



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.02.2021

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P(MD)No.2375 of 2021

and

W.M.P(MD)No.1977 of 2021

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T.Mary Praba

...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 Educational Officer,
Thuckalay,
Kanyakumari 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,
Manalikarai - 629 164,
Kanyakumari District.



8. The Principal,
Asir Community College,
Pathinathapuram Via
Vadakkankulam,
Kanyakumari District

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.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the record relating to the impugned proceedings issued by the 2nd respondent NCTE vide proceedings in F.No.SRC/NCTE/Legal 000122/2019-115610 dated 05.03.2020, quash the same and further direct the 2nd respondent NCTE to grant recognition forthwith to the Diploma in Pre-School Teacher Education Course given by the 6th 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 7th respondent school for the period between 02.06.2005 and 31.05.2010 and disburse the grant-in-aid toward the salary and other allowance for the said period.

For Petitioner	: Mr.T.Cibi Chakaraborthy
For Respondent	: Mrs.Lakshmi Prasanna,
Nos.1 and 3 to 5	Government Advocate
For Respondent	: Mr.Mehaboob Athiff
No.6	

ORDER

The case of the petitioner is that she joined services as Elementary Graduate Teacher (Junior Grade) on 02.06.2005 in the 7th respondent School. The School is a recognised and an aided minority institution. According to the petitioner that she was appointed against the permanent vacancy arose on account of the retirement of a previous incumbent one A.Sarojini on 31.05.2005.

2.After her appointment, the school submitted a proposal on 13.07.2006, to the District Elementary Educational Officer for grant of approval for the purpose of disbursement of grand-in-aid towards her salary. However, the proposal was returned on 18.07.2006 stating that whether the Diploma awarded by the Manonmaniam Sundaranar University had been recognised by the National Council for Teachers Education (NCTE) and whether there was any Government Order recognising the Diploma which was possessed by the petitioner. The proposal was returned to the 7th respondent.



3. According to the petitioner a number of correspondences were exchanged in regard to the validity of the qualification and in that regard the petitioner herself was constrained to approach this Court in W.P.(MD)No.9051 of 2001, seeking a direction to grant approval of the appointment and disbursement of salary admissible to her. While so, NCTE gave a public notification in the New Indian Express on 29.10.2006 inviting attention of the institutions conducting Teacher Training Programmes with University affiliation, without NCTE recognition, to apply immediately to the Regional Committee for recognition and validation in terms of NCTE (Amendment and Validation) Ordinance 2006.

4. This Court on this development, disposed of the writ petition on 13.02.2006 directing the University to submit a proposal to NCTE within one week for grant of approval to the Diploma courses and further directing the NCTE to pass appropriate orders within six weeks.

5. In pursuance of the above direction finally the NCTE announced that the Manonmaniam Sundaranar University had not obtained recognition for running Pre-Primary Courses and the State Government has not prescribed any curriculum for the same and the University has not submitted any formal application to the NCTE for the recognition for the courses. In view of the above circumstances, the petitioner once again approached this Court challenging the proceedings of the NCTE dated 07.08.2007 in W.P (MD)No.4277 of 2008. The petitioner has also filed yet another writ petition in W.P(MD)No.10722 of 2007 against the action of the 7th respondent School instructing her not to sign the attendance register in view of the non-recognition of her diploma course.

6. It also transpired that the petitioner also stopped working in the school with effect from 31.05.2010 and therefore, the writ petition in W.P(MD)No.10722 of 2007 also came to be withdrawn. As regards the other writ petition in W.P.(MD)No.4277 of 2008, which came to be disposed on 19.11.2018 directing the Manonmaniam Sundaranar University to submit an application to the NCTE and the NCTE was again directed to pass orders.

7. While the matter stood thus, the NCTE once again rejected the proposal / application of the University vide proceedings dated 05.03.2020.

8. Challenging the latest proceedings of the NCTE the petitioner is before this Court.

9. At the outset this Court is unable to understand how the



writ petition would be maintained at the instance of the writ petitioner. In the opinion of this Court, she has no *locus standi* to challenge the proceedings of the NCTE and if at all any one is aggrieved by the action of the NCTE, it is University the 6th respondent herein. In fact the learned Standing Counsel for the University when enquired by this Court has submitted that the University is not inclined to pursue the matter any further.

10.No doubt the petitioner may have been affected by non-recognition of her course, but on the basis of her personal interest, it cannot compel the University to obtain recognition nor it can compel the NCTE to give recognition. The issue is purely between the University concerned and the NCTE. The petitioner cannot compel the University to pursue the matter for seeking recognition nor mandate the NCTE to grant recognition to the Diploma courses without the University evincing any interest in the matter.

11.When this matter was being heard, this Court was informed that in a similar writ petition, a learned Judge of this Court has dismissed the writ petition on the basis of the *locus* of the petitioner in W.P(MD)No.2432 of 2021 dated 10.02.2021.

12.In view of the additional development as above and also for the reasons that the writ petition cannot at all be maintained at the instance of the writ petitioner, this Court is not inclined to entertain this writ petition any further.

13.Therefore, this writ petition stands dismissed on the ground that the petitioner has no *locus standi*. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (AD II)

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/ /2021

Sub Assistant Registrar(CS)

To
dsk

1. The Secretary,
Department of School Education,
Fort St.George, Chennai - 600 009.



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National Council for Teacher Education,
Southern Regional Committee (NCTE),
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5. The Block Educational Officer,
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+1 CC to MR.T.CIBI CHAKRABORTHY, Advocate (SR-5053[F] dated 15/02/2021)

+1 CC to SGP (SR-4916[F] dated 15/02/2021)

W.P (MD) No.2375 of 2021
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