



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 29.04.2022
PRONOUNCED ON : 06.07.2022

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.4491, 4493, 4494, 4495, 4497, 4498, 4499,4500,4501,
4502, 4503, 4504, 4644, 4646, 4650, 4653, 4654, 4658, 4659&4662
of 2022 &
WMP.Nos.4611, 4612, 4613, 4614, 4615, 4616, 4617, 4618, 4619,
4620, 4621, 4623, 4765, 4767, 4768, 4771, 4772, 4773, 4774 &
4778 of 2022

- 1 SRI KALAIMAGAL COLLEGE OF EDUCATION,
REP BY ITS CHAIRMAN, D.SANKARAN,
S/O.C.DHANAPAL, NO.89 / 2 , NH 46,
ATTURKUPPAM VILLAGE, TIRUPATTUR TALUK,
VELLORE DISTRICT.
... PETITIONER in WP No.4491 of 2022
- 1 LAKSHMI AMMAL COLLEGE OF EDUCATION,
(C.C. 12430), REP BY ITS PRINCIPAL ,
DR. K. SATHIYARAJ, S/O. N. KRISHNAN,
SIRUNATHUR VILLAGE AND POST,
THIRUVANNAMALAI DISTRICT.
... PETITIONER in WP No.4493 of 2022
- 1 AMMAN COLLEGE OF EDUCATION,
REP BY ITS CHAIRMAN, MRS.K.UMAVATHY,
W/O.N.KANNAN, PILLAYARNATHAM,
DINDIGUL.
... PETITIONER in WP No.4494 of 2022
- 1 AMRITALAYA COLLEGE OF EDUCATION,
REP BY ITS CHAIRMAN, M.MUNIASAMY,
S/O.MUTHUVEDI, CHINNAMOTTUR, MOORTHYUR VILLAGE,
VANNAYAMBADI ROAD, JOLLARPETTAI, TIRUPATTUR,
VELLORE DISTRICT.
... PETITIONER in WP No.4495 of 2022
- 1 ARCOT SRI MAHALAKSHMI WOMENS COLLEGE OF EDUCATION,
REP. BY ITS SECRETARY,A.L.RAVI,
S/O. D. LOGANATHAN, ARANI MAIN ROAD,
VELLAPAKKAM,
VELLORE DISTRICT.
... PETITIONER in WP No.4497 of 2022



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- 1 S.B.G. SANSKRIT MISSION B.ED COLLEGE,
REP BY ITS SECRETARY, R.SENTHAMARAI,
BAZAAR STREET,
MUTHARASANALLUR, TRICHY-620 101.

... PETITIONER in WP No.4498 of 2022

- 1 ANNAI MATHAMMAL SHEELA COLLEGE OF EDUCATION,
REP BY ITS SECRETARY, M.SARAVANAPRIYAN,
S/O. M.MANI, ERUMAPATTY VILLAGE,
NAMAKKAL DISTRICT- 637 013.

... PETITIONER in WP No.4499 of 2022

- 1 KALAI BHARATHI COLLEGE OF EDUCATION,
REP BY ITS CORRESPONDENT, A.KALAIKUMAR,
PADMAPURAM VILLAGE,
ERUMBI POST, PALLIPET TALUK,
THIRUVALLUR DISTRICT.

... PETITIONER in WP No.4500 of 2022

- 1 GRACE COLLEGE OF EDUCATION,
REP BY ITS CHAIRMAN, S.GANAMANI,
NEDUNGUNAM POST, VANNDAVASI TALUK,
THIRUVANNAMALAI DISTRICT.

... PETITIONER in WP No.4501 of 2022

- 1 ASSEFA COLLEGE OF EDUCATION,
REP BY ITS CORRESPONDENT, M.VASANTHA,
ASSOCIATION FOR SARVA SEVA FARMS,
NO.279, AVVAI SHANMUGAM SALAI,
ROYAPPETTAH,
CHENNAI- 14.

