



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8342 of 2021

and

W.M.P (MD) .Nos.6318 &6319 of 2021

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The Secretary,
Anna Vinayagar College of Education,
Ganapathipuram,
Agastheeswaram Taluk,
Kanyakumari District-629 502.

... Petitioner

Vs.

1.The National Council for Teacher Education,
Rep. by its Member Secretary,
G-7, Sector-10, Dwarka,
New Delhi- 110 075.

2.The Regional Director,
The Southern Regional Committee,
National Council for Teacher Education,
G-7, Sector-10, Dwarka,
New Delhi-110 075.

3.The Tamil Nadu Teacher Education University,
Rep. by its Registrar,
Gangaiammam Koil Street,
Karapakkam,
Chennai-600097.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned Letter No.TNTEU/R/Withdrawn Affiliation/2021/186 dated 02.02.2021 issued by the 3rd respondent University cancelling the affiliation of the petitioner's College for offering B.Ed., degree course with the admission capacity of 100 seats per annum from the academic year 2020-2021 and quash the same.

For Petitioner : Mr.Issac Mohanlal
Senior Counsel
for Mr.K.Ragatheesh Kumar

For Respondent Nos.1&2 : Mr.Su.Srinivasan

For Respondent No.3 : Mr.V.Venkatesan



ORDER

This writ petition has been filed challenging the impugned letter issued by the third respondent dated 02.02.2021 cancelling the affiliation granted to the petitioner College from the Academic year 2020-2021.

2. The case of the petitioner is that the second respondent passed an order through proceedings dated 16.02.2021 withdrawing the recognition of the College from the Academic year 2021-2022. As against the said order, the petitioner had filed the statutory appeal before the first respondent and enquiry was conducted in the appeal and it was pending for final orders.

3. In the meantime, the third respondent issued the impugned letter dated 02.02.2021 withdrawing the recognition of the petitioner College from Academic year 2020-2021 mainly based on the reason that the second respondent had withdrawn the recognition of the College.

4. When the matter was taken up for admission on 22.04.2021, this Court passed the following order:

"Mr.Su.Srinivasan, learned Standing Counsel takes notice on behalf of the respondents 1 and 2. Notice to the third respondent returnable by 16.06.2021. Private notice is also permitted.

2.It is seen from the records that the recognition that was granted to the Petitioner was withdrawn by the second respondent effective from the academic year 2021-2022 by proceedings, dated 16.02.2021.Aggrieved by the same, the Petitioner has filed a statutory appeal before the first respondent and it is stated that the enquiry was also conducted by the first respondent on 01.04.2021 The orders are awaited from the first respondent. In the meantime, third respondent has proceeded to pass the impugned order, dated 2.2.2021 withdrawing the affiliation granted in favour of the Petitioner even for the academic year 2020-21. The main ground that has been taken in the Writ Petition is that when the recognition itself has been withdrawn only for the academic year 2021-2022, the third respondent ought not to have withdrawn the affiliation for the academic year 2020-2021.This Court is of the view that the Petitioner has made out a prima facie case for grant of interim stay.



3. In view of the above, there shall be an order of interim stay as prayed for. Post this matter under the caption ''for orders'' on 16.06.2021."

5. The matter thereafter came up for hearing on 08.07.2021 and it was submitted by the learned counsel for the petitioner that the second respondent has resolved to continue the recognition of the College. By taking into account the said submission, this Court passed the following order:

"When the matter was taken up for hearing today, learned counsel for the petitioner brought to the notice of this Court, the additional affidavit filed by the petitioner along with a copy of Resolution datd 15.06.2021 and 16.06.2021 by R2 and submitted that R2 has resolved to continue the recognition of the college. In view of the same, the learned counsel for the petitioner submitted that R3 will have to continue the affiliation that was given to the College.

2. Learned counsel appearing for RR1&2 seeks time to get instructions. Similarly, learned counsel for R3 also seeks time to get instructions.

3. Post this case under the caption "for orders" on 15.07.2021 at 2.15 p.m."

6. When the matter was taken up for hearing today, the learned counsel appearing on behalf of the respondents 1 and 2 confirmed the fact that the respondents had resolved to continue the recognition granted to the petitioner College.

7. In view of the above development, the impugned letter issued by the third respondent University will have to be interfered by this Court since the letter itself was issued based on the earlier order passed by the second respondent dated 16.02.2021 withdrawing the recognition of the petitioner institution. The fact that the first and second respondents have resolved to continue the recognition of the petitioner institution, has to be taken into consideration by the third respondent and affiliation must be continued for the petitioner institution.

8. In the result, the impugned letter dated 02.02.2021 issued by the third respondent is hereby quashed and there shall be a direction to the third respondent to pass appropriate orders after taking into consideration the resolution passed by the second respondent to continue the recognition of the petitioner institution, within a period of four(4) weeks from the date of receipt of a copy of this order.



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9. This writ petition is allowed with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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 Member Secretary,
The National Council for Teacher Education,
G-7, Sector-10, Dwarka,
New Delhi- 110 075.

2.The Regional Director,
The Southern Regional Committee,
National Council for Teacher Education,
G-7, Sector-10, Dwarka,
New Delhi-110 075.

3.The Registrar,
The Tamil Nadu Teacher Education University,
Gangaiammam Koil Street,
Karapakkam,
Chennai-600097.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-22881[F]dated 16/07/2021)

+1 CC to M/s.SV.SRINIVASAN, Advocate (SR-22998[F] dated 16/07/2021)

**W.P. (MD) .No.8342 of 2021
15.07.2021**

RK (30.07.2021) 4P 6C