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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

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THE HON'BLE Mr. JUSTICE D.KRISHNAKUMAR

W.P.No. 13418 of 2020

and

W.M.P.No.16561 of 2020

Kalai Bharathi College of Education,
Rep.by its Correspondent,
Mr.A.Kalaikumar

..Petitioner

Vs

National Council for Teacher Education,
Rep. by its Regional Director,
Southern Regional Committee,
G-7, Section-10, (Near Sector-10 Metro Station)
Dwaraka, New Delhi-110075.

..Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India for writ of certiorari, calling for the records and quash the impugned order passed by the respondent vide F.SRC/NCTE/ APSO7431/ B.Ed/ 115036 dated 21.02.2020.

For Petitioner : Mr.R.Kannan

For Respondent : Mr.R.Thirunavukkarasu, NCTE

O R D E R

The writ petitioner has challenged the withdrawn order dated 21.02.2020 on the ground that the respondent has not provided sufficient opportunity to submit his explanation.

2. The case of the petitioner is that the petitioner's college was existing B.Ed institute from the year 2015. After fulfilling the norms and standards prescribed by the respondent, the petitioner's college was granted recognition. Subsequently for grant of continuous recognition, the respondent without considering the reply for show causes notice, has passed an order withdrawing the recognition granted to the petitioner's college. Challenging the same, the present writ petition is filed.



3. According to the learned counsel for the petitioner, the defects pointed out in the final show cause notice are relating to production of (i). Certified copy of the land documents, (ii). LUC issued by the competent authority, (iii) Non Encumbrance Certificate issued by the competent authority, (iv) A copy of approved building plan, (v) Site Plan or continuity certificate showing all the survey numbers mentioned in the land documents, (vii) Copy of building completion certificate issued by the competent authority, (viii) Staff list approved by the Registrar by the affiliating body, (ix) Form A and the FDRs for Rs.7lakhs & 5 lakhs and (x) Details of Teacher Education Program being run by the institution in the same campus, (xi) Total land and build up area for all recognised Teacher Education Program or other program being run by the institution in the same campus and (xii) Domain name of the website being run by the institution.

4. The learned counsel appearing for the petitioner has submitted that the aforesaid defects pointed out by the respondents are curable defects and the petitioner can produce all the documents before the authority concerned, if the opportunity is granted to the petitioner. Hence, the petitioner seeks to quash the impugned order passed by the respondent.

5. The learned counsel appearing for the petitioner has further submitted that the petitioner institution has submitted his reply dated 05.09.2019 and complied all the defects pointed out by the respondent. But the respondent without considering the same and without assigning any reason, has passed the impugned rejection order. Therefore, the said order is liable to be quashed.

6. On the other hand, the learned standing counsel appearing for the respondent has submitted the respondent has granted several opportunities to the petitioner by way of first show cause notice dated 22.08.2019 and the final show cause notice dated 25.11.2019, but they have not come forward to comply with the conditions as mentioned in the show cause notices, hence the impugned order came to be passed, rejecting the recognition. The learned standing counsel appearing for the respondent further submitted that if the petitioner really aggrieved by the impugned order, the petitioner shall prefer an appeal under Section 18 of NCTE Act 1983. Without preferring appeal before the concerned authority, they have preferred the instant writ petition.

7. Heard the learned counsel appearing for the petitioner's College and the learned Standing Counsel appearing for the respondent and perused the records.



8. It is seen from the documents that originally the respondent has granted conditional recognition to the petitioner's college on 30.04.2015. Subsequently, at the time of granting continuous recognition, the respondent had issued a show cause notice dated 22.08.2019, directing the petitioner's college to submit certain documents. The petitioner has also submitted the documents as required by the respondent by reply dated 05.09.2019. Thereafter, the impugned withdrawal order dated 21.02.2020 was passed by the respondent, which according to the petitioner is violative of principles of natural justice.

9. A reading of the impugned order would disclose the fact that though the respondent have mentioned the reply dated 05.09.2019 submitted by the petitioner's college, there was no discussion for not considering the reply submitted by the petitioner institution.

10. The learned counsel appearing for the petitioner submitted that though the petitioner has complied all the defects pointed out by the respondents, agreed to file an appeal before the authority concerned under Section 18 of the Act. 1983. The learned counsel appearing for the respondent informed this Court that the petitioner's institution shall make an appeal before the appellate authority concerned along with relevant documents. The appellate authority shall consider the same and pass appropriate orders.

11. By accepting the aforesaid statements made by the learned counsel appearing for the parties concerned, this Court is inclined to issue the following directions;

- i. The petitioner's College shall prefer an appeal before the NCTE, Southern Regional Committee, within a period of two weeks from the date of receipt of a copy of this order.
- i. On filing of such appeal by the petitioner's college, the respondent shall consider the same and pass orders on merits, in accordance with law after providing sufficient opportunity to the petitioner, as expeditiously as possible, preferably, within a period of four weeks thereafter.
- ii. It is needless to say that, it is open to the petitioner to produce all the relevant documents before the appellate authority.



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iii. With the above directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Regional Director,
National Council for Teacher Education,
Southern Regional Committee,
G-7, Section-10, (Near Sector-10 Metro Station)
Dwaraka, New Delhi-110075.

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SRA (CO)
SP(13/08/2021)