



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.08.2019**

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.16834 of 2019

Bharathidasan University,
rep., by its Registrar,
Palkalaiperur,
Tiruchirappalli-620 024.

... Petitioner

-Vs-

1.The Member Secretary,
National Council for Teacher Education,
Hans Bhawan, (Wing II),
1, Bahadur Shah Zafar Marg,
New Delhi-110 002.

2.The Deputy Secretary,
National Council for Teacher Education,
Inspection Division, Hans Bhawan, (Wing II),
1, Bahadur Shah Zafar Marg,
New Delhi-110 002.

3.The Regional Director,
National Council for Teacher Education,
Southern Regional Committee,
Plot No.G-7, Sector -10, Dwarka,
New Delhi-110 075.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to inspect university to verify the rectification of defects done by the petitioner university as per the order dated 13.08.2018 passed by the first respondent in F.No.89-228/E-69613/2018 appeal/12th Mtg-2018/30th & 31st May, 2018 and also issue recognition to the petitioner university for conducting M.P.Ed course within the time limit fixed by this Court.

For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mr.SU.Srinivasan
Standing Counsel



ORDER

The prayer sought for in this writ petition is that, to direct the third respondent to inspect the petitioner university to verify the rectification of defects done by the petitioner university as per the order dated 13.08.2018 passed by the first respondent in F.No.89-228/E-69613/2018 appeal/12th Mtg-2018/30th & 31st May, 2018 and also issue recognition to the petitioner university for conducting M.P.Ed course, within a time to be stipulated by this Court.

2.Heard Mr.VR.Shanmuganathan, learned counsel appearing for the petitioner and Mr.SU.Srinivasan, learned Standing Counsel appearing for the respondents.

3.The petitioner is the statutory university created by an Act of State Legislature and the university had started course called Teacher Education Course i.e., Master of Physical Education (M.P.Ed) and in this regard, the issue was pending before the respondents for grant of approval under the provision of National Council for Teacher Education Act (NCTE), where it seems that certain deficiencies were pointed out by the NCTE/respondents and according to the petitioner, the said deficiencies pointed out by the respondents had been complied with and after complied with, when the petitioner made a request to the respondents/NCTE to have an inspection to verify the same and to file report to that effect before the respondent i.e., the third respondent/Southern Regional Committee enabling them to consider the same and to grant approval. Since there is no response, the petitioner has approached this Court.

4.It is further to be noted that, the said inspection was necessitated, because of the remand order made by the first respondent, vide his order dated 13.08.2019, wherein the appeal filed by the petitioner against the third respondent's order, has been partly allowed, thereby, the issue has been remanded back to the third respondent for reconsideration.

5.Today, when the case is taken up for hearing, Mr.SU.Srinivasan, learned Standing Counsel appearing for the respondents has submitted a written instructions to state that, the inspection team has already been constituted by the third respondent on 05.08.2019 and within 30 days, the said inspection team would inspect the petitioner institution and verify the compliance made by the petitioner on infrastructural and instructional facilities and give a report to the third respondent for consideration.

6.The relevant portion of the communication of the third respondent reads thus:-

<https://hcservices.ecourts.gov.in/hcservices/>



"Sir,
With reference to trailing mail VT has been constituted yesterday (05.08.2019) by the SRC for the petitioner institution. As NCTE Regulation 2014 30 days time is granted to constitute VT."

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7.By relying upon the said communication, the learned standing counsel appearing for the respondents submitted that, after the inspection team made inspection and gives report, the third respondent would decide the same on merits and in accordance with law and accordingly, appropriate order would be passed, after placing the report before the Southern Regional Committee of the third respondent.

8.I have considered the said submission made by the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

9.Having regard to the said development taken place, as the respondent i.e., third respondent has already constituted the verification team i.e., the Inspection team and which would take only 30 days to complete the inspection and file report before the third respondent for consideration, this Court is inclined to dispose of this writ petition with the following directions:-

"that the inspection team constituted by the third respondent on 05.08.2019 shall inspect the petitioner institution, within 30 days period and after completing the inspection, the necessary input i.e., the report of the inspection team shall be submitted to the third respondent, who in turn will place the same, before the Southern Regional Committee meeting to be held thereafter and on the basis of the input/report, final decision shall be taken by the third respondent and the same should be communicated to the petitioner, within a period of six weeks, thereafter."

10.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

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Sub Assistant Registrar(CS)

rmk

<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.SU.SRINIVASAN, Advocate (SR-80692[F] dated
08/08/2019)

+1 CC to M/s.VR.SHANMUGANATHAN, Advocate (SR-80927[F] dated
09/08/2019)

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