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WA(MD)Nos.919 to 921 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.09.2022**

CORAM

THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

W.A.(MD)Nos.919 to 921 of 2012
and
W.P.(MD)Nos.6832 & 8472 of 2006
and
M.P.(MD)Nos.1,1 & 1 of 2013

W.A.(MD)Nos.919 & 920 of 2012:

- 1.The National Council for Teacher Education,
Hans Bhavan, Wing-II,
No.1, Bahadursha Zafar Marg,
New Delhi – 110 002,
Represented by its Director.
- 2.The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
I Floor, CSD Building, HMT Post,
Bangalore – 560 031. ... Appellants / Respondents 1 & 2

/Vs./

- 1.The Correspondent and Secretary,
St.Joseph's College of Education,
Appicode, Tholayavattam Post,
Kanyakumari District – 629 157. ...1st Respondent / Petitioner



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2. The State of TamilNadu,
Represented by its Secretary,
Department of Higher Education,
Fort St.George,
Chennai – 600 009.
3. The Manonmaniam Sundaranar University,
Represented by its Registrar,
Abishekapatti,
Tirunelveli – 627 012.
4. TamilNadu Teacher Education University,
Lady Willington College Campus,
Kamaraj Salai, Chennai – 600 005,
Represented by its Registrar.

... Respondents 2 to 4 / Respondents 3 to 5

W.A.(MD)No.921 of 2012:

1. The National Council for Teacher Education,
Hans Bhavan, Wing-II,
No.1, Bahadursha Zafar Marg,
New Delhi – 110 002,
Represented by its Director.
2. The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
I Floor, CSD Building, HMT Post,
Bangalore – 560 031.

... Appellants / Respondents 1 & 2

/Vs./



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1. The Secretary,

Bishop Agniswamy College of Education,

Muttom – 629 202,

Kanyakumari District

...1st Respondent / Petitioner

2. The State of TamilNadu,

Represented by its Secretary,

Department of Higher Education,

Fort St. George,

Chennai – 600 009.

3. The Manonmaniam Sundaranar University,

Represented by its Registrar,

Abishekapatti,

Tirunelveli – 627 012.

...Respondents 2&3/Respondents 3&4

COMMON PRAYER: Appeals - filed under Clause 15 of the Letters Patent, praying this Court, to set aside the order dated 28.09.2011 made in WP(MD)Nos.7893, 7894 & 6800 of 2009 on the file of this Court and thereby allow this appeal with costs.

For Appellant : Mr.Su.Srinivasan (in All Appeals)

For Respondents : Mr.D.Sasikumar (in All Appeals)

Additional Government Pleader (For R1 & R2)

Ms.H.Jasima Yasmin (in All Appeals)

For M/s.Ajmal Associates (For R3)

Mr.F.Deepak (For R4)

(in WA(MD)Nos.919 & 920 of 2012)



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WP(MD)Nos.6832 & 8472 of 2006:

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The Correspondent,
Martyr Devasagayam Teacher Training Institute,
'Thedal', No.10-8/46C, Bridge Ward,
Near Fire Station, Kuzhithurai,
Kanyakumari District – 629 163.

... Petitioner in WP(MD)No.6832 of 2006

The Correspondent,
St.Xavier's Catholic Teacher Training Institute,
Muttom – 629 202,
Kanyakumari District – 629 163.

... Petitioner in WP(MD)No.8472 of 2006

/Vs./

1.The National Council for Teacher Education,
Hans Bhavan, Wing-II,
No.1, Bahadursha Zafar Marg,
New Delhi – 110 002,
Represented by its Director.

2.The National Council for Teacher Education,
Southern Regional Committee,
National Council for Teacher Education,
I Floor, CSD Building, HMT Post,
Bangalore, Karnataka State – 560 031,
Represented by the Regional Director.

3.The Director of Teacher Education,
Research & Training,
DPI Compound, College Road,
Chennai – 600 006.

...Respondents in both WPs



WA(MD)Nos.919 to 921 of 2012

PRAYER in WP(MD)No.6832 of 2006: Petition - filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring Regulation No.9 (1) of the National Council for Teachers Education (Recognition Norms and Procedure) Regulations-2005 and the consequent communication of the 2nd respondent dated 01.07.2006 in relation to clauses 3, 4 & 5 thereof as unconstitutional, null and void, and further direct the 2nd respondent herein to consider forthwith the petitioner's application dated 18/03/2006 for the grant of recognition to the petitioner-institution from the academic year 2006-07 without reference to the impugned Regulation 9 (1).

