

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-02-2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.NO.3766 OF 2019

AND

CMP.No.23832 OF 2019

1. S.Ananthi
2. S.Amirthavalli
3. J.R.Archana (Anchana)
4. M.Amirtharani ( M. Athira Rani)
5. Bindhiya Thompson
6. Catherin Gnana Selvi
7. R.Chitravathi
8. R.Gnana Soundari
9. A.Gopinath
10. D.Jeevitha
11. Kavitha Theresa Joseph
12. B.Manish Mirdhula
13. S.Mohana Priya
14. M.Nagina
15. R.Rameshwari
16. A.Ramya
17. Saritha Rani
18. P.Shobana Rani
19. P.Sivakami
20. M.Susanna Mary

.. Appellants

Versus

1. Tamil Nadu Teachers Education University  
represented by its Registrar  
Kanagaianman Koil Street  
Karambakkam  
Chennai - 600 097
2. The Principal  
Alwin College of Education  
No.10-A, Madurai Meenakshi Main Road  
Valasaravakkam, Chennai - 600 087
3. R.Antony

4. P.Dhanalakshmi
5. S.Devisri
6. D.Grace
7. M.Ishwarya
8. K.R.Jayathi
9. S.Kannadasan
10. M.Kavitha
11. M.Malathi
12. V.Raju
13. S.Ramachadran
14. V.Shanthi

.. Respondents

Appeal filed under Clause 15 of The Letters Patent against the Judgment dated 20.07.2018 passed in WP.No.12970 of 2018 on the file of this Court.

WP.No.12970 of 2018 :-

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus directing the 1<sup>st</sup> respondent herein to conduct the 2nd year Practical Examination for the petitioners who were admitted in year 2016-2018 batch in the 2nd respondent College of Education namely Alwin College of Education, Valasaravakkam, Chennai-87 and consequently permit the petitioners to write the 2nd year University Examinations for the award of B.Ed Degree to be conducted by the 1st respondent scheduled to be held from 28th May 2018 onwards or any other future dates.

For appellants : Mr.T.N.Rajagopalan  
For Respondents : Mr.V.Venkatesan for R1

JUDGMENT

(Judgment of the Court was delivered by R. Subbiah, J)

This appeal has been filed as against the order dated 20.07.2018 passed by the learned single Judge, dismissing the writ petition No. 12970 of 2019 filed by the appellants herein.

2. The appellants, who are students studying in the second respondent college, have filed WP No. 12970 of 2018 before the learned single Judge, seeking to issue a Writ of Mandamus directing the first respondent to conduct second year practical examination for the petitioners, who are admitted in the year 2016-2018 batch in the second respondent college of education namely Alwin College of Education, Valasaravakkam, Chennai and consequently permit the appellants to write the second year University examination for the award of B.Ed., degree to be conducted by the first respondent scheduled to held from 28th May 2018 onwards or any other future date.

3. The appellants herein joined the second respondent college for pursuing two year B.Ed., course during the academic year 2016-2018. Totally 37 students were admitted in the 2016-2018 batch. The appellants have paid the prescribed fees to the first respondent as per Government norms and they were also permitted to write the first year examination following the practical examination. After completion of practical examination, the first respondent University also issued mark statement to the students who joined the college in the year 2016-2018 and most of the appellants secured good marks and passed out the first year during 2016-2017. After passing the first year examination, the appellants have continued the second year course and regularly attended the classes. The appellants also claim that the Chief Educational Officer, Kancheepuram, by a proceeding dated 31.07.2017 permitted the appellants to attend 16 weeks observation and teaching training classes at various Government Schools, which was successfully completed by the appellants. While so, at the fag end of the second year course, to their shock and surprise, they learnt that the second respondent did not fulfil certain norms fixed by the first respondent University such as infrastructure etc., The second respondent college was therefore not given recognition by the National Council for Teachers Education and consequently the appellants were not allowed to write the second year examination. It is in those circumstances, the appellants have filed the writ petition before this Court for the relief stated supra.

4. When the writ petition was taken up for hearing, it was noticed by the learned single Judge that prior to the filing of the present writ petition by the students studying in the second respondent college, the second respondent college has filed WP No. 6085 of 2018 for and on behalf of the appellants herein. The prayer sought for in WP No. 6085 of 2018 is to issue a Writ of Mandamus directing the respondent to conduct the practical examination to the 37 students who were admitted in the year 2016-2018 batch in the college viz., Alwin College of Education, Valasaravakkam, Chennai - 87 and consequently permit the 37 students to write the University Examination to be conducted by the respondent scheduled to be held in the month of April 2018. The said Writ Petition was dismissed by this Court on 09.04.2018 with the following observations:-

"9. Further, the Commission constituted by the Vice-Chancellor of the respondent-University paid a surprise visit to the petitioner-college and found that the petitioner-college is functioning in a temporary leased building and that the college building is not shifted to a permanent building and site as per NCTE norms. In the commission's report

dated 10.04.2017, it is also stated that out of 37 students enrolled for the first year B.Ed., programme, not even a single student was present on 10.04.2017 and out of 21 students enrolled for the second year B.Ed., programme, only four students were present on 10.04.2017. Also, as pointed out by the respondent-university, the lease agreement dated 09.01.2017 produced by the petitioner-college does not contain the signature of the witnesses and it has not been registered.

10. Thus, there are several violations/lapses pointed out by the respondent-university and the petitioner-college has not functioned properly with the true spirit of imparting quality Teachers Training to the candidates enrolled in their college. It is also seen that the petitioner college has maintained false records to dupe the educational authorities. Since the petitioner college has not been taken diligent steps in carrying out the directions of the respondent-university for grant of permanent affiliation, they are not entitled to the relief sought for in the present Writ Petition.

5. Admittedly, as against the order dated 09.04.2018 dismissing WP No. 6085 of 2018, the second respondent-college has not filed any appeal and therefore, the order dated 09.04.2018 reached a finality.

6. While so, for the same relief, the appellants, who are students of the second respondent University, have now filed the present writ petition by stating that they are innocent and they should not be made to suffer for the lapses committed by the second respondent College. When already the same issue was dealt with by this Court and declined to grant any relief, for the same relief, a second writ petition is not maintainable. As rightly pointed out by the learned single Judge, this writ appeal has been filed at the instigation of the second respondent college. There is no merits in the present appeal and the order passed by the learned single Judge, dismissing the writ petition filed by the appellants, does not warrant any interference by us. The appellants are at liberty to proceed against the second respondent institution for damages in a manner known to law.

7. In the result, we confirm the order dated 20.07.2018 passed in WP.No.12970 of 2018. Resultantly, the Writ Appeal

fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rsh

The Registrar,  
Tamil Nadu Teachers Education University,  
Kanagaianman Koil Street,  
Karambakkam, Chennai-97.

+lcc to Mr.V.Venkatesan Advocate, S.R.No.9496

W.A.No.3766 of 2019  
AND CMP.No.23832 OF 2019

AK-II(CO)  
CS/30/03/2021



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