



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **30.07.2020**

CORAM

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

W.P. (MD) No.8219 of 2020

and

W.M.P (MD) .No.7631 of 2020

WEB COPY

S.Veerasamy Chettiar Institute of Teacher Education
Rep by its Correspondent Dr.V.Murugiah
S.V.Nagar, Puliangudi-627 855.
Tenkasi District.

...Petitioner

Vs

- 1.The Regional Director,
National Council for Teacher Education,
Wing Ii, Hans Bhawan, 1, Bhadur Shaw Zafar Marg,
New Delhi-110 002.
- 2.The Regional Director,
National Council for Teacher Education,
Jnana Bharathi Campus Road,
Opp to National Law School,
Nagarabhavi, Bangalore-560 031.
- 3.The Director of State Council of
Educational Research and Training,
Office of the State Council of
Educational Research and Training,
College Road, Subba Road Avenue,
Chennai-6.
- 4.The Principal
District Institute of Education and Training,
Munanjipatti, Tirunelveli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned order in Na.Ka.No.1731/E1/2019 dated 18.03.2020 of the 3rd respondent herein the same was served on the petitioner through the letter dated 01.07.2020 of the 4th respondent herein and quash the same and consequently, direct the 3rd respondent herein to issue No Objection Certificate to the petitioner for reduction of annual intake from 100 to 50 students.

For Petitioner
For R1 and R2

: Mr.T.Pon Ramkumar
: Mr.Su.Srinivasan
Central Government Standing Counsel



For R3 and R4

: 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 18.03.2020 by the third respondent and the same was served on the petitioner through the letter dated 01.07.2020 of the fourth respondent and consequently, to direct the third respondent to issue No Objection Certificate to the petitioner for reduction of annual intake from 100 to 50 students.

2.Heard Mr.P.Pon Ramkumar, learned counsel appearing for the petitioner, Mr.Su.Srinivasan, learned Central Government Standing Counsel appearing for the first and the second respondents and Mrs.S.Srimathy, learned Special Government Pleader appearing for the third and fourth respondents.

3.According to the petitioner, the impugned order was passed by the third respondent directing the petitioner not to admit the first year students in the academic year 20-21, 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 second respondent through the fourth respondent on 04.01.2017 for the reduction of annual intake from 100 to 50 students in the petitioner's institution. The first respondent has passed an order dated 16.03.2020, wherein it has been stated that the Southern Regional Committee hereby withdraws the recognition granted to S.Veeraswamy Chettiyar Institute of Teacher Education, S.V.Nagar, Puliangudi, Tirunelveli District-627 855, Tamilnadu, for conducting D.T.Ed. Course of two years duration within an annual intake of 50 students on the grounds mentioned above. He further submitted that the said order has been passed only in respect of the additional intake of 50 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 20-21 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 50 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 third respondent.



5.The learned Special Government Pleader appearing for the third and fourth respondents would submit that the petitioner has placed the said document only before this Court. Therefore, the third respondent had not considered the order dated 16.03.2020 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 the order dated 16.03.2020 and the same was communicated to the petitioner on 01.07.2020. The said order has been taken note of by the third respondent and also the petitioner has satisfied the terms of the said G.O.Ms.

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 16.03.2020 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 90. 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 18.03.2020 in Na.Ka.No.1731/E1/2019, passed by the third respondent is hereby quashed and the same is remitted back to the third 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 third 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 is closed.

Sd/-

Assistant Registrar (RECORDS)

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// True Copy //

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Sub Assistant Registrar (CS)

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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.

To

1. The Regional Director,
National Council for Teacher Education,
Wing Ii, Hans Bhawan, 1, Bhadur Shaw Zafar Marg,
New Delhi-110 002.

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4. The Principal
District Institute of Education and Training,
Munanjipatti, Tirunelveli District.

+1 CC to Mr.T.PON RAMKUMAR, Advocate (SR-13363[F] dated 30/07/2020)

+1 CC to Mr.SU.SRINIVASAN, Advocate (SR-13401[F] dated 31/07/2020)

W.P. (MD) No.8219 of 2020

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KM (04.08.2020) 4P 7C

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