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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP Nos.31184 of 2019 & 4416 of 2021 &
W.M.P. Nos.31323, 31317, 16860, 16961, 5019 of 2021, 11933 of
2020 31320 of 2019

Usha Latchumanan College of Education,
(administered by SMG Anjalai Ammal Educational Society),
Rep by its Correspondent,
Vazhapadiar Nagar, Thirukkanur,
Puducherry 605 501

...Petitioner in both WPs

-Vs-

1. Pondicherry University,
Rep. By its Registrar,
R.Venkataraman Nagar,
kalapet, Puducherry - 605 014.
2. The Dean, College Development Council,
Affiliation Wing, Pondicherry University,
R. Venkataraman Nagar,
kalapet, Puducherry - 605 014.
3. The Regional Director,
National Council for Teacher Education (NCTE),
Southern Regional Committee,
Jnana Bharathi Campus Road,
Opp. National Law School,
Nagarabhavi, Bangalore - 560072.
(R3 SUO MOTU Impleaded vide order
dated 18.09.2020 made in WP.31184 of 2019)

...Respondents in both WPs

Prayer in WP No.31184 of 2019 :- Writ Petition under Article
226 of the Constitution of India praying for the issuance of a



Writ of Certiorarified mandamus to call for the records culminating in the Passing of REF.PU/AW-1/24/2019-20/68 dated 17.7.2019 and the consequential PU/AW-DEO/EDN Colleges/2019-20/78 dated 7.8.19 of the 2nd Respondents and quash the orders thereon and to consequently direct the Respondents to extend the Provisional Annual Affiliation to the Petitioner for B.Ed. 2 yrs Course for the academic year 2019-2020 including approval of Staff List.

Prayer in WP No.4416 of 2021 :- Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus directing the respondents to extend the Provisional Annual Affiliation to the petitioner for B. Ed. 2 years Course for the academic year 2020 - 2021 including approval of Staff List within a time frame to be fixed by this Honourable Court.

For Petitioner : S.Gajendran
in both WPs

For Respondents : Mrs.A.V.Bharathi
in both WPS Standing counsel for R1
 Mr.M.Ravi,
 Standing Counsel for R2
 Mr.Su.Srinivasan
 Standing counsel for R3

COMMON ORDER

The issue involved in both the writ petitions are common and hence they are taken up together, heard and disposed of through this Common order.

2. The Subject matter of challenge in WP No. 31184 of 2019 pertains to the proceedings of the Pondichery University refusing to grant affiliation for the academic year 2019-2020 on the ground of serious lapses that were found in the petitioner institution. Similarly WP No. 4416 of 2021 pertains to the refusal on the part of the Pondichery University to grant affiliation for the academic year 2020-2021.

3. The petitioner institution was granted recognition during the academic year 2004-05 and this recognition and



affiliation continued till the academic year 2018-19. Thereafter certain serious deficiencies were found in the institution run by the petitioner and hence the Pondicherry University refused to extend the affiliation for the academic year 2019-2020 and 2020-2021.

4. The Pondicherry University has filed a counter affidavit. A careful reading of the counter affidavit shows that there are certain serious deficiencies that have been pointed out against the petitioner institution and therefore, the institution was not given the affiliation for two academic years.

5. When the matter was taken up for hearing on 13.08.2021, this Court passed the following order :-

It is brought to the notice of this Court by the learned standing counsel appearing on behalf of the Pondicherry University that nearly 18 deficiencies were pointed out to the petitioner College and was asked to rectify the deficiencies.

2. Without doing the same, every academic year, the petitioner College is approaching this Court and using the students as a shield and through interim orders, the students are allowed to write the examinations and their mark is also directed to be published. The learned counsel submitted that the petitioner College should not have run the institution even without getting an affiliation from the University and therefore, there is no question of permitting the students once again to write the examinations.

3. The learned counsel appearing on behalf of the NCTE submitted that he will take instructions from the NCTE with regard to the deficiencies pointed out by the University and report before this Court.

4. The learned counsel appearing on behalf of the University in W.P.No.31184/2019 sought for some time.

5. Taking into consideration the facts and circumstances of the case, this Court wants to



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pass a final order in this writ petition and there is no question of permitting the students to write the examination without the issue of affiliation being finalised by this Court. This Court has been taking a consistent stand that without any approval or affiliation, an Institution should never be allowed to run by means of interim orders of Court. This practice has been frowned upon by the Hon'ble Supreme Court in various judgments.

