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W.P.No.29516 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.29516 of 2022
and
W.M.P.Nos.28893 & 28895 of 2022

Cosmopolitan College of Education,
Cosmopolitan Educational Cultural &
Social Development Trust,
Rep. by its Chairman Mr.N.Vijaykumar,
No.227, Linghi Chetty Street,
Chennai - 600 001.

...Petitioner

Vs.

- 1.The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
G-7, Sector 10, (Near Sector
10 Metro Station),
Dwarka, New Delhi - 110 075.
- 2.The Appellate Authority,
National Council for Teacher Education,
G-7, Sector 10, (Near Sector
10 Metro Station),
Dwarka, New Delhi - 110 075.
- 3.The Registrar,
Tamilnadu Teachers Education University,
Gangaianman Koil Street,
Karapakkam, Chennai - 600 097.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 1st respondent in order dated 1.12.2021 in F.SRO/NCTE/APS09504/B.Ed/TN/2021/29351 and quash the same.

For Petitioner	: Mr.P.Wilson, Sr. Counsel for Mr.T.Sundar Rajan
For R1 & R2	: Mr.R.Thirunavukkarasu, Central Govt. Standing Counsel
For R3	: Ms.S.Bhuvaneswari, Standing Counsel

ORDER

The prayer sought for is for a Writ of Certiorari, calling for the records of the first respondent in the order dated 01.12.2021 in F.SRO/NCTE/APS09504/B.Ed/TN/2021/29351 and quash the same.

2. The petitioner is a College of Education, which was functioning after getting recognition from NCTE-SRC, i.e., National Council for Teacher Education-Southern Regional Committee. While that being so, for certain alleged deficiencies, the NCTE-SRC had withdrawn the recognition, by order dated 01.12.2021.



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3. The said order of withdrawal was passed, mainly on the ground that the list of staff members have not been produced by the petitioner.

However, according to the petitioner, the same has been produced. The another reason cited by the first respondent was that, no affidavit has been executed in Rs.100 stamp paper, which has also been filed, according to the petitioner.

4. Therefore, despite these compliances, without considering the same and without proper perspective, since the order of withdrawal has been passed by the NCTE-SRC, by order dated 01.12.2021, in order to re-consider the same, the petitioner, instead of filing an appeal before the appellate authority-NCTE, under the provisions of the NCTE Act, had written to the NCTE-SRC to re-consider the same.

5. It is the submission of Mr.P.Wilson, learned Senior Counsel appearing for the petitioner that, some assurance seems to have been given on behalf of the NCTE-SRC to re-consider the issue on the basis of the representation given by the petitioner. Therefore, under the said impression, the petitioner, without having preferred an appeal in time, had belatedly filed the appeal on 05.09.2022, he contended.



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6. Even after filing an appeal, the same has not been considered by the appellate authority and the academic year 2022-2023 has already commenced, in order to admit students for the current academic year, unless the order of withdrawal passed by the first respondent is set aside, the petitioner will not be able to admit students and therefore, the petitioner has approached this Court by filing the present writ petition.

7. On the other hand, the learned Central Government Standing Counsel appearing for the first and second respondents would submit that, the appeal should have been filed well in time against the order passed by the first respondent, dated 01.12.2021, whereas, it has been filed belatedly in September, 2022.

8. He would also submit that, along with the appeal, the petitioner also had not submitted the relevant documents and the hard copies have not been produced before the appellate authority, which according to the petitioner has been filed through online before the NCTE-SRC. Unless and until the hard copies of those documents are produced before the second respondent, the appeal could not be considered, he contended.



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WEB COPY 9. The learned Standing Counsel also disputed the fact that an assurance was given by the NCTE-SRC to re-consider the issue on the basis of the representation given by the petitioner and submitted that no such assurance was given to the petitioner.

10. I have considered the rival submissions made by the learned counsel for the respective parties and perused the materials placed before this Court.

11. Though the appeal has been filed belatedly, the same is now pending before the second respondent appellate authority and the only impediment for considering the appeal, according to the respondents 1 and 2, is that the hard copies of the documents filed through online has not been submitted by the petitioner so far.

12. In view of the aforesaid, since there is an appeal remedy available, which has also been rightly invoked by the petitioner, instead of considering the prayer sought for in this writ petition, this Court wants to mould the relief and feels that a direction can be issued to the second



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respondent appellate authority to decide the appeal at the earliest on merits and in accordance with law.

13. Accordingly, this Court is inclined to pass the following orders:

(a) The petitioner is granted one week time to submit the hard copies of the documents to the second respondent appellate authority, which have been filed by the petitioner through online mode along with the appeal dated 05.09.2022 before the first respondent against the order of withdrawal dated 01.12.2021.

(b) On receipt of the same, the second respondent shall process the appeal and after giving an opportunity of hearing to the petitioner, the same shall be decided on merits and in accordance with law, within a period of four weeks thereafter.

14. With these directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

09.11.2022

Index: Yes/No

Speaking order/Non-speaking order

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Note: Issue order copy on 14.11.2022

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To

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Southern Regional Committee,
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R. SURESH KUMAR, J.

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