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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.20571 of 2021
and W.M.P.Nos.21804, 21807 and 21810 of 2021

M/s.Indira Gandhi - Jayanthi
Memorial Educational Cultural and
Charitable trust Established and
Administering Dr. Rajabather Tagore Women
Teacher Training College, Rep.by its Managing
Trustee, Mr.K.C.R.Rabindranath Tagore
No.299/88-E, Gingee Road, Tindivanam-604001
Villupuram District, Tamilnadu.

...Petitioner

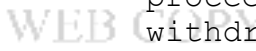
-Vs-

- 1 The Registrar
Tamil Nadu Teachers Education University
Gangaiamman Koil street Karapakakm
Chennai 600 097
- 2 The Regional Director
Southern Regional Committee National Council
for Technical Education G-7 Sector 10
Dwaraka New Delhi 110 075

...Respondents

Writ Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of Certiorarified Mandamus
Calling for the impugned order passed by the 1st Respondent
University in No. TNTEU / R / CC 13005 / Syn. Jan-Item No. 34 /
Withdrawal / 2021 / 186 dated 02.02.2021 quash the same in so
far as the academic year 2020-21 and read it as 2021-22 and
direct the 1st Respondent University to allow the students
admitted in B.Ed. programme for the academic year 2020-21
enabling them to write the examination periodically conducted by
the 1st Respondent University and complete their B.Ed. Degree
course.

For Petitioner : Mr.D.Prabhu Mukunth Arunkumar
For Respondents: Mr.U.Venkatesan - for R1
Mr.R.Thirunavukkarasu - for R2



ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent University dated 02.02.2021 withdrawing the affiliation that was granted in favour of the petitioner institution for the academic year 2020-21.

2. The case of the petitioner is that, they are imparting B.Ed Course from the academic year 2005-06. The further case of the petitioner is that, they had the recognition from the second respondent and they were also affiliated initially with Tiruvalluvar University and subsequently from the academic year 2009-10 onwards by the first respondent.

3. The petitioner institution was issued a show cause notice dated 16.06.2017 by the second respondent seeking for certain details. The petitioner also submitted their explanation along with all the materials. In the meantime, the recognition and the affiliation continued. In fact, on 20.01.2020, the petitioner institution was granted affiliation by the first respondent University for the academic year 2018-19 up to 2020-21.

4. The second respondent issued the final show cause notice on 04.08.2020 and the petitioner also submitted their reply. The second respondent passed an order on 21.09.2020 withdrawing the recognition of the petitioner institution for conducting the B.Ed Course. As a consequence, the first respondent University, through the impugned order dated 02.02.2021 withdrew the affiliation that was granted to the petitioner institution for the academic year 2020-21. Aggrieved by the same, the present writ petition has been filed before this Court.

5. Heard Mr.D.Prabhu Mukunth Arunkumar, learned counsel appearing for the petitioner, Mr.U.Venkatesan, learned counsel appearing for the first respondent and Mr.R.Thirunavukkarasu, learned counsel appearing for the second respondent.

6. The main issue that has been raised by the learned counsel for the petitioner is that, even in cases where the recognition has been refused / withdrawn for any institution, the institution will discontinue the course or training only from the end of the academic session next following the date of receipt of the order refusing recognition. For this purpose, the learned counsel for the petitioner relied upon Section 14(5) of the National Council for Teacher Education Act, 1993. For proper appreciation, Section 14 of the Act is extracted hereunder.



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"14. Recognition of institutions offering course of training in teacher education.—

(1) Every institution offering or intending to offer a course or training in teacher education on or after the appointed day, may, for grant of recognition under this Act, make an application to the Regional Committee concerned in such form and in such manner as may be determined by regulations: Provided that an institution offering a course or training in teacher education immediately before the appointed day, shall be entitled to continue such course or training for a period of six months, if it has made an application for recognition within the said period and until the disposal of the application by the Regional Committee.

(2) The fee to be paid along with the application under sub-section (1) shall be such as may be prescribed.

