



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.2432 of 2021

and

W.M.P (MD) No.2006 of 2021

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R.Jeslin Amala Rani

...Petitioner

Vs.

1.The State of Tamil Nadu

Represented by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.

2.The National Council for Teacher Education,

Represented by its Regional Director,
Southern Regional Committee (NCTE),
G-7, Sector-10, Dwarka,
Near metro station, Delhi-110 075.

3.The Director of Elementary Education,

College Road, Chennai-600 006.

4.The District Education Officer,

Thuckalay, Kanayakumari District-629 175.

5.The Block Educational Officer,

Thuckalay, Kanyakumari District-629 175.

6.The Manonmaniam Sundaranar University,

Represented by its Registrar,
Abishekapatti, Tirunelveli-627 012.

7.The Correspondent,

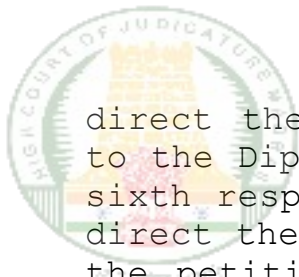
St.Josephs Primary School,
Manalickarai-629 164,
Kanyakumari District.

8.The Principal,

Ramachandra Community College,
Erachakulam,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the second respondent NCTE vide proceedings in F.No.SRC/NCTE Legal 000122/2019-115610 dated 05.03.2020, quash the same and further



direct the second respondent NCTE to grant recognition forthwith to the Diploma in Pre-School Teacher Education Course given by the sixth respondent University from the year 1999 to 2006 and further direct the respondents 3 to 5 herein to approve the appointment of the petitioner as Elementary Grade Teacher (Junior Grade) in the seventh respondent school for the period between 02.06.2005 and 31.05.2010 and disburse the grand-in-aid towards the salary and other allowances for the said period.

For Petitioner : Mr.T.Cibi Chakraborty

For R-1, R-3 to R-5 : Mr.N.Shanmugaselvam,
Additional Government Pleader

For R-2 : Mr.Su.Srinivasan

For R-6 : Mr.M.Mahaboob Athiff

O R D E R

The impugned order, dated 05.03.2020, is reply to the sixth respondent University stating that their representation are not in accordance with NCTE rules and regulations and therefore, the request for grant of recognition retrospectively for running Pre School Teacher Education Course is not feasible. If at all any person is aggrieved against this communication, it can only be the University i.e., sixth respondent, since this communication is only between NCTE and the University.

2.The petitioner herein seeks for quashing this impugned communication between NCTE and the University and consequently, seeks for a direction for approval of his appointment as Elementary Grade Teacher in the seventh respondent School. Since no consequential order has been passed by the University rejecting the petitioner's request for approval and also that the sixth respondent University alone would be the person aggrieved against order, dated 05.03.2020 and in the absence of any consequential order, the petitioner has no *locus standi* to file the present writ petition. In the case of ***R.K.Jain Vs Union of India (UoI) and others*** reported in ***1993 (4) SCC 119***, the three Judges of the Hon'ble Supreme Court had held in Paragraph No.75 that in Service jurisprudence, it is settled law that it is for the aggrieved person i.e., non-appointee to assail the legality of the offending action. Third party has no *locus standi* to canvass the legality or correctness of the action.

3.However, if any, consequential order is passed by the respondent University rejecting the petitioner's approval, it is always open to her to challenge the same in accordance with law.



4. In this background, there are no merits in the present writ petition. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Secretary,
State of Tamil Nadu
Department of School Education,
Fort St. George, Chennai-600 009.
 2. The Director of Elementary Education,
College Road, Chennai-600 006.
 3. The District Education Officer,
Thuckalay, Kanayakumari District-629 175.
 4. The Block Educational Officer,
Thuckalay, Kanyakumari District-629 175.
- +1 CC to SPL GP (SR-4665[F] dated 12/02/2021)

W.P. (MD) No.2432 of 2021
10.02.2021

KM (11.03.2021) 3P 6C