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W.P.No. 27484 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.27484 of 2022

and WMP.Nos.26709 & 26711 of 2022

JRS College of Education,
Rep. By its Correspondent S.Rajalemorji
Annamangalam,
Veppanthattai Taluk,
Perambalur District,
Tamil Nadu – 621 102.

..Petitioner

Vs.

1. The Director,
Appellate committee,
National Council for Teacher Education,
G-7, Sector – 10, Dwaraka,
New Delhi – 110 075.
2. The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
G-7, Sector – 10, Dwaraka,
New Delhi – 110 075.
3. The Register,
Tamil Nadu Teacher Education University,
Gangaiamman Koil Street,
Karapakkam, Chennai – 600 097.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
for Writ of Certiorarified Mandamus, calling for the records relating to



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the order passed by the 2nd respondent made in F.SRO/NCTE/APSO 4146/B.Ed.(TN) 2021/29349 dated 01.12.2021 by withdrawing the recognition and the consequential order passed by the 3rd respondent's official communication No.TNTEU/R/CC11506/Syn.Mar-Item No.28/withdrawal/2022/0889 dated 29.03.2022, quash the same and consequentially direct the respondents to permit the petitioner Institution to admit students for the B.Ed., course for the petitioner institution.

For Petitioner : Mr.K.Sathish Kumar

For Respondents : Mr.SU.Srinivasan
Central Government Counsel [R1
& R2]
Ms.S.Bhuvaneswari [R3]

ORDER

The prayer sought for herein is for a writ of certiorarified mandamus to quash the order passed by the 2nd respondent made in F.SRO/NCTE/APSO 4146/B.Ed.(TN) 2021/29349 dated 01.12.2021 by withdrawing the recognition and the consequential order passed by the 3rd respondent's official communication No. TNTEU/R/CC11506/Syn.Mar-Item No.28/withdrawal/2022/0889 dated 29.03.2022 and consequentially direct the respondents to permit the petitioner Institution to admit students for the B.Ed., course for the petitioner institution.



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2. The petitioner is a college of education duly recognized by the National Council for Teacher Education (in short, NCTE).

3. The Institution according to the petitioner has been functioning from 2005 onwards, though such an old institute has been running for nearly about 15 years and more, the recognition of the petitioner Institution has been withdrawn by the order of the second respondent dated 01.12.2021. Following the same, the third respondent affiliating University also withdrawn their affiliation by order dated 29.03.2022. As against the order of withdrawal passed by the second respondent, the petitioner has filed statutory appeal to the first respondent Appellate Authority i.e., NCTE, New Delhi on 30.04.2022. Thereafter, some notice was issued on 18.07.2022 by the first respondent to have a hearing, after such notice, no progress has been shown, despite the compliance having been made by the petitioner Institution and in the meanwhile, the students admission for the academic year 2022-2023 has commenced. Since the petitioner's Institution's recognition has been withdrawn followed by the withdrawal of affiliation by the third respondent University, the petitioner Institution is not in a position to admit the



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students for the academic year 2022-2023. Therefore, at these circumstances, challenging the order impugned i.e., withdrawal order passed by the second respondent, the petitioner has moved the present writ petition.

4. Heard Mr. K.Sathish Kumar, learned counsel appearing for the petitioner, who would submit that, the deficiencies are either flimsy or *non est*. Despite that it is an old institution functioning from 2005 their recognition has been withdrawn by the order of the second respondent, as against which, when appeal was filed before the first respondent Appellate Authority, they have kept the appeal pending without deciding the same for nearly about five to six months, because of the delay in deciding the appeal, the petitioner prospectus to get admission for the academic year 2022-2023 since hampered, the petitioner seeks for an order from this Court permitting the petitioner to take advantage of Section 17(1) proviso of the NCTE Act for admitting the students for the academic year 2022-2023.

5. However Mr.SU.Srinivasan, learned Central Government counsel appearing for the first and second respondents would submit



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that, since the first respondent is an Appellate Authority, Nation wide very many number of appeals being filed from all parts of the country against the order passed by the Regional Committee i.e., withdrawal of recognition etc., Hence a reasonable time would be taken by the first respondent Appellate Authority to decide the appeal filed by the petitioner, he contended.

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

7. Insofar as the petitioner Institution is concerned, it seems that it is one of the old Institution as it has been functioning from 2005 - 2006 onwards. While that being so, such a old Institution, if it is withdrawn their recognition all of a sudden, of-course on the alleged deficiencies, as against which, when appeal is filed before the first respondent Appellate Authority, such appeal should have been considered and decided at the earliest, otherwise, the petitioner Institution being an academic Institution and every year students have to be admitted on or before the cut off date, there will be great prejudice as the prospects of the



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Institution to flourish in imparting Teacher education would be hampered, if one year students are not admitted, correspondingly for the next year also there will be no takers, thereby the very survival of the Institution would be uncertain. Hence, this Court feels that, the earlier disposal of the appeal filed by the petitioner, which is pending before the first respondent on merits is an essential one, hence, this court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the first respondent to decide the appeal filed by the petitioner dated 30.04.2022 as against the order of withdrawal passed by the second respondent dated 01.12.2021 and pass orders thereon on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.
- ◆ While deciding the same, the first respondent appellate authority shall borne in mind that the petitioner is entitled to get the benefit of Section 17(1) and taking into account of this legal position, the disposal can be made by the first respondent appellate authority as indicated above.



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Connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking Order: Yes/No

mp

Note: Issue order copy on 14.10.2022

To

1. The Director,
Appellate committee,
National Council for Teacher Education,
G-7, Sector – 10, Dwaraka,
New Delhi – 110 075.
2. The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
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R.SURESH KUMAR, J.

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