PRAYER in WP(MD)No.8472 of 2006: Petition - filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring Regulation No.9 (1) of the National Council for Teachers Education (Recognition Norms and Procedure) Regulations-2005 and the consequent communication of the 2nd respondent in F.SRO/TN/NCTE/2006-07/DL-572 dated 22/05/2006 in relation to clauses 3, 4 and 5 thereof as unconstitutional , null and void, and further direct the 2nd respondent herein to consider forthwith the petitioner's application dated 22/12/2005 for the grant of recognition to the petitioner institution from the academic year 2006-07 without reference to the impugned Regulation 9(1).

For Petitioner : Mr.Issac Mohanlal (in both WPs)

For Respondents : Mr.Su.Srinivasan (For R1 & R2) (in both WPs)

Mr.D.Sasikumar (in both WPs)

Additional Government Pleader (For R3)



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COMMON JUDGMENT

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J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

The issues involved in these cases are common and hence, they are taken up together, heard and disposed of through this common order.

2. The Writ Appeals have been filed against the order passed by the learned Single Judge allowing the writ petitions by declaring the Regulation No.10(b) of the National Council for Teacher Education (Regulation Norms and Standards) Regulations, 2002 as unconstitutional and null and void and directing the National Council for Teacher Education (hereinafter referred to as “NCTE” for the sake of convenience) not to insist for having an Endowment of Rs.5,00,000/- and Reserve Fund of Rs.3,00,000/- for the purpose of considering the application for recognition by NCTE.

3. The Writ Petitions have been filed by the Institutions seeking for a similar declaration and for a consequential direction to consider the



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applications submitted by the petitioners on 18.03.2006 and 22.12.2005 and to grant recognition to the Institutions, without reference to the impugned Regulation.

4. Heard the learned counsel on both sides.

5. The issue that is involved in these writ appeals and the writ petitions is no longer res integra. On carefully going through the order passed by the learned Single Judge of this Court, we find that there are atleast two earlier Division Bench Judgments of this Court in **Lords and Angels Teacher Training Institute etc and others vs. The State of Tamil Nadu and Others** reported in **1997 I LW 787** and **Good Shepherd Out Reach Mission Evangelical and Educational Trust (Go-Meet-India-Trust) represented by its President, Erode vs. The Government of Tamil nadu and another** reported in **2000 (3) MLJ 44**. The Division Bench of this Court has consistently held that insofar as the Minority Institutions are concerned, the Endowment that is insisted by NCTE for the purpose of recognition violates the right given to such an Institution under Article 30(1) of the Constitution of India. The learned Single Judge, after taking



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note of the earlier Division Bench Judgments, rightly allowed the writ petitions and held that the Institutions are not under any legal obligation to deposit the Endowment fund and Reserve Fund. The learned Single Judge also gave liberty to the Institution to withdraw the amount that was deposited, in view of the settled law.

6. We do not find any reason to interfere with the order passed by the learned Single Judge of this Court, since the learned Single Judge merely followed the earlier Judgments of the Division Bench and allowed the writ petitions. We do not find any ground to differ from the view taken by the earlier Division Bench and hence there is no justification to interfere with the order passed by the learned Single Judge.

7. The reasoning that has been given by the learned Single Judge by relying upon the earlier Division Bench Judgment, will equally apply, while dealing with the issue that is involved in the writ petitions. The said writ petitions have to be allowed by relying upon the earlier Division Bench Judgments. In view of the above discussion, all the Writ Appeals stand dismissed and the Writ Petitions stand allowed.



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WEB COPY 8. It is brought to our notice that the writ petitioners have deposited the Endowment Fund and Reserve Fund, without prejudice to their rights for the purpose of getting recognition. In view of the same, the petitioners are at liberty to withdraw the deposited amount. No costs. Consequently, connected Miscellaneous Petitions are closed.

(J.N.B.,J.) (N.A.V.,J.)
21.09.2022

Index : Yes/No
Internet : Yes
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To:

- 1.The Secretary,
Bishop Agniswamy College of Education,
Muttom – 629 202, Kanyakumari District
- 2.The State of TamilNadu,
Represented by its Secretary,
Department of Higher Education,
Fort St.George, Chennai – 600 009.
- 3.The Director of Teacher Education,
Research & Training,
DPI Compound, College Road,
Chennai – 600 006.



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WA(MD)Nos.919 to 921 of 2012

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

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Common Judgment made in
W.A.(MD)Nos.919 to 921 of 2012
and
W.P.(MD)Nos.6832 & 8472 of 2006

Dated
21.09.2022