



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice T.S.SIVAGNANAM
and
The Hon`ble Mrs.Justice S.ANANTHI

CMP(MD) Nos.2614 & 2615 of 2021
in W.A.(MD) No.571 of 2021

D.V.D TEACHER TRAINING INSTITUTE,
REP. BY ITS SECRETARY,
KOTTAR-629 002,
NAGERCOIL,
KANYAKUMARI DISTRICT.

... PETITIONER/ APPELLANT
IN BOTH THE PETITIONS

Vs

1 THE REGIONAL DIRECTOR
NATIONAL COUNCIL FOR TEACHER EDUCATION,
SOUTHERN REGIONAL COMMITTEE,
G-7 SECTOR -10 DWARAKA,
DELHI-110 075.

2 THE DIRECTOR
STATE COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING
COLLEGE ROAD, DPI CAMPUS,
CHENNAI-600 006.

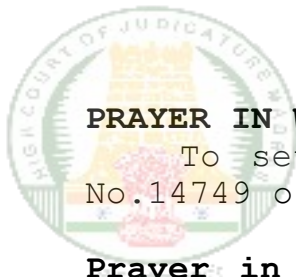
... RESPONDENTS/ RESPONDENTS
IN BOTH THE PETITIONS

PRAYER IN CMP(MD) No.2614 of 2021:

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue suitable Ad-Interim Orders directing the 2nd respondent to approve the admission of 21 students admitted in the appellant-institute for the academic year 2020-2021 (names given in the annexure) and permit them to take part in the 1st and 2nd year Diploma in Teacher Education (DTED) Course Examinations, pending disposal of the Writ Appeal.

Prayer in CMP(MD) . 2615/ 2021 :

To grant an order of Interim Stay of the impugned proceedings issued by the 2nd respondent herein in Na.Ka.No.1731/E1/2019 dated 28.09.2020, pending disposal of the Writ Appeal.



PRAYER IN W.A. (MD) No.571 of 2021:

To set aside the order dated 04.03.2021 in Writ Petition(MD) No.14749 of 2020 and allow the Writ Appeal.

Prayer in Writ Petition(MD)No.14749 of 2020: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the second respondent herein in Na.Ka.No.1731/E1/2019, dated 28.09.2020, quash the same, and further direct the second respondent herein to approve the admission of all the eligible students in the petitioner institute for the academic year 2020-2021 in pursuance to the recognition granted by the first respondent herein.

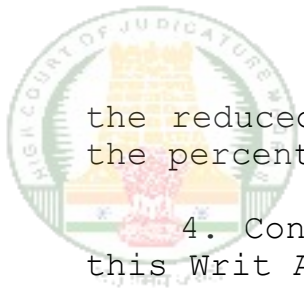
ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.E.V.N.SIVA, Advocate for the petitioner in both the petitions and of Mr.SRINIVASAN, Advocate for the 1st respondent in both the petitions and Mrs.S.SRIMATHY, Special Government Pleader on behalf of the 2nd Respondent in both the petitions, While admitting the Writ Appeal, the court made the following order:-

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.E.V.N.Siva, learned counsel appearing for the appellant, Mr.Srinivasan, learned counsel appearing for the first respondent and Mrs.S.Srimathy, learned Special Government Pleader appearing for the second respondent.

2. The appellant is an Educational institution, imparting education in Diploma in Teachers Training, having been established in the year 1953.

3. The challenge in the writ petition was to an order passed by the second respondent, dated 28.09.2020 declining to approve the admission of the students to the appellant Institution for the academic year 2020-2021, on the ground that for the previous academic year, the students strength had fallen lesser than 22.5% as only 18 students were admitted. One factor we need to note that since the Government of Tamil Nadu has not recruited the Secondary Grade Teachers for a considerable period of time, the students, who were desirous of undergoing such Diploma course had reduced considerably. This probably resulted in the fall in admission for the academic session 2019 - 2020. Realising this position, the appellant Institution addressed the respondents requesting them to reduce the sanctioned strength from 80 students to 40 students. This was approved during August 2020. For the academic session 2020-2021, the appellant institution has admitted 21 students. Thus, if



the reduced intake of 40 students is taken into consideration, then the percentage of admission is 50%.

4. Considering this aspect, this Court is inclined to entertain this Writ Appeal. Accordingly, this Writ appeal is admitted.

5. During the pendency of the writ petition, the appellants institution had the benefit of an interim order, dated 14.12.2020. Since we have admitted the appeal, we are of the view that the benefit of such interim order which was in force during the pendency of the writ petition should continue till the disposal of the Writ appeal.

6. Accordingly, the students should be permitted to continue the course and also undertake the examination. However, the certificates can be granted only after the disposal of the writ appeal. The appellant/Management is directed to inform all the students in writing about this interim order and get appropriate acknowledgment from the students and retain the same and produce at the time of appeal is heard finally.

7. With the above observations, the Civil Miscellaneous Petitions are disposed of.

sd/-
17/04/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 REGIONAL DIRECTOR
NATIONAL COUNCIL FOR TEACHER EDUCATION,
SOUTHERN REGIONAL COMMITTEE,
G-7 SECTOR -10 DWARAKA, DELHI-110 075.

2 THE DIRECTOR
STATE COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING
COLLEGE ROAD, DPI CAMPUS, CHENNAI-600 006.

+1 CC to M/s.E.V.N.SIVA, Advocate (SR-3226[I] dated 20/04/2021)
ORDER N
CMP(MD) Nos.2614 & 2615 of 2021
in W.A.(MD) No.571 of 2021
Date :17/04/2021

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