

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.Nos.13845 & 11201 of 2020
and WMP.Nos.17208 & 13657 of 2020

1. S.John Peter Selvakumar
2. N.Gayathri
3. S.S.Dhanalakshmi
4. S.Manimekalai
5. W.Emmimal Dhana Packiam
6. S.Chithra
7. K.Usha
8. S.Jayanthi
9. R.Sreevasanthakumari
10. E.Nirmala
11. Chandrika
12. A.Jansirani
13. K.Vijayakumar
14. R.Jayabharathi
15. H.Shahanas
16. R.Sheela
17. V.Nagalakshmi
18. P.Nirmala
19. J.Lilly Theresa
20. S.Vijilda
21. G.Kaviarasi
22. G.Muthuselvi
23. R.Felshia Nayagam
24. R.Anureka
25. M.Chithra
26. P.Pushpalatha
27. D.Sofia Jabamani
28. S.Arokia Mary
29. M.Bharathi
30. T.Satheeshwari
31. R.Saritha
32. D.Vellaiammal

...Petitioners in WP.No.13845 of 2020

R.Rajeswari

...Petitioner in WP.No.11201 of 2020

vs.

1. The Secretary to Government,
Higher Education Department,
Government of Tamilnadu,
Fort St. George, Chennai - 600 009.
2. University Grants Commission,
Bahadur Shah Zafar Marg, New Delhi 110 002.
3. National Council for Teacher Education,
G-7, Sector 10, Dawarka, New Delhi - 110 075.
4. The Registrar,
Tamilnadu Open University,
577, Anna Salai, Saidapet,
Chennai - 600 015. ...Respondents in both WPs.

Prayer in WP.No.13845 of 2020: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent letter dated 29.06.2020 and quash the same and further direct the respondents to permit the petitioners to continue B.Ed (General Education) in fourth respondent University.

Prayer in WP.No.11201 of 2020: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent dated 29.06.2020 and consequential letter No: F.No.TNOU/Gen-39/2020 dated 08.07.2020 and quash the same and further direct the respondents to permit the petitioner to continue B.Ed (General Education) in fourth respondent University.

For Petitioners : Mr.B.Jawahar
For Respondents : Mr.Akhil Akbar Ali, GA -R1
Mr.Rabu Manohar -R2
Mr.Su.Srinivasan -R3
Mr.P.Sanjay Gandhi -R4

COMMON ORDER

The petitioners in both the writ petitions, have challenged the impugned letter of the Tamil Nadu Open University dated 29.06.2020, informing the petitioners that they cannot continue with B.Ed course, since the UGC has refused to grant recognition to the fourth respondent University.

2.The learned counsel for the petitioners submitted that nearly 306 students were undergoing B.Ed course in the fourth respondent University and all of them have now been left in lurch, since the UGC has refused to grant recognition to the fourth respondent University. The learned counsel further

submitted that the UGC does not have jurisdiction and it is only the National Council for Teachers Education (NCTE), which will have jurisdiction to deal with institutions, who are imparting B.Ed course. The learned counsel further submitted that the fourth respondent had also taken steps to accommodate the students in the Tamil University, Thanjavur and a direction can be issued to the fourth respondent to accommodate the petitioners also, in order to enable them to continue with the B.Ed course.

3.The fourth respondent has filed a common counter affidavit. Mr.P.Sanjay Gandhi, learned standing counsel appearing on behalf of the fourth respondent submitted that the fourth respondent took all efforts to get the recognition of UGC and all the students were informed in advance that their admission will be subject to recognition of UGC. The learned standing counsel further submitted that ultimately, the UGC had refused to grant recognition and therefore, the fourth respondent informed all the students about this development and refund of entire fees was made to 263 students and three of the petitioners have also received the refund made by the fourth respondent University.

4.The learned standing counsel further submitted that efforts were taken by the fourth respondent by requesting the Tamil University, Thanjavur to accommodate 306 students, who were undergoing course in the fourth respondent University. However, the UGC refused to grant such a permission through proceedings issued in the month of June 2020. The learned standing counsel therefore, submitted that the alternative relief sought for by the petitioners also, cannot be granted by the fourth respondent.

5.Mr.Rabu Manohar, learned standing counsel appearing on behalf of the UGC submitted that the petitioners cannot be allowed to collaterally question the proceedings of UGC denying recognition to the fourth respondent University and if at all any one is aggrieved with the proceedings, it is only the fourth respondent, who has to challenge the same and in the absence of it, the petitioners cannot be permitted to question the refusal of recognition by UGC. The learned standing counsel therefore submitted that the petitioners cannot be permitted to continue with the course in the fourth respondent University or in the Tamil University, Thanjavur.

