



W.P.No.29187 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.29187 of 2022
and W.M.P.No.28480 of 2022

Billgates College of Education
Run by Sri Venkateswara Educational Trust
Rep.by its Chairman and Correspondent
Gengavaram, Kanakkankuppam P.O
Gingee Taluk, Villupuram.

.... Petitioner

-Vs-

1.National Council for Teacher Education
Rep.by its Under Secretary
Southern Regional Committee
G-7, Dwarka Sector-10
New Delhi-110 075.

2.Tamil Nadu Teachers Education University
Rep.by its Registrar, Gangaianman Koil Street
Karapakkam, Chennai 600 097.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to make suitable arrangements to open the 1st respondent's admission portal as well as the 2nd respondent University admission portal for B.Ed Course for the current academic year 2022-2023 relating to the petitioner's College (Code No.13028) by considering the representation dated 30.10.2022.



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For Petitioner : Mr.S.Udaya Kumar
For Respondents : Mr.J.Harikrishna
Standing Counsel – for R1
Mr.C.H.Vinobha Gandhi
Standing Counsel – for R2

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondents 1 and 2 to make suitable arrangements to open the 1st respondent's admission portal as well as the 2nd respondent University admission portal for B.Ed Course for the current academic year 2022-2023 relating to the petitioner's College (Code No.13028) by considering the representation dated 30.10.2022.

2. The petitioner is a College of Education, which has been functioning from the year 2015 after getting necessary recognition from the National Council for Teacher Education Southern Regional Committee (hereinafter referred to as 'NCTE-SRC') and affiliated to the second respondent University.

3. While that being so, the recognition granted by the NCTE-SRC was withdrawn or decided to be withdrawn by the decision taken in the Southern Regional Committee meeting held on 16 and 17 November 2021. Aggrieved over the said decision by the NCTE-SRC, the petitioner moved a writ petition before



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this Court in W.P.No.20208 of 2021. The said writ petition was disposed of by a learned Judge of this Court by order dated 07.02.2022, whereby the learned Judge has passed the following order.

" 2. *There appear to have been two show cause notices issued to the petitioner institution dated 13.03.2019 and 11.03.2021 and responses have been filed in regard to both, on 23.04.2019 and 25.03.2021 respectively. The petitioner has placed on record the postal track evidencing receipt of the replies by the respondents. The conclusion of the committee in the impugned order to the effect that the petitioner has been non-compliant to the show cause notices, is thus factually incorrect and the order is thus, set aside.*

3. *Let notice be issued to the petitioner calling upon it to appear before them and final orders passed after hearing the petitioner and taking note of their averments as well as replies, within a period of six (6) weeks from the date of personal hearing.*

4. *Mr.R.Thirunavukarasu, learned counsel appearing for the first respondent objects to the relief sought though no counter has been filed in the matter and no specific arguments are raised in regard to the averments in the writ petition.*

5. *This writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.*



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4. Therefore, it was an order passed by this Court setting aside the decision taken by the NCTE-SRC to withdraw the recognition granted to the petitioner institution and a further direction was given to the NCTE-SRC by the learned Judge to give notice to the petitioner calling upon them to appear and final orders can be passed after hearing the petitioner by taking note of the averments as well as the reply given by the petitioner within a time frame.

5. Though this order was passed on 07.02.2022, so far no action was forthcoming from the first respondent, as no orders have been passed and the issue is still pending with the first respondent without taking any further action as directed by this Court.

6. In this regard, it is to be noted that, if at all the recognition is withdrawn by the NCTE-SRC, that will take effect only from the academic year next falls on ie., if the recognition is withdrawn in the academic year 2022-23 or during the academic year 2022-23, that will take effect only during the next academic year ie., 2023-24. This has been contemplated under Section 17 of the National Council for Teacher Education Act.



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7. In this background, it is the case of the petitioner that, though such an order was passed on 07.02.2022, the issue has been kept pending without any decision to withdraw the recognition of the petitioner institution and hence according to the petitioner, as of now the petitioner has been continuously enjoying the recognition.

8. When that being so, the petitioner would be entitled to admit students within the sanctioned intake for the academic year 2022-23 also and in this regard, even though the counselling has commenced, when the petitioner has made an attempt through the website of the second respondent University, it is not permitting the petitioner to have an access. The reason being that the website of the first respondent also has not permitted the petitioner to have an access to have the counselling and correspondingly the second respondent University website also does not permit the petitioner to have an access to the website. Only at this juncture, the petitioner has moved the present writ petition.

