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W.P.No.28348 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.28348 of 2022
and
W.M.P.No.27656 of 2022

Kasthurba Gandhi Kanya Gurukulam
College of Education for Women,
Rep. By its Chairman,
Vedaratnam, 810, Nagai Rasta,
Maharajapuram, Vedaraniyam – 614 810,
Nagapattinam District.

... Petitioner

Vs

1.National Council for Teacher Education,
Rep. By the Deputy Secretary (Appeal)/
Appellate Authority, Southern Regional Committee
G-7, Sector-10, Dwaraka,
New Delhi – 110 075.

2.National Council for Teacher Education
Rep. By its Regional Director,
Southern Regional Committee,
G-7, Sector-10, Dwaraka,
New Delhi – 110 075.

3.The Tamil Nadu Teacher Education University,
Rep. By its Registrar,
Gangaiamman Koil Street,
Karapakkam, Chennai – 600 097.

... Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to forthwith include the petitioner in the B.Ed. admission counselling for 2022-2023 pending decision on the Statutory Appeal of the petitioner dated 05.07.2021.

For Petitioner : Mr.S.Indrajit
for Mr.K.Selvaraj

For Respondents : Mr.R.Thirunavukkarasu
Standing Counsel for R1 & R2

: Mr.C.H.Vinobha Gandhi
Standing Counsel for R3

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to forthwith include the petitioner in the B.Ed. admission counselling for 2022-2023 pending decision on the Statutory Appeal of the petitioner dated 05.07.2021.

2. The petitioner is a College of Education which was recognised by the National Council for Teacher Education, Southern Regional Committee (in short 'NCTE SRC') by order dated 30.06.2009 for conducting secondary course for education i.e. B.Ed. course with annual intake of 100 students from the academic year 2009-2010.



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3. However, the said recognition for various reasons had been withdrawn by the NCTE SRC by order dated 16.03.2021. As against the withdrawal order, the petitioner preferred appeal to the 1st respondent, who is the Appellate Authority, on 05.07.2021 through online. The said appeal is still pending consideration before the 1st respondent.

4. In the meanwhile, since counselling is to be conducted for admission in B.Ed. course for the academic year 2022-23 by the 3rd respondent University, the petitioner has filed the present writ petition with the aforestated prayer.

5. Heard Mr.S.Indrajit, learned counsel appearing for the petitioner who would submit that, pending disposal of the appeal by the 1st respondent, a direction can be given by way of mandamus to the 3rd respondent to include the petitioner in the B.Ed. admission for the academic year 2022-2023. However, Mr.C.H.Vinobha Gandhi, learned Standing Counsel appearing for the 3rd respondent University submits that since the petitioner institution as on date is not enjoying the recognition and the Section 17 of the NCTE Act and its benefit can be extended to the petitioner only for the



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academic year 2021-22 not for the academic year 2022-23, the petitioner cannot ask for any relief as sought for in this writ petition.

6. On the other hand, Mr.R.Thirunavukkarasu learned Standing Counsel NCTE who is appearing for respondents 1 and 2 on instruction would submit that, as per the procedure in vogue, the College suffered from any order wants to prefer an appeal under Section 19 of the NCTE Act has to do the same through online and simultaneously hard copy of the appeal has to be sent to the Appellate Authority for perusal and for further action.

7. In this context he would further submit that, though the petitioner has sent the online appeal on 05.07.2021 he has not fulfilled the condition of submitting the hard copy of the appeal so far, therefore as on date the appeal is yet to be even numbered or taken on file for the purpose of processing the same.

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



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9. Insofar as the plea raised by the petitioner that, the prayer sought for herein seeking permission from the respondent University to permit the petitioner to participate in the counselling for the current year is concerned, the prayer cannot be granted at this juncture because admittedly the petitioner's recognition has already been withdrawn by the petitioner. Mere pendency of the appeal would not entitle the petitioner to seek for recognition therefore that is rejected.

10. However, since the petitioner's appeal dated 05.07.2021 filed through online is pending before the 1st respondent, this Court feels that in case the petitioner comes forward to send the hard copy of the appeal immediately enabling the 1st respondent to process the same that can be processed and an early decision can be taken by the 1st respondent.

11. 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 make a hard copy appeal to the 1st respondent of the online appeal of the



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petitioner dated 05.07.2021 within a period of two weeks from the date of receipt of a copy of this order. On receipt of such hard copy of the appeal from the petitioner, the 1st respondent shall process the same and pass orders thereon on merits and in accordance with law after giving an opportunity of being heard to the petitioner within a period of four weeks thereafter.

(ii) It is needless to mention that, depending upon the outcome of the decision to be made in the appeal by the 1st respondent, the further relief sought for by the petitioner, if he is advised to do so, can be persuaded before the concerned authority in accordance with law.

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

02.11.2022

Index : Yes / No

Speaking Order: Yes / No

Note: Issue order copy on **07.11.2022**
Sgl



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To

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1. The Deputy Secretary (Appeal)/
Appellate Authority,
National Council for Teacher Education,
Southern Regional Committee
G-7, Sector-10, Dwaraka,
New Delhi – 110 075.
2. The Regional Director,
National Council for Teacher Education
Southern Regional Committee,
G-7, Sector-10, Dwaraka,
New Delhi – 110 075.
3. The Registrar,
The Tamil Nadu Teacher Education University,
Gangaiamman Koil Street,
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R. SURESH KUMAR, J.

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