... PETITIONER in WP No.4502 of 2022

- 1 CHRIST COLLEGE OF EDUCATION FOR WOMEN,
REP BY ITS PRINCIPAL, FLORA JENEEFAR,
W/O. KUMAR RAJA, JETTIHALLI POST,
DHARMAPURI DISTRICT.

... PETITIONER in WP No.4503 of 2022

- 1 MERIT COLLEGE OF EDUCATION,
REP BY ITS CORRESPONDENT, M.R.BALASUBRAMANIYAN,
S/O.M.RAMASAMY, NO.630/1B3, ZAMEEN,
THATTHANUR POST,
ARIYALUR DISTRICT - 621 804.

... PETITIONER in WP No.4504 of 2022



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- 1 AG COLLEGE OF EDUCATION,
REP BY ITS CORRESPONDENT, V.DHANARAJSEKAR,
1/294, AVINASIPALAYALM POST,
THIRUPPUR DISTRICT.

... PETITIONER in WP No.4644 of 2022

- 1 SREE VINAYAKA VIDYALAYA COLLEGE OF EDUCATION,
REP BY ITS SECRETARY, N.NIRMALA DEVI,
ERRATTAIKARADU, PURAVACHI POST,
BHAVANI TALUK, ERODE-638 312

... PETITIONER in WP No.4646 of 2022

- 1 SREE RAGAVENDRA COLLEGE OF EDUCATION,
REP. BY ITS CORRESPONDENT, C.SELVAN,
NEAR GOVERNMENT HOSPITAL ,
KOMARAPALAYAM PANCHAYAT,
SATHAYAMANGALAM TALUK,
ERODE DISTRICT.

... PETITIONER in WP No.4650 of 2022

- 1 V.P.MUTHAIAH PILLAI MEENAKSHI
AMMAL COLLEGE OF EDUCATION FOR WOMEN,
REP BY ITS DEAN, DR.P.SARAVANAN, V.P.M.NAGAR,
KRISHNANKOIL, VIRUDHUNAGAR DISTRICT.

... PETITIONER in WP No.4653 of 2022

- 1 ST. PETERS COLLEGE OF EDUCATION,
REP. BY ITS SECRETARY, R. KIRUPAKARANATHAN,
KARUMATHAMPATTI,
COIMBATORE-641 659.

... PETITIONER in WP No.4654 of 2022

- 1 BEST COLLEGE OF EDUCATION,
REP BY ITS CHAIRMAN, M.CHINNASAMY,
NO.6/1194, MC COMPLEX,
BHAVANI MAIN ROAD,
BHAVANI, ERODE DISTRICT.

... PETITIONER in WP No.4658 of 2022

- 1 SIVA COLLEGE OF EDUCATION,
REP BY ITS CORRESPONDENT, C.SIVAPRAKASAM,
ERRAPATTI VILLAGE, A.JETTIHALL,
DHARMAPURI DISTRICT.

... PETITIONER in WP No.4659 of 2022



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1 KASTHURBA GANDHI KANYA GURUKULAM
COLLEGE OF EDUCATION FOR WOMEN,
REP BY ITS PRINCIPAL, DR.S.K.MUTHURAJA,
S/O.S.KUMARASAMY,
810, NAGAI RASTA, MAHARAJAPURAM,
VEDARANIAM - 614 810
NAGAPATTINAM DISTRICT.

... PETITIONER in WP No.4662 of 2022

-VS-

TAMIL NADU TEACHER EDUCATION UNIVERSITY,
(TNTEU), REP.BY ITS REGISTRAR,
KARAPAKKAM, CHENNAI - 97.

...1st Respondent in W.P.Nos.4491,4493,4454,
4495,4497,4498,4499,4500 to 4504, 4653,
4654,4662 of 2022

Sole Respondents in Wps 4644,4646, 4650,
4658,4659 of 2022

NATIONAL COUNCIL FOR TEACHER EDUCATION,
REP.BY ITS REGIONAL DIRECTOR,
SOUTHERN REGIONAL COMMITTEE, G-7,
SECTION - 10, (NEAR SECTOR - 10 METRO STATION),
DWARAKA, NEW DELHI - 110 075.

