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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.4052 of 2022
and
W.M.P.No.4196 of 2022

The Principal,
M/s.Jenney's College of Education,
No.2/67, Manigandam Road, Ramji Nagar,
Tiruchy-620 009.

...Petitioner

Vs

1.The Regional Director,
Southern Regional Committee,
National Council for Teacher Education (NCTE),
G7, Sector 10 (Near Sector 10 Metro Station)
Dwaraka, New Delhi-110 075.

2.The Registrar,
Tamilnadu Teachers Education University,
Gangaiamman Koil Street, Karapakkam,
Chennai-97.

3.The Appellate Authority
National Council for Teacher Education (NCTE),
G7, Sector 10 (Near Sector 10 Metro Station)
Dwaraka, New Delhi-110 075.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to dispose of appeal dated 13.05.2021 filed by the Petitioner pending on the file of the 3rd respondent within time frame as may be prescribed by this Court.

For Petitioners : Mr.V.Lakshmi Narayanan
for M/s.Dass & Viswa Associates

For Respondents 1 & 3: Mr.Su.Srinivasan
Senior Central Government Standing
Counsel

For Respondent 2 : Mr.U.Venkatesan



O R D E R

Mr.Su.Srinivasan, learned Senior Central Government Standing Counsel accepts notice for R1 and R3 and Mr.U.Venkatesan, learned counsel accepts notice for R2. Since the matter falls within a short compass, this Writ Petition is disposed finally upon consent expressed by both the parties.

2. The petitioner, the Principal, Jenney's College of Education, prays for a Mandamus directing the 3rd respondent, who is the appellate authority, National Council for Teacher Education (NCTE) to dispose appeal dated 13.05.2021, filed by the petitioner and pending on its file.

3. Admittedly, the aforesaid appeal is pending disposal and Mr.Su.Srinivasan, would assure the Court that the appeal will be disposed after hearing the petitioner within a period of four weeks from today. This is recorded.

4. Coming to the interim protection sought for by the petitioner in regard to the permission for students in the B.Ed. Course (Academic year 2021-2022) to write the first semester examination scheduled to commence on 28.02.2022, I am afraid that this request is liable to be rejected.

5, Had the students been admitted prior to the withdrawal of recognition of the Institution, such prayer could well have been considered by the Court. However, the recognition of the petitioner Institution stands withdrawn on 10.03.2021, as against which the petitioner has chosen to file a statutory appeal before the 3rd respondent.

6. Having chosen to avail of the statutory remedy, this Court is not inclined to go into the merits or otherwise of the appeal pending before the authority and it is only within the domain of the appellate authority to consider the same.

7. Admittedly, the students for AY 2021-2022 have been admitted only in November, 2021 after the withdrawal of recognition. Thus, the question of treating them as regular students and permitting them to write the examinations does not arise. This request is rejected. The petitioner is at liberty to make a plea for regularisation of the students already admitted, which plea, if and when made, may be considered by the appellate authority in accordance with law and in line with applicable Rules and Regulations.



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8. The Writ Petition is disposed as above. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

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To

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Southern Regional Committee,
National Council for Teacher Education (NCTE),
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3.The Appellate Authority
National Council for Teacher Education (NCTE),
G7, Sector 10 (Near Sector 10 Metro Station)
Dwaraka, New Delhi-110 075.

+1cc to Mr.Su.Srinivasan, Advocate SR.No.12182

+1cc to Mr.U.Venkatesan, Advocate SR.No.11814

+1cc to M/s.Dass & Viswa Associates, Advocate SR.No.1920

W.P.No.4052 of 2022

SK(CO)
GMY(25/03/2022)