(3) On receipt of an application by the Regional Committee from any institution under sub-section (1), and after obtaining from the institution concerned such other particulars as it may consider necessary, it shall,—

(a) if it is satisfied that such institution has adequate financial resources, accommodation, library, qualified staff, laboratory and that it fulfils such other conditions required for proper functioning of the institution for a course or training in teacher education, as may be determined by regulations, pass an order granting recognition to such institution, subject to such conditions as may be determined by regulations; or

(b) if it is of the opinion that such institution does not fulfil the requirements laid down in sub-clause (a), pass an order refusing recognition to such institution for reasons to be recorded in writing:

Provided that before passing an order under sub-clause (b), the Regional Committee shall provide a reasonable opportunity to the concerned institution for making a written representation.

(4) Every order granting or refusing recognition to an institution for a course or training in teacher education under sub-section (3) shall be published in the Official Gazette and communicated in writing for appropriate action to such institution and to



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the concerned examining body, the local authority or the State Government and the Central Government.

(5) Every institution, in respect of which recognition has been refused shall discontinue the course or training in teacher education from the end of the academic session next following the date of receipt of the order refusing recognition passed under clause (b) of sub-section (3).

(6) Every examining body shall, on receipt of the order under sub-section (4),—

(a) grant affiliation to the institution, where recognition has been granted; or

(b) cancel the affiliation of the institution, where recognition has been refused.”

7. It is brought to the notice of this Court that, the decision taken by the second respondent to withdraw the recognition for conducting B.Ed Course was also confirmed in appeal by the appellate authority through order dated 19.08.2021. According to the petitioner college, they have preferred a further appeal as against the said order on 14.09.2021 and the same is pending.

8. The fulcrum of the whole case revolves around the effect of the withdrawal of recognition by the NCTE and the consequence of the same insofar as the affiliating University is concerned. The letter dated 20.02.2021 issued by the petitioner institution to the first respondent University shows that, the petitioner had admitted students after issuing advertisement in the month of April and May 2021 in anticipation that they will get favourable orders in the appeal that was filed against the order of the second respondent withdrawing the recognition. Therefore, according to the learned counsel for the petitioner, the students have already been admitted and by virtue of Section 14(5) of the Act, they must be allowed to complete the course for the academic year 2020-21 and the affiliation cannot be withdrawn in the middle of the academic year and it will go against the language used under Section 14(5) of the Act.

9. In the considered view of this Court, Section 14(5) of the Act merely states that, where the recognition for an institution has been refused, whatever course or training is conducted by the institution should be discontinued from the end of the academic session next following the date of receipt of the order refusing recognition passed under Section 14(3)(b) of the Act.

10. In the present case, the recognition of the institution has been withdrawn for the academic year 2020-21 and it has also



been confirmed in the appeal. Therefore, if any of the students are continuing their course in the petitioner institution, they are only continuing in an unrecognized institution. While so, there will be absolutely no meaning in the first respondent University continuing with the affiliation. To make it very clear, the affiliation follows recognition and if the recognition goes, the affiliation has to automatically go. The affiliation cannot independently stand and that will not give any recognition for the students who are undergoing the course. Therefore, Section 14(5) should not be interpreted in such a way that the very affiliation will become meaningless in view of the withdrawal of the recognition by NCTE. Even if the contention made by the learned counsel for the petitioner is taken to be correct for the sake of arguments, at the end of the academic year, the students who undergo the course will not be recognized in view of the fact that NCTE has already withdrawn the recognition. In such circumstances, continuing with the affiliation will have no effect and such affiliation cannot be continued without any meaning.

11. In view of the above discussion, this Court does not find any ground to interfere with the impugned order dated 02.02.2021 passed by the first respondent University and the withdrawal of the affiliation is perfectly in order in view of the withdrawal of the recognition by the second respondent and which has also been confirmed in the appeal. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

12. Considering the request made by the learned counsel for the petitioner, there shall be a direction to the NCTE to consider the appeal filed by the petitioner on 14.09.2021 and deal with the same on its own merits and in accordance with law and pass final orders within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to file a copy of the appeal before the concerned authority along with all the relevant documents and also a copy of this order.

s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

KST



To

- 1 The Registrar
Tamil nadu Teachers Education University
Gangaiamman Koil street Karapakakm
Chennai 600 097
- 2 The Regional Director
Southern Regional Committee National Council
for Technical Education G-7 Sector 10
Dwaraka New Delhi 110 075

+1 CC to Mr.U. Venkatesan, Advocate sr 50752.

W.P.No.20571 of 2021

VSNII (CO)
SP (20/10/2021)