...2nd Respondent in W.P.Nos.4491,
4493,4494,4495,4497,4498,4499,
4500,4501,4502,4503,4504,4653,
4654,4662 of 2022

Prayer in WP No.4491 of 2022

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to accept the list of students enrolled for the academic year 2021- 2022 consequently allow them to appear for the forthcoming B.Ed Examinations which is to be held from 28.02.2022 to 04.03.2022 and for consequential orders and pass.

Prayer in WP No.4493 of 2022

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to accept the list of students enrolled for the academic year 2021- 2022 consequently allow them to appear for the forthcoming B.Ed Examinations which is to be held from 28.02.2022 to 04.03.2022 and for consequential orders and pass.



Prayer in WP No.4494 of 2022

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to accept the list of students enrolled for the academic year 2021- 2022 consequently allow them to appear for the forthcoming B.Ed Examinations which is to be held from 28.02.2022 to 04.03.2022 and for consequential orders and pass.

Prayer in WP No.4495 of 2022

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to accept the list of students enrolled for the academic year 2021- 2022 consequently allow them to appear for the forthcoming B.Ed Examinations which is to be held from 28.02.2022 to 04.03.2022 and for consequential orders and pass.

Prayer in WP No.4497 of 2022

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to accept the list of students enrolled for the academic year 2021- 2022 consequently allow them to appear for the forthcoming B.Ed Examinations which is to be held from 28.02.2022 to 04.03.2022 and for consequential orders and pass.

Prayer in WP No.4498 of 2022

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to accept the list of students enrolled for the academic year 2021- 2022 consequently allow them to appear for the forthcoming B.Ed Examinations which is to be held from 28.02.2022 to 04.03.2022 and for consequential orders.

Prayer in WP No.4499 of 2022

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to accept the list of students enrolled for the academic year 2021- 2022 consequently allow them to appear for the forthcoming B.Ed Examinations which is to be held from 28.02.2022 to 04.03.2022 and for consequential orders and pass.

Prayer in WP No.4500 of 2022

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to accept the list of students enrolled for



Prayer in WP No.4501 of 2022

Prayer in WP No.4502 of 2022

Prayer in WP No.4503 of 2022

Prayer in WP No.4504 of 2022

Prayer in WP No.4644 of 2022

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appear for the forthcoming B.Ed. examinations which is to be held from 28-02-2022 to 04.03.2022 and for consequential orders.

Prayer in WP No.4646 of 2022

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Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the Respondent to permit the 29 students (Students list enclosed separately) which were duly submitted at the time of verification by the respondent and consequently allow them to appear for the forthcoming B.Ed. examinations which is to be held from 28-02-2022 to 04.03.2022 and for consequential orders.

Prayer in WP No.4650 of 2022

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the Respondent to permit the 18 students (Students list enclosed separately) which were duly submitted at the time of verification by the respondent and consequently allow them to appear for the forthcoming B.Ed. examinations which is to be held from 28-02-2022 to 04.03.2022 and for consequential orders.

Prayer in WP No.4653 of 2022

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to accept the list of students enrolled for the academic year 2021 - 2022 and consequently allow them to appear for the forthcoming examinations which is to be held from 28.02.2022 to 04.03.2022 and for consequential orders.

Prayer in WP No.4654 of 2022

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st Respondent to accept the list of students enrolled for the academic year 2021 - 2022 and consequently allow them to appear for the forthcoming B.Ed examinations which is to be held from 28-02-2022 to 04.03.2022 and for consequential orders.

Prayer in WP No.4658 of 2022

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the Respondent to permit the 45 students (Students list enclosed separately) which were duly submitted at the time of verification by the respondent and consequently allow them to appear for the forthcoming B.Ed. examinations which is to be held from 28-02-2022 to 04.03.2022 and for consequential orders.



