Averments are bald. That apart, instant writ petition filed as a public interest writ petition does not satisfy the requirements of public interest writ petition.

7. In the light of the above discussion, we are not inclined to entertain the instant writ petition and accordingly, the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mvs.
To

1. The Chairperson
National Council for Teacher Education
Hans Bhawan, Wing II
1, B.S.Zafar Marg
New Delhi 110 002.
2. The Registrar
Tamil Nadu Teachers Education University
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Karappakkam
Chennai 600 099.

+1cc to Mr.M.Thamizhavel, Advocate SR.No. 71301
Writ Petition No.23976 of 2019
A.SK(24/09/2019)

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