



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **04.08.2020**
CORAM

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

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W.P. (MD) No.7991 of 2020
and
W.M.P (MD) .Nos.7431 and 7432 of 2020

D.V.D.Teacher Training Institute,
Rep. by its Secretary,
Kottar - 629 002, Nagercoil,
Kanniyakumari District.

...Petitioner

Vs

1.The Regional Director,
National Council for Teacher Education,
Southern Regional Committee,
G-7 Sector - 10 Dwaraka,
Delhi 110 075.

2.The Director, State Council of
Educational Research and Training,
College Road, DPI Campus,
Chennai - 600 006.

... Respondents

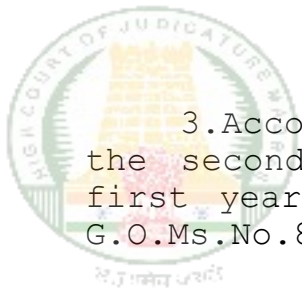
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned proceedings issued by the 2nd respondent herein in Na.Ka.No.1731/E1/2019, dated 07.03.2020, quash the same.

For Petitioner	: Mr.E.V.N.Siva
For R1	: Mr.Su.Srinivasan Central Government Standing Counsel
For R2	: Mrs.S.Srimathy, Special Government Pleader

ORDER

This Writ Petition is filed to quash the impugned order passed in Na.Ka.No.1731/E1/2019 dated 07.03.2020 by the second respondent.

2.Heard Mr.E.V.N.Siva, learned counsel appearing for the petitioner, Mr.Su.Srinivasan, learned Central Government Standing Counsel appearing for the first respondent and Mrs.S.Srimathy, learned Special Government Pleader appearing for the second respondent.



3. According to the petitioner, the impugned order was passed by the second respondent directing the petitioner not to admit the first year students in the academic year 2020-2021, based on the G.O.Ms.No.87, dated 28.05.2019.

4. The learned counsel appearing for the petitioner would submit that the petitioner has made a representation to the first respondent through the second respondent on 17.10.2019 for the reduction of annual intake from 80 to 40 students in the petitioner's institution. The first respondent has passed an order dated **(*)23.07.2020 and 24.07.2020**, wherein it has been stated that the Southern Regional Committee hereby withdraws the recognition granted to D.V.D. Teacher Training Institute, Kottar - 629 002, Nagercoil, Kanniyakumari District, Tamilnadu, for conducting D.T.Ed. Course of two years duration within an annual intake of 40 students on the grounds mentioned above. He further submitted that the said order has been passed only in respect of the additional intake of 40 students. Insofar as the remaining students are concerned, the aforesaid approval is still in force and the petitioner can admit the student for the academic year. But, the said order was received by the petitioner only on 01.07.2020. In the mean time, the third respondent has passed an order directing the petitioner not to admit the first year students for the academic year 2020-2021 on the ground that there is no intake of students 30 and above 30%. Now, the approval granted to the petitioner's institution is only in respect of intake of 40 students as per the order passed by the first respondent. Hence, the petitioner has fulfilled the norms issued by the Government that the petitioner has crossed more than 30% of the students intake for the last year. Therefore, an opportunity shall be given to the petitioner to put-forth the aforesaid order before the second respondent.

5. The learned Special Government Pleader appearing for the second respondent would submit that the petitioner has placed the said document only before this Court. Therefore, the second respondent had not considered the order dated **(*)23.07.2020 and 24.07.2020**, passed by the first respondent. He further submitted that in the light of the aforesaid order, this Court may pass an appropriate order for reconsidering the grievance of the petitioner and to pass orders afresh, by taking note of the aforesaid facts of the parties concerned.

6. According to the learned counsel appearing for the petitioner, the first respondent has passed an order dated **(*) 23.07.2020 and 24.07.2020**, and the same was communicated to the petitioner on 01.07.2020. The petitioner has satisfied the terms of the said G.O.Ms. in view of the said order.



7. In view of the submission of the learned counsel appearing for the petitioner, this Court is of the view that one more opportunity shall be given to the petitioner to place the order passed by the first respondent dated **(*)23.07.2020 and 24.07.2020**, and to set out his grievance as stated in the writ petition. Further, the petitioner has drawn the attention of this Court that except last two years, the petitioner filled-up the students strength of 80. Hence, the petitioner made a request to the respondents to withdraw the additional intake of the students from the year 2018-2019. The said order was passed in the year 2020 and the same was received by the petitioner only on 01.07.2020 and therefore, to meet the ends of justice, this Court feels that an opportunity shall be given to the petitioner to set out his grievance and also place the materials before the third respondent within the prescribed time.

8. In view of the facts and circumstance of the case and also by consent of both parties, this Court is inclined to pass the following orders:

(i) The impugned order dated 07.03.2020 in Na.Ka.No.1731/E1/2019, passed by the second respondent is hereby quashed and the same is remitted back to the second respondent for fresh consideration and pass orders on merits and in accordance with law, after providing an opportunity to the petitioner.

(ii) The petitioner has to submit the relevant documents before the second respondent within a period of one week from the date of receipt of a copy of this order.

(iii) The third respondent shall complete the said exercise within a period of two weeks thereafter.

9. With the above direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition are closed.

Sd/-

Assistant Registrar(Records)

Sd/-

Assistant Registrar (CS-II)

**(*)Amended as per order of this
Hon'ble Court dated 25.08.2020**

// True Copy //

Sub Assistant Registrar(CS)

TM



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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() To be Substituted the Order already
despatched on 19.08.2020**

To

- 1.The Regional Director,
National Council for Teacher Education,
Southern Regional Committee,
G-7 Sector - 10 Dwaraka,
Delhi 110 075.
- 2.The Director,
State Council of Educational Research and Training,
College Road, DPI Campus, Chennai - 600 006.

+1 CC to the Special GP (SR-13675[F] dated 05/08/2020)
+1 CC to Mr.SU.SRINIVASAN, Advocate (SR-13602[F] dated 04/08/2020)

W.P. (MD) No.7991 of 2020
04.08.2020

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Kv(14.08.2020) 4P 5C

CS(03.09.2020) 4P 5C