Prayer in WP No.4659 of 2022

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the Respondent to permit the 14 students (Students list enclosed separately) which were duly submitted at the time of verification by the respondent and consequently allow them to appear for the forthcoming B.Ed. examinations which is to be held from 28-02-2022 to 04.03.2022 and for consequential orders.

Prayer in WP No.4662 of 2022

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to accept the list of students enrolled for the academic year 2021 - 2022 and consequently allow them to appear for the forthcoming examinations which is to be held from 28.02.2022 to 04.03.2022 and for consequential orders.

(In W.P.Nos.4491,4654,4497,4493,4501,
4499, 4495, 4502, 4498& 4504 of 2022)

For Petitioners : Mr.A.K.Sriram
for Mr.R.Kannan

For Respondents : Ms.S.Bhuvaneswari - R1

Mr.Su.Srinivasan,
Senior Central Government Standing
Counsel - R2

(In W.P.Nos.4653,4658,4659,4500,4662
4650, 4503 & 4644 of 2022)

For Petitioners : Mr.A.K.Sriram
for Mr.R.Kannan

For Respondents : M/s.C.H.Vinoba Gandhi - R1

Mr.Su.Srinivasan,
Senior Central Government Standing
Counsel - R2



(In W.P.Nos.4644,4646,4650,4658
4659 of 2022)

For Petitioners : Mr.A.K.Sriram
for Mr.R.Kannan
For Respondents : M/s.C.H.Vinoba Gandhi

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(In W.P.No.4494 of 2022)

For Petitioner : Mrs.Hema Sampath, Senior Counsel
for Mr.S.Kasirajan

For Respondents: M/s.C.H.Vinoba Gandhi - R1
Mr.Su.Srinivasan,
Senior Central Government Standing
Counsel - R2

C O M M O N O R D E R

This batch of 20 Writ Petitions has been filed by various colleges that conduct courses for Teachers, i.e., B.Ed and M.Ed. The prayer in all Writ Petitions is for a mandamus directing the first respondent, i.e., the Tamil Nadu Teachers Education University (TNTEU/R1) to accept the list of students enrolled for academic year 2021-2022 and allow them to appear for B.Ed examinations between 28.02.2022 and 04.03.2022.

2. The matters had come up for admission on 28.02.2022 and bearing in mind the urgency expressed insofar as the interests of several candidates who studied in the 20 institutions were required to be considered, the following order was passed:

This is a batch of 20 writ petitions that may be broadly divided into two tranches. All petitioners are colleges conducting B.Ed. courses. One batch comprising 12 Colleges (petitioner in W.P.Nos.4491, 4493, 4494, 4495, 4497, 4498, 4499, 4500, 4501, 4502, 4503 and 4504 of 2022) had been de-recognised by orders passed by the National Council for Teacher Education (NCTE) and subsequently were successful in appeal. The recognition is stated to have been restored by order of the appellate authority dated 26.11.2021. On account of the initial cancellation of the recognition, the examination fees for students in the aforesaid 12 colleges has admittedly not been



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remitted till date and neither have the formalities concerning certificate verification been completed.

2. Coming to the second group of eight institutions (petitioners in W.P.Nos.4644, 4646, 4650, 4653, 4654, 4658, 4659 and 4662 of 2022), it is the say of the learned counsel for the petitioners that not only have the examination fees been remitted, but that all documents including the certificates of the candidates, have been supplied to the respondent i.e. Tamil Nadu Teachers Educational University.

3. Despite this, orders have been passed on 15.02.2022 by the respondent granting approval only for a portion of the students in each college. No reason is set out as to why the other students have not been granted permission to write examinations.

4. Learned counsel for the respondent University would submit that there is every possibility of the students having remitted the examination fees without required eligibility and this is perhaps the reason why a restriction has been placed upon the number of students who have been granted approval.

5. Since the examinations are stated to have commenced today, and since the veracity or otherwise of the rival contentions can be determined only upon completion of pleadings, the following orders are passed solely in the interests of the eligible candidates among the petitioners, if any.

