



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.1744 of 2021

and

W.M.P. (MD) Nos.1490 & 1491 of 2021

WEB COPY

Dr.Vellasamy Nadar

.. Petitioner

Vs

1.The Regional Director,
The Southern Regional Committee,
National Council for Teacher Education,
1st Floor, CSD Building, HMT Post,
Bangalore 560 031.

2.The Secretary to Government,
School Education (ERT) Department,
The Secretariat, State of Tamilnadu,
Chennai-9.

3.The Director,
State Council of Educational Research and Training,
College Road,
Subba Road Avenue,
Nungambakkam,
Chennai 600 006.

4.The Principal,
District Institute of Education and Training,
Aduthurai 612 101,
Thanjavur District.

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned G.O(Ms) No.87, School Education (ERT), Department dated 28.05.2019 issued by the 2nd respondent and the consequential impugned order in Na.Ka.No.1731/E1/2019 dated 21.10.2019 issued by the 3rd respondent and quash the said G.O.No.87/2019, to the extent of including self financed institution like our institute viz., Dr.Vellasamy Nadar Teacher Training Institute in it and also the said consequential impugned order dated 21/10/2019 passed by the 3rd respondent and direct the 3rd respondent to approve the admission of students to the 1st year in Diploma in Teacher Education (D.T.Ed)Course in the said institute.

For Petitioner

: Mr.C.Dhanaseelan

For R1

: Mr.Su.Srinivasan

Central Government Standing Counsel

For R2 to R4

: Mr.Sricharan Rangarajan

Additional Advocate General assisted by



Mrs.J.Lakshmi Prasanna
Government Advocate

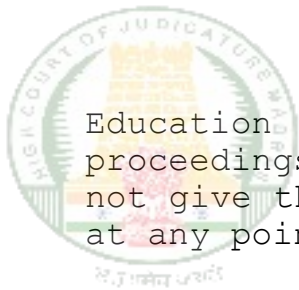
ORDER

The petitioner is a teacher in a training institution affiliated to the 3rd respondent. It is a self financed institution and was granted recognition by the 1st respondent and affiliated to the 3rd respondent. According to the petitioner institution, the 1st respondent is the competent authority for granting recognition and the annual intake of students was fixed as 50 and the institution has been running successfully from the year 2011 onwards.

2.During the last academic year 2019-2020, the total strength of the students had come down sharply and only 15 students were admitted out of the total intake of 50 students. In view of the reduced students strength, the 3rd respondent issued proceedings dated 21.10.2019, calling upon the petitioner's institution to show cause as to why the 1st respondent should not be recommended to withdraw the recognition granted to the petitioner institution for the following academic year 2020-2021. In the communication, the 3rd respondent referred to G.O.Ms.No.87, School Education (ERT) Department, dated 28.05.2019.

3.According to the petitioner institution, they have filed a writ petition in W.P.(MD) No.13478 of 2020 before this Court seeking to quash the impugned show cause notice issued by the 3rd respondent, dated 21.10.2019. The said writ petition is pending for final consideration before this Court. According to the petitioner institution, at the time, when the earlier writ petition was filed, the petitioner was not aware of G.O.Ms.No.87, School Education (ERT) Department, dated 28.05.2019 and also was not having a copy of the said Government Order and hence, the show cause notice purported to have been issued under G.O.Ms.No.87, School Education (ERT) Department, dated 28.05.2019 alone was challenged. Now, a copy of the said Government Order is available and challenging the said Government Order, the petitioner is before this Court.

4.This Court is unable to appreciate the case of the petitioner institution for the reason that when the earlier writ petition was filed by the petitioner questioning the action of the 3rd respondent, dated 21.10.2019, which is pending before this Court, it is not open to the petitioner to challenge the G.O.Ms.No.87, School Education (ERT) Department, dated 28.05.2019 in another writ petition needlessly multiplying the litigations before this Court for the same cause of action. Merely because the petitioner did not have the copy of the said Government Order at the time when the earlier writ petition was filed, it cannot be the reason for entertaining the second writ petition on the same cause of action. Therefore, the failure to challenge the G.O.Ms.No.87, School



Education (ERT) Department, dated 28.05.2019 in the earlier proceedings, when the Government Order was very much available, does not give the petitioner right to challenge the said Government Order at any point of time, according to his convenience.

5.The reason stated by the petitioner institution that a copy of the G.O.Ms.No.87, School Education (ERT) Department, dated 28.05.2019 was not available, cannot not be accepted by this Court. Any Government Order can always be sought and obtained, but without taking any effort, the earlier challenge was made against the show cause notice carelessly and in order to fill up the gap in the short coming of the challenge, the present writ petition is filed. Such attempt by the petitioner ought not to be encouraged and allow the Court to be needlessly burdened with litigations as a consequence of the petitioner's carelessness. It is needless to mention that it is always open to the petitioner to move this Court in a pending writ petition (W.P.(MD) No.13478 of 2020) seeking appropriate relief, but for the stated reason, another writ petition for the same grievance of the petitioner cannot be entertained by this Court.

6.In view of the same, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

- 1.The Secretary to Government,
School Education (ERT) Department,
The Secretariat, State of Tamilnadu,
Chennai-9.
- 2.The Director,
State Council of Educational Research and Training,
College Road,
Subba Road Avenue,
Nungambakkam,
Chennai 600 006.
- 3.The Principal,
District Institute of Education and Training,
Aduthurai 612 101,
Thanjavur District.



+1 CC to M/s.GP (SR-3364[F] dated 04/02/2021)

+1 CC to M/s.SU.SRINIVASAN, Advocate (SR-3240[F] dated 04/02/2021)

+1 CC to M/s.C.DHANASEELAN, Advocate (SR-3383[F] dated 04/02/2021)

WEB COPY

W.P. (MD) No.1744 of 2021
03.02.2021

NA (CO)

KB (31.03.2021) 4P 7C