



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.32710 OF 2019

AND

W.M.P.NO.33128 OF 2019

Sri Shirdi Sai B.Ed College,
Represented by its Chairman,
V.Govindaraju,
Chinnakottapalli Village,
Periya Kottapalli Post,
Krsihnagiri Taluk & District - 635 001.

... Petitioner

.Vs.

1. The National Council for Teacher Education,
Rep. by its Member Secretary,
Hans Bhawan Wing II,
1, Bahadur Shah Zafar Marg,
New Delhi - 110 002.
2. The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
G-7, Sector - 10,
(Near Sector-10 Metro Station)
New Delhi - 110 075.
3. The Tamil Nadu Teacher Education University,
Rep. by its Registrar,
Gangaiamman Kovil Street,
Karapakkam,
Chennai - 600 097.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd in F.SRO/NCTE/SRCAPP2005/B.Ed./TN/2019111063 dated 30.10.2019 and quash the same and consequently forbearing the respondents or their agents from in any manner implementing the said requirements under the said proceedings, by the



respondents before the completion of the process of the committee constituted by the First respondent as assured before this Court in W.P.No.999 of 2015 and order dated 23.02.2016 and as per Public Notice dated 03.10.2016 again reiterated by the 1st respondent vide No.F 64-7/2015/NCTE/Legal-VOI-III dated 27.07.2017 for giving recommendations for alterations, modifications or deletions to the Regulations of 2014, superseded by Regulation 2017.

For Petitioner : Mr.P.Srinivas

For Respondents
R1 and R2 : Mr.S.U.Srinivasan
Standing Counsel

For Respondent R3 : Mr.U.Venkatesan

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamusto call for the records of the 2nd in F.SRO/NCTE/SRCAPP2005/B.Ed./TN/2019111063 dated 30.10.2019 and quash the same and consequently forbearing the respondents or their agents from in any manner implementing the said requirements under the said proceedings, by the respondents before the completion of the process of the committee constituted by the First respondent as assured before this Court in W.P.No.999 of 2015 and order dated 23.02.2016 and as per Public Notice dated 03.10.2016 again reiterated by the 1st respondent vide No.F 64-7/2015/NCTE/Legal-VOI-III dated 27.07.2017 for giving recommendations for alterations, modifications or deletions to the Regulations of 2014, superseded by Regulation 2017.

2. Heard the arguments advanced on either side.

3. The case of the petitioner is that the petitioner is a Self Financing College which was recognized by the respondents under the provisions of the National Council for Teacher Education (NCTE) Act. In 2014, the respondents have amended the old NCTE Act and introduced the new NCTE Act, 2014. Certain provisions in the said Act were challenged before this Court in W.P.No.999 & 1000 of 2015 and the same was disposed by the First Bench on recording the submission that the provisions of the Act was under revisitation and a committee was formed to look into that. Even after the order has been passed by this Court, the respondents insisted the petitioner college along with other colleges to comply with the new regulations due to which, the



concerned colleges filed Writ Petitions against the respondents seeking mandamus restraining them from seeking implementation. In the meanwhile, the respondents have also filed Review Application against the order passed in W.P.No.999 & 1000 of 2015 and the same was dismissed by this Court on 28.07.2017. On perusing the Writ Petitions filed by the colleges, this Court had directed the respondents not to precipitate the issue and the Transfer O.P's were filed before the Supreme Court and the Hon'ble Apex Court has transferred all the cases to the Delhi High Court and the cases are pending before the Hon'ble Delhi High Court. Even though the subject matter i.e, NCTE Act, 2014 is pending consideration before the Hon'ble High Court of New Delhi, the respondents are now insisting for compliance of the said Act and passed the present impugned order. Challenging the same, the Writ Petition has been filed.

4. The learned counsel appearing for the petitioner submitted that the petitioner college is a Teacher Education Institution (TEI) which is duly recognized by the second respondent under Section 14 and 15 of the NCTE Act, 1993 and has been running the courses in accordance with norms and standards as laid down by the NCTE from time to time. A Memorandum of Understanding has been entered into by the Respondent with the NAAC for inspecting the institutions and granting accreditation. As per the same, the petitioner has applied before the NAAC for the accreditation and the said process has been completed by NAAC and the said accreditation is valid for a period of 5 years from the date of the certificate.

5. While so, in the month of September 2019, the respondent has come to a decision to impose upon the TEIs the cumbersome exercise of complying with the 2014 regulations as amended in 2015, and imposed the requirement of getting the various documents and certificates from various authorities, once again. Therefore, challenging to the said 2014 Regulations, the petitioner college as well as other similar institutions filed Writ Petitions and sought to restrain the respondent from implementing the said Regulations. The said Writ Petitions were listed before the Division Bench on 28.07.2017 and apart from this the respondent had also filed a Petition for Review of the order passed in W.P.No.999 and 1000 of 2015. This Court dismissed the Review Petition filed by the respondent and subsequently allowed the Writ Petitions filed by the institutions with a direction not to insist for the compliance of the 2014 Regulations. But in the meanwhile, the respondent issuing the Show Cause notices, has made it compulsory for the institutions to carry out its wishes under the 2014 Regulations. Hence, without going into the merits of the case, it would suffice, if this Court quash the impugned order passed by the 2nd respondent and remand the matter back with a direction to grant



an opportunity to the petitioner college for making their submissions before the concerned respondents.

6. On the above contention, this Court heard the submissions made by the counsels for the Respondents 1 to 3.

7. A perusal of the material available on record reveal that the 2014 Regulations were put to test before this Court in W.P.NO.999 and 1000 of 2015 in which this Court had passed certain directions and the review petition filed by the respondent has also been dismissed. The Special Leave Petitions are pending before the Hon'ble Apex Court without any interim orders. Such being the case, the respondents cannot enforce Regulations, 2014 on the petitioners. The respondents are duty bound to follow the orders as are subsisting as on date till the appeal is decided by the Hon'ble Supreme Court. The act of the respondents in insisting to follow Regulations, 2014, in spite of the directions of this Court in wholly unsustainable and impermissible.

8. For the reasons aforesaid, the impugned order passed by the respondents is set aside and the matter is remanded to the respondents and the petitioner is permitted to submit appropriate reply to the 2nd respondent within a period of one week from the date of receipt of a copy of this order and the 2nd respondent is directed to pass orders in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of four weeks thereafter.

9. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Member Secretary,
The National Council for Teacher Education,
Hans Bhawan Wing II,
1, bahadur shah zafar marg,
New Delhi - 110 002.



WEB COPY

2. The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
G-7, Sector - 10,
(Near Sector-10 Metro Station)
New Delhi -110 075.

3. The Registrar,
The Tamil Nadu Teacher Education University,
Gangaiamman Kovil Street,
Karapakkam,
Chennai -600 097.

+1cc to Mr.U.Venkatesan, Advocate, S.R.No.65525
+1cc to Mr.P.Srinivas, Advocate, S.R.No.66186

W.P.NO.32710 OF 2019 AND
W.M.P.NO.33128 OF 2019

GPL (CO)
PBS/28/01/2022