



W.P.No.20611 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.20611 of 2022 and
W.M.P.No.19739 of 2022

Amirtham College of Education,
Represented by its Secretary,
R.Solomon Charles,
85, Amirtham College Road,
Vengudi Village, Walajabad,
Kanchipuram District.

... Petitioner

Vs

National Council For Teacher Education,
Represented by its Regional Director,
Southern Regional Committee,
G-7, Section-10, (Near Sector-10 Metro Station)
Dwaraka, New Delhi – 110 075.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records and quash the present impugned order of the respondent vide File No.89-101/E-250159/2022 Appeal/5th Meeting, 2022 APPLSRC 202214326 dated 12.07.2022.

For Petitioner : Mr.V.R.Kamalanathan
for Mr.R.Kannan

For Respondents : Mr.R.Thirunavukarasu
Standing Counsel



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ORDER

The prayer sought for in this writ petition is for a Writ of Certiorari calling for the records and quash the present impugned order of the respondent vide File No.89-101/E-250159/2022 Appeal/5th Meeting, 2022 APPLSRC 202214326 dated 12.07.2022.

2. The petitioner is a recognised College of Education which was granted such recognition by the National Council for Teacher Education, Southern Regional Committee i.e. called 'NCTE-SRC' by order dated 23.12.2006 for conducting secondary course of one year duration with an annual intake of 100 students for B.Ed. Degree.

3. Accordingly the said institution had been functioning for all these years.

4. While that being so, with regard to certain alleged deficiencies which according to the respondent NCTE having been pointed out, were not rectified, the NCTE-SRC decided to invoke Section 17 of the NCTE Act and by thus they passed an order on 02.02.2022 withdrawing the recognition granted to the petitioner institution.

5. As against the said order passed by the NCTE-SRC, the petitioner



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has preferred an appeal to the respondent being an Appellate Authority viz., NCTE at New Delhi under Section 18 of the Act. The said appeal having been considered was rejected through the order dated 12.07.2022 which is impugned in this writ petition.

6. Assailing the said order, Mr.V.R.Kamalanathan, learned counsel appearing for the petitioner has submitted that, the main reason for which the withdrawal was made by the petitioner by the NCTE-SRC is that the petitioner had produced a lease document for land and building where the institution has been located. Since that lease would not be accepted by the NCTE based on which the NCTE-SRC withdrawn the recognition among other various grounds, which, according to the petitioner, are flimsy or *non-est*.

7. He would also submit that, in order to rectify the same, when appeal was filed before the respondent, subsequently the same was rectified according to the learned counsel for the petitioner stating that, the land in question where the building was constructed and the institution is functioning belongs to the management of the petitioner i.e. the Charitable



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Trust, therefore the trust only has given the lease for longtime to the petitioner institution to function, therefore it makes no difference.

8. Despite this rectification having been made and also in respect of other aspects also rectification report has been given, the same has not been accepted by the respondent and still the NCTE has maintained that the rectification cannot be accepted and therefore the deficiencies still exist hence they wanted to confirm the order passed by the NCTE-SRC accordingly they passed order on 12.07.2022.

9. However, Mr.Thirunavukarasu, learned Standing Counsel appearing for the respondent would submit that, initially the land belongs to the Amirtham Educational and Charitable Trust seems to have been given by way of lease only to the petitioner institution. However as per Clause 8(4)(iii) of NCTE Regulations, 2014, the land and building should be in the name of the institution without which the permanent recognition cannot be permitted to be enjoyed by the petitioner institution. Therefore among other reasons since it is a main reason or ground under which since recognition has been withdrawn by the NCTE that has been upheld by the respondent



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being the Appellate Authority.

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10. The learned Standing Counsel would further submit that, even till date the land or building where the institution is functioning has not been settled or converted in the name of the petitioner institution, therefore absolutely the petitioner has no right or *locus* to challenge the order of the NCTE which is impugned herein.

11. In response to the same, the learned counsel for the petitioner would submit on instruction that, it is a matter of course that in no time such kind of settlement can be made by the trust i.e. Charitable Trust in whose name the property stands, to and in favour of the institution name and after doing the same, the necessary document to that effect can very well be produced by the petitioner to the respondent Appellate Authority and in that case a direction can be given to the respondent to consider the same and to pass orders thereon as there has been no other major default or deficiencies are still exist in respect of the petitioner institution, he contended.



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12. I have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

13. It is a fact that even till date the land and building where the institution is functioning stands in the name of the trust called “Amirtham Educational and Charitable Trust” therefore it is in violation of Clause 8(4)(iii) of NCTE Regulations, 2014. Therefore, by citing the said reason the order passed by the respondent which is impugned herein rejecting the appeal filed by the petitioner cannot be found fault with.

14. However, since the land and building belongs to the trust which is managing the petitioner institution itself as stated by the learned counsel for the petitioner, it may not be a great thing to do it by executing a settlement in favour of the institution by properly registering a document in the concerned registered office and thereafter the document can very well be submitted before the respondent for reconsideration.

15. If the petitioner comes forward to produce those documents for



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the purpose of reconsideration, since the institution has been functioning from 2006 and students are studying, abruptly for this technical reasons the institution cannot be permanently put under peril, therefore reconsideration, in the considered opinion of this Court, is possible at the hands of the respondent. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

(i) That it is open to the petitioner to convert the land and building stands in the name of the trust to and in favour of the institution i.e. petitioner institution forth with and produce the documents at the earliest preferably within two weeks from the date of receipt of a copy of this order to the respondent.

(ii) On receipt of such documents, there shall be a direction to the respondent to scrutinise the same and after verification necessary orders to that effect shall be passed where the earlier order passed by the respondent which is impugned herein dated 12.07.2022 can very well be revisited and a revised order shall be passed. Till such time, no precipitative action shall be taken against the petitioner pursuant to the impugned order and the same shall be kept in



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abeyance. The needful as indicated above shall be undertaken by the respondent after receipt of the document as indicated above from the petitioner within a period of four weeks thereafter.

16. With these directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2022

Index : Yes / No

Speaking Order : Yes / No

Note : Issue order copy on 30.11.2022

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To

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.



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R. SURESH KUMAR, J.

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