



W.P.No.13869 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13869 of 2021

and

W.M.P.No. 14731 & 14732 of 2021

Paaventhar Teacher Training College,
Rep by its Principal,
Mr. K. Prabakaran,
Karikkalampakkam Main Road,
Korkkadu,
Villianur,
Pondicherry-605 001.

.. Petitioner

Vs.

Southern Regional committee,
National Council for Teacher Education,
G-7, Sector-10,
Dwarka,
New Delhi-110 075.

.. Respondent

Prayer: Petitioner has filed this petition under 226 of the Indian Constitution to issue a Writ of Certiorarified Mandamus to call for the records on the filed of the Respondent in F.SRO/NOTE/APS03869/D.Te.Ed//392th/CP(2)/2020/121629 and Quash the impugned Order dated 22.12.2020 passed therein and further direct the



W.P.No.13869 of 2021

Respondent to consider the representation of the petitioner dated 10.03.2021 for grant of recognition to the petitioner on merits and in accordance with law.

For Petitioner : Karthika Ashok

For Respondents : Mr. J. Harikrishnan,
Standing Counsel

ORDER

The Petitioner has filed this Petition seeking issuance of the Writ of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 22.12.2020 on the file of the Respondent herein and to quash the same and direct the respondent to consider the petitioner's representation dated 10.03.2021 for grant of recognition to the petitioner college on merits in accordance with law.

2. The Case of the petitioner is that he is the principal of the petitioner Institution which is one of the reputed educational Institutions in the Union Territory of Puducherry providing Teacher Training Course and the petitioner college was granted with the recognition by the Respondent herein vide order dated 15.10.2005 for Conduction D.T.Ed., Course with an annual intake of 100 students from the Academic Session 2005-2006 and



W.P.No.13869 of 2021

WEB COURT

recognition is being renewed from time to time till the academic year 2020-2021. While being so, the petitioner received the impugned order dated 22.12.2020 from the respondent withdrawing the recognition granted to the petitioner stating that the petitioner has not given reply to the Show Cause Notice dated 07.09.2020 issued by the respondent. It is the case of the petitioner that the said notice was not received by the petitioner. Thereafter, the petitioner made a written request to the respondent to furnish the Show Cause Notice dated 07.09.2020 on 18.02.2021 but there was no reply from the respondent herein. Thereafter, the petitioner made a representation to the respondent on 10.03.2021 requesting to reconsider the grant of recognition to the petitioner Institution. Since there was no response, the petitioner preferred an appeal and same is pending before the appellate authority, who is not empowered to stay the orders of the respondent . Hence, the petitioner left with no other alternative has filed the present Writ Petition.

3. Learned counsel for the petitioner submits that without issuing show cause notice which is alleged to have been issued by the respondent, passing the impugned order cancelling the recognition for the petitioner institution stating that the petitioner has not replied to the show notice is



W.P.No.13869 of 2021

wholly impermissible. Further, the representation of the petitioner on 10.03.2021 requesting for the production of the show cause notice was also not considered by the respondent. Therefore, the impugned order passed by the respondent cannot be implemented for the reason that the students of the petitioner institution will be greatly prejudiced. Hence the impugned order dated 22.12.2020 is liable to be quashed.

4. Learned counsel for the respondent submits that the Show Cause Notice dated 07.09.2020 was issued to the petitioner u/s 17 of the Non-maintenance of Norms and Standards by the teacher education Institutions recognized by SRC, SCTE on data 11.09.2009 and no reply was received to the Show Cause Notice. Further, the learned counsel submits that there is an appeal remedy available to the petitioner under Section 18 of the Act, 1993 to work out his remedy and therefore, this Writ Petition is not maintainable. Hence, the present Writ Petition filed by the petitioner is liable to be dismissed.



W.P.No.13869 of 2021

5. Heard the learned counsel on the either side and perused the materials available on record.

6. A perusal of the materials available on record reveals that an ex-parte order dated 22.12.2020 has been passed by the respondent cancelling the recognition granted to the petitioner Institution. Though the learned counsel for the respondent claims that the Show Cause Notice was issued to the petitioner, however, there is no material on record placed by the respondent to substantiate his claim that the petitioner had received the notice. In the absence of any material to substantiate the same, passing the impugned order passed by the respondent without serving the show cause notice to the petitioner is not sustainable as it is in gross violation of principles of natural justice.

7. In view of the above, this Court sets aside the order dated 22.12.2020 passed by the Respondent and directs the respondent to furnish a copy of the Show Cause Notice to the petitioner within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the petitioner is directed to submit his reply to the same within a



W.P.No.13869 of 2021

period of two weeks thereafter. Further the respondent upon receipt of the reply, is directed to pass appropriate orders in accordance with law, after affording opportunity to the petitioner, within a period of eight weeks thereafter.

8. This Writ Petition is allowed with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petitions are closed.

24.11.2021

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W.P.No.13869 of 2021

M.DHANDAPANI,J.

NHS

W.P.No.13869 of 2021
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