6. Post these cases under the caption 'for orders' on 31.08.2021. In the meantime, the learned counsel appearing on behalf of the petitioner and the University shall get ready to argue the case finally.

6. When the matter was taken up for hearing today, the learned standing counsel appearing on behalf of NCTE filed the proceedings of the meeting that was held on 13th and 14th of May 2019. The relevant portions from the Minutes of the meeting is extracted hereunder :-

It is observed from the records that this is an existing institution offering B.Ed. Course with 2 units and made an application seeking grant of recognition of course with 2 units and made an application seeking grant of recognition of BA.B.Ed. (4 year integrated programme). The application was processed and the Visiting Team was constituted and the VT Report obtained. There are several misconnects between the BT Report observations and the records made available. The correspondent confessed before the Committee that they are holding the land which is not sufficient to run both B.Ed. And B.A.B.Ed. (4 year integrated) programmes, even the management is not running the B.Ed. (2 year) programme in the desired manner. For instance, on opening the institution's website no bit of information is available. Further, the representative / correspondent of the management is trying to mislead the Committee and trying to furnish invalid recognition and affiliation from the University allied for applications for admission



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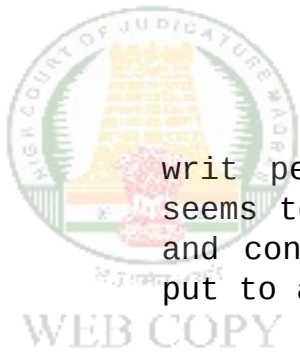
into B.A.B.Ed. / B.Sc. B.Ed. 4 years' integrated programme which is a cognizable irregularity. Therefore, the Committee is of the opinion that the request of the management is rejected.

Further, the information furnished by the VT Members in the prescribed format is all contradictory and also not in consonance with the observations made by the representative of Pondicherry University and attended the 375th meeting of SRC as State representative of A & N Islands, who visited the institution for extending affiliation for existing B.Ed. Course of two years' duration. The report that he submitted to the University is self-explanatory. In view of the prevailing contradiction in the VT Report and the actual position in the institution the Committee is of the opinion that the members of VT Team ((i) Dr. P.C.Krishnaswamy, Principal, Deptt. Of Physical Education, Bangalore University, Bangalore and (ii) Dr. Man singh, Department of B.Ed., S.C.College, Ballia, U.P.) may be blacklisted for any kind of future assignment in NCTE with an information to the employer.

Since the above decision was passed in presence of Dr. M.Latchumanan, Authorized representative of Institution, there is no need to communicate the said decision to the Institute. As far as Blacklisting of VT team is concerned the same has already been informed to the Member Secretary, NCTE vide latter dated 12.06.2019.

7. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of respondents.

8. Taking into consideration the facts and circumstances and the serious deficiencies that have been pointed out against the petitioner institution both by the NCTE as well as the Pondicherry University, this Court does not find any ground to interfere with the decision taken by the NCTE and Pondicherry University. The institution cannot be allowed to function in this manner and it will make the future of all those budding teachers uncertain. There are absolutely no merits in both the



writ petitions and the attempt of the petitioner institution seems to be to get some interim order from this Court every time and continue to run the institution. Such a practice has to be put to an end by this Court.

9. In the result, both the writ petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

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To

1. The Registrar,
Pondicherry University,
Venkataraman Nagar,
Kalapet, Puducherry - 605 014.
2. The Dean, College Development Council,
Affiliation Wing, Pondicherry University,
Kalapet, Puducherry - 605 014.
3. The Regional Director,
National Council for Teacher Education (NCTE),
Southern Regional Committee,
Jnana Bharathi Campus Road,
Opp. National Law School,
Nagarabhavi, Bangalore - 560072.

+2ccs to Mr.L.S.M.Hasan Fizal, Advocate, S.R.No.45749 & 45750

+1cc to Mrs.A.V.Bharathi, Advocate, S.R.No.45260

+1cc to Mr.M.Ravi, Advocate, S.R.No.45405

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MG(CO)
RLP(13/10/2021)