



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2022

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THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.786 of 2021

and

W.M.P. (MD)Nos.646 to 648 and 1116 of 2021

BTK College of Education,
represented by its Chairman,
B.T.Arasakumar,
Pudukottai District - 621 316.

... Petitioner

vs.

1.The National Council for Teacher Education,
represented by its Member Secretary,
G-7, Sector-10, Dwarka, Delhi - 110 075.

2.The National Council for Teacher Education (SRC),
represented by its Regional Director,
G-7, Sector-10, Dwaraka, Delhi - 110 075.

3.The Registrar,
Tamil Nadu Teachers Education University,
Gangaianman Koil Street, Karapakkam,
Chennai - 600 097.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari Mandamus, to call for the impugned proceedings and orders of the first respondent made in Vide F.No.89-260/E-170467/2020, dated 15.12.2020 and vide F.No.89-261/E-170469/2020, dated 15.12.2020 for B.Ed and M.Ed Courses and consequently, call for the impugned proceedings and orders of the second respondent F.SRO/NCTE/APS04537/B.Ed/TN/2020/114966, dated 21.02.2020 and F.SRO/NCTE/APS05104/M.Ed/TN/2020/115518, dated 27.02.2020 respectively and quash the same and consequently, to direct the respondents to admit the students for B.Ed and M.Ed courses.

For Petitioner :Mr.K.Govindarajan
For R1 and R2 :Mr.SU.Srinivasan
For R3 :Mr.M.Sivakumar

O R D E R

This Writ Petition has been filed challenging the order passed by the first respondent, dated 15.12.2020, under which the earlier orders passed by the second respondent, dated 21.02.2020 and 27.02.2020 cancelling the petitioner's recognition for B.Ed and M.Ed



course, is confirmed.

2. Due to faculty shortage in the petitioner institution, the affiliation granted to the petitioner for B.Ed and M.Ed courses was withdrawn by the second respondent by its order, dated 21.02.2020 and 27.02.2020 respectively. Aggrieved by the same, the petitioner institution filed the statutory appeal before the first respondent. The first respondent under the impugned order, dated 15.12.2020, also confirmed the order of the second respondent. Aggrieved by the same, this Writ Petition has been filed.

3. In this Writ Petition, the petitioner has stated that subsequent to the passing of impugned orders, the required faculty strength has been complied with by the petitioner institution. In such circumstances, the petitioner institution seeks for recognition of B.Ed and M.Ed courses.

4. A counter affidavit has been filed by the respondents stating that only due to the shortage of faculty strength in the petitioner institution for B.Ed and M.Ed courses, the recognition of the petitioner institution was withdrawn by the second respondent, which was also confirmed by the first respondent. It is also contended by the respondents that there are also certain infrastructure deficiencies in the petitioner institution.

5. Heard Mr.K.Govindarajan, learned Counsel for the petitioner, Mr.SU.Srinivasan, learned Standing Counsel for the respondents 1 and 2 and Mr.M.Sivakumar, learned Counsel for the third respondent.

6. Since the petitioner has admitted that there was faculty shortage at the time of inspection made by the second respondent, the orders impugned cannot be quashed by this Court. However, since the petitioner institution has now stated that subsequent to the passing of impugned orders, they have rectified the deficiencies and they have satisfied the requirements of the respondents as regards the faculty for B.Ed and M.Ed courses, this Court is of the considered view that the petitioner can be directed to submit a fresh representation seeking for recognition for B.Ed and M.Ed courses in their institution. There is also no prohibition under the National Council for Teachers Education Act, 1993, for any institution to apply for recognition afresh. However, it is for the respondents to consider the same on merits and in accordance with law after affording a fair hearing to the petitioner. No prejudice will be caused to the respondents, if such an exercise is done.

7. Accordingly, this Court directs the petitioner to submit a fresh application as required by the National Council for Teachers Education (Recognition Norms and Procedure) Regulations, 2014, seeking recognition for B.Ed and M.Ed courses in the petitioner institution within a period of four weeks from the date of receipt of this order. On receipt of the said application, the



second respondent is directed to consider the same on merits and in accordance with law and pass final orders within a period of eight weeks thereafter, after affording a fair hearing to the petitioner. However, the second respondent shall pass final orders uninfluenced by any observations made in the order of the second respondent as well as the first respondent which have been impugned in this Writ Petition. It is made clear that the petitioner institution shall not admit any students until they get recognition for B.Ed and M.Ed courses from the second respondent.

8. With the aforesaid directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The National Council for Teacher Education,
represented by its Member Secretary,
G-7, Sector-10, Dwarka, Delhi - 110 075.

2. The National Council for Teacher Education (SRC),
represented by its Regional Director,
G-7, Sector-10, Dwarka, Delhi - 110 075.

3. The Registrar,
Tamil Nadu Teachers Education University,
Gangaianman Koil Street, Karapakkam,
Chennai - 600 097.

+1 CC to M/s.U.VENKATESAN, Advocate (SR-14616[F] dated 25/03/2022)
+1 CC to M/s.SU.SRINIVASAN, Advocate (SR-14820[F] dated 28/03/2022)
+1 CC to M/s.K.GOVINDARAJAN, Advocate SR-14811[F] dated 28/03/2022

Order made in
W.P.(MD)No.786 of 2021
25.03.2022

KG(CO)

TR(01.04.2022) 3P 7C