6. A direction is issued to the respondent University to permit all students to write the exams for the academic session 2021-22. In the meantime, the respondent University will undertake the exercise of verifying the certificates in relation to all candidates that, according to the petitioner counsel, have been supplied and file a report in respect of the eligibility or otherwise of the candidates relating to the first batch.

7. As far as the second batch is concerned, the Colleges will remit examination fees as well as file the other required certificates within 48 hours from today. This shall also be verified and a report be filed. It is made clear that the results of the petitioners who have been permitted to write the examinations under this order shall not be declared until further orders of this Court and shall be subject to further orders passed in these writ petitions.



8. List on 08.03.2022.

3. The matters were thereafter listed on various dates for completion of pleadings. In any event, it was reported by the petitioners and by the then respondent counsel that verification of the applications of the students had been taken up, fees and document received where necessary and the petitioners directed to write the examinations.

4. TNTEU is the answering respondent and is represented by two separate counsel. The respondent has filed counters in all matters. I have bifurcated the entire batch into two sub-batches in so far as the approach of the respondent counsel has been a little different in each batch.

5. The common ground of attack by R1 is that the affiliation granted to all the petitioner colleges stands withdrawn and in such circumstances, the mandamus, as sought for, by the colleges cannot be considered as admission of students cannot be made in such circumstances. The colleges have, for their part, submitted that they have appealed against the withdrawal of affiliation and such appeals have been allowed in the case of 18 out of the 20 colleges.

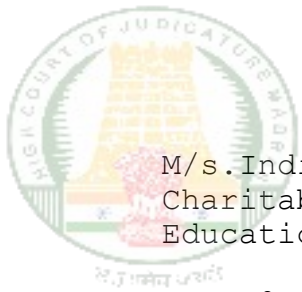
6. In W.P.Nos.4500 of 2022 and 4662 of 2022, appeals filed as against the applications rejecting the request for recognition have not attained finality and the position that thus obtains is that those two colleges, at this juncture, do not hold the requisite recognition to even seek affiliation, seeing as recognition is a pre-condition to affiliation. As regards the remaining colleges, it is their stand that the applications for affiliation are liable to be accepted automatically upon the allowing of their appeals seeking recognition, as the recognition granted initially is a continuing one and would stand revived once the appeals were allowed.

7. In this regard they rely upon the following decisions:

(i) Al-Karim Educational Trust and another V. State of Bihar and others (AIR 1996 SC 1469)

(ii) Bhartia Education Society V. State of Himachal Pradesh (2011 (4) SCC 527)

8. Per contra, R1 would submit that once recognition stood withdrawn, there is no question of revival of the same and the college would have to re-apply afresh for grant of affiliation. In this regard they rely also upon the judgement of the Hon'ble Supreme Court in Al-Karim Educational Trust and another V. State of Bihar and others (AIR 1996 SC 1469) and of this Court in



M/s.Indira Gandhi - Jayanthi Memorial Educational Cultural and Charitable Trust Vs The Registrar Tamil Nadu Teachers Education University (W.P.No.20571 of 2021 dated 30.09.2021).

9. In the first batch of Writ Petitions, i.e., W.P.Nos.4504, 4654, 4502, 4499, 4501, 4493, 4498, 4495, 4497 and 4491 of 2022, (in short, and collectively, referred to as '1st batch') Ms.Bhuvaneswari, learned counsel appearing for R1, has filed a counter in all the writ petitions, taking a stand that the affiliation order passed in the cases of these petitioners awaits the approval of the Syndicate. At paragraph 19 of the counter, the first respondent states as follows:

'19. The respondents further submit that as per the statutes and regulations of the University, the affiliation order for any College of Education can only be granted after getting approval from the Syndicate of the University. However, on the date of filing this Writ Petition and on the date of interim order the pertinent 53rd Syndicate Meeting did not happen. Hence, the University was not able to provide affiliation to the petitioners college of Education.'

