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W.M.P.No.23588 of 2022
in
W.P.No.21122 of 2017

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N.SATHISH KUMAR,J

This Miscellaneous Petition has been filed to direct the third and fourth respondents to permit the petitioner to proceed with the admission process for the academic year 2022- 2023, for the existing sanctioned intake of 50 + 100 students in respect of the Four Year Integrated Course for the programs of one unit of B.A., B.Ed and two units of B.Sc., B.Ed., respectively, in the light of the Inspection Report, dated 24/3/2018 and the minutes of NCTE-SRC in its 365th meeting dated 1/11/2018 and 370th meeting dated 8/2/2019 under NCTE Regulations, 2014, pending disposal of the writ petition.

2. Pope John Paul II College of Education /petitioner was established in the year 1986 – 87. It is permanently affiliated to Pondicherry University, as the examining body, w.e.f. 24/9/1987. Vide, letter, dated 18/7/1994, the petitioner had expressed its willingness to start the Four Year Integrated Course. The third respondent University granted provisional



W.M.P.No.23588 of 2022
in
W.P.No.21122 of 2017

WEB COPY

affiliation for the Integrated Course from the academic year 1996. Second respondent University granted affiliation to B.Sc and B.Ed from the year 1996 – 97. All the programmes conducted by the College, in respect of B.Ed., M.Ed; B.A., B.Ed; Bsc., B.Ed; and B.Com, B.Ed.

3. Vide, letter, dated 6/11/1997, the first respondent had permitted the petitioner College to run the Four Year Integrated programme until SRC takes the final decision. Vide, letter, dated 23/6/1999, NCTE granted recognition for the academic year 1999 – 2000 in respect of Four Year Integrated Secondary Course. Thereafter, vide, letter, dated 18/7/2001, fourth respondent has sated that the institution has been granted recognition from the year 2000 – 2001 for B.Ed., Four year Integrated Course. Since, the letter is without limitation period, petitioner has been regularly submitting Performance Appraisal Report every year and requesting for renewed order of recognition for the Integrated Course, on par with new challenges. But no recognition order was issued.

4. This Court, vide, order, dated 21/3/2022, directed NCTE to consider the petitioner's application for approval for the four years



W.M.P.No.23588 of 2022
in
W.P.No.21122 of 2017

WEB COPY

integrated course, in the light of the orders passed by this Court on 12/3/2018 and 1/11/2018 and pass suitable orders, as per 2014 Regulations, within a period of three weeks from the date of the said order.

5. Pursuant to the above said order, petitioner had submitted a detailed representation, on 1/8/2022, requesting for revised recognition order, but there was no response. Unless a direction is issued to the respondents to permit the petitioner institution to proceed with the admission process for the academic year 2022 – 2023, the petitioner will be greatly prejudiced. Hence the petitioner has come forward with the instant Miscellaneous Petition praying for the relief as stated therein.

6. Heard Fr.Xavier Arulraj, learned Senior Counsel for the petitioner, Mrs.G.Djearany, learned Government Advocate (Pondy) for the respondents 1 and 2, Mr.M.Ravi, learned counsel for the third respondent and Mr.Su.Srinivasan, learned Standing Counsel for the respondents 4 and 5.

7. The learned counsel appearing for the third respondent and also the learned Standing Counsel appearing for the respondents 4 and 5 have



W.M.P.No.23588 of 2022
in
W.P.No.21122 of 2017

WEB COPY

raised objections for granting affiliation as the petitioner have not abided by the regulations.

8. The learned Senior counsel appearing for the petitioner submitted that they will abide by the new Regulations and will file an undertaking affidavit, as per the new Regulations.

9. Taking note of the fact that all these years affiliation has been granted, and further, inspection was also made as per the directions of this Court, the Southern Regional Commission ought to have considered grant of affiliation, which has not been done so. Taking into account the interest of the students and also the undertaking given by the petitioner that on affiliation being granted they will abide by the amended Regulations from the next academic year, this Court is inclined to allow the petition.

10. Accordingly, this petition is ordered as prayed for. Needless to state that the petitioner institution has to follow the amended Regulations.



W.M.P.No.23588 of 2022
in
W.P.No.21122 of 2017

WEB COPY

But in view of the fact that inspection has already been conducted, the petitioner shall follow the amended regulations from the next academic year.

21/11/2022

mvs.



WEB COPY



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W.M.P.No.23588 of 2022
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24/11/2022