9. Heard Mr.S.Udaya Kumar, learned counsel for the petitioner, who after having reiterated the aforesaid facts would seek the indulgence of this Court.



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10. Heard Mr.J.Harikrishna, learned Standing Counsel for the first respondent, who would submit that, insofar as this plea raised by the petitioner is concerned he will take some time to file counter. He would also submit that, pursuant to the order dated 07.02.2022, the petitioner has given a representation dated 30.10.2022 addressing only to the Under Secretary of the NCTE-SRC at New Delhi address. Therefore, there has been a communication gap, with the result, the issue of the petitioner institution ie., withdrawal decision taken already which has been set aside by the Court has not been reconsidered so far and therefore it will take some reasonable time to reconsider the same and pass orders, and till such time the web portal of the first respondent cannot be opened for access to the petitioner for the present year counselling, he contended.

11. Mr.C.H.Vinobha Gandhi, learned Standing Counsel for the second respondent, on instructions would submit that, in view of the web portal of the first respondent since closed, the second respondent has no other option except to close their web portal also for the access of the petitioner institution and once the web portal of the first respondent is open enabling the petitioner to have an access, automatically the web portal of the second respondent also would be opened by the second respondent for access by the petitioner institution.



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12. I have considered the rival submissions made by the learned counsel for both sides and have perused the materials placed on record.

13. Insofar as the enjoyment of the recognition by the petitioner institution is concerned, it obtained such recognition from the NCTE-SRC in the year 2015. While that being so, the decision was taken in the NCTE-SRC meeting held on 16 and 17 November 2021. Even the said decision, before it is being implemented by passing an actual order withdrawing the recognition of the petitioner, the petitioner has moved the writ petition in W.P.No.28208 of 2022, where a learned Judge of this Court, by order dated 07.02.2022, after having quashed the said decision of the NCTE-SRC, has further directed the respondents to give an opportunity to the petitioner by taking into account the reply filed by the petitioner within a time frame. The said direction has so far not been complied with by the first respondent.

14. More over, the reason cited by the learned Standing Counsel for the first respondent that the representation dated 30.10.2022 of the petitioner has been addressed to the Under Secretary of NCTE-SRC is concerned, the first respondent need not expect that kind of representation since there was a judicial order passed by this Court as early as on 07.02.2022 after hearing the learned counsel for the first respondent also, where since time bound order was passed



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by this Court, within which the order should have been complied with and accordingly the authorities should have acted upon. Now, till November 2022 no orders since have been passed, the position that was prevailing prior to the decision of withdrawal taken by the NCTE-SRC in their meeting held on 16.11.2021 stood restored and has been continuously available. Therefore, the petitioner is very well entitled to seek for access to the web portal of both the respondents to have the admissions for the academic year 2022-23 within the permissible intake.

15. Assuming that sooner or later if a negative order withdrawing the recognition of the petitioner institution is passed by the first respondent on merits, even that order would take effect only from the next academic year 2023-24 as per Section 17 of the National Council for Teacher Education Act. Therefore, in all fairness, the first respondent must recognize this factor as well as the legal position that there could be no impediment for the petitioner to have admissions for this academic year 2022-23 within the permissible intake and therefore the petitioner is entitled to have an access to the first respondent website as also the website of the second respondent.

16. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.



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- That there shall be a direction to the first respondent to open their web portal for having access by the petitioner institution for the purpose of admission counselling for B.Ed Degree Course for the academic year 2022-23 to admit students as per their eligibility criteria within the sanctioned intake of the petitioner institution.
- Consequently, there shall be a direction to the second respondent to open their web portal for the aforesaid purpose to the petitioner institution after verifying whether the first respondent web portal is opened for the petitioner institution.
- The needful as indicated above shall be undertaken by the first respondent within a period of one week from the date of receipt of a copy of this order, followed by the second respondent within a few days thereafter.

17. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

03.11.2022

Index : Yes/No

Internet : Yes/No

KST

Note : Issue order copy tomorrow (04.11.2022)

R. SURESH KUMAR, J.



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To

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- 1.The Under Secretary
National Council for Teacher Education
Southern Regional Committee
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- 2.Tamil Nadu Teachers Education University
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