10. This stand of the respondent aligns with the stand of one of the petitioners in the 2nd batch, wherein it is stated at paragraph 11 of the affidavit filed in support of W.P.No.4650 of 2022, that the Syndicate Meeting to be held on 10.02.2022 has been postponed on two occasions and on the third occasion has been postponed sine die. Since the approval of their affiliation can only be by the Syndicate, such delay on the part of the Syndicate must not affect the prospects of the candidates, they argue.

11. Thus, the stand taken by the University is that they were unable to provide affiliation to the petitioner college, in view of the fact that the 53rd Syndicate Meeting of the University 'did not happen'. It is unknown as to whether this meeting has transpired till date and in any event, it is unacceptable that the meeting be postponed indefinitely without some resolution in sight.

12. The second batch of writ petitions comprises colleges in W.P.Nos.4644, 4659, 4658, 4646, 4650, 4500,4494, 4503, 4662 and 4653 of 2022 (hereinafter referred to as '2nd batch' and wherein R1 is represented by Mr.C.H.Vinobha Gandhi). In this batch, an additional point has been raised. A detailed tabulation has been furnished by the respondent counsel pointing to the deficiencies in the admission process that stand against the grant of their prayers.



13. At variance with the stand taken by R1 in the 1st batch, the first respondent has, in the counters filed in the 2nd batch, taken a stand that the delay in conduct of the 53rd Syndicate Meeting is in no way related to the admission of students and to the additional intake of students after the last date of students. They proceed on the basis that the holding of the Syndicate Meeting is merely used as a ploy by the petitioners to further their interests and must not be countenanced by the Court.

14. In the case of the colleges in W.P.Nos.4644, 4659, 4658, 4646, 4650 and 4500 of 2022, the case of the respondents is as follows:

- (i) A total of 100 seats had been allotted per college.
- (ii) Applications have been filed by 47, 56, 53, 32, 63 and 48 students respectively for appearing for B.Ed examinations. This is as per column 16 (hereinafter referred as 'column 16') of tabulation filed by respondent on 12.04.2022.
- (iii) Out of the applications filed, 44, 56, 33, 31, 62 and 48 respectively have been approved by the University. This is as per column 17 (hereinafter referred to as 'column 17') and 3, nil, 20, 1, 1 and nil were rejected, as per column 18 (hereinafter referred to as 'column 18').
- (iv) In addition to the applications rejected, applications were filed beyond the last date of admission in the cases of 16, 14, 45, 29, 19 and 31 candidates respectively as per column 19 (hereinafter referred to as 'column 19').

15. It is the case of the respondents that the applications as set out in columns 18 and 19 respectively have been beyond the last date for receipt of applications and hence must not be approved. Though the candidates have been permitted to write the examinations, their candidature is not liable to be accepted for the present year. There is no defence put forth as far as the aforesaid facts and circumstances are concerned.

16. The only argument advanced is that fees have been paid for all 100 seats allotted. This, in my view, is no defence at all. The fees may have been paid even prior to the last date, but without any valid applications/applications in the cases of candidates covered under columns 18 and 19. That apart, the excess of fees received by R1 has been returned to the petitioner institutions, pending Writ Petitions.



17. Thus, in my considered view the applications of the candidates that have been rejected as deficient and those that have been filed after the last date have no justification to be accepted at all. There is no dispute on the position that the dates for receipt of applications was initially 27.11.2021, extended on 08.12.2021 and thereafter to 13.12.2021. The excess applications have been filed, admittedly, only thereafter. No justification is put forth before me to condone such delay.

18. No provision is pointed out in the Tamil Nadu Teachers University Act, 2008 (Act 33 of 2008) or connected Rules/Regulations/Statutes that provide for such condonation. Though this Court under Article 226 of the Constitution of India is empowered to condone the delay even where the concerned enactment does not provide for such condonation, such condonation cannot be automatic, and has to be only upon consideration of sufficient justification for the intervening delay.

19. In the present case, the petitioners have not even sought such condonation and there is thus, no occasion, let alone justification, for this Court to intervene. Those applications filed after 13.12.2021 are not liable to be considered. Likewise, those applications that were rejected by R1 for deficiencies are also not liable to be considered. Thus, the candidature of those candidates covered under columns 18 and 19 of the tabulation are liable to be rejected and the mandamus as sought for in their cases is not liable to be issued.