6.This Court has carefully considered the submissions made on either side and also perused the materials available on record.

7.The petitioners joined the course knowing fully well that the fourth respondent did not have the recognition of UGC. The fourth respondent also took sincere efforts to get recognition and ultimately failed in its efforts. The fourth respondent in all fairness refunded the entire fees and three of the petitioners have also got refund of fees. The petitioners cannot collaterally question the rejection of recognition by UGC and the only person who can question, is the fourth respondent University. In short, this writ petition is not against the order passed by the UGC refusing to grant recognition to the fourth respondent University, but this writ petition is all about the communication made by the fourth respondent University to the students, who were undergoing B.Ed course by informing them that the University is no longer in a position to continue with the course, due to the rejection of recognition by UGC. This Court does not find any ground to interfere with the impugned communication of the fourth respondent dated 29.06.2020, since the fourth respondent could not have continued with the course without the recognition of UGC.

8.Insofar as the claim made by the petitioners seeking for accommodating them in any other colleges for continuing with the course, is concerned, it is left open to the petitioners to make an appropriate representation before the first respondent and the first respondent on receipt of the representation, shall consider the same and take all efforts to accommodate the petitioners in any other college, which has the recognition of UGC. This direction is given, keeping in mind the fact that the fourth respondent University itself is an instrumentality of the State and therefore, the Government can do its best to accommodate the petitioners in different colleges to enable them to complete B.Ed course. Except giving this liberty, no further orders can be passed by this Court.

9.Both these writ petitions are disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

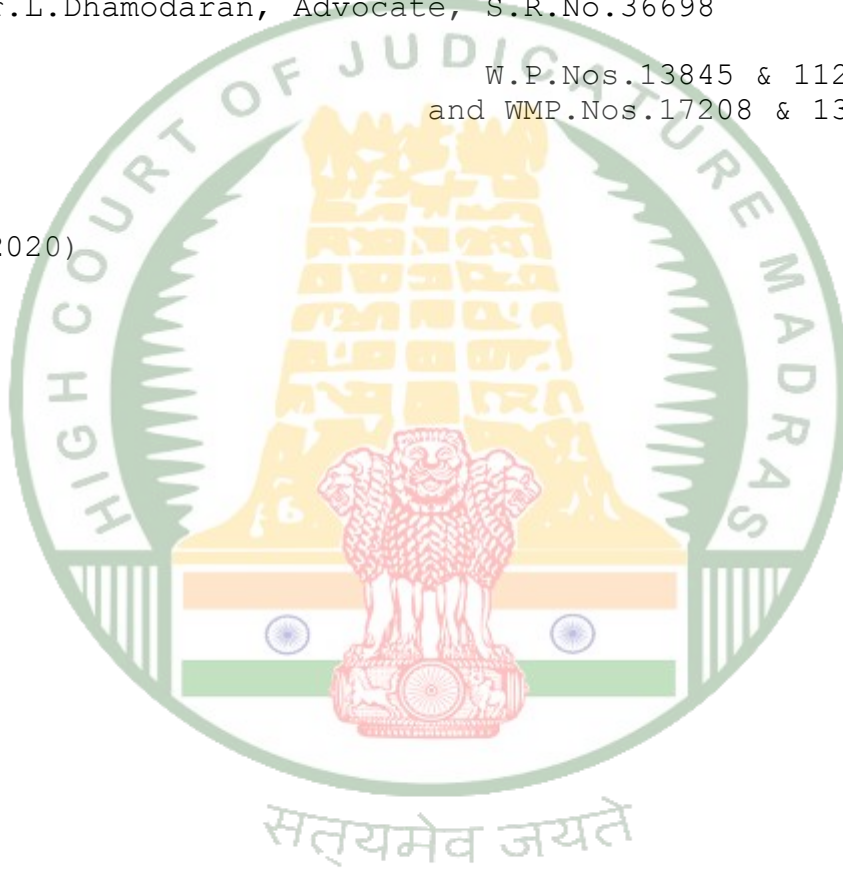
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Chennai - 600 015.

+1cc to Mr.L.Dhamodaran, Advocate, S.R.No.36699
+1cc to Mr.B.Rabnu Manohar, Advocate, S.R.No.36883
+1cc to Mr.L.Dhamodaran, Advocate, S.R.No.36698

W.P.Nos.13845 & 11201 of 2020
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GMR (CO)
RV(10/12/2020)



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