



W.P.No.21905 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : **27.10.2022**

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

**W.P.No.21905 of 2022
and W.M.P.Nos.20934 and 20935 of 2022**

Amerda Vikas College of Education
Rep. by its Secretary
R.Muthusamy,
Gajalnaickanpatti,
Tiruchi Main Road,
Salem District - 636 201.

... 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.

... Respondent

Prayer : Writ Petition filed under Article 226 of 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 F.No.89-333/E-231996 / 2022 Appeal / 1st Meeting 2022 / APPLSRC 202114030, dated 31.01.2022.



W.P.No.21905 of 2022

For Petitioner : Mr.R.Kannan
For Respondent : Mr.Su.Srinivasan
Central Govt. Standing Counsel

ORDER

The prayer sought for herein is for a writ of certiorari, calling for the records and quash the present impugned order of the respondent vide F.No.89-333/E-231996 / 2022 Appeal / 1st Meeting 2022 / APPLSRC 202114030, dated 31.01.2022.

2. The petitioner is a College of Education duly recognised by the National Council for Teacher Education, Southern Regional Committee, (in short "NCTE-SRC") and affiliated to the Tamil Nadu Teacher Education University and has been conducting the said course called B.Ed., degree course for several years.

3. When that being so, for certain alleged deficiencies, NCTE-SRC by order, dated 10.03.2022 has withdrawn the recognition already enjoyed by the petitioner.



W.P.No.21905 of 2022

4. As against the said order passed by NCT-SRC, the petitioner preferred appeal which is a statutory appeal under Section 18 of the National Council for Teacher Education, Act (in short "NCTE Act") to the respondent National Council for Teacher Education, NCTE, New Delhi, who is the Appellate Authority.

5. The said appeal having been considered was rejected through the order, dated 31.01.2022 which is impugned in this writ petition.

6. Mr.R.Kannan, learned counsel appearing for the petitioner would submit that, for five reasons even though withdrawal order was made by the NCTE-SRC all the five reasons stated by the NCTE-SRC have been fulfilled and to that effect in respect of each of the reasons cited by the NCTE-SRC, the respondent has given its answer with documents in the appeal report.

7. However, without considering all these documents and without giving proper opportunity of being heard, the respondent NCTE, since has



W.P.No.21905 of 2022

passed an order rejecting the appeal filed by the petitioner, the impugned order would not stand in the legal scrutiny, therefore, the learned counsel seeks indulgence of this Court.

8. However, Mr.Su.Srinivasan, learned Central Government Standing counsel appearing for the respondent would submit that, mainly with regard to the sale deed of the land where the institution has been functioning and the building permission or building completion certificate submitted by the petitioner is concerned, they raised certain doubts. In this regard, the following observation made by the appellate authority, that is respondent in the impugned order is heavily relied upon by the learned standing counsel appearing for the NCTE.

"Appellant with its appeal memoranda has submitted copy of a sale deed with copy of original deed in vernacular language. The deed documents are shown to have been signed on 21.02.2007 which raise a doubt that if sale deed was signed on 21.02.2007 why a lease agreement was submitted to SRC for seeking recognition. The Building Completion Certificate (BCC)



submitted by appellant with its appeal Memoranda is not a per proposed built-up area of approved building plan already submitted."

9. I have considered the said submissions made by the learned counsel appearing for the parties. Insofar as the five reasons cited by the NCTE-SRC while withdrawing the recognition, all the five reasons having been fulfilled with documentary evidence, it has been provided by the petitioner in the appeal details, by way of appeal report, where insofar as the certified copy of the land document they have produced and the building completion certificate also had been produced.

10. The latest faculty list also had been produced as claimed by the petitioner and the original affidavit notarized by the Notary Public copy also been enclosed and with regard to the land details, the land document stands in the name of the institution also has been provided.

11. If at all the respondent wants to verify these documents and if any doubt arises as to the actual construction of the building and functioning of



W.P.No.21905 of 2022

the Institution in the land or location is concerned, the NCTE through its inspection committee should have conducted a inspection to verify the claim made by the petitioner as to whether the five deficiencies pointed out by the NCTE-SRC have been complied with or not.

12. However without resorting such method, the respondent appellate authority merely based on the doubts arising in the minds of the officers concerned of the respondent, had decided to reject the appeal filed by the petitioner through the impugned order. Therefore this Court feels that, the impugned order for the aforestated reasons would not stand in the legal scrutiny.

13. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders :

"That the impugned order is set aside and the matter is remitted back to the respondent for reconsideration. While considering the said issue as discussed herein above with regard to the five queries raised by the NCTE-SRC, it is open to the



W.P.No.21905 of 2022

respondent appellate authority to verify the same, for which, if they want to have an inspection that can also be done either directly by the appellate authority or through the NCTE-SRC by intimating the date of inspection to the petitioner in advance and after verifying the same, a revised order based on the merits can be passed by the respondent within a period of six weeks from the date of receipt of a copy of this order."

14. With these directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

27.10.2022

Index : Yes / No

Speaking Order : Yes / No

tsvn

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.



WEB COPY



W.P.No.21905 of 2022

R.SURESH KUMAR, J.
tsvn

W.P.No.21905 of 2022

27.10.2022