20. Coming to W.P.Nos.4494, 4503, 4662 and 4653 of 2022, the submissions of Mrs.Hema Sampath, learned Senior Counsel appearing for Mr.Kasirajan, learned counsel on record for the petitioner in W.P.No.4494 of 2022, have also been heard and considered. The defence of the respondents in these cases is that the recommendation for affiliation in their cases, has itself been withdrawn by R1 and thus, and since the institutions do not possess valid affiliation, the question of receiving applications does not arise.

21. The tabulation filed by Mr.Gandhi is self-explanatory and has really not been contested by the petitioners. In the case of petitioner in W.P.No.4494 of 2022, i.e., Amman College of Education, an additional typed set has been filed by the petitioner pointing out that there has been an order of continuation of affiliation issued on 22.06.2021 which covers academic year 2021-2022 as well. Though there are certain deficiencies that have been noticed in the inspection and the petitioner has been called upon to correct the same, the aforesaid order states in the penultimate paragraphs that the deficiencies are to be corrected on or before 31.10.2020.



22. In my view, reference to 31.10.2020 is clearly a typographical error as similar orders appear to have been passed in the cases of other petitioners in this batch as well where the date of compliance is prior to the date of order. The typographical error will, by itself, not be a mistake that is fatal to the case of the respondents.

23. That apart, the orders of continuation of affiliation dated 22.06.2021 in the case of W.P.No.4494 of 2022, 05.11.2019 in the case of W.P.No.4503 of 2022, 22.08.2019 in the case of W.P.No.4662 of 2022 and 15.12.2021 in the case of W.P.No.4653 of 2022 impose certain conditions upon the petitioners including the necessity for correction of deficiencies in a time bound fashion.

24. No material is available before this Court to indicate that such deficiencies have been corrected and thus on the admitted facts as before me, orders of withdrawal of affiliation dated 31.05.2021, 02.09.2021, 28.07.2021 and 08.02.2021 respectively presently hold the field in the cases of these 4 petitioners.

25. It is the oral submission of some of the petitioners that they have approached R1 University seeking re-affiliation and their applications are yet pending. No such applications are placed for the attention of this Court and the petitioners are thus put to strict proof of the same. If at all such applications seeking re-affiliation have been filed, it is for the Syndicate to consider them expeditiously and pass orders thereupon.

26. In the case of Indira Gandhi - Jayanthi Memorial Educational Cultural and Charitable Trust, (supra), a learned single Judge of this Court was concerned with the withdrawal of the recognition that was subsequently confirmed in appeal by the Appellate Authority.

27. The plea of the college in that case was that despite such withdrawal, affiliation with the R1 University continues. It was in such circumstances that the learned Judge states that an affiliation is to follow recognition by the concerned agencies as well as compliances with all other required parameters. The affiliation would not be independent of, and would have to be seen in the context of recognition as well as satisfaction with other requirements under applicable Regulations.

28. In the case of 18 petitioners before me, barring those in W.P.Nos.4500 and 4662 of 2022, the appeals filed by them



challenging orders withdrawing recognition, are stated to have been allowed. These 18 petitioners also insist that they have filed applications seeking continuance of the affiliation originally granted, that are still pending before the Syndicate on account of the delay in the convening of the Syndicate Meeting.

29. In these circumstances, the issue to be answered is as to the fate of recognition and affiliation in the cases of these 18 petitioners. Both learned counsel would take opposing positions, the petitioners reiterating that with the allowing of the appeals, the affiliation initially granted would revive and R1 University stating that affiliation is qua academic year only and is not an automatic phenomenon.

30. There is, prima facie, some merit in the submission of R1, seeing as, if the affiliation was to be construed as automatic, continuous and seamless, there is no necessity for these 18 petitioners to have sought re-affiliation at all. The very fact that they have filed applications seeking affiliation would indicate that their applications are intended to be considered, their compliance with all required parameters ascertained and a decision taken thereafter by the Syndicate.

