

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2019

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.22266 of 2019
and W.M.P.Nos.21550, 21553 & 21557 of 2019

S.Sangeetha ... Petitioner

/versus/

1.Tamil University,
Represented by its Registrar,
Directorate of Distance Education,
Vaagaiyur, Trichy Road, Tanjore-613 010.

2.The Chief Educational Officer,
O/o.Chief Educational Officer,
Puducherry.

3.The Deputy Inspector of Schools,
Zone-IV, Villianur,
Puducherry.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus, calling for the records leading to the passing of impugned order by the 2nd respondent in No.3480/CEO/DIS-IV/A3/2019/181, dated 22.04.2019 and quash the same and consequently direct the respondents to permit the petitioner to complete the B.Ed course by providing teaching practice in Government Middle School Keezh Agraharam, Puducherry or in any other School at Puducherry.

For Petitioner :Mr.Tamilvanan.A

For Respondents :No appearance for R1
Mr.C.K.Ramesh, AGP(P) for R2 & R3

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 2 and 3.

2. Though notice served to the 1st respondent, there is no representation on behalf of the 1st respondent/Tamil University.

3. The petitioner herein is a Teacher in Puducherry, had obtained permission to pursue her B.Ed. course from the Tamil University at Tanjore, Tamil Nadu. She has joined the 1st respondent university during the year 2017. When the petitioner herein approached the 2nd respondent for issuance of teaching practice in the Government Middle School keezh Agraharam, Puducherry, which is mandatory for B.Ed. Course, the said request was rejected by the 2nd respondent vide proceedings dated 07.11.2018. Pursuant to that, the study permission granted was also cancelled on 22.04.2019. Aggrieved by that, the petitioner has preferred the present writ petition.

4. According to the petitioner, she is a teacher in Government Primary School, Nathamedu, Puducherry from the year 2007. She sought study permission from the 2nd respondent B.Ed. Course through correspondence in Tamil University, Tanjore for the academic year 2017-2019. Permission was granted by the 2nd respondent in the year 2017. Thereafter, she joined B.Ed course in Tamil University in the year 2017 and continued her studies. She sought permission from the 3rd respondent for teaching practice in Government Middle School keezh Agraharam from 01.11.2018 to 31.12.2018, which is a part of curriculum in B.Ed. Course. The request was rejected by the 2nd respondent vide communication dated 07.11.2018 on the ground that the 1st respondent is not an authorized University for Government teachers who are working in Government of Puducherry. This was challenged by the petitioner in W.P.No.39390 of 2018. However, the same was withdrawn by the petitioner on 21.12.2018. Subsequently, study permission granted to her for pursuing B.Ed. degree was withdrawn, the said order is the subject matter of the present writ petition.

5. According to the petitioner, she was granted study permission to pursue B.Ed. Course in Tamil University, Tanjore through correspondence for the academic year 2017-2019. While so, based on the permission granted by the 2nd respondent, the petitioner applied to the 1st respondent and got admitted. All of a sudden, the request to undergo teaching practice in Government Middle School, keezh Agraharam was declined by the 3rd respondent on the ground that Tamil University, Tanjore is not an authorized University for Government Teachers working in Government of Puducherry. Consequentially, the permission granted to the petitioner on 11.10.2017 has also been withdrawn.

6. The learned Additional Government Pleader appearing for the 2nd respondent would submit that the petitioner has obtained permission to pursue B.Ed. Course through correspondence in Tamil University, Tanjore by producing bogus address in Tamilnadu as her residential address. There is a bar for Universities to admit candidates beyond their territorial jurisdiction. As far as the Tamil University,

Tanjore is concerned, they can only admit candidates who are serving in Schools at Tamilnadu and not outside the State of Tamilnadu. The petitioner being the Government teacher in Union Territory of Puducherry could not have got admission, if she has disclosed her true residential address and her place of service. By suppressing the fact, she got admission in Tamil University. Having come to know about the suppression of the fact, she was not given permission to undergo teaching practice and her conditional permission granted on 11.10.2017 was also withdrawn. Hence, there is no illegality in the order passed by the 2nd respondent.

7. On considering the rival submissions and perusing the records, this Court finds that the petitioner while seeking permission has disclosed to the 2nd respondent that she wants to peruse her B.Ed. Course through correspondence offered by Tamil University, Tanjore. Along with the petitioner for two others who have expressed their desire to peruse course offered by the Alagappa University and Annamalai University, which are also located in Tamilnadu were granted permission by the 2nd respondent. When that being the case, while applying to the 1st respondent-University, the petitioner has enclosed the permission certificate issued by the 2nd respondent as well as the experience certificate issued in her favour. Only based on that, the Tamil University has admitted her. When the 2nd respondent has sought clarification from the 1st respondent regarding the admission of the petitioner in their University for B.Ed., Course, the 1st respondent has stated that the University has got approval from NCTE to conduct teachers course in distant mode. The petitioner was admitted after verification of her application, she has given her permanent address at Ariyalur and produced permission letter issued by the 2nd respondent dated 11.10.2017, since she is fully eligible to get admission, she was enrolled for the said course.

8. From these records, this Court finds that the petitioner has not suppressed facts to any of the authority either the University or the 2nd respondent. Only on perusing the documents, the University has admitted the petitioner for B.Ed., course under the Distance education. If there is any territorial restriction, the same should have been considered by the 2nd respondent while granting permission.

9. Having granted permission, knowing that the petitioner seeks permission to pursue her course in Tamil University, Tanjore, now the 2nd respondent cannot withdraw the said permission. It amounts to promissory estoppel. A legitimate expectation accrued to the petitioner herein. Having granted permission to study B.Ed., course in Tamil University, Tanjore, for no fault on the part of the petitioner, she can be deprived of her right to pursue the course.

10. Hence, the order of the 2nd respondent is hereby quashed. The writ petition stands allowed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Registrar,
Tamil University,
Directorate of Distance Education,
Vaagaiyur, Trichy Road, Tanjore-613 010.

2.The Chief Educational Officer,
O/o.Chief Educational Officer,
Puducherry.

3.The Deputy Inspector of Schools,
Zone-IV, Villianur,
Puducherry.

+1cc to Mr.A.Tamilvannan, Advocate Sr.92243

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srg 11/12/2019

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