31. One thing is clear. The petitioner colleges have admittedly jumped the gun and admitted the students, even without the required affiliation. However, there is also admittedly, a delay in the convening of the Syndicate Meeting to consider the question of re-affiliation.

32. In this context, learned respondent counsel has circulated a copy of two orders passed by a learned single Judge sitting in Madurai Bench of this Court in W.P.(MD) No.3630 of 2022 dated 16.06.2022 and W.P.(MD) No.3775 of 2022 dated 22.06.2022, the respondent being common in both Writ Petitions. In W.P.(MD) No.3630 of 2022, R1 University appears to have assumed the blame for the delay in conduct of the Syndicate Meeting and recording the same, learned Judge has directed the Syndicate to decide the matter expeditiously and grant admission to those students who were admitted in the interim, though without affiliation. The other writ petition has been dismissed by the Court.

33. A perusal of Article 4(15) of the Tamil Nadu Teachers Education University (Act 33 of 2008) ascribes authority upon R1 University to affiliate colleges unto itself or to withdraw the same. Under Article 20, it is the Syndicate which has to



prescribe the conditions for such affiliation and de-affiliation and also to stipulate the academic year in relation to which such affiliation would relate. The conditions of affiliation are to be prescribed under the Statutes as set out under Article 30 in which the various subjects to be dealt with under the Statutes are enumerated, specifically Article 30(16).

34. In fine, and in conclusion, there is a direction to R1 to convene a meeting of the Syndicate within a period of four (4) weeks from today. The pending applications of the 18 colleges, whose appeals are stated to have been allowed, shall be taken up and a decision taken as to whether their affiliation is to be ratified or otherwise and if so, from which academic year.

35. To be clear, only such applications that have been received in time from the petitioner colleges seeking re-affiliation/continuance of affiliation, shall be considered, and strictly in line with the applicable Rules and Regulations, prescribed parameters and decisions taken in accordance with law.

36. The benefit of this order cannot be extended to the Writ Petitioners in W.P.Nos.4500 and 4662 of 2022 whose appeals as against the withdrawal of the recognition are stated to be still pending and those Writ Petitions are dismissed.

37. That apart, since the chart that was circulated in the second batch of Writ Petitions in regard to the number of seats allotted and the dates of compliances by the college in regard to the submission of the applications have not been provided in the first batch of Writ Petitions, there is a direction to R1 to verify compliances of the respective colleges with the cut off dates that were provided and, subject to the Syndicate granting approval, admit only those students in respect of whom applications, fee, as well as other required compliances were made in time.

38. In fine, W.P.Nos.4500 and 4662 of 2022 are dismissed and all other writ petitions are disposed in terms of the above orders. No costs. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar



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To

1. The Registrar,
Tamil Nadu Teacher Education University (TNTEU),
Karapakkam, Chennai - 97.
2. The Regional Director,
National Council for Teacher Education,
Southern Regional Committee,
G-7, Section-10, (Near Sector - 10 Metro Station)
Dwaraka, New Delhi - 110 075.

+10ccs to Ms.S.Bhuvaneswari, Advocate, S.R.No.43534 to 43543

+1cc to M/s.C.H.Vinoba Gandhi, Advocate, S.R.No.43533

+2ccs to Mr.S.Kasirajan, Advocate, S.R.No.43346

+18ccs to Mr.R.Kannan, Advocate, S.R.No.43834, 43743

W.P.Nos.4491, 4493, 4494, 4495, 4497,
4498, 4499, 4500, 4501, 4502, 4503,
4504, 4644, 4646, 4650, 4653, 4654,
4658, 4659 & 4662 of 2022 &
WMP.Nos.4611, 4612, 4613, 4614, 4615,
4616, 4617, 4618, 4619, 4620, 4621,
4623, 4765, 4767, 4768, 4771, 4772,
4773, 4774 & 4778 of 2022

NRL[co]